



**CITY OF HUBER HEIGHTS  
STATE OF OHIO  
City Council Meeting  
Regular Session  
January 23, 2023  
6:00 P.M.**

**City Hall - Council Chambers - 6131 Taylorsville Road - Huber Heights, Ohio**

- 1. Call The Meeting To Order - Mayor Jeff Gore**
- 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**
- 6. Approval Of Minutes**
  - A. City Council Meeting Minutes - January 9, 2023**
- 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**

**CITY COUNCIL**

**Anthony Rodgers, Clerk Of Council**

- A. A Motion To Approve The 2023 Huber Heights Rules Of Council Effective January 23, 2023.
- B. A Public Hearing Scheduled For January 23, 2023 By The Huber Heights City Council For Case RZ 22-41. The Applicants Are Richard Baumer And Staci Carre. The Applicants Are Requesting Approval Of A Rezoning From Light Industrial (I-1) To Residential (R-1) For Properties Located At 7677 And 7777 Wildcat Road And Further Described As Parcel Numbers P70 04009 0024 And P70 04009 0028 On The Montgomery County Auditor's Map.
- C. A Public Hearing Scheduled For January 23, 2023 By The Huber Heights City Council For Case MJC 22-43. The Applicant Is John Kopilchack. The Applicant Is Requesting Approval Of A Major Change To The Basic And Detailed Development Plan For Property Located At 8501 Old Troy Pike And Further Described As Parcel Number P70 04006 0156 On The Montgomery County Auditor's Map.
- D. A Public Hearing Scheduled For January 23, 2023 By The Huber Heights City Council For Case TA 22-42.1. The Applicant Is The City Of Huber Heights. The Applicant Is Requesting Approval Of An Amendment To Section 1123.53 Of The Huber Heights City Code To Permit Home Occupations.
- E. A Public Hearing Scheduled For January 23, 2023 By The Huber Heights City Council For Case TA 22-42.2. The Applicant Is The City Of Huber Heights. The Applicant Is Requesting Approval Of An Amendment To Sections 1123 And 1142 Of The Huber Heights City Code Regarding Bed And Breakfast Establishments.
- F. A Public Hearing Scheduled For January 23, 2023 By The Huber Heights City Council For Case TA 22-42.3. The Applicant Is The City Of Huber Heights. The Applicant Is Requesting Approval Of An Amendment To Section 1142 Of The Huber Heights City Code Regarding Automotive/Vehicle Repair.
- G. A Public Hearing Scheduled For January 23, 2023 By The Huber Heights City Council For Case TA 22-42.4. The Applicant Is The City Of Huber Heights. The Applicant Is Requesting Approval Of An Amendment To Section 1123, Section 1156, And Section 1176 Of The Huber Heights City Code Regarding Self Storage Facilities.

**ADMINISTRATION**

**Bryan Chodkowski, Interim City Manager**

- H. An Ordinance To Approve A Rezoning From Light Industrial (I-1) To Residential (R-1) For The Properties Located At 7677 And 7777 Wildcat Road And Further Identified As Parcel Numbers P70 04009 0024 And P70 04009 0028 On The Montgomery County Auditor's Map (Case RZ 22-41).  
(first reading)
- I. An Ordinance To Approve A Major Change To The Basic And Detailed Development Plan For The Property Located At 8501 Old Troy Pike And Further Identified As Parcel Number P70 04006 0156 On The Montgomery County Auditor's Map (Case MJC 22-43).  
(first reading)
- J. An Ordinance Amending Certain Sections Of Part Eleven, Planning And Zoning Code, Of The City Code Of Huber Heights Regarding Home Occupations (Case TA 22-42.1).  
(first reading)
- K. An Ordinance Amending Certain Sections Of Part Eleven, Planning And Zoning Code, Of The City Code Of Huber Heights Regarding Bed And Breakfast Establishments (Case TA 22-42.2).  
(first reading)
- L. An Ordinance Amending Certain Sections Of Part Eleven, Planning And Zoning Code, Of The City Code Of Huber Heights Regarding Automotive/Vehicle Repair Facilities (Case TA 22-42.3).  
(first reading)
- M. An Ordinance Amending Certain Sections Of Part Eleven, Planning And Zoning Code, Of The City Code Of Huber Heights Regarding Self Storage Facilities (Case TA 22-42.4).  
(first reading)
- N. A Resolution Approving A Lease Agreement With The Huber Heights Chamber Of Commerce For Use Of City-Owned Property Located At 4704 Brandt Pike.  
(first reading)
- O. A Resolution Authorizing The City Manager To Purchase Montgomery County Parcel Number P70 01922 0001, Commonly Addressed As 5001 Taylorsville Road, For The Purposes Of Constructing A New City Public Works Division Facility.  
(first reading)
- P. A Resolution Authorizing The City Manager To Execute A Real Estate Purchase And Sale Agreement With Miami Valley Hospital To Acquire Portions Of Property For The Purposes Of Creating Public Right-Of-Way.  
(first reading)
- Q. A Resolution Approving The Collective Bargaining Agreement With The Ohio Council 8, Local 101, American Federation Of State, County And Municipal Employees, AFL-CIO For The Time Period January 1, 2023 Through December 31, 2025.  
(first reading)

- R. A Resolution Appointing Jonathan J. Downes, Esquire Of The Law Firm Zashin & Rich As Special Legal Counsel To The City Of Huber Heights To Represent The City With Regard To Matters Of Collective Bargaining.  
(first reading)
- S. A Resolution Authorizing The City Manager To Enter Into An Agreement With Motorola Solutions, A Sole Source Vendor, To Provide The Police Division With A Software System For Digital Evidence Storage.  
(first reading)
- T. A Resolution Authorizing The City Manager To Enter Into A Ten-Year ALS 360 Lease Agreement With Stryker Corporation And Waiving The Competitive Bidding Requirements.  
(first reading)
- U. A Resolution Authorizing The City Manager To Solicit, Advertise And Receive Bids From Qualified Firms For The 2023 Sidewalk Replacement Program And The Concrete Portion Of The 2023 Street Improvement Program.  
(first reading)
- V. A Resolution Authorizing The City Manager To Solicit, Advertise And Receive Bids From Qualified Firms For The Construction Of The 2023 Rehabilitation Of Sewer Lines Project.  
(first reading)
- W. A Resolution Authorizing The City Manager To Solicit, Advertise And Receive Bids From Qualified Firms For The Painting Of The Emeraldgate Water Standpipe.  
(first reading)
- X. A Resolution To Increase The Not To Exceed Amount For The Repair And Replacement Of The Motor To A Snowplow Dump Truck With Howard Truck Repair Service For Calendar Year 2023 And Waiving The Competitive Bidding Requirements.  
(first reading)
- Y. A Resolution Authorizing The City Manager To Award A Contract For Services Related To Providing A Detailed Landscape Revitalization Plan Of Specified City Properties.  
(first reading)

13. **City Official Reports And Comments**

14. **Executive Session**

15. **Adjournment**



**AI-8926**

**Minutes     A.**

**City Council Meeting**

**Meeting Date:** 01/23/2023

Approval of Minutes - 01/09/2023

**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.:**

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**Agenda Item Description or Legislation Title**

City Council Meeting Minutes - January 9, 2023

**Purpose and Background**

Approval of the minutes from the January 9, 2023 City Council Meeting.

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**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.

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**Attachments**

Minutes

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**1. Call The Meeting To Order - Mayor Jeff Gore**

The Huber Heights City Council met in a Regular Session on January 9, 2023.  
Mayor Jeff Gore called the meeting to order at 6:00 p.m.

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

**3. Pledge Of Allegiance**

**4. Roll Call**

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

**5. Approval Of Minutes**

- A. City Council Special Meeting Minutes - December 15, 2022

**6. Special Presentations/Announcements**

- A. Hu-Bear Book Presentation To The City Of Huber Heights And The Wayne Township/Huber Heights Historical Society - Mayor Jeff Gore And Mrs. Cindy Davidson, Peace And Tranquility Lake Corporation

Mayor Gore joined Mrs. Cindy Davidson who presented the Hu-Bear Book to the City of Huber Heights and the Wayne Township/Huber Heights Historical Society. The book was based on Hu-Bear's activities during the City of Huber Heights' 40th anniversary in 2021. Mrs. Davidson described the book and said a children's book based on this story is being written by author, Sasha Blaine. She said both books have been approved for the collection at the Dayton Metro Library.

- B. Mayoral Proclamation Presentation To Huber Haunts - Mayor Jeff Gore

Mayor Jeff Gore read the mayoral proclamation to recognize Huber Haunts and presented the proclamation to Mr. and Mrs. Scott and Cindy Davidson along with another representative of Huber Haunts.

Mrs. Davidson said Huber Haunts has grown over the years from 13 participants to over 100 participants.

Mayor Gore said people come from out of state to see the homes during Huber Haunts.

- C. Health For Humanity Yogathon Mayoral Proclamation Presentation To Mr. Sriram Kakani Of The Hindu Swayamsevak Sangh, USA Inc. - Mayor Jeff Gore

Mayor Gore presented a mayoral proclamation to Mr. Sriram Kakani of the Hindu Swayamsevak Sangh, USA Inc. designating the period of January 14, 2023 to January 29, 2023 in recognition of the Health For Humanity Yogathon.

Mr. Kakani said yoga is a unification of mind and body. He said this event is a great opportunity for everyone to learn about yoga.

**D. Mayoral Proclamation Presentation To Mrs. Marva Colston – Mayor Jeff Gore**

Mayor Gore presented a mayoral proclamation to Mrs. Marva Colston for special recognition for significant achievements and lifelong service to cultural and diversity issues and service to the Huber Heights community. She was also presented a key to the City.

Mrs. Colston thanked the City Council and also the Culture and Diversity Citizen Action Commission for the proclamation.

**7. Citizens Comments**

Mr. Jeff Morford of Bethel Township read information from the Bethel Township newsletter and commented on property lines, borders, annexation, and the Ten Commandments.

Ms. Beth Van Haaren of Bethel Township said the Miami County Commissioners received the Writ of Mandamus and had to approve the annexation petition. She asked the City Council to vote no on the annexation.

**8. Citizens Registered To Speak On Agenda Items**

Clerk of Council Anthony Rodgers said there are two citizens registered to speak on Item 10-A.

**9. City Manager Report**

Interim City Manager Bryan Chodkowski said members of City Staff, Bethel Township, and Miami County will meet later this week to discuss the potential of a traffic signal at the intersection of Carriage Trails Boulevard and Brandt Pike. He said Monday, January 16, 2023 is Martin Luther King, Jr. (MLK) Day. He said the Culture and Diversity Citizen Action Commission will be hosting a MLK Unity Walk at Wayne High School at 9:30 a.m. and there is a formal program event at 11:00 a.m. in the Performing Arts Center at Wayne High School on that day. He said City offices will be closed that day. He said waste collection services will not be delayed in Huber Heights due to the holiday. He said the deadline is approaching for submissions for the Community Art Exhibition as the exhibition is on February 11, 2023 and submissions must be made by January 27, 2023.

Mr. Lyons said in the last Council Work Session, Fire Chief Keith Knisley said four potential hires are going through background checks. He asked Mr. Chodkowski how long it will take to hire these individuals.

Mr. Chodkowski said he does not know and he will need to follow up with Human Resources and Fire Chief Keith Knisley. He said he would communicate that information back to Mr. Lyons and the City Council.

Mrs. Kitchen asked if the pipe had been ordered for this year's Water Main Replacement Program?

Mr. Chodkowski said he talked to the City Engineer and the vendors are waiting on the final measure of the length of the pipe from the City Engineer. He said he would

get a more detailed update on that issue from City Staff.

**10. Pending Business**

- A. An Ordinance To Approve A Rezoning From Agricultural (A) To Planned Industrial (PI) And A Lot Split For The Property Located At 9416 Taylorsville Road And Further Identified As Parcel Number P70 03902 0018 On The Montgomery County Auditor's Map And To Not Accept The Recommendation Of The Planning Commission (Case RZ 22-17).  
(fourth reading)

Mr. Chodkowski said it is the recommendation of City Staff to vote this item down for the Rezoning of the property. He said, in working with the City Planner, a series of recommendations for text amendments will be coming forward from the Planning Commission to the City Council for consideration. He said it is Mr. Aaron Sorrell 's recommendation that addressing any non-conformity issues with this property should utilize that process. He said the property owners had a conflict this evening and reached out to him. He said Mr. and Mrs. Skilwies are aware of this recommendation and are supportive of the recommendation.

Mayor Gore said the Council Work Session recommendation was denial of this item. He said the legislation is written in the affirmative.

Mrs. Kitchen made a motion to adopt; Mrs. Byrge seconded the motion.

Mrs. Byrge asked when the text amendments would move to the Planning Commission.

Mr. Chodkowski said the text amendments will be on the next Council Work Session agenda and there will be public hearings for the text amendments at the last City Council Meeting in January, 2023.

Ms. Rachel Goodspeed said her home is the immediate neighbor of the property in question. She asked Council to disapprove this request. She mentioned concerns about safety, health, land quality, property values, and noise. She said she does not run a bed and breakfast, she has a farm. She said that claim was a false statement from her neighbor. She said the text amendments proposed to incorporate automotive and vehicle repair did not pass the Planning Commission. She said the building where the neighbors do the repair work is less than 30 feet from the property line, which is not at the proposed 40 feet or commercial setback of 50 feet. She said approving this Rezoning sets a bad precedent for others.

Ms. Cynthia Rosengarten said she is speaking to continue her strong objection to the proposed Rezoning and lot split of the Skilwies' property. She said she and her husband were not the people who filed the complaint. She said Mrs. Skilwies made a false accusation in a previous meeting that they were operating a woodworking business out of their residence. She said the Goodspeeds' are not operating a bed and breakfast. She said they resent the fact that Mrs. Skilwies made up these lies and caused more grief in an already stressful situation. She said the truck repair business has been operating for over ten years out of compliance with Huber Heights zoning regulations. She stated her concerns.

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

**11. New Business**

**CITY COUNCIL**  
**Anthony Rodgers, Clerk Of Council**

- A. A Motion To Appoint Charles Hancock To The Military And Veterans Commission For A Term Ending December 31, 2023 And Larry Johnson, II To The Military And Veterans Commission For A Term Ending December 31, 2025.

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

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

- B. A Motion To Appoint Justus Bonnoront To The Parks And Recreation Board For A Term Ending March 31, 2026.

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

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

- C. A Motion To Appoint Christy Trotter To The Culture And Diversity Citizen Action Commission For A Term Ending December 31, 2025.

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

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

- D. A Motion To Direct The Clerk Of Council To Respond To The Ohio Division Of Liquor Control With No Objections In Reference To New Liquor Permit #6074542 For MNIR Ventures, LLC DBA Sands Seafood And Sports Bar At 6250-6254 Chambersburg Road, Huber Heights, Ohio 45424.

Clerk of Council Anthony Rodgers said there were no objections from the Police and Fire Divisions, and the recommendation is to make no objections to the approval of this liquor permit.

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, Mr. Lyons, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; none voted nay. The motion passes 8-0.

- E. A Motion To Direct The Clerk Of Council To Respond To The Ohio Division Of Liquor Control With No Objections In Reference To New Liquor Permit #3079899 For Gavin Quick Stop, LLC DBA Marathon At 7851 Old Troy Pike, Huber Heights, Ohio 45424.

Law Director David Montgomery said subsequent to the Council Work Session, a communication was received from the Ohio Division of Liquor Control that this notice had been sent in error. He said it is his recommendation that this item be removed from the agenda as the motion is no longer needed.

Mayor Gore said, seeing no objections from Council, this item would be removed from the meeting agenda and no action will be taken on this item.

- F. A Motion To Direct The Clerk Of Council To Respond To The Ohio Division Of Liquor Control With Objections And To Request A Hearing On The Advisability Of Issuing A Transfer Of Liquor Permit In Reference To Liquor Permit #4044836 For Huber Petroleum, LLC At 5186 Brandt Pike, Huber Heights, Ohio, 45424.

Mr. Rodgers said this item was discussed at the Council Work Session and the recommendation was to request a hearing with the Ohio Division of Liquor Control in opposition to granting the transfer of this liquor permit.

Mr. Otto moved to adopt; Mrs. Kitchen seconded the motion. On a call of the vote, Mrs. Kitchen, 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.

- G. A Motion To Appoint The City Of Huber Heights Vice Mayor For 2023.

Mr. Rodgers said this item was discussed at the Council Work Session and several nominations were made for the 2023 Vice Mayor. He said the City Charter requires that at the first regular meeting of Council each year, that Council elect a Vice Mayor.

Mayor Gore said Kathleen Baker was the first one nominated.

Mr. Campbell moved to appoint Kathleen Baker as the 2023 Vice Mayor; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea, Mr. Shaw, Mr. Otto, Mr. Lyons, and Mrs. Kitchen voted nay. Mayor Gore voted yea and breaking the tie vote. The motion passes 5-4.

#### **ADMINISTRATION**

##### **Bryan Chodkowski, Interim City Manager**

- H. A Resolution Amending And/Or Establishing The City Of Huber Heights Organizational Chart And Authorizing The New Personnel Staffing Levels As Detailed Below.  
(first reading)

Mr. Chodkowski said this resolution provides for Council's desire to maintain the position of Parks Manager within the Table Of Organization.

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

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

- I. A Resolution Establishing And/Or Amending The Salary Ranges And Wage Levels For Employees Of The City Of Huber Heights, Ohio.  
(first reading)

Mr. Chodkowski said this resolution establishes the appropriate salary range and wage level for the position of Parks Manager.

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

- J. A Resolution Authorizing The City Manager To Enter Into A Contract For The 2023 Abatement And Mowing Program.  
(first reading)

Mr. Chodkowski said this legislation authorizes City Staff to hire a contractor to assist with City Code compliance efforts with abatement and mowing. He said it was the Council Work Session recommendation to adopt this item.

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

- K. A Resolution Authorizing The City Manager To Enter Into A Contract For The Design Of The New Public Works Facility.  
(first reading)

Mr. Chodkowski said this legislation authorizes the hiring of Kueny Architects to design the City's new Public Works Division facility.

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

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

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

Mr. Chodkowski said this item is Phase III of a three-phase project. He said this legislation is to hire RA Consultants to geolocate assets of the water and utility system in order to have appropriate and accurate measurements and a survey as the City continues to design and update water infrastructure.

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

- M. A Resolution Authorizing The City Manager To Engage TEC Engineering For The Purpose Of Conducting A Traffic Analysis.  
(first reading)

Mr. Chodkowski said this legislation authorizing contracting with TEC Engineering to help identify solutions to the traffic congestion, specifically in the area of Old Troy Pike and Waynetowne Boulevard/Merily Way. He said this study will include the intersections of Executive Boulevard, I-70 ramps at Old Troy Pike, Waynetowne Boulevard and Merily Way, the Broadreach access location, and Taylorsville Road.

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

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

Mr. Shaw said he would like to have this legislation amended and have the locations specified by Mr. Chodkowski put into the resolution as the resolution currently only lists Merily Way. He said he would like to withdraw his motion to adopt and asked that his colleague withdraw her motion and then make a motion to amend legislation to add those locations.

Mr. Chodkowski said under the declarations, a reference to Exhibit A could be specifically listed in the resolution which would then include the proposal from TEC Engineering which lists those locations.

Mr. Shaw and Ms. Baker withdrew the motion and the second to adopt.

Mr. Otto moved to amend the resolution to add the reference to Exhibit A in the resolution and to add the proposal from TEC Engineering which lists those locations as Exhibit A as Mr. Chodkowski had mentioned; Mr. Campbell seconded the motion. On a call of the vote, Mr. Lyons, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; none voted nay. The motion passes 8-0.

Mr. Shaw moved to adopt; Mr. Campbell seconded the motion. On a call of the vote, Mrs. Kitchen, 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.

- N. A Resolution Authorizing The City Manager To Purchase A Street Sweeper And Appurtenant Equipment Thereto For The Public Works Division And Waiving The Formal Bidding Requirements.  
(first reading)

Ms. Baker moved to adopt; Mrs. Byrge seconded the motion.

Mr. Chodkowski said this item is to purchase a second street sweeper, not a replacement, to accommodate obligations under the stormwater management permit to be able to maintain the stormwater collection infrastructure.

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

## **12. City Official Reports And Comments**

Mr. Otto asked Council to reconsider restarting the City Manager search process.

Mrs. Byrge said there is a new development in Heathermere, SMDH Holdings. She said the developer has done some excessive clearing and she wondered if the preservation zone or buffer that was there has been exceeded. She asked Mr. Chodkowski to have someone look into that issue.

Mr. Webb said sometimes in the noise and complaints on social media and elsewhere, people forget about the great things happening in the City. He said tonight's meeting started off with four presentations that showcase what this City is capable of and what a great place it is to live. He thanked Cindy Davidson for things like Huber Haunts and the giant panda bear. He said he would like to see more focus on the good things.

Mr. Shaw thanked his colleagues for the objection to the liquor permit. He said there is still another entity that needs to be dealt with, and he hopes Council, City Staff, and the legal department are able to come to a conclusion. He requested this Council start working on the bigger picture with the Ohio General Assembly in making changes regarding liquor permits.

## **13. Executive Session**

There was no need for an Executive Session.

## **14. Adjournment**



Mayor Gore adjourned the Regular Session City Council Meeting at 7:07 p.m.

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

**AI-8955**

**New Business    A.  
City Council**

**City Council Meeting**

**Meeting Date:** 01/23/2023

2023 Rules of Council

**Submitted By:** Anthony Rodgers

**Department:** City Council

**Council Committee Review?:** Council    **Date(s) of Committee Review:** 01/03/2023 and  
Work    01/17/2023  
Session

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

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

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**Agenda Item Description or Legislation Title**

A Motion To Approve The 2023 Huber Heights Rules Of Council Effective January 23, 2023.

**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 17, 2023 Council Work Session, the City Council agreed to an amendment to Section II(O) - Public Participation At Meetings to more clearly define the opportunities and guidelines for public participation in meetings of the City Council.

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**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:**

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**Attachments**

2023 Rules Of Council

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# City of Huber Heights **RULES OF COUNCIL**

(Adopted by the Huber Heights City Council on January 23, 2023)



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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 City Council 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 The Presiding Officer of Regular or Special City Council Meetings, Council Work Sessions, or other Council meetings will recognize persons requesting to be heard as outlined. 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. If the topic to be discussed is not on the agenda, it may be discussed under Citizens Comments. If the topic to be discussed is on the agenda, it may be discussed under Citizens Registered To Speak On Agenda Items. Regarding Citizens Comments on agenda items, Citizen Comments will be heard only after the reading of the legislation and

explanation by City Staff and discussion by Council. Members of the public desiring to speak at Council Work Sessions or other Council meetings may be granted time to speak on agenda items 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 at any meetings 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-making of agenda items. Public participation at meetings is important and valued by the City Council. Opportunities for public participation in meetings include:

1. Attendance at meetings in person.
2. Viewing meetings by live stream or on demand video.
3. Participation and Citizens Comments in public hearings.
4. Citizens Comments at Regular City Council Meetings and Special City Council Meetings.
5. Citizens Registered To Speak On Agenda Items at Regular City Council Meetings and Special City Council Meetings.
6. Citizens Comments at Council Work Sessions or other Council meetings at the discretion of the Presiding Officer.
7. Written or electronic communications from citizens to the members of the City Council, individually or to the Mayor and City Council as a group.
8. Written or electronic communications from citizens to the Clerk of Council for distribution to the City Council, individually or to the Mayor and City Council as a group.
9. Use of the City's social media sites and the City's website.
10. Use of the City's public records request process.

**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 (31<sup>st</sup>) 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-8871**

**New Business    B.  
City Council**

**City Council Meeting**

**Meeting Date:** 01/23/2023

Case RZ 22-41 - Rezoning - Baumer and Carre - 7767 and 7777 Wildcat Road - Public Hearing

**Submitted By:** Geri Hoskins

**Department:** Planning **Division:** Planning

**Council Committee Review?:** Council **Date(s) of Committee Review:** 01/17/2023  
Work  
Session

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

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

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**Agenda Item Description or Legislation Title**

A Public Hearing Scheduled For January 23, 2023 By The Huber Heights City Council For Case RZ 22-41. The Applicants Are Richard Baumer And Staci Carre. The Applicants Are Requesting Approval Of A Rezoning From Light Industrial (I-1) To Residential (R-1) For Properties Located At 7677 And 7777 Wildcat Road And Further Described As Parcel Numbers P70 04009 0024 And P70 04009 0028 On The Montgomery County Auditor's Map.

**Purpose and Background**

The applicants, Richard Baumer and Staci Carre, are requesting approval of a Rezoning for properties located at 7677 and 7777 Wildcat Road (Case RZ 22-41).

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**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:**

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**Attachments**

*No file(s) attached.*

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**AI-8873**

**New Business    C.  
City Council**

**City Council Meeting**

**Meeting Date:** 01/23/2023

Case MJC 22-43 - John Kopilchack - Major Change - Basic and Detailed Development Plan - 8501 Old Troy Pike - Public Hearing

**Submitted By:** Geri Hoskins

**Department:** Planning **Division:** Planning

**Council Committee Review?:** Council **Date(s) of Committee Review:** 01/17/2023  
Work  
Session

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

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

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**Agenda Item Description or Legislation Title**

A Public Hearing Scheduled For January 23, 2023 By The Huber Heights City Council For Case MJC 22-43. The Applicant Is John Kopilchack. The Applicant Is Requesting Approval Of A Major Change To The Basic And Detailed Development Plan For Property Located At 8501 Old Troy Pike And Further Described As Parcel Number P70 04006 0156 On The Montgomery County Auditor's Map.

**Purpose and Background**

The applicant, John Kopilchack, is requesting approval of a Major Change to the Basic And Detailed Development Plan for property located at 8501 Old Troy Pike (Case MJC 22-43).

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**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:**

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**Attachments**

*No file(s) attached.*

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AI-8877

New Business D.  
City Council

**City Council Meeting**

**Meeting Date:** 01/23/2023

TA 22.42.1 - City Of Huber Heights - Text Amendment - Home Occupations - Public Hearing

**Submitted By:** Geri Hoskins

**Department:** Planning **Division:** Planning

**Council Committee Review?:** Council **Date(s) of Committee Review:** 01/17/2023  
Work  
Session

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

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

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**Agenda Item Description or Legislation Title**

A Public Hearing Scheduled For January 23, 2023 By The Huber Heights City Council For Case TA 22-42.1. The Applicant Is The City Of Huber Heights. The Applicant Is Requesting Approval Of An Amendment To Section 1123.53 Of The Huber Heights City Code To Permit Home Occupations.

**Purpose and Background**

The applicant, the City Of Huber Heights, is requesting approval to amend Section 1123.53 of the Huber Heights City Code for Home Occupations to be permitted with standards (Case TA 22.42-1).

---

**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:**

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**Attachments**

*No file(s) attached.*

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AI-8879

New Business E.  
City Council

**City Council Meeting**

**Meeting Date:** 01/23/2023

TA 22-42.2 - City Of Huber Heights - Text Amendment - Bed And Breakfast Establishments - Public Hearing

**Submitted By:** Geri Hoskins

**Department:** Planning

**Division:** Planning

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 01/17/2023

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

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

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**Agenda Item Description or Legislation Title**

A Public Hearing Scheduled For January 23, 2023 By The Huber Heights City Council For Case TA 22-42.2. The Applicant Is The City Of Huber Heights. The Applicant Is Requesting Approval Of An Amendment To Sections 1123 And 1142 Of The Huber Heights City Code Regarding Bed And Breakfast Establishments.

**Purpose and Background**

The applicant, the City Of Huber Heights, is requesting approval of an amendment to Sections 1123 and 1142 of the Huber Heights City Code regarding Bed and Breakfast Establishments to be permitted with standards (Case TA 22-42.2).

---

**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:**

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**Attachments**

*No file(s) attached.*

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**AI-8881**

**New Business F.  
City Council**

**City Council Meeting**

**Meeting Date:** 01/23/2023

Case TA 22-42.3 - City Of Huber Heights - Text Amendment - Automotive/Vehicle Repair - Public Hearing

**Submitted By:** Geri Hoskins

**Department:** Planning

**Division:** Planning

**Council Committee Review?:** Council Work Session  
**Date(s) of Committee Review:** 01/17/2023

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

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

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### **Agenda Item Description or Legislation Title**

A Public Hearing Scheduled For January 23, 2023 By The Huber Heights City Council For Case TA 22-42.3. The Applicant Is The City Of Huber Heights. The Applicant Is Requesting Approval Of An Amendment To Section 1142 Of The Huber Heights City Code Regarding Automotive/Vehicle Repair.

### **Purpose and Background**

The applicant, the City of Huber Heights, is requesting approval to amend Section 1142 of the Huber Heights City Code regarding Automotive/Vehicle Repair with attached standards (Case TA 22-42.3).

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### **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:**

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### **Attachments**

*No file(s) attached.*

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**AI-8883**

**New Business    G.  
City Council**

**City Council Meeting**

**Meeting Date:** 01/23/2023

Case TA 22-42.4 - City Of Huber Heights - Text Amendments - Self Storage Facilities - Public Hearing

**Submitted By:** Geri Hoskins

**Department:** Planning **Division:** Planning

**Council Committee Review?:** Council **Date(s) of Committee Review:** 01/17/2023  
Work  
Session

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

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

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**Agenda Item Description or Legislation Title**

A Public Hearing Scheduled For January 23, 2023 By The Huber Heights City Council For Case TA 22-42.4. The Applicant Is The City Of Huber Heights. The Applicant Is Requesting Approval Of An Amendment To Section 1123, Section 1156, And Section 1176 Of The Huber Heights City Code Regarding Self Storage Facilities.

**Purpose and Background**

The applicant, the City of Huber Heights, is requesting approval of amendments to Section 1123, Section 1156, and Section 1176 of the Huber Heights City Code regarding Self Storage Facilities, Mini-Warehouses, and Mini-Storage Warehouses (Case TA 22.42-4).

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**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:**

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**Attachments**

*No file(s) attached.*

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**AI-8942**

**New Business    H.  
City Council**

**City Council Meeting**

**Meeting Date:** 01/23/2023

Case RZ 22-41 - Baumer And Carre - Rezoning - 7767/7777 Wildcat Road

**Submitted By:** Geri Hoskins

**Department:** Planning **Division:** Planning

**Council Committee Review?:** Council **Date(s) of Committee Review:** 01/17/2023  
Work  
Session

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

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

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**Agenda Item Description or Legislation Title**

An Ordinance To Approve A Rezoning From Light Industrial (I-1) To Residential (R-1) For The Properties Located At 7677 And 7777 Wildcat Road And Further Identified As Parcel Numbers P70 04009 0024 And P70 04009 0028 On The Montgomery County Auditor's Map (Case RZ 22-41).  
(first reading)

**Purpose and Background**

The applicants, Richard Baumer and Staci Carre, are requesting approval of a Rezoning from Light Industrial (I-1) to Residential (R-1).

---

**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:**

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**Attachments**

Map

Staff Report

Decision Record

Minutes

Presentation

Ordinance

---





**BAUMER PROPERTY 7767 WILDCAT RD.**

1 in = 188 ft

Date: 10/19/2022

RECEIVED  
OCT 18 2022  
By RZ 22-41





# Memorandum

Staff Report for Meeting of December 13, 2022

To: Huber Heights City Planning Commission

From: Aaron K. Sorrell, Interim City Planner  
Community Planning Insights

Date: December 6, 2022

Subject: RZ 22-41 (Request to Rezone Two Residential Parcels from I-1 to R-2)

Application dated October 18, 2022

Department of Planning and Zoning

City of Huber Heights

**APPLICANT/OWNER:** Richard Baumer – Applicant / Owner  
Staci Carre - Applicant / Owner

**DEVELOPMENT NAME:** N/A

**ADDRESS/LOCATION:** 7767 & 7777 Wildcat Road

**ZONING/ACREAGE:** I-1 (Approximately 4 acres)

**EXISTING LAND USE:** Residential

**ZONING  
ADJACENT LAND:** Residential, Industrial, Planned Commercial

**REQUEST:** The applicant, at staff's suggestion, requests approval of a rezoning of approximately 4 acres from I-1 to R-1 to allow future expansion of an existing residence and facilitate a conforming use.

**ORIGINAL APPROVAL:** N/A

**APPLICABLE HHCC:** Chapter 1130, 1144

**CORRESPONDENCE:** In Favor –  
In Opposition –

## **STAFF ANALYSIS AND RECOMMENDATION:**

### **Overview:**

In 1994, many of the properties along Wildcat Road were rezoned to Industrial to facilitate redevelopment on the east side of Wildcat Road. While the records are unclear, staff thinks the rezoning was expanded to include residential homes that were not owned by the original 1994 rezoning applicant on the west side of Wildcat Road.

The current applicant (7767 Wildcat Road) would like to expand his home, but the zoning code does not allow the expansion of a non-conforming use. Staff suggested rezoning the property to R-1. Staff also contacted owners of adjacent residential uses who are currently zoned I-1, one owner (7777 Wildcat Road) contacted city staff and requested to be included in this rezoning request.

### **Applicable Zoning Regulations**

The applicable zoning chapters include: 1130 Amendments, 1144 "R-1" Residential District.

### **Zoning Standards Analysis:**

The two residential properties meet all the R-1 district standards. They are currently legal non-conforming uses. A change in zoning will allow the primary applicant to expand his structure. Additionally, being zoned R-1, rather than I-1, may enable a smoother real estate transaction if the applicants sell their property in the future.

### **Staff Analysis of Standards for approval**

#### **1130.07 Recommendation by planning commission.**

After the public hearing required by this chapter is closed, the Planning Commission shall recommend to Council that the requested amendment be:

- (a) Granted as requested;
- (b) Denied;
- (c) Granted as modified by, or subject to such conditions as deemed appropriate by, the Planning Commission. The Planning Commission may, as a condition of approval, modify the proposed amendment or impose any additional requirements or conditions it deems appropriate.

(Case 295; Ord. 96-O-921, Passed 10-28-96)

### **STAFF RECOMMENDATION**

It is the staff's opinion the rezoning from I-1 to R-1 is appropriate for these two lots. The residential structures are currently occupied and the owners plan to maintain the properties as residential uses.

### **Planning Commission Action**

Planning Commission may take the following actions with a motion:

- 1) Recommend approval of the rezoning, with or without conditions;
- 2) Recommend denial of the rezoning (the Commission should state the specific reasons for denial); or
- 3) Table the application for additional information.



## **Planning Commission Decision Record**

WHEREAS, on October 18, 2022, the applicants, Richard Baumer and Staci Carre, requested approval of a Rezoning of approximately 4 acres from I-1 (Industrial) to R1 (Residential). Properties are located at 7767 and 7777 Wildcat Road, further identified as Parcel Numbers P70 04009 0024 and P70 04009 0028 of the Montgomery County Auditor's Map (Case RZ 22-41), and;

WHEREAS, on December 13, 2022, 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.

Mr. Jeffries moved to approve the request by the applicants, Richard Baumer and Staci Carre, for approval of a Rezoning of approximately 4 acres from I-1 (Industrial) to R1 (Residential). Properties are located at 7767 and 7777 Wildcat Road (Case RZ 22-41), in accordance with the recommendation of Staff's Memorandum dated December 6, 2022, with the following conditions:

1. Grant as requested

Seconded by Ms. Vargo. Roll call showed: YEAS: Ms. Vargo, Ms. Jeffries, and Mr. Walton. NAYS: None. Motion to recommend approval carried 3-0.

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Terry Walton, Chair  
Planning Commission

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Date

**Planning Commission  
December 13, 2022, Meeting  
City of Huber Heights**

I. Chair Terry Walton called the meeting to order at approximately 6:02 p.m.

II. Present at the meeting: Mr. Jeffries, Ms. Vargo, and Mr. Walton.

Members absent: Ms. Opp and Ms. Thomas, both excused.

Staff Present: Aaron K. Sorrell, Interim City Planner, and Geri Hoskins, Planning & Zoning Administrative Secretary.

III. **Opening Remarks by the Chairman and Commissioners**

IV. **Citizens Comments**

None.

V. **Swearing of Witnesses**

Mr. Walton explained the proceedings of tonight's meeting and administered the sworn oath to all persons wishing to speak or give testimony regarding items on the agenda. All persons present responded in the affirmative.

VI. **Pending Business**

1. **TEXT AMENDMENTS - The applicant, THE CITY OF HUBER HEIGHTS, is requesting approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Use within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA22-42).**

**Suggested Text Amendment #1: Expand the definition of Home Occupations (Section 1123.53).**

The home occupation definition is very limiting, especially considering the number of professions that have broadened work-at-home opportunities and advances in technology that make working from a home office easier. Additionally, traditional concerns about impacts from a home occupation such as delivery vehicles have primarily vanished with the increased popularity of Etsy, Amazon and other retailers who ship directly to consumers. Fed Ex, UPS and Amazon delivery vehicles are a ubiquitous sight in all residential areas.

**Suggested Text Amendment #2 & #3: Expand Special Uses within the Agricultural District (Chapter 1142)**

There is a limited list of allowable special uses in the agricultural district, and expanding this list and with appropriate standards will provide the BZA with additional options and widen the potential use of lands without impacting adjacent property owners. Unlike a rezoning or variance, the special use permit expires if the use is discontinued for more than one year.

### **Bed and Breakfast Establishments**

I recommend adding “Bed and Breakfast Establishments” and “Automotive / Vehicle Repair” to the list of Special Uses within the Agricultural District. Currently, Bed and Breakfast (B&B) uses are not defined nor allowed in Huber Heights. While there are currently no B&B’s, there are a few unique buildings that may lend themselves to operating as a B&B, and they have very limited impact on neighboring properties. Most surrounding jurisdictions permit B&B’s in many residential areas.

### **Indoor Automotive / Vehicle Repair**

Allowing the BZA to consider automotive/vehicle repair as a Special Use within the Agricultural District may have provided the BZA with additional options when they were reviewing the Skilwies variance request. This approach is preferable to a rezoning or variance, because the use is no longer allowed if voluntarily discontinued after one year.

### **Self-Storage Facilities**

Self-Storage Facilities have been a topic of discussion both in Huber Heights and surrounding jurisdictions due to the recent acceleration in their development. While these facilities provide a service to the renters, they generate little employment opportunities, income tax, or vibrancy along a commercial corridor or areas designed to be active and vibrant.

Currently, there is no consistent definition for self-storage facilities within the zoning code. The terms “warehouse”, “mini-warehouse” and “mini-storage warehouse” are used in the code but none of the terms are defined.

### **Action**

Mr. Jeffries moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.1).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

### **Action**

Ms. Vargo moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.2).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

**Action**

Ms. Vargo moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.3).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Ms. Vargo and Mr. Walton. NAYS: Mr. Jeffries. Motion to approve denied 2-1.

**Action**

Mr. Jeffries moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.4).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

**2. BASIC DEVELOPMENT PLAN AND REZONING - The applicant, THOMAS E. DUSA, is requesting approval of a Basic Development Plan and Rezoning to PI (Planned Industrial) to construct a truck repair facility and truck/trailer drop lot on approximately three (3) acres. Property is located at the South East Corner of Technology Blvd and Artz Road (RZ BDP 22-35).**

Mr. Sorrell stated that the applicant requests approval of a basic development plan and rezoning to Planned Industrial to construct a truck stop and repair facility on a three (3) acre parcel. The site is very close to the I-70 / SR 235 interchange.

The land is currently zoned B-3. The surrounding lands are predominantly zoned I-1 and used for manufacturing or logistics purposes. There is a significant amount of agricultural / vacant land immediately east of this site in Clark County that has development potential but limited access to SR 235 and I-70.

Approximately 35 acres was recently rezoned to Planned Commercial to accommodate a fueling station, truck stop and repair facility. The City Council amended the basic development plan to increase the number of truck stop spaces to 30, from 10 spaces that was approved by the Planning Commission.

The applicant has provided additional details regarding the building design and use of the site. Staff feels a repair facility with overnight parking as an accessory use is consistent with the comprehensive plan at this location; however, a simple drop lot facility for overnight parking or trailer storage, without driver support services is not consistent with the comprehensive plan.

Tom Dusa was present.

Discussion on the appropriate use, gateway entrance, and details.

Mr. Jeffries moved to approve the request by the applicant, THOMAS E. DUSA, for approval of Basic Development Plan and Rezoning to PI (Planned Industrial) to construct a truck repair facility and truck/trailer drop lot on approximately three acres. Property is located at the SouthEast Corner of Technology Blvd and Artz Road (RZ BDP 22-35).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

## **VII. New Business**

- 1. MINOR CHANGE - The applicant, KAP SIGNS, is requesting approval of a Minor Change to add one 5'-8" ground sign. Property is located at 7050 Executive Blvd (MC 22-44).**

Mr. Sorrell stated that the Planning Commission granted approval for three wall signs in October 2014. At that time, no ground signs were planned or requested. At that time, the vegetation along Executive Boulevard did not obscure building visibility. Today, the vegetation has matured and obstructs building visibility from westbound traffic.

Staff supports the minor change to add one ground sign as detailed in the application dated November 17, 2022. Building visibility is difficult for westbound traffic since the vegetation has matured. There are similar ground signs along Executive Boulevard which meet the zoning code requirements.

David Williams from Kap Signs was present.

### **Action**

Ms. Vargo moved to approve the request by the applicant, Kap Signs, for approval of a Minor Change to add one ground sign. Property is located at 7050 Executive Blvd (MC 22-44).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

- 2. MAJOR CHANGE - The applicant, JOHN KOPILCHACK, is requesting approval of a Major Change to the combined basic and detailed development plan for addition to the existing medical facility. Property is located at 8501 Old Troy Pike (MJC 22-43).**

Mr. Sorrell stated in October 2014, the Planning Commission approved a combined basic and detailed development plan to construct a Dayton Children's Urgent Care facility on the site of a previous medical office use.

The applicant is now proposing to add a 10,600 SF addition to the rear of the existing facility.



The expansion will encroach into the parking area which will reduce the number of spaces by eight (8) spaces to a total of 153 spaces. The expansion materials and design will be similar to the existing facility.

The proposed 10,600 SF building expansion will add 12 additional exam rooms, bringing the total to 40 exam rooms and the total size of the facility to just under 35,000 SF. The expansion will have minor impact on the parking, but staff feels the amount of parking provided is more than adequate for this facility.

No other changes to the approved basic and detailed development plan are presented. Staff feels the General Standards for Approval outlined in Chapter 1171.06 can be satisfied and recommend approval.

Mr. John Kopilchack was present.

### **Action**

Ms. Vargo moved to approve the request by the applicant, John Kopilchack, for approval of a Major Change to the combined basic and detailed development plan for addition to the existing medical facility. Property is located at 8501 Old Troy Pike (MJC 22-43).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

### **3. REZONING - The applicants, RICHARD BAUMER and STACI CARRE, are requesting approval of a Rezoning from I-1 to R1. Properties are located at 7767 and 7777 Wildcat Road (RZ 22-41).**

Mr. Sorrell stated in 1994, many of the properties along Wildcat Road were rezoned to Industrial to facilitate redevelopment on the east side of Wildcat Road. While the records are unclear, staff thinks the rezoning was expanded to include residential homes that were not owned by the original 1994 rezoning applicant on the west side of Wildcat Road.

The current applicant (7767 Wildcat Road) would like to expand his home, but the zoning code does not allow the expansion of a non-conforming use. Staff suggested rezoning the property to R-1. Staff also contacted owners of adjacent residential uses who are currently zoned I-1, one owner (7777 Wildcat Road) contacted city staff and requested to be included in this rezoning request.

The two residential properties meet all the R-1 district standards. They are currently legal non-conforming uses. A change in zoning will allow the primary applicant to expand his structure. Additionally, being zoned R-1, rather than I-1, may enable a smoother real estate transaction if the applicants sell their property in the future.

Mr. Richard Baumer was present.

Discussion on appropriate zoning.

**Action**

Mr. Jeffries moved to approve the request by the applicants, Richard Baumer and Staci Carre, for approval of a Rezoning from I-1 to R1. Properties are located at 7767 and 7777 Wildcat Road (RZ 22-41).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

**VIII. Additional Business**

Election of Officers, with only 3 members present, will move this item to the next meeting of January 10, 2023.

**IX. Approval of the Minutes**

Without objection, the minutes of the November 8, 2022, Planning Commission meeting are approved.

**X. Reports and Calendar Review**

Approval of 2023 Meeting Schedule

**Action**

Mr. Jeffries moved to approve the 2023 meeting schedule. Starting in April, we will only have 1 meeting a month. That will give more time to work on each case.

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

**XI. Upcoming Meetings**

January 10, 2023

**XII. Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at approximately 8:02 p.m.

Planning Commission Meeting  
December 13, 2022

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**Terry Walton, Chair**

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**Date**

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**Geri Hoskins, Administrative Secretary**

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**Date**

# RZ 22-41 Wildcat Road Rezoning

January 17, 2023

## **Site Details:**

- 4 Acres
- Zoned: I-1 (Industrial)
- Sites are occupied residential homes
- Adjacent land: West & North – PR ; East – PC; South – I-1

## **Development Details:**

- The applicant, at staff's suggestion, requests approval of a rezoning of approximately 4 acres from I-1 to R-1 to allow future expansion of an existing residence and facilitate a conforming use.

## **History:**

- Around 1994 much of Wildcat Road was zoned to industrial to facilitate development, including three residential homes that were not owned by the original rezoning applicant.
- The current applicant (7767 Wildcat Road) would like to expand his home for medical reasons, but the zoning code precludes the expansion of a non-conforming use. Staff suggested rezoning the property to R-1.
- Staff also contacted owners of adjacent residential uses who are currently zoned I-1, one owner (7777 Wildcat Road) responded and requested to be included in this rezoning request.







## **Rezoning Analysis**

- The two residential properties meet the R-1 district standards.
- The properties are legal non-conforming uses. A change in zoning will allow the primary applicant to expand his structure. Additionally, the rezoning may facilitate a smoother real estate transaction in the future

### Staff Recommendation

It is the staff's opinion the rezoning from I-1 to R-1 is appropriate for these two lots. The residential structures are currently occupied and the owners plan to maintain the properties as residential uses.

## Planning Commission Action

Planning Commission voted 3-0 to recommend the rezoning.

CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2023-O-

TO APPROVE A REZONING FROM LIGHT INDUSTRIAL (I-1) TO RESIDENTIAL (R-1) FOR THE PROPERTIES LOCATED AT 7677 AND 7777 WILDCAT ROAD AND FURTHER IDENTIFIED AS PARCEL NUMBERS P70 04009 0024 AND P70 04009 0028 ON THE MONTGOMERY COUNTY AUDITOR’S MAP (CASE RZ 22-41).

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 Case RZ 22-41 and on December 13, 2022, recommended approval by a vote of 3-0 of the Rezoning; 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 from Light Industrial (I-1) to Residential (R-1) for the properties located at 7677 and 7777 Wildcat Road and further identified as Parcel Numbers P70 04009 0024 and P70 04009 0028 on the Montgomery County Auditor’s Map (Case RZ 22-41) is hereby approved in accordance with the Planning Commission’s recommendation and following conditions:

1. Grant as requested

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 \_\_\_\_\_, 2023;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**AI-8943**

**New Business I.**

**City Council Meeting**

**City Manager**

**Meeting Date:** 01/23/2023

Case MJC 22-43 - John Kopilchack - Major Change - Basic/Detailed Development Plan - 8501 Old Troy Pike

**Submitted By:** Geri Hoskins

**Department:** Planning

**Division:** Planning

**Council Committee Review?:** Council  
Work  
Session

**Date(s) of Committee Review:** 01/17/2023

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

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

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**Agenda Item Description or Legislation Title**

An Ordinance To Approve A Major Change To The Basic And Detailed Development Plan For The Property Located At 8501 Old Troy Pike And Further Identified As Parcel Number P70 04006 0156 On The Montgomery County Auditor's Map (Case MJC 22-43).  
(first reading)

**Purpose and Background**

The applicant, John Kopilchack, is requesting approval of a Major Change to the Basic and Detailed Development Plan to construct an addition to the existing medical facility.

---

**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:**

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**Attachments**

Drawings

Fire Assessment

Staff Report

Decision Record

Minutes

Presentation

Ordinance

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GENERAL NOTES

1. ALL ROADWORK AND STORM DRAINAGE CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH CITY SPECIFICATIONS AND STANDARD DRAWINGS. IF NO CITY STANDARD IS AVAILABLE, THEN THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION "CONSTRUCTION & MATERIALS SPECIFICATIONS" (LATEST EDITION) AND STANDARD DRAWINGS SHALL BE USED.
2. ALL UTILITY TRENCH EXCAVATION WITHIN THE EXISTING AND PROPOSED RIGHT-OF-WAY AND EASEMENTS SHALL BE BACKFILLED WITH GRANULAR FILL MATERIAL IN ACCORDANCE WITH CITY SPECIFICATIONS AND COMPACTED BEFORE SUB-GRADE APPROVAL.
3. ALL UNDERGROUND UTILITY SERVICE LATERALS ARE TO BE INSTALLED FROM MAIN TO RIGHT-OF-WAY LINE BEFORE STREETS ARE SURFACED.
4. ALL CATCH BASINS (CURB AND GUTTER INLET) TO BE HUBER HEIGHTS TYPE "D" OR ODOT TYPE 3A, UNLESS OTHERWISE SPECIFIED. THE CASTING HOOD SHALL "HAVE DUMP NO WASTE" LETTERING AND FISH IMAGE.
5. ALL STORM SEWER PIPE SHALL BE REINFORCED CONCRETE ASTM C-76, CLASS IV, UNLESS OTHERWISE NOTED.
6. ALL MANHOLES TO BE TYPE "A", UNLESS OTHERWISE NOTED.
7. CHANNEL BOTTOMS OF ALL MANHOLES.
8. CURB RAMPS TO BE LOCATED AS INDICATED ON PLANS AND CONSTRUCTED IN ACCORDANCE WITH CITY SPECIFICATIONS.
9. ALL FIELD TILE ENCOUNTERED SHALL BE REPLACED OR CONNECTED TO THE STORM SEWER SYSTEM.
10. ALL EXISTING UNDERGROUND UTILITIES ARE SHOWN IN THEIR APPROXIMATE LOCATION ACCORDING TO THE BEST AVAILABLE INFORMATION. FORTY-EIGHT (48) HOURS BEFORE DIGGING IS TO COMMENCE, THE CONTRACTORS SHALL NOTIFY THE FOLLOWING AGENCIES: THE OHIO UTILITIES PROTECTION SERVICE (OUPS) AT 1-800-362-2764; THE DAYTON POWER & LIGHT CO. AT 937-866-3303; AND ALL OTHER AGENCIES WHICH MIGHT HAVE UNDERGROUND UTILITIES INVOLVING THIS PROJECT AND ARE NON-MEMBERS OF OUPS.

OHIO UTILITIES PROTECTION SERVICE (OUPS)

100 FEDERAL PLAZA EAST,  
LOWER LEVEL  
YOUNGSTOWN, OH 44503  
1-800-362-2764

AT&T

3233 WOODMAN DR.  
DAYTON, OHIO 45420  
937-296-3606 (7AM-5PM)  
1-800-572-4747 (AFTER 5PM)

UNITED WATER

6244 CHAMBERSBURG ROAD  
HUBER HEIGHTS, OH 45424  
937-233-3292

THE OWNER OF THE UNDERGROUND UTILITY SHALL WITHIN 48 HOURS, EXCLUDING SATURDAYS, SUNDAYS AND LEGAL HOLIDAYS, AFTER NOTICE IS RECEIVED, STAKE, MARK OR OTHERWISE DESIGNATE THE LOCATION OF THE UNDERGROUND UTILITY FACILITIES IN THE APPROXIMATE DEPTH AT WHICH THEY WERE INSTALLED. THE MARKING OR LOCATING SHALL BE COORDINATED TO STAY APPROXIMATELY TWO DAYS AHEAD OF THE PLANNED CONSTRUCTION. NO ADDITIONAL COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR DAMAGE AND REPAIR TO THESE FACILITIES CAUSED BY HIS WORKFORCE.

11. THE CONTRACTOR SHALL TAKE APPROPRIATE MEASURES TO CONTROL SOIL EROSION AND SEDIMENTATION THROUGH THE LIFE OF THE CONTRACT. THESE MAY INVOLVE THE USE OF HAY AND STRAW BALES, DIKES, SEDIMENT PITS, MULCHES, FILTER FABRICS AND OTHER DEVICES AND METHODS. PARTICULAR CARE SHALL BE TAKEN TO AVOID EROSION AND SEDIMENTATION ON EXISTING PAVED AND GRAVELED AREAS.
12. ROOF AREA DRAIN LINES SHALL NOT BE EXTENDED THROUGH CURBS BUT SHALL BE DIRECTLY CONNECTED TO THE STORM SEWER SYSTEM.
13. CONCRETE APRONS FOR TYPE B CATCH BASINS SHALL HAVE VANES PROVIDED IN THE CONCRETE TO DIRECT WATER TOWARDS OPENINGS. SEE DETAILS SHEET 2.
14. ALL METAL CASTINGS SHALL BE PAINTED WITH TWO COATS OF BLACK ASPHALTUM PAINT.
15. THE SOILS REPORT FOR THIS PROJECT SHALL BE REFERENCED AT ALL TIMES AND SHALL BE CONSIDERED AN INTREGAL PART OF THESE CONSTRUCTION PLANS.
16. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ASSURE STABILIZATION OF ALL TRENCHES DURING ROAD CONSTRUCTION.
17. ALL HANDICAP RAMPS SHALL CONFORM TO THE LATEST ADA STANDARDS AND REGULATIONS, INCLUDING 2'x4' TERRA COTTA COLORED COMPOSITE WARNING PAD WITH TRUNCATED DOME SURFACE AS APPROVED BY THE CITY.
18. ALL DISTURBED AREAS SHALL HAVE TEMPORARY SEEDING AND MULCHING. ALL AREAS THAT ARE PLANNED TO BE BARE FOR MORE THAN 45 DAYS SHALL BE SEEDDED WITHIN 7 DAYS.
19. ALL STORM DRAINAGE PIPES TO BE R.C.P., OR APPROVED EQUAL AND CONFORMING TO AND BE INSTALLED TO THE MANUFACTURER'S SPECS.
20. ANY VARIANCE BETWEEN THESE PLANS AND WHAT IS FOUND IN THE FIELD OR DURING CONSTRUCTION SHOULD BE ADDRESSED TO THE ENGINEER IN CHARGE OF THE PROJECT AT VAN ATTA ENGINEERING, INC. AND CONFIRMED BY THE CITY OF HUBER HEIGHTS ENGINEERING DIVISION.
21. ANY DISTURBED DRAINAGE CONDUIT SHALL BE REPAIRED OR REPLACED AS APPROVED BY THE ENGINEERING DEPARTMENT. CONTRACTOR TO MAINTAIN STORM SEWER FLOWS AT ALL TIMES.
22. TRAFFIC CONTROL ON ALL PUBLIC ROADS IS REQUIRED TO CONFORM TO "THE OHIO MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS". ANY WORK ON A THOROUGHFARE OR WORK REQUIRING CLOSURES REQUIRES 48 HOUR NOTIFICATION AND APPROVAL OF THE CITY ENGINEERING DIVISION.
23. SAFETY REQUIREMENTS, OUTLINED IN THE STATE OF OHIO "CONSTRUCTION SAFETY CODE" FOR THIS TYPE OF WORK WILL BE ENFORCED AND THE CONTRACTOR SHALL COMPLY WITH THE PROVISIONS OF THE CODE ISSUED AS A GENERAL ORDER BY THE INDUSTRIAL COMMISSION OF OHIO.
24. WHERE POTENTIAL GRADE CONFLICTS MIGHT OCCUR WITH EXISTING UTILITIES, THE CONTRACTOR SHALL UNCOVER SUCH UTILITIES SUFFICIENTLY IN ADVANCE OF CONSTRUCTION IN ORDER THAT EXACT ELEVATIONS MAY BE DETERMINED AND THE NECESSARY ADJUSTMENT MADE. COST OF THE ABOVE, IF ANY, WILL BE INCLUDED IN THE PRICE BID FOR THE PERTINENT ITEM.
25. PROPER TRANSITION TO BE PROVIDED FROM END OF PROPOSED STORM SEWERS, DITCHES, ROADWAY, ETC. TO EXISTING GRADE. RESTORATION OF DISTURBED AREAS ADJACENT TO THIS PLAT IS THE RESPONSIBILITY OF THE CONTRACTOR.
26. THE CONTRACTOR SHALL ACQUIRE ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION.
27. ALL JOINTS BETWEEN ASPHALT PAVEMENT CONCRETE WALK, CURB, CONCRETE PAVEMENT AND CATCH BASINS SHALL BE SEALED WITH HOT AC-20.
28. CONCRETE CURB SHALL HAVE A MINIMUM OF 1/8" CONTRACTION JOINT CONSTRUCTED AT 5'-0" INTERVALS, THE DEPTH OF THE JOINT SHALL AVERAGE 2" OR MORE. EXPANSION JOINT STRIPS THE DEPTH OF THE CURB SHALL BE USED AT THE BEGINNING AND END OF CURVES, AT 300' MAXIMUM INTERVALS AND WHENEVER IT BECOMES NECESSARY TO SUSPEND WORK FOR 30 MINUTES OR MORE.

STORM SEWER NOTES

1. ALL STORM SEWER MATERIAL SHALL BE CONCRETE, PER CITY OF HUBER HEIGHTS SPECS
2. MANHOLES SHALL BE ODOT No.1 OR TYPE E.
3. CATCH BASIN LATERALS 12" TO 18" TO BE C-76, CL.4.  
CATCH BASIN LATERALS 21" TO 42" TO BE C-76, CL.3.

UTILITY NOTE:

ALL UTILITY LINES SHALL BE UNDERGROUND, INCLUDING CABLE, ELECTRIC AND TELEPHONE.

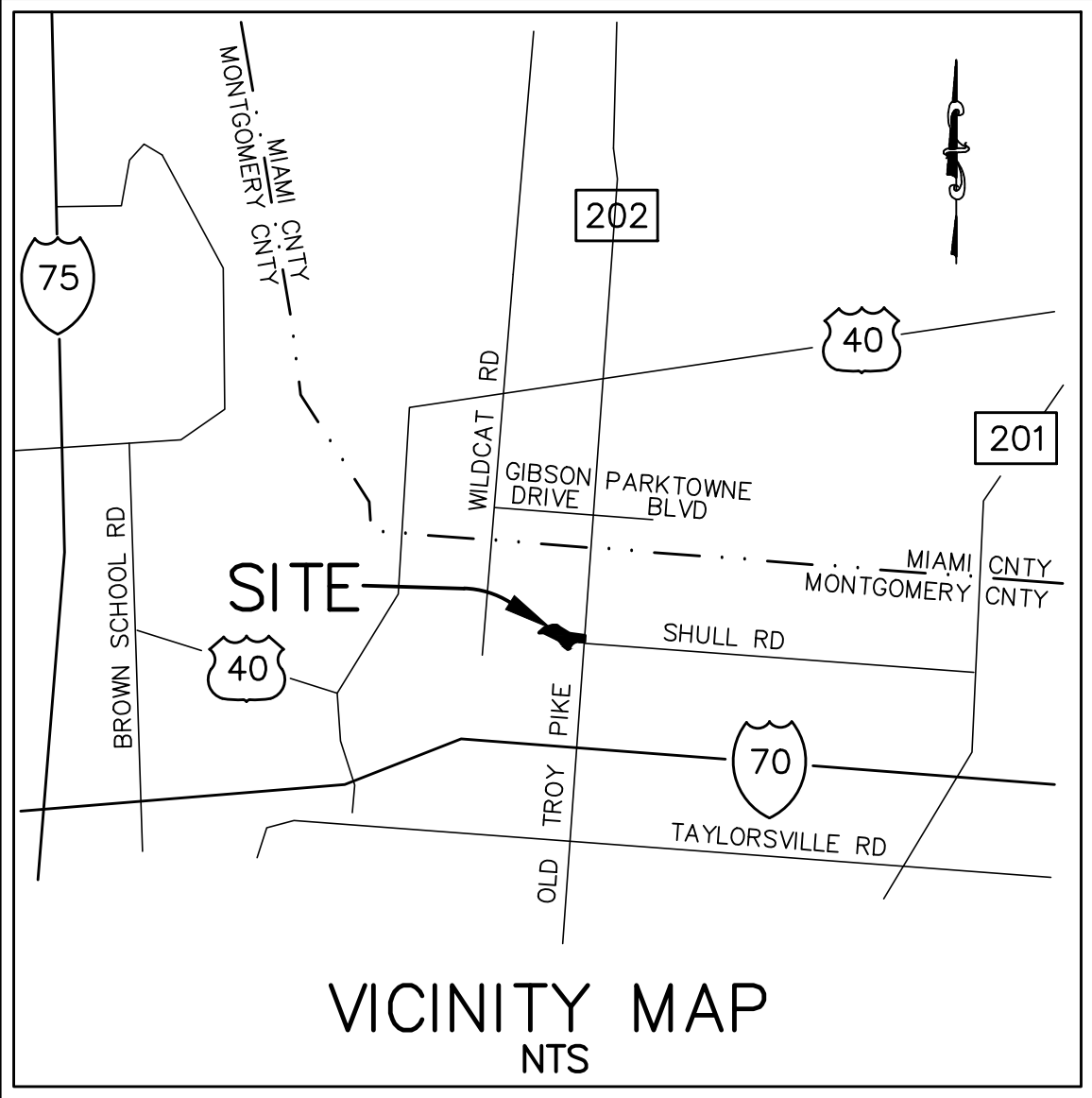
DAYTON CHILDREN'S HOSPITAL  
HUBER HEIGHTS OFFICE EXPANSION

LOCATED IN SECTION 30, TOWN 2, RANGE 8, M.Rs.

CITY OF HUBER HEIGHTS

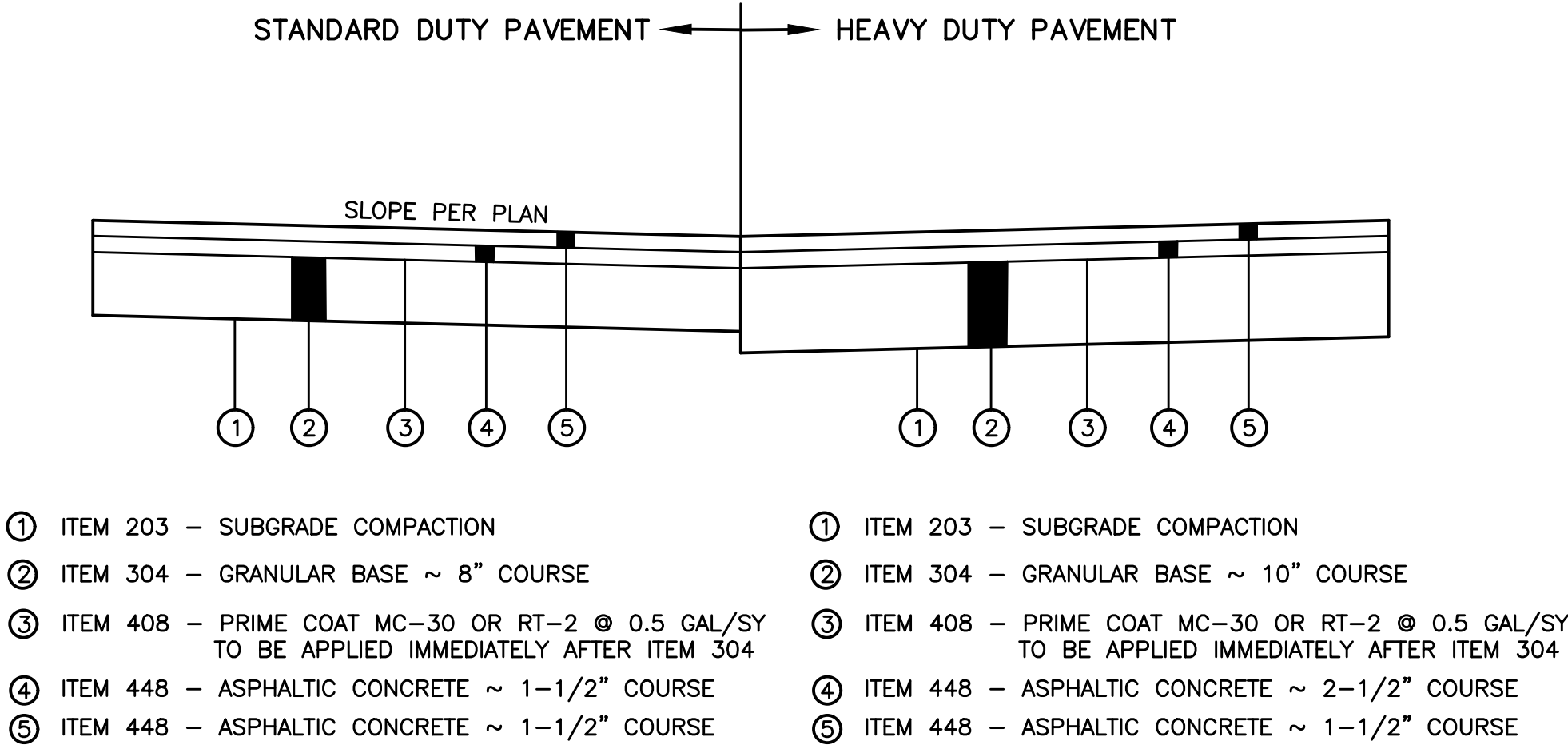
MONTGOMERY COUNTY, OHIO

NOVEMBER, 2022



INDEX

- 1..... COVER SHEET
- 2..... EXISTING TOPOGRAPHY/DEMOLITION PLAN
- 3..... SITE/UTILITY PLAN
- 4..... GRADING/EROSION CONTROL PLAN
- 5..... EROSION CONTROL NOTES/DETAILS



PAVEMENT SECTION (INTERIOR SITE)

(THE SOILS REPORT FOR THIS PROJECT SHALL BE REFERENCED AT ALL TIMES.)

(PSI REPORT DATED FEBRUARY 28, 2014, PROJECT #0105683)

THE TYPICAL SECTION SHALL BE CONFIRMED JUST PRIOR TO BIDDING AND JUST PRIOR TO COMMENCEMENT OF CONSTRUCTION WITH THE MOST CURRENT GEOTECHNICAL REPORT

NO.	DATE	DESCRIPTION	BY	

APPROVALS

HUBER HEIGHTS CITY ENGINEER

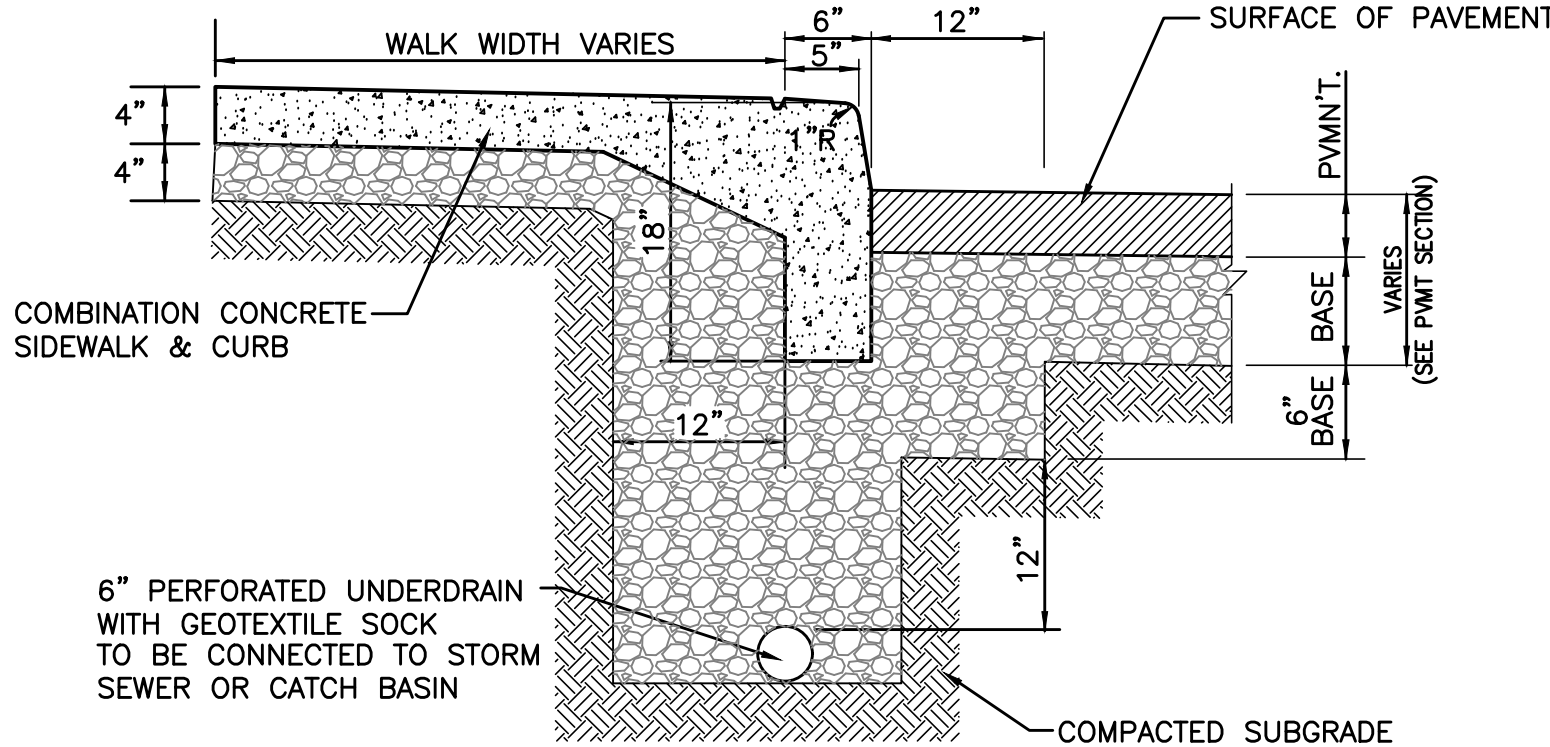
DATE

WATER NOTES

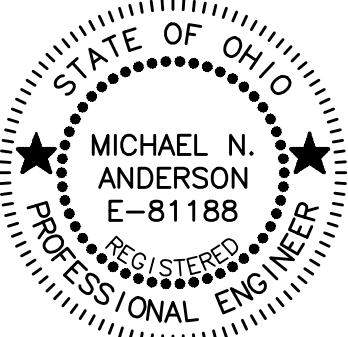
1. THE CONTRACTOR SHALL BE QUALIFIED TO CONSTRUCT WATER MAINS. ALL WATER LINES AND APPURTENANCES SHALL BE CONSTRUCTED ACCORDING TO CITY OF HUBER HEIGHTS SPECIFICATIONS.
2. WATER MAINS, BENDS AND FITTINGS SHALL BE DUCTILE CAST IRON PIPE AND CONFORM TO ANSI A-21.51 (AWWA C-151), CLASS 53. BENDS AND TEES SHALL BE RESTRAINED USING BOTH MEGA LUGS AND CONCRETE THRUST BLOCKS FOR THE LENGTH DETERMINED BY THE CITY INSPECTOR.
3. ALL WATER MAINS SHALL HAVE 4'-6" MINIMUM COVER.
4. NO SERVICE CONNECTIONS SHALL BE MADE TO THE WATER MAIN UNTIL THE MAIN LINE HAS BEEN INSPECTED, TESTED, DISINFECTED AND RELEASED FOR TAPS.
5. NO CONSTRUCTION SHALL COMMENCE UNTIL ALL PERMITS HAVE BEEN ISSUED.
6. ALL UTILITY TRENCHES WITHIN THE EXISTING OR PROPOSED PAVEMENT OR EASEMENTS SHALL BE BACKFILLED WITH COMPACTED GRANULAR MATERIAL CONFORMING TO ODOT 310 IN ACCORDANCE WITH THE CITY SPECIFICATIONS.
7. NO ADDITIONS, DELETIONS, OR REVISIONS TO THE WATER FACILITIES ARE TO BE MADE WITHOUT PRIOR WRITTEN APPROVAL BY THE CITY OF HUBER HEIGHTS.
8. ONLY CITY OF HUBER HEIGHTS OR UNITED WATER PERSONNEL SHALL OPERATE MAIN LINE WATER VALVES.
9. ALL FIRE HYDRANTS SHALL BE LOCATED 2' FROM AND WITHIN 5' OF THE CURB OR EDGE OF PAVEMENT AND 4" OPENING TO FACE THE STREET. (SEE NOTES 15 & 16 BELOW)
10. WATER LINES CROSSING ANY AND ALL SEWERS SHALL HAVE A MINIMUM VERTICAL SEPARATION OF 18" BETWEEN THE OUTSIDES OF THE WATER MAIN PIPE AND THE SEWER PIPE. ONE FULL LENGTH OF WATER MAIN PIPE SHALL BE CENTERED AT THE POINT OF CROSSING SUCH THAT BOTH JOINTS WILL BE EQUIDISTANT AND AS FAR FROM THE SEWER AS POSSIBLE. IF WATER CROSSES BELOW SANITARY SEWERS, THE SEWER MUST BE WATER MAIN MATERIAL FOR THAT SPAN.
11. ALL SERVICE LATERALS ARE TO BE INSTALLED FROM MAIN TO RIGHT OF WAY OR EASEMENT BEFORE STREETS ARE SURFACED.
12. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF EXISTING WATER MAINS BEFORE CONSTRUCTION OF NEW WATER MAIN AT PROPOSED CONNECTIONS.
13. ALL GATE VALVES ARE TO BE LOCATED AT TEES OR CROSSES WITH A 1' MAXIMUM NIPPLE BETWEEN TEE OR CROSS AND VALVE. ALL PLUGS ARE TO BE CONNECTED TO VALVES EXCEPT WHERE SHOWN ON PLANS. PLUGS SHALL BE TAPPED WITH A 3/4" SHUT OFF VALVE FOR RELEASE OF AIR AND FOR FLUSHING.
14. ALL VALVES SHALL HAVE RIGHT-HAND (CLOCKWISE) OPENING DIRECTION.
15. GATE VALVES SHALL HAVE RESILIENT SEATS RATHER THAN BRASS SEATS. OPERATING RODS SHALL HAVE O-RING WATER SEALS RATHER THAN PACKING GLANDS.
16. ALL FIRE HYDRANTS SHALL BE MUELLER CENTURION 200 MODEL A-425 WITH TWO (2) TWO (2) AND ONE-HALF (1/2) INCH INCH DISCHARGE NOZZLES AND ONE (1) FIVE (5) INCH STEAMER DISCHARGE NOZZLE. THE FIVE (5) INCH STEAMER DISCHARGE NOZZLE SHALL HAVE A FIVE (5) INCH STORTZ QUICK CONNECTION.
17. THE FIRE HYDRANT BREAKAWAY FLANGE SHALL BE LOCATED 4" ABOVE THE TOP OF CURB.
18. FIRE HYDRANTS SHALL BE PRIMED WITH RED OXIDE PRIMER AND PAINTED WITH TWO (2) COATS OF RED ENAMEL FROM THE BREAK-AWAY FLANGE TO THE TOP OF THE HYDRANT. LOWER SECTIONS OF THE HYDRANT, INCLUDING THE BARREL SHALL BE PAINTED WITH AN ASPHALTUM PAINT.
19. WATER SERVICE LINES SHALL BE 1" TYPE K COPPER PER CITY STANDARDS. METER YOKES AND METER VAULTS SHALL BE PER MONTGOMERY COUNTY STANDARDS.
20. BOLLARDS, WHERE REQUIRED, SHALL BE CONCRETE FILLED 8" DIAMETER POSTS WITH FOUNDATIONS SET 42" BELOW GRADE IN A CONCRETE FILLED EXCAVATION.
21. ALL HYDRANTS SHALL HAVE CITY OF DAYTON THREADS RATHER THAN NATIONAL STANDARD THREADS EXCEPT FOR THE STREAMER CONNECTION WHICH SHALL BE A STORTZ FITTING.

SANITARY NOTES

1. THE CONTRACTOR SHALL BE QUALIFIED TO CONSTRUCT SANITARY SEWERS. ALL SUCH WORK SHALL BE CONSTRUCTED ACCORDING TO CITY OF HUBER HEIGHTS SPECIFICATIONS.
2. SANITARY SEWER PIPE AND FITTINGS SHALL BE PVC S3034 SDR 26.
3. SANITARY SEWER PIPE JOINTS SHALL CONFORM TO ASTM D 3212 FOR PVC.
4. ROOF DRAINS, FOUNDATION DRAINS AND OTHER CLEAN WATER CONNECTIONS TO THE SANITARY SEWER SYSTEM ARE PROHIBITED.
5. NO CONSTRUCTION SHALL COMMENCE UNTIL ALL PERMITS HAVE BEEN ISSUED.
6. ALL UTILITY TRENCHES WITHIN THE EXISTING OR PROPOSED PAVEMENT OR EASEMENTS SHALL BE BACKFILLED WITH COMPACTED GRANULAR MATERIAL CONFORMING TO ODOT 310 IN ACCORDANCE WITH THE CITY SPECIFICATIONS.
7. NO ADDITIONS, DELETIONS OR REVISIONS TO THE SANITARY SEWER ARE TO BE MADE WITHOUT PRIOR WRITTEN APPROVAL BY THE CITY OF HUBER HEIGHTS.
8. WATER LINES CROSSING ANY AND ALL SEWERS SHALL HAVE A MINIMUM VERTICAL SEPARATION OF 18" BETWEEN THE OUTSIDES OF THE WATER MAIN PIPE AND THE SEWER PIPE. ONE FULL LENGTH OF WATER MAIN PIPE SHALL BE CENTERED AT THE POINT OF CROSSING SUCH THAT BOTH JOINTS WILL BE EQUIDISTANT AND AS FAR FROM THE SEWER AS POSSIBLE. IF WATER CROSSES BELOW SANITARY SEWERS, THE SEWER MUST BE WATER MAIN MATERIAL FOR THAT SPAN.
9. ALL SERVICE LATERALS SHALL BE PVC SCHEDULE 40 AND ARE TO BE INSTALLED FROM MAIN TO RIGHT OF WAY OR EASEMENT BEFORE STREETS ARE SURFACED.
10. ALL MANHOLES SHALL BE PRECAST IN ACCORDANCE WITH CITY STANDARDS. MANHOLE STEPS SHALL BE ALUMINUM OR PLASTIC. CONCRETE ADJUSTING SECTIONS SHALL BE PARGED ON BOTH INTERIOR AND EXTERIOR SURFACES. ALL MANHOLE FRAMES AND LIDS SHALL BE DUCTILE OR CAST IRON TRAFFIC BEARING AND WATERTIGHT UNLESS DIRECTED OTHERWISE BY CITY ENGINEER.
11. FORCE MAIN 3" OR LARGER TO BE DUCTILE IRON PIPE WITH A POLYETHYLENE INNER LINER. FORCE MAIN 2 1/2" OR SMALLER TO BE NEOPRENE MATERIAL WITH FUSED JOINTS.

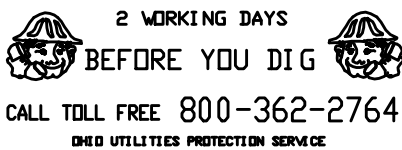


COMBINATION CURB/WALK  
UNDERDRAIN



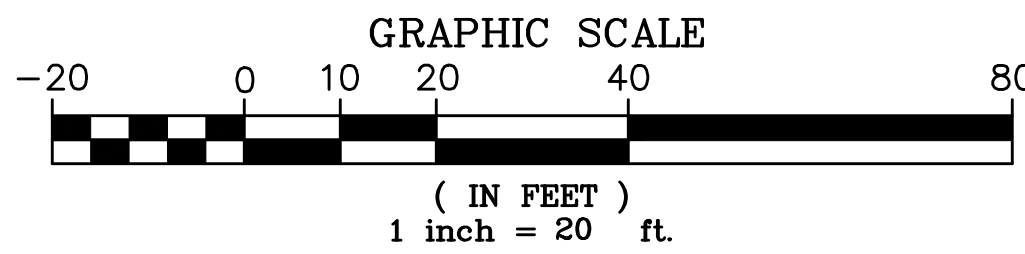
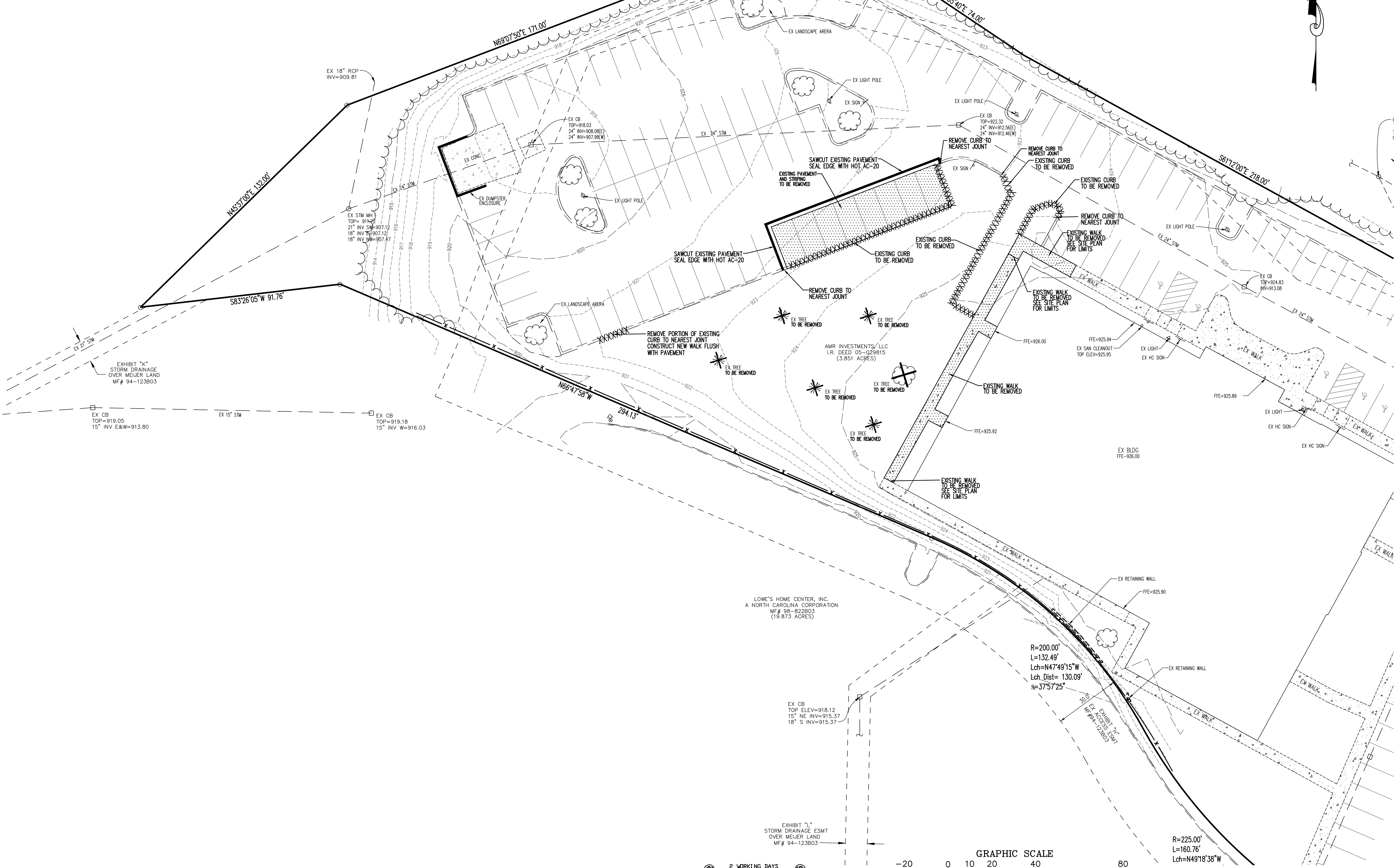
*Michael N. Anderson* 4/15/22

MICHAEL N. ANDERSON  
OHIO PROFESSIONAL ENGINEER #81188





DAYTON OSTEOPATHIC HOSPITAL  
D/B/A GRANDVIEW HOSPITAL AND MEDICAL CENTER  
AN OHIO NOT FOR PROFIT CORPORATION  
MF# 98-416A09  
(5.902 ACRES)



EXISTING TOPOGRAPHY/DEMOLITION PLAN  
DAYTON CHILDREN'S HOSPITAL  
HUBER HEIGHTS OFFICE EXPANSION  
LOCATED IN SECTION 30, TOWN 2, RANGE 8, M.Rs.  
CITY OF HUBER HEIGHTS, MONTGOMERY COUNTY, OHIO

DATE: NOVEMBER, 2022  
SCALE: AS SHOWN  
PROJECT No. 7864  
FILE No.  
SHEET NO.

STATE OF OHIO  
MICHAEL N. ANDERSON  
E-81188  
REGISTERED PROFESSIONAL ENGINEER

VANATTAENGINEERING INC  
570 Congress Park Dr • Dayton, OH 45469  
Phone: 937.438.5890  
Fax: 937.438.5645

SYNERGY BUILDING SYSTEMS  
3550 PENNAKON BLVD.  
SUITE 500  
BEAVERCREEK, OHIO 45431  
(937) 428-3143

Mich. ac 4/15/22







H:\CADD\Projects\Synergy\Dayton Childrens Huber Hts\Expansion 2022\DAYTONCHILDRENSHUBEREXPANSION2022.DWG, NOV 15, 2022 — 15:46:51

SEDIMENT AND EROSION CONTROL  
FOR COMPLIANCE WITH OEPA'S  
INDIVIDUAL LOT PERMIT FOR CONSTRUCTION

PRESERVING EXISTING VEGETATION

Whenever possible, preserve existing trees, shrubs and other vegetation.  
To prevent root damage, do not grade, place soil piles, or park vehicles near trees marked for preservation.

STRAW BALE OR SILT FENCE

Put up before any other work is done.  
Install on downslope side(s) of site with ends extended up sideslopes a short distance.  
Place parallel to the contour of the land to allow water to pond behind fence.  
Entrench 6 inches deep (see back page).  
Stake (2 stakes per bale or 1 stake every 3 feet for silt fence).  
Leave no gaps between bales or sections of silt fence.  
Inspect and repair once a week and after every 1/2 inch rain.  
Remove sediment if deposits reach half the fence or straw bale height.  
Maintain until a lawn is established.

SOIL PILES

Located away from any downslope street, driveway, stream, lake wetland, ditch or drainageway.  
Temporary seed such as annual rye is recommended for topsoil piles.  
Surround with straw bales or silt fence.

GRAVEL DRIVE

Install a single access drive using 3 to 5 inch aggregate over a geotextile material.  
Lay gravel 6 inches deep and 10 feet wide from the foundation to the street.  
Use to prevent tracking dirt onto the road by all vehicles.  
Maintain throughout construction until driveway is paved.  
Park all construction vehicles on the street and off of the site.

SEDIMENT CLEANUP

By the end of each work day, sweep or scrape up soil tracked onto the road.  
By the end of the next work day after a storm, clean up soil washed off-site, and check straw bales and silt fence for damage or sediment buildup.

DOWNSPOUT EXTENDERS

Not required, but highly recommended.  
Install as soon as gutters and downspouts are completed.  
Route water to a grassed area.  
Maintain until a lawn is established.

REVEGETATION

Disturbed soils shall be stabilized as quick as practicable with temporary vegetation an/or mulching to protect exposed critical areas during development.  
Temporary mulch is to be applied at the rate of 2-3 bales of straw per 1000 sq. ft.

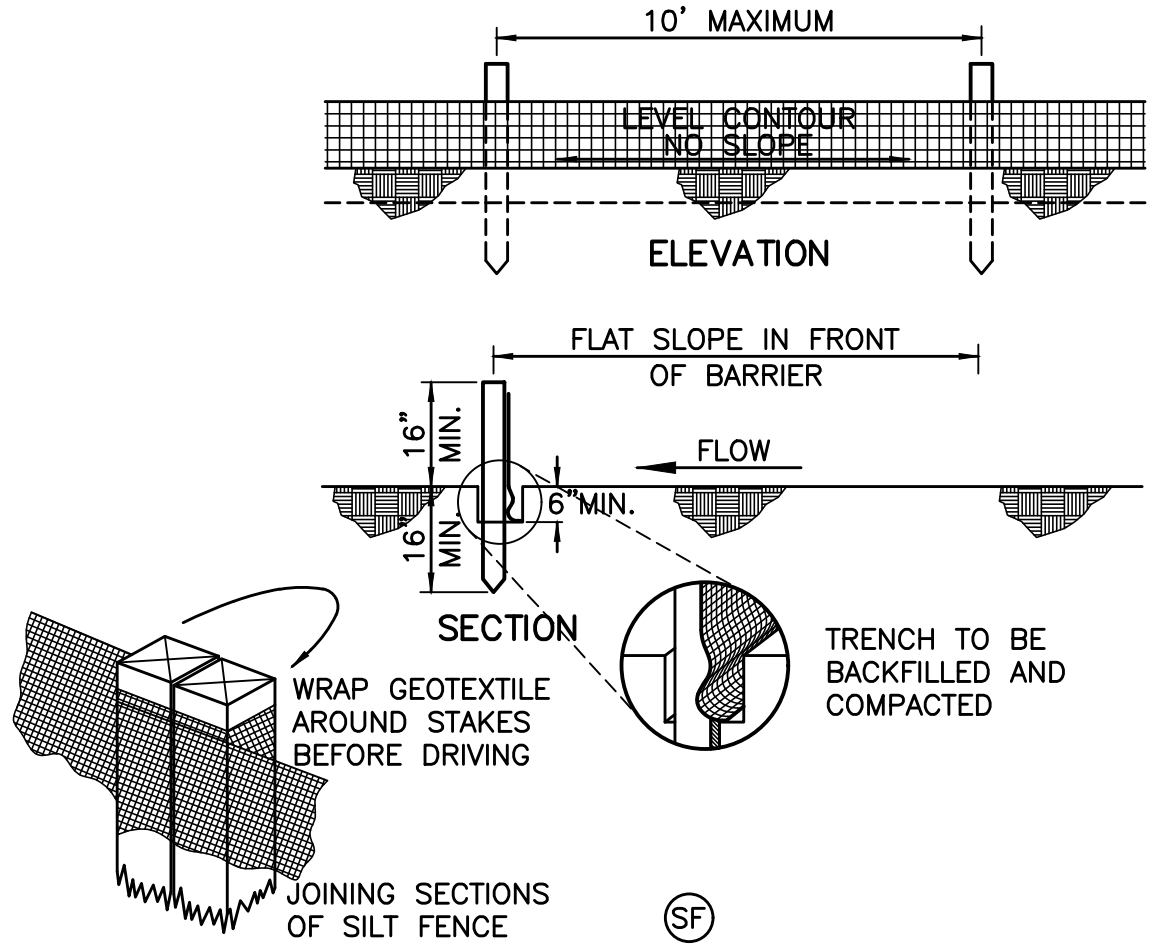
SEEDING AND MULCHING

Spread 4 to 6 inches of topsoil.  
Fertilize according to soil test (or apply 10 lb./1000 sq. ft. of 20-10-10 or 10-10-10 fertilizer).  
Seed with an appropriate mix for the site (see table).  
Rake lightly to cover seed with 1/4" of soil. Roll lightly.  
Mulch with straw (2-3 bales per 1000 sq. ft.) from March 15 to August 31.  
Anchor mulch by punching 2 inches into the soil with a dull, weighted disk or by using netting or other measures on steep slopes and windy areas.

SODDING

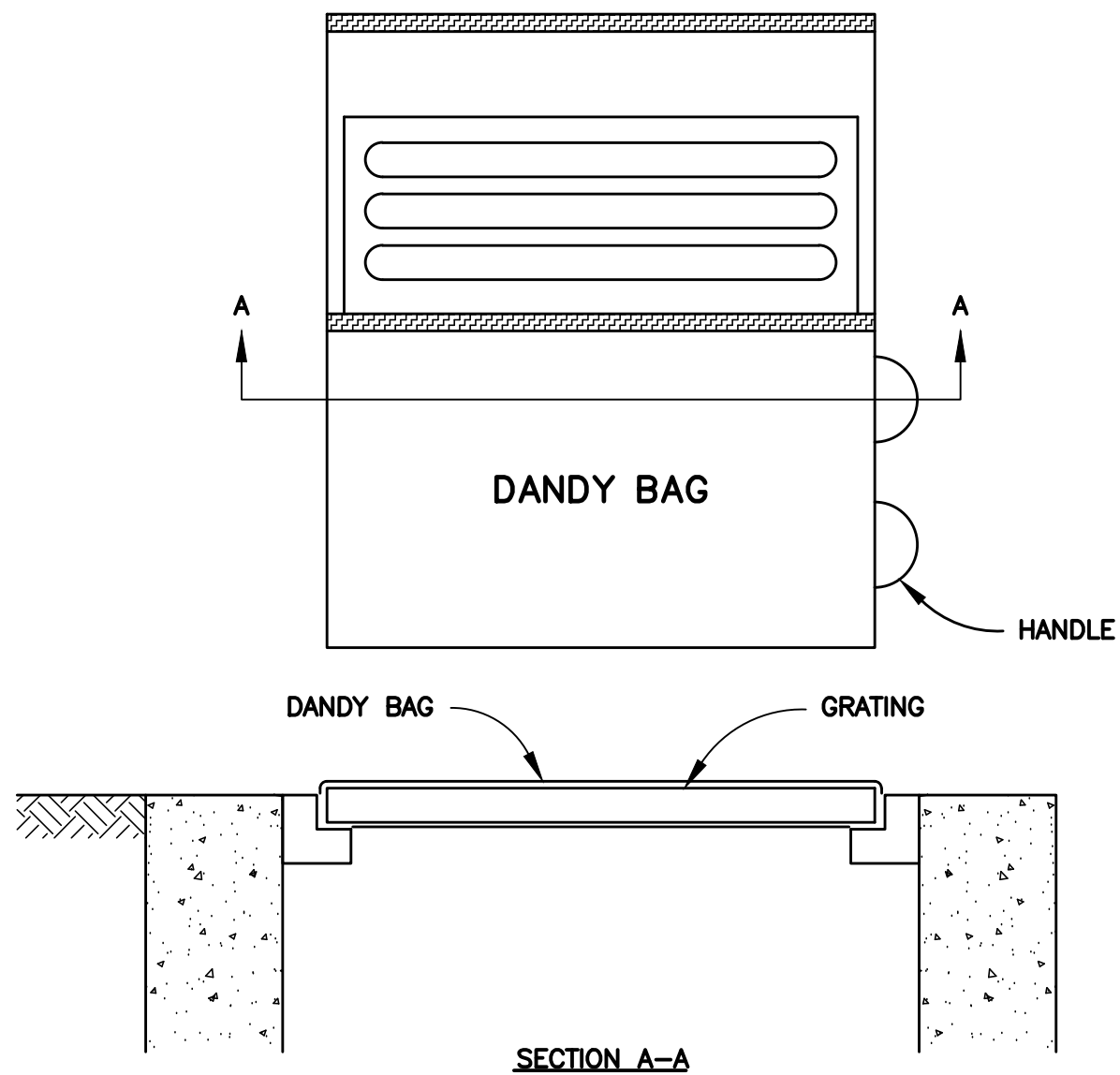
Spread 4 to 6 inches of topsoil.  
Fertilize according to soil test (or apply 10 lb./1000 sq. ft. of 20-10-10 or 10-10-10 fertilizer).  
Lightly water the soil.  
Lay sod. Tamp or roll lightly.  
On slopes, lay sod starting at the bottom and work toward the top. Peg each piece down in several places.  
Initial watering should wet soil 6 inches deep (or until water stands 1 inch deep in a straight-sided container). Then water lightly every day or two for 2 weeks.

If construction is completed after August 31, seeding or sodding may be delayed. Applying mulch or temporary seed (such as rye or winter wheat) is required from September 1 to March 15. Straw bales or silt fences must be maintained until final seeding is completed in spring March 15 - May 31.



CONSTRUCTION OF A FILTER BARRIER  
(SILT FENCE)

NTS



INSTALLATION : STAND GRATE ON END. PLACE DANDY BAG OVER GRATE. FLIP GRATE OVER SO THAT OPEN END IS UP. PULL UP SLACK. TUCK FLAP IN. BE SURE END OF GRATE IS COMPLETELY COVERED BY FLAP OR DANDY BAG WILL NOT FIT PROPERLY. HOLDING HANDLES, CAREFULLY PLACE DANDY BAG WITH GRATE INSERTED INTO CATCH BASIN FRAME SO THAT RED DOT ON THE TOP OF THE DANDY BAG IS VISIBLE.

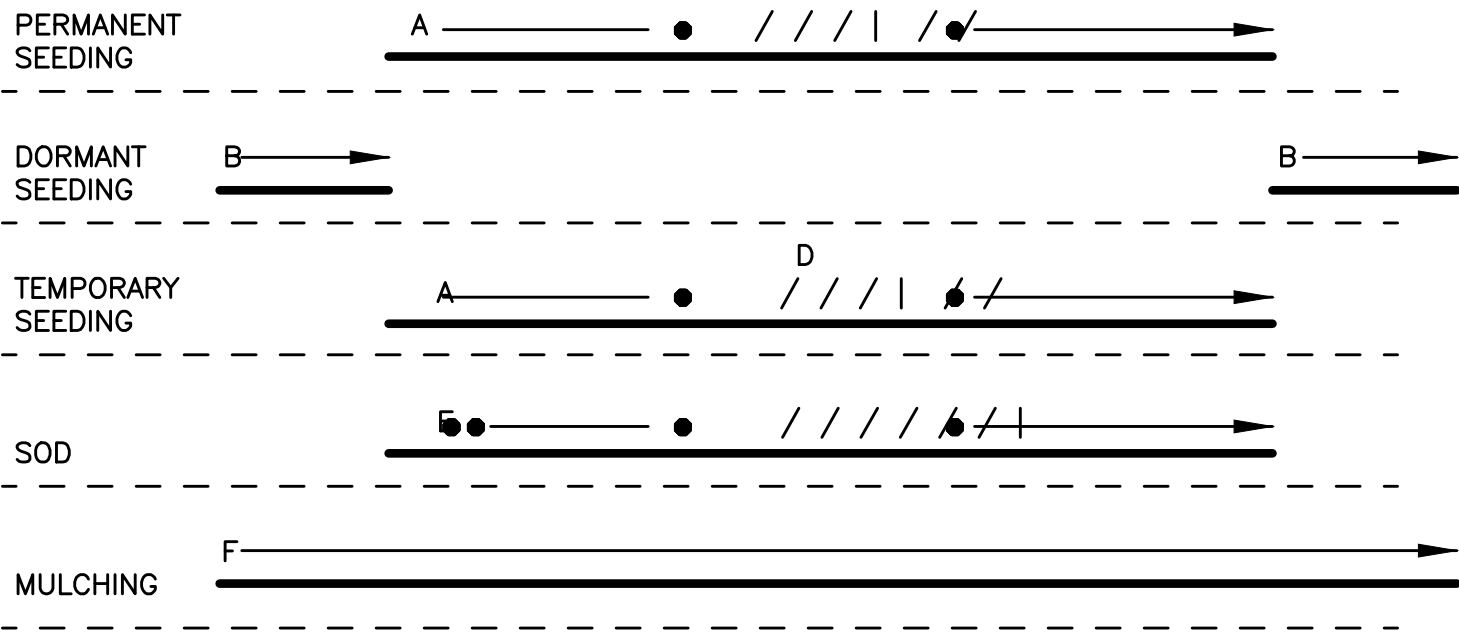
MAINTENANCE : AFTER SILT HAS DRIED, REMOVE IT FROM THE SURFACE OF DANDY BAG WITH BROOM.

DANDY BAG

NTS

SEEDING SCHEDULE

STABILIZATION PRACTICE: JAN. FEB. MAR. APR. MAY JUNE JULY AUG. SEPT. OCT. NOV. DEC.



A = KENTUCKY BLUEGRASS @ 90 LBS./ACRE MIXED WITH PERENNIAL RYEGRASS @ 30 LBS./ACRE PLUS 2 TONS OF STRAW MULCH/ACRE

B = KENTUCKY BLUEGRASS @ 135 LBS./ACRE MIXED WITH PERENNIAL RYEGRASS @ 45 LBS./ACRE PLUS 2 TONS/ACRE STRAW MULCH

C = SPRING OATS 100 LBS./ACRE

D = WHEAT OR RYE 150 LBS./ACRE

E = SOD

F = STRAW MULCH (2 TONS/ACRE)

● / | / ● IRRIGATION NEEDED DURING JUNE AND JULY

● ● IRRIGATION NEEDED FOR 2 TO 3 WEEKS AFTER APPLYING SOD

INSPECTION SCHEDULE

DIVERSION AND STRUCTURAL MEASURES - WILL BE INSPECTED AT SEVEN (7) DAY INTERVALS OR AFTER EVERY RAIN STORM PRODUCING RUNOFF.

SEDIMENT AND PONDS - WILL BE CHECKED AFTER EACH MAJOR PHASE OF THE DEVELOPMENT FOR SEDIMENT ACCUMULATION.

VEGETATIVE PLANTING - SPRING PLANTINGS WILL BE CHECKED DURING SUMMER OR EARLY FALL.

REPAIRS - ANY EROSION CONTROL MEASURES, STRUCTURAL MEASURES, OR OTHER RELATED ITEMS IN NEED OF REPAIR WILL BE MADE WITHIN SEVEN (7) DAYS.

MOWING - DRAINAGEWAYS, DITCHES AND OTHER AREAS THAT SUPPORT A DESIGNED FLOW OF WATER WILL BE MOWED REGULARLY TO MAINTAIN THAT FLOW.

FERTILIZATION - SEEDED AREAS WHERE THE SEED HAS NOT PRODUCED A GOOD COVER WILL BE INSPECTED AND FERTILIZED AS NECESSARY.

A Timing of Sediment-Trapping Practices  
Sediment control practices shall be functional throughout earth-disturbing activity.

Settling facilities, perimeter controls, and other practices intended to trap sediment shall be implemented as the first step of grading and within seven (7) days from the start of earth disturbing activities. They shall continue to function until the upslope development area is restabilized.

B Stabilization of Denuded Areas.

Denuded areas shall have soil stabilization applied within seven days if they are to remain dormant for more than forty-five (45) days. Permanent or temporary soil stabilization shall be applied to denuded areas within seven (7) days after final grade is reached on any portion of the site, and shall also be applied within seven (7) days to denuded areas which may not be at final grade, but will remain dormant (undisturbed) for longer than forty-five (45) days.

C Settling Facilities.

through a sediment-settling facility.

The facility's storage capacity shall be sixty-seven (67) cubic yards per acre of drainage area.

D Sediment Barriers

Sheet flow runoff from denuded areas shall be filtered or diverted to a settling facility.

Sediment barriers such as sediment fence or diversions to settling facilities shall protect adjacent properties and water resources form sediment transported by sheet flow.

E Storm Sewer Inlet Protection.

All storm sewer inlets which accept water runoff from the

enter the storm sewer system without first being filtered or otherwise treated to remove sediment, unless the storm sewer system drains to a settling facility.

F Working In or Crossing Streams.

1 Streams including bed and banks shall be restabilized immediately after in-channel work is completed, interrupted, or stopped.

To the extent practicable, construction vehicles shall be kept out of streams. Where in-channel work is necessary, precautions shall be taken to stabilize the work area during construction to minimize erosion.

2 If a live (wet) stream must be crossed by construction vehicles regularly during construction, a temporary stream crossing shall be provided.

G Construction Access Routes.

Measures shall be taken to prevent soil transport onto surfaces where runoff is not checked by sediment controls, or onto public roads.

H Sloughing and dumping.

1 No soil, rock, debris, or any other material shall be dumped or placed into a water resource or into such proximity that it may readily slough, slip, or erode into a water resource unless such dumping or placing is authorized by the approving agency, and, when applicable, the U.S. Army Corps of Engineers, for such purposes as, but not limited to, construction bridges, culverts, and erosion control structures.

2 Unstable soils prone to slipping or landsliding shall not be graded, excavated, filled or have roads imposed upon them unless the work is done in accordance with a qualified professional engineer's recommendations to correct, eliminate, or adequately address the problems.

I Cut and Fill Slopes.

Cut and fill slopes shall be designed and constructed in a manner which will minimize erosion. Consideration shall be given to the length and steepness of the slope, soil type, upslope drainage area, groundwater conditions, and slope stabilization.

J Stabilization of Outfalls and Channels.

Outfalls and constructed or modified channels shall be designed and constructed to withstand the expected velocity of flow from a post-development, ten-year frequency storm or critical year storm whichever is greater without eroding.

K Establishment of permanent Vegetation.

A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized.

Permanent vegetation shall not be considered established until ground cover is achieved which, in the opinion of the approving agency, provides adequate cover and is mature enough to control soil erosion satisfactorily and to survive adverse weather conditions.

L Disposition of Temporary Practices.

All temporary erosion and sediment control practices shall be disposed of within thirty (30) days after final site stabilization is achieved or after the temporary practices are no longer needed, unless otherwise authorized by the approving agency. Trapped sediment shall be permanently stabilized to prevent further erosion.

M Maintenance.

All temporary and permanent erosion and sediment control practices shall be designed and constructed to minimize maintenance requirements. They shall be maintained and repaired as needed to assure continued performance of their intended function. The person or entity responsible for the continued maintenance of permanent erosion controls shall be identified to the satisfaction of the approving agency.

Michael A. Anderson, P.E.  
Professional Engineer  
State of Ohio  
E-81188

NO.	DATE	REVISION



EROSION CONTROL NOTES/DETAILS  
DAYTON CHILDREN'S HOSPITAL  
HUBER HEIGHTS OFFICE EXPANSION  
LOCATED IN SECTION 30, TOWN 2, RANGE 8, M.Rs.  
CITY OF HUBER HEIGHTS, MONTGOMERY COUNTY, OHIO

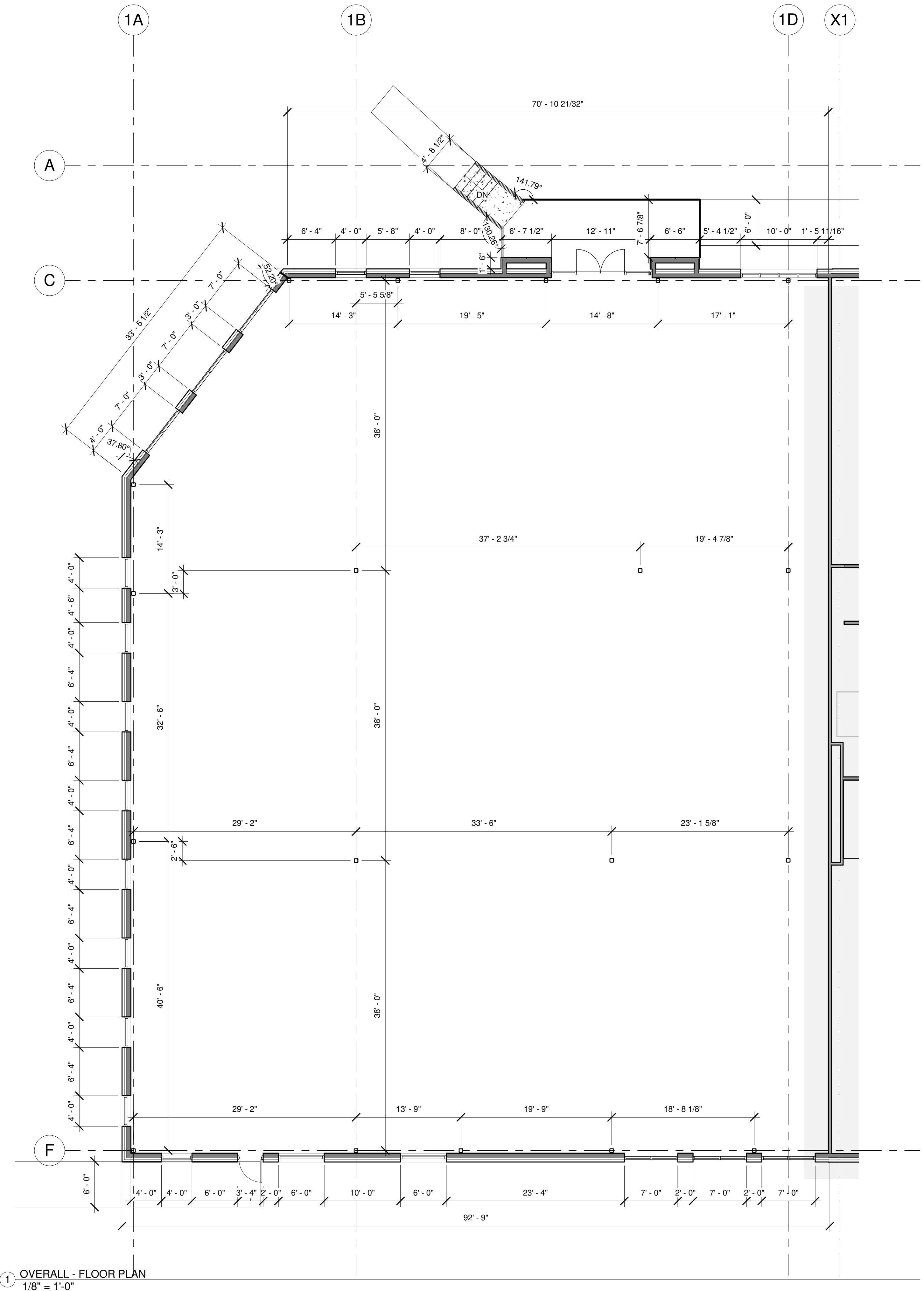
DATE: NOVEMBER, 2022

SCALE: AS SHOWN

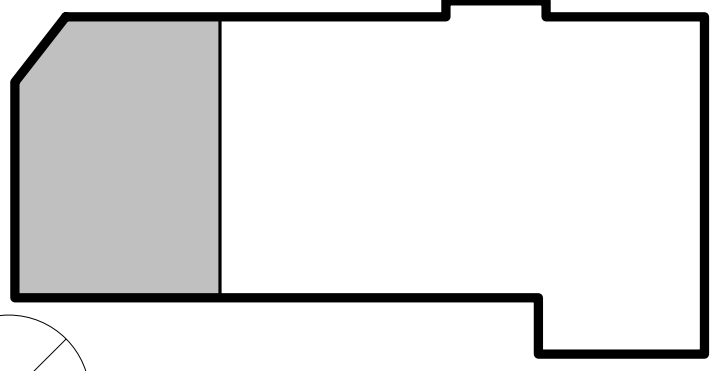
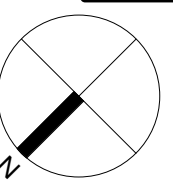
PROJECT No. 7864



FILE No.

SHEET NO.



① OVERALL - FLOOR PLAN  
1/8" = 1'-0"

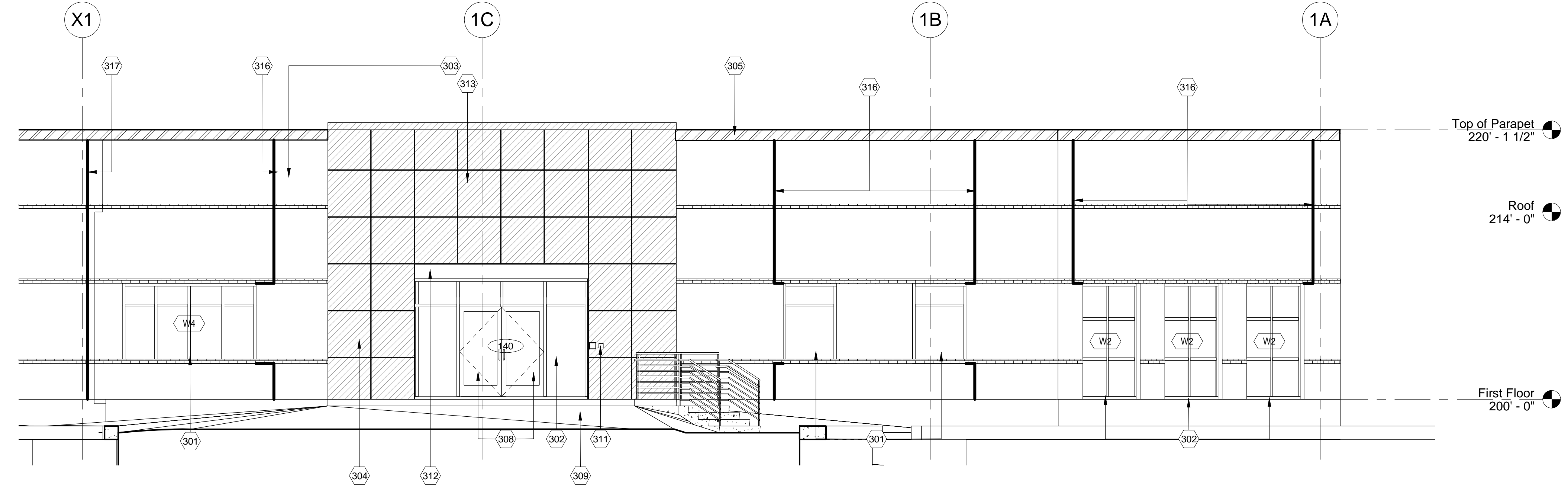


KEY PLAN	
DATE: 11/15/2022	
 SYNERGY BUILDING SYSTEMS	 CHAMPLIN

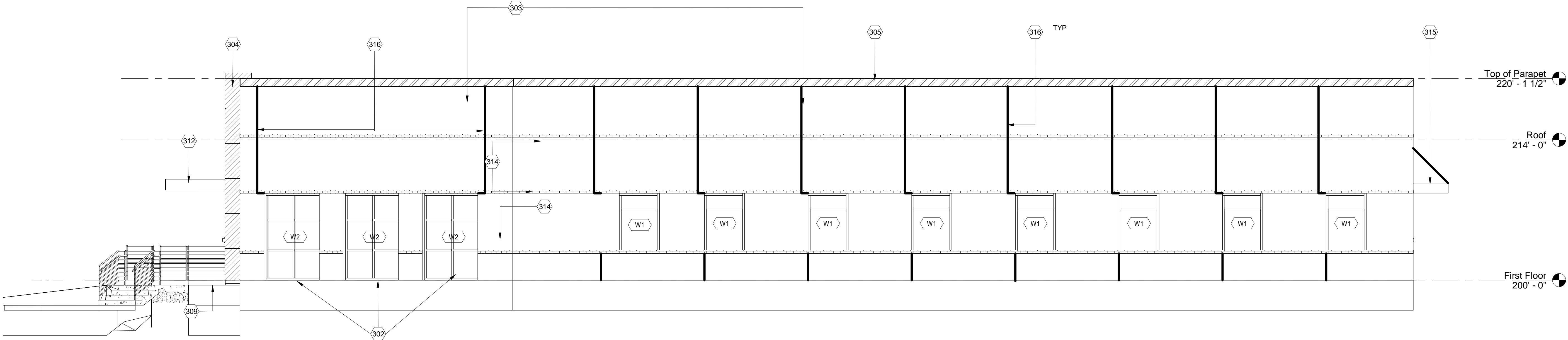


**DRAWING NOTES**

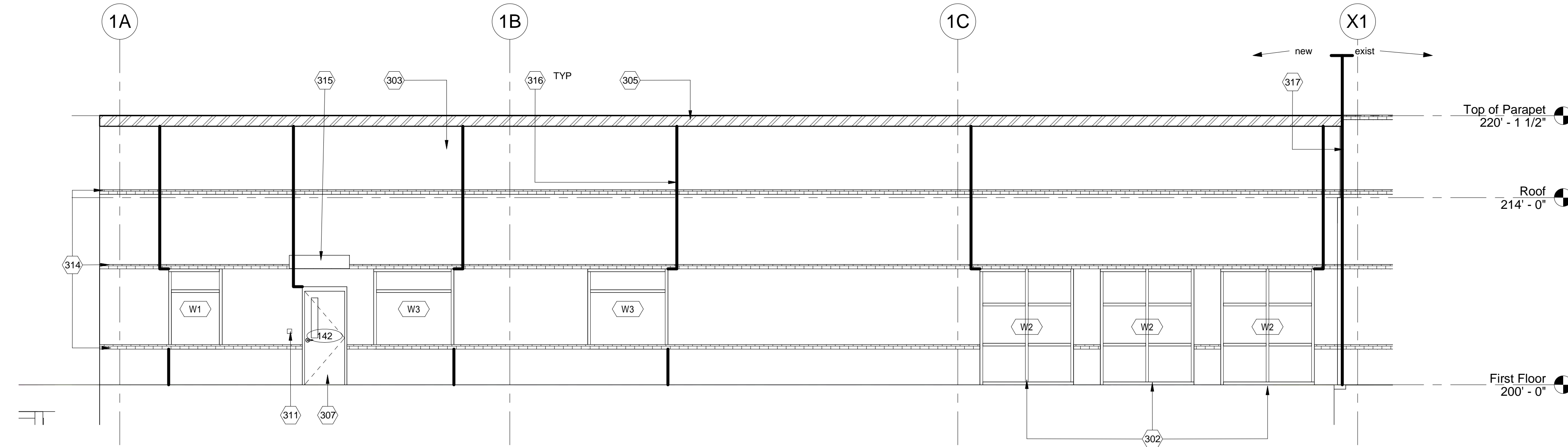
- 301 INSTALL NEW LOW-E INSULATED ALUMINUM AND GLAZING STOREFRONT WINDOW "W-1", REFER TO WINDOW ELEVATIONS.  
302 INSTALL NEW LOW-E INSULATED ALUMINUM AND GLAZING STOREFRONT WINDOW "W-2", REFER TO WINDOW ELEVATIONS.  
303 NEW BRICK MASONRY WALL, COLOR TO MATCH EXISTING MASONRY, REFER TO EXTERIOR FINISH LEGEND.  
304 NEW EXTERIOR METAL PANEL VENEER, COLOR TO MATCH EXISTING, REFER TO EXTERIOR FINISH LEGEND.  
305 CONTINUOUS "HICKMAN STYLE" WALL COPING CAP, COLOR TO MATCH EXISTING, REFER TO EXTERIOR FINISH LEGEND.  
307 NEW HOLLOW METAL DOOR AND FRAME, PAINT TO MATCH EXISTING ADJACENT EXTERIOR WALL.  
308 NEW INSULATED ALUMINUM AND GLAZING STOREFRONT ENTRY DOOR.  
309 NEW EXTERIOR CONCRETE STAIR AND RAMP.  
311 WALL MOUNTED SECURITY ACCESS DOOR CARD READER IN WEATHER PROOF HOUSING, REFER TO ELECTRICAL DRAWINGS.  
312 NEW EXTERIOR METAL PANEL CANOPY, MATCH EXISTING, REFER TO EXTERIOR FINISH LEGEND.  
313 LOCATION OF NEW EXTERIOR BUILDING SIGNAGE, INSTALL MIN. 3/4" FRT PLYWOOD BRACING BEHIND THE METAL PANELS FOR ATTACHMENT SUPPORT.  
314 NEW BRICK MASONRY ACCENT BAND, MATCH EXISTING LOCATION AND COLOR, REFER TO EXTERIOR FINISH LEGEND.  
315 NEW WALL MOUNTED METAL PANEL DOOR AWNING, MATCH EXISTING.  
316 MASONRY CONTROL JOINT W/ BACKER ROD AND MORTAR COLOR COMPATIBLE SEALANT.  
317 BUILDING EXPANSION JOINT WITH MASONRY COLOR COMPATIBLE COMPRESSIBLE FILLER.



1 NORTH ELEVATIONS  
3/16" = 1'-0"



3 WEST ELEVATION  
3/16" = 1'-0"



2 SOUTH ELEVATION  
3/16" = 1'-0"







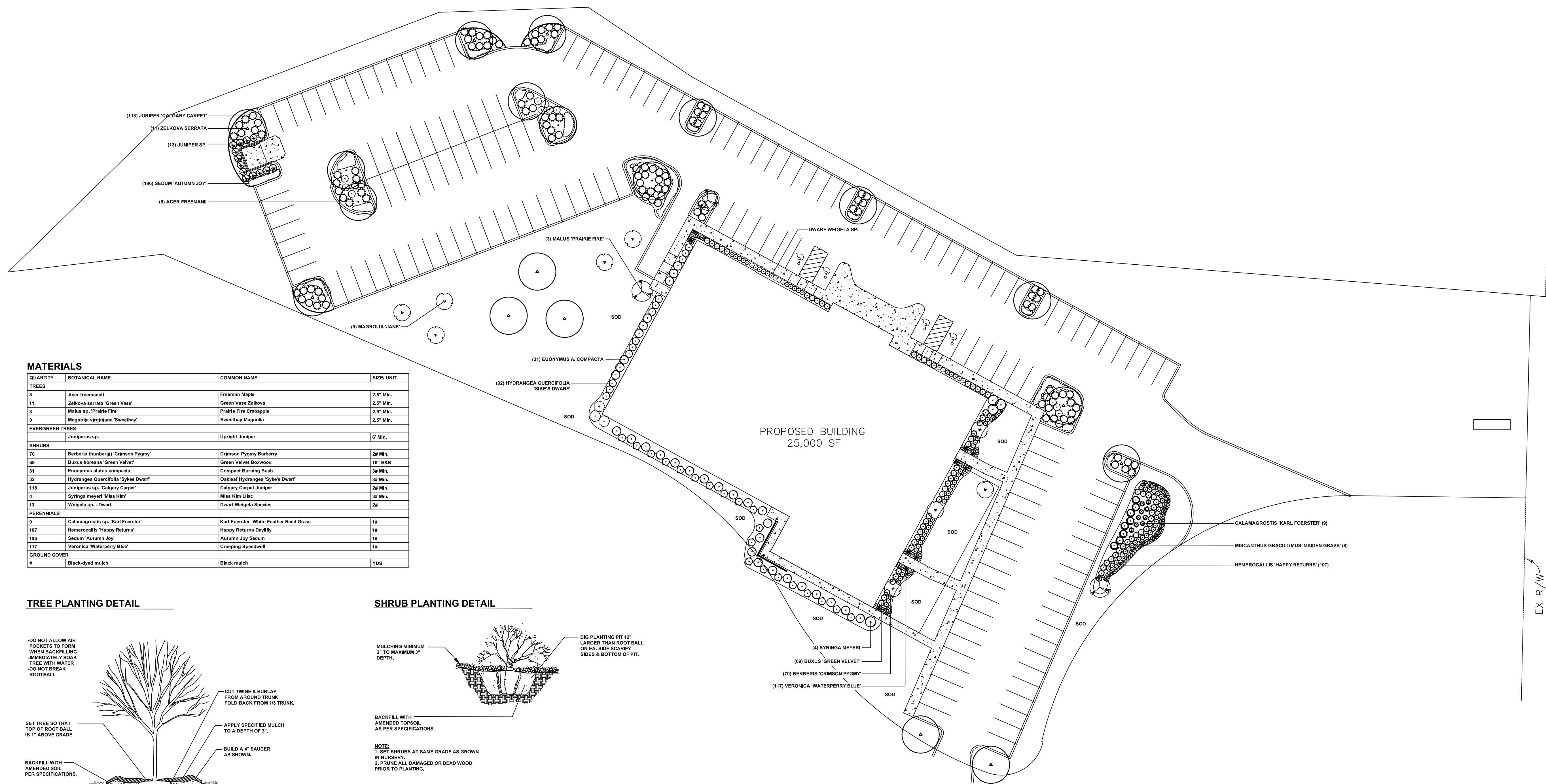






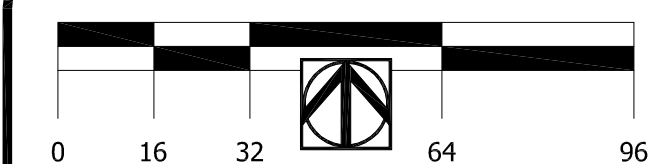


ORIGINAL LANDSCAPE PLAN



Proposed Children's Medical Center  
8501 Old Troy Pike  
Huber Heights, OH 45424

No.	Revision/Issue	Date



Scale : 1/32" = 1' Plan #  
NOTE: THIS IS NOT A DIMENSION PLAN,  
ACTUAL LAYOUT MAY VARY ON SITE.  
DESIGNER:



The Siebenthaler Company  
3001 Catalpa Drive  
Dayton, Ohio 45405  
(937) 274-1154 office  
(937) 274-9448 fax

Project  
X\_PlantingLayout

Start Date	Sheet
8/13/2014	
Scale	





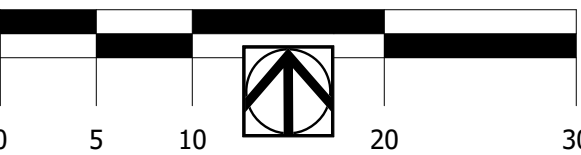
Plant List: Dayton Children's - Huber Heights

CODE	COUNT	BOTANICAL NAME	COMMON NAME	SIZE	ROOT
TREES					
MXC	3	Malus 'Coralburst'	Coralburst Crabapple	1.5"	B&B
ZGV	2	Zelkova 'Green Vase'	Green Vase Zelkova	1.5"	B&B
SHRUBS					
BGV	49	Buxus k. 'Green Velvet'	Green Velvet Boxwood	18"	B&B
EAC	64	Euonymus a. compacta	Compact Burning Bush	2'	B&B
HAA	45	Hydrangea arb 'Annabelle'	Wee White Smooth Hydrangea	#3	cont.
HAR	8	Hydrangea arb 'Invincible Ruby'	Invincible Ruby Smooth Hydrangea	#3	cont.
JCK	6	Juniper ch 'Keteleeri'	Keteleeri Chinese Juniper	5'	B&B
JCP	47	Juniperus con 'Pacific Blue'	Pacific Blue Shore Juniper	#3	cont.
RWD	23	Rosa gc 'White Drift'	White Drift Rose	#3	cont.
SPM	2	Syringa pat 'Miss Kim'	Miss Kim Lilac	2'	B&B
PERENNIALS					
VWB	42	Veronica 'Waterperry Blue'	Waterperry Blue Speedwell	#1	cont.

\* Please note: In the case of a discrepancy in plant sizes between this plant list and the cost estimate, the cost estimate size will override this list.

Dayton Children's - Huber Heights  
8501 Troy Pike  
Huber Heights, OH 45424

No.	Revision/Issue	Date



Scale : 1"=10' Plan #24442  
NOTE: THIS IS NOT A DIMENSION PLAN,  
ACTUAL LAYOUT MAY VARY ON SITE.  
DESIGNER: ZACK OSTERDAY





2074 BEAVER VALLEY RD.  
BEAVERCREEK, OH 45434  
(937) 274-1154  
www.siebenthaler.com

Project X_Base	
Start Date 6/16/2022	Sheet
Scale 1"=10'	

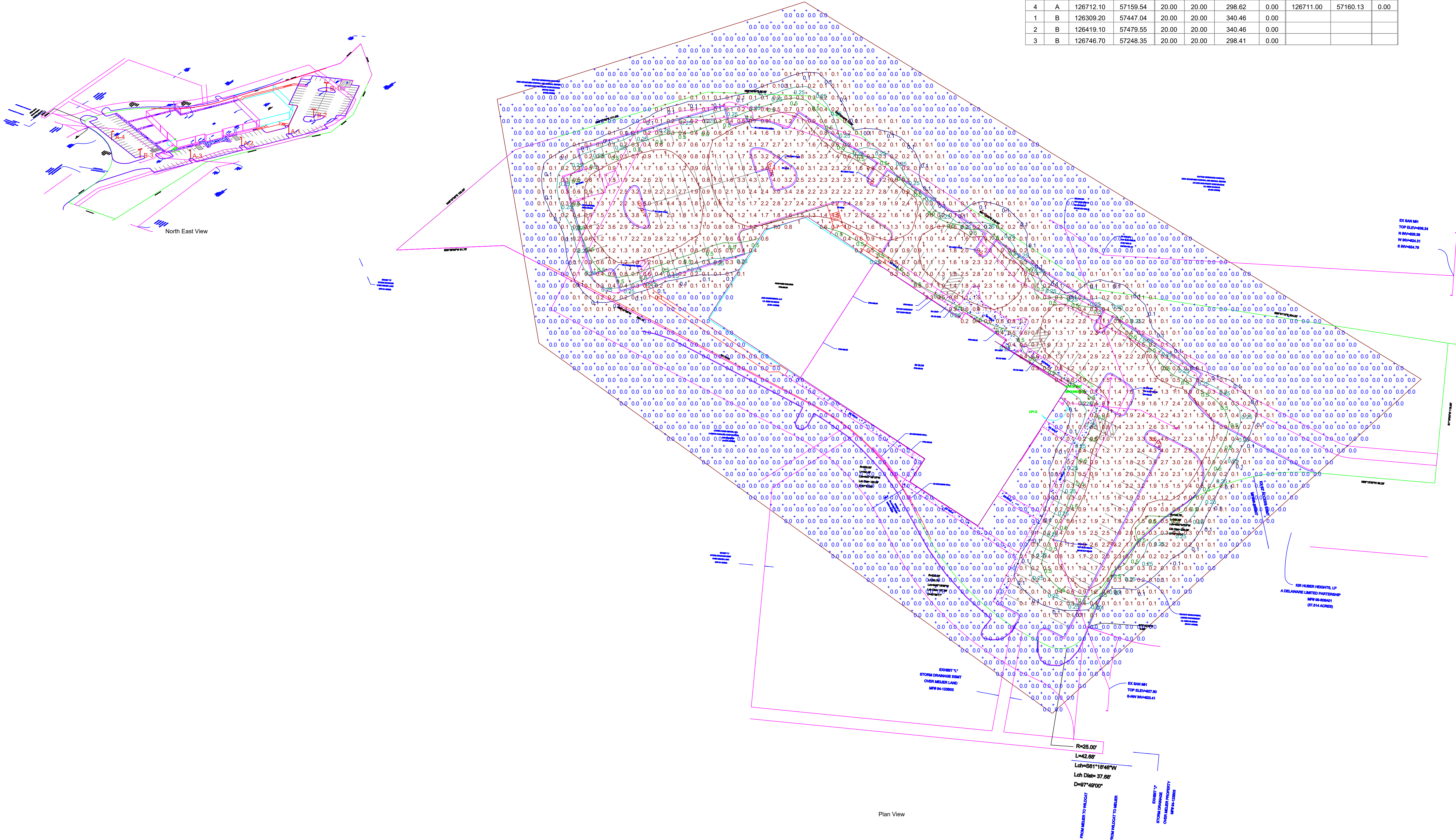


Statistics

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #1	+	0.5 fc	4.7 fc	0.0 fc	4.0 - 1	2.3 - 1

Schedule															
Symbol	Label	Image	QTY	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens per Lamp	Lumen Multiplier	LLF	Wattage	Efficiency	Distribution
	A		4	COOPER LIGHTING - MCGRAW-EDISON EXISTING	GLEON-AE-02-LED-E1-T4W	GALLEON LED AREA AND ROADWAY LUMINAIRE (2) 70 CRI, 4000K, 1A LIGHTSQUARES WITH 16 LEDS EACH AND TYPE IV WIDE OPTICS		32	GLEON-AE-02-LED-E1-T4W.ies	326	1	325.9752		100%	
	B		3	COOPER LIGHTING - MCGRAW-EXISTING	GLEON-AE-02-LED-E1-T4W	GALLEON LED AREA AND ROADWAY LUMINAIRE (2) 70 CRI, 4000K, 1A LIGHTSQUARES WITH 16 LEDS EACH AND TYPE IV WIDE OPTICS		32	GLEON-AE-02-LED-E1-T4W.ies	326	1	325.9752		100%	

Luminaire Locations										
		Location								
								Aim		
No.	Label	X	Y	Z	MH	Orientation	Tilt	X	Y	Z
1	A	126507.00	57470.09	20.00	20.00	209.58	0.00	126506.40	57469.01	0.00
2	A	126599.40	57409.32	20.00	20.00	209.58	0.00	126598.80	57408.23	0.00
3	A	126699.00	57342.98	20.00	20.00	209.58	0.00	126698.40	57341.89	0.00
4	A	126712.10	57159.54	20.00	20.00	298.62	0.00	126711.00	57160.13	0.00
1	B	126309.20	57447.04	20.00	20.00	340.46	0.00			
2	B	126419.10	57479.55	20.00	20.00	340.46	0.00			
3	B	126746.70	57248.35	20.00	20.00	298.41	0.00			



EXISTING SITE LIGHTING  
WITH NEW EXPANSION



# Huber Heights Fire Division

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

Occupancy Name:	Dayton Children's - Addition		
Occupancy Address:	8501 Old Troy Pike		
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:		HHFD Plan:	22-267
MCBR ELE:		HHFD Box:	
REVIEWER:	Susong	DATE:	11/22/2022

## **Fire Department Comments:**

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

These comments are based only on the proposed site work, fire department access and basic fire protection concept at this time. A full plan review of the building systems, fire protection, egress and life safety will need to be conducted once the architectural plans have been submitted for permit. The proposed addition will need to meet the requirements of the Ohio Fire Code 2017, Ohio Building Code 2017 and the Huber Heights Codified Ordinance. Based on the drawings provided the following requirements need to be met.

### **Requirements: (Site Plan)**

- Proposed driveways are acceptable and appear to meet Ohio Fire Code requirements for turn radius.
- Existing fire department connection for the fire sprinkler system shall not be blocked by fencing, landscaping, etc.
- A permit shall be obtained for construction from Montgomery County Building Regulations.

Please reference contact information below for questions or concerns with this document.

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.



# Memorandum

Staff Report for Meeting of December 13, 2022

To: Huber Heights City Planning Commission

From: Aaron K. Sorrell, City Planner  
Community Planning Insights

Date: December 6, 2022

Subject: Major Change to Basic and Detailed Development Plan

Application dated November 17, 2022

Department of Planning and Zoning

City of Huber Heights

**APPLICANT/OWNER:** John Kopilchack – Applicant  
Mills Development 1, LLC - Owner

**DEVELOPMENT NAME:** Dayton Children’s Huber Heights Addition

**ADDRESS/LOCATION:** 8501 Old Troy Pike

**ZONING/ACREAGE:** Planned Commercial (PC) / 3.8 Acres

**EXISTING LAND USE:** Dayton’s Children’s Medical Center

**ZONING**

**ADJACENT LAND:** PC (West, South and East)  
PP (North)

**REQUEST:** The applicant requests a change to the combined basic and detailed development plan to construct an 10,60 SF addition to the existing medical facility.

**ORIGINAL APPROVAL:** The original combined basic and detailed development plan was approved in October, 2014.

**APPLICABLE HHCC:** Chapter 1171, 1176

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

## **STAFF ANALYSIS AND RECOMMENDATION:**

### **Overview**

In October 2014, the Planning Commission approved a combined basic and detailed development plan to construct a Dayton Children's Urgent Care facility on the site of a previous medical office use.

The applicant is now proposing to add a 10,600 SF addition to the rear of the existing facility.

The expansion will encroach into the parking area which will reduce the number of spaces by eight (8) spaces to a total of 153 spaces. The expansion materials and design will be similar to the existing facility.

### **Conformance with Zoning Regulations**

The use conforms with all requirements of Chapter 1176 and the current PUD. The applicant is requesting an amendment to facilitate the addition of 10,600 SF to an existing building. The addition is in the rear and not easily seen from Old Troy Pike.

Staff feels the impact on parking is negligible. With this expansion the zoning code requires 156 spaces, 153 spaces will be provided. The applicant has stated that similar sized and programmed medical facilities around the region they have constructed typically have approximately 140 spaces.

### **Landscaping**

The proposed landscaping for the building expansion is similar in design and scale to the existing landscaping.

### **Building Materials**

The building will be clad with a brick exterior, similar to the existing building.

### **Standards for Approval**

#### *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, streetlight 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.*

### **Staff Analysis**

The proposed 10,600 SF building expansion will add 12 additional exam rooms, bringing the total to 40 exam rooms and the total size of the facility to just under 35,000 SF. The expansion will have minor impact on the parking, but staff feels the amount of parking provided is more than adequate for this facility.

No other changes to the approved basic and detailed development plan are presented. Staff feels the General Standards for Approval outlined in Chapter 1171.06 can be satisfied and recommend approval.

**Additional Comments:**

**Fire:** No comments received.

**City Engineer:** No comments received.

**Recommendation**

Staff recommends approving the major change to the basic and detailed development plan submitted as submitted in the application and plans dated November 17, 2022.

**Planning Commission Action**

Planning Commission may take the following actions with a motion to:

- 1) Approve the basic development plan application, with or without conditions.
- 2) Deny the basic development plan.
- 3) Table the application in order to gather additional information.



## **Planning Commission Decision Record**

WHEREAS, on November 17, 2022, the applicant, John Kopilchack, requested approval of a Major Change to the combined basic and Detailed development plan to construct a 10,600 SF addition to the existing medical facility. Property is located 8501 Old Troy Pike, further identified as Parcel Number P70 04006 0156 of the Montgomery County Auditor's Map (Case MJC 22-43), and;

WHEREAS, on December 13, 2022, 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. Vargo moved to approve the request by the applicant, John Kopilchack, for approval of a Major Change to the combined basic and Detailed development plan to construct a 10,600 SF addition to the existing medical facility. Property is located at 8501 Old Troy Pike (Case MJC 22-43), in accordance with the recommendation of Staff's Memorandum dated December 6, 2022, with the following conditions:

1. Approve as submitted.

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to recommend approval carried 3-0.

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Terry Walton, Chair  
Planning Commission

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Date



**Planning Commission  
December 13, 2022, Meeting  
City of Huber Heights**

I. Chair Terry Walton called the meeting to order at approximately 6:02 p.m.

II. Present at the meeting: Mr. Jeffries, Ms. Vargo, and Mr. Walton.

Members absent: Ms. Opp and Ms. Thomas, both excused.

Staff Present: Aaron K. Sorrell, Interim City Planner, and Geri Hoskins, Planning & Zoning Administrative Secretary.

III. **Opening Remarks by the Chairman and Commissioners**

IV. **Citizens Comments**

None.

V. **Swearing of Witnesses**

Mr. Walton explained the proceedings of tonight's meeting and administered the sworn oath to all persons wishing to speak or give testimony regarding items on the agenda. All persons present responded in the affirmative.

VI. **Pending Business**

1. **TEXT AMENDMENTS - The applicant, THE CITY OF HUBER HEIGHTS, is requesting approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Use within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA22-42).**

**Suggested Text Amendment #1: Expand the definition of Home Occupations (Section 1123.53).**

The home occupation definition is very limiting, especially considering the number of professions that have broadened work-at-home opportunities and advances in technology that make working from a home office easier. Additionally, traditional concerns about impacts from a home occupation such as delivery vehicles have primarily vanished with the increased popularity of Etsy, Amazon and other retailers who ship directly to consumers. Fed Ex, UPS and Amazon delivery vehicles are a ubiquitous sight in all residential areas.

**Suggested Text Amendment #2 & #3: Expand Special Uses within the Agricultural District (Chapter 1142)**

There is a limited list of allowable special uses in the agricultural district, and expanding this list and with appropriate standards will provide the BZA with additional options and widen the potential use of lands without impacting adjacent property owners. Unlike a rezoning or variance, the special use permit expires if the use is discontinued for more than one year.

### **Bed and Breakfast Establishments**

I recommend adding “Bed and Breakfast Establishments” and “Automotive / Vehicle Repair” to the list of Special Uses within the Agricultural District. Currently, Bed and Breakfast (B&B) uses are not defined nor allowed in Huber Heights. While there are currently no B&B’s, there are a few unique buildings that may lend themselves to operating as a B&B, and they have very limited impact on neighboring properties. Most surrounding jurisdictions permit B&B’s in many residential areas.

### **Indoor Automotive / Vehicle Repair**

Allowing the BZA to consider automotive/vehicle repair as a Special Use within the Agricultural District may have provided the BZA with additional options when they were reviewing the Skilwies variance request. This approach is preferable to a rezoning or variance, because the use is no longer allowed if voluntarily discontinued after one year.

### **Self-Storage Facilities**

Self-Storage Facilities have been a topic of discussion both in Huber Heights and surrounding jurisdictions due to the recent acceleration in their development. While these facilities provide a service to the renters, they generate little employment opportunities, income tax, or vibrancy along a commercial corridor or areas designed to be active and vibrant.

Currently, there is no consistent definition for self-storage facilities within the zoning code. The terms “warehouse”, “mini-warehouse” and “mini-storage warehouse” are used in the code but none of the terms are defined.

### **Action**

Mr. Jeffries moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.1).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

### **Action**

Ms. Vargo moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.2).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

**Action**

Ms. Vargo moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.3).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Ms. Vargo and Mr. Walton. NAYS: Mr. Jeffries. Motion to approve denied 2-1.

**Action**

Mr. Jeffries moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.4).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

**2. BASIC DEVELOPMENT PLAN AND REZONING - The applicant, THOMAS E. DUSA, is requesting approval of a Basic Development Plan and Rezoning to PI (Planned Industrial) to construct a truck repair facility and truck/trailer drop lot on approximately three (3) acres. Property is located at the South East Corner of Technology Blvd and Artz Road (RZ BDP 22-35).**

Mr. Sorrell stated that the applicant requests approval of a basic development plan and rezoning to Planned Industrial to construct a truck stop and repair facility on a three (3) acre parcel. The site is very close to the I-70 / SR 235 interchange.

The land is currently zoned B-3. The surrounding lands are predominantly zoned I-1 and used for manufacturing or logistics purposes. There is a significant amount of agricultural / vacant land immediately east of this site in Clark County that has development potential but limited access to SR 235 and I-70.

Approximately 35 acres was recently rezoned to Planned Commercial to accommodate a fueling station, truck stop and repair facility. The City Council amended the basic development plan to increase the number of truck stop spaces to 30, from 10 spaces that was approved by the Planning Commission.

The applicant has provided additional details regarding the building design and use of the site. Staff feels a repair facility with overnight parking as an accessory use is consistent with the comprehensive plan at this location; however, a simple drop lot facility for overnight parking or trailer storage, without driver support services is not consistent with the comprehensive plan.

Tom Dusa was present.

Discussion on the appropriate use, gateway entrance, and details.

Mr. Jeffries moved to approve the request by the applicant, THOMAS E. DUSA, for approval of Basic Development Plan and Rezoning to PI (Planned Industrial) to construct a truck repair facility and truck/trailer drop lot on approximately three acres. Property is located at the SouthEast Corner of Technology Blvd and Artz Road (RZ BDP 22-35).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

## **VII. New Business**

- 1. MINOR CHANGE - The applicant, KAP SIGNS, is requesting approval of a Minor Change to add one 5'-8" ground sign. Property is located at 7050 Executive Blvd (MC 22-44).**

Mr. Sorrell stated that the Planning Commission granted approval for three wall signs in October 2014. At that time, no ground signs were planned or requested. At that time, the vegetation along Executive Boulevard did not obscure building visibility. Today, the vegetation has matured and obstructs building visibility from westbound traffic.

Staff supports the minor change to add one ground sign as detailed in the application dated November 17, 2022. Building visibility is difficult for westbound traffic since the vegetation has matured. There are similar ground signs along Executive Boulevard which meet the zoning code requirements.

David Williams from Kap Signs was present.

### **Action**

Ms. Vargo moved to approve the request by the applicant, Kap Signs, for approval of a Minor Change to add one ground sign. Property is located at 7050 Executive Blvd (MC 22-44).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

- 2. MAJOR CHANGE - The applicant, JOHN KOPILCHACK, is requesting approval of a Major Change to the combined basic and detailed development plan for addition to the existing medical facility. Property is located at 8501 Old Troy Pike (MJC 22-43).**

Mr. Sorrell stated in October 2014, the Planning Commission approved a combined basic and detailed development plan to construct a Dayton Children's Urgent Care facility on the site of a previous medical office use.

The applicant is now proposing to add a 10,600 SF addition to the rear of the existing facility.

The expansion will encroach into the parking area which will reduce the number of spaces by eight (8) spaces to a total of 153 spaces. The expansion materials and design will be similar to the existing facility.

The proposed 10,600 SF building expansion will add 12 additional exam rooms, bringing the total to 40 exam rooms and the total size of the facility to just under 35,000 SF. The expansion will have minor impact on the parking, but staff feels the amount of parking provided is more than adequate for this facility.

No other changes to the approved basic and detailed development plan are presented. Staff feels the General Standards for Approval outlined in Chapter 1171.06 can be satisfied and recommend approval.

Mr. John Kopilchack was present.

### **Action**

Ms. Vargo moved to approve the request by the applicant, John Kopilchack, for approval of a Major Change to the combined basic and detailed development plan for addition to the existing medical facility. Property is located at 8501 Old Troy Pike (MJC 22-43).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

### **3. REZONING - The applicants, RICHARD BAUMER and STACI CARRE, are requesting approval of a Rezoning from I-1 to R1. Properties are located at 7767 and 7777 Wildcat Road (RZ 22-41).**

Mr. Sorrell stated in 1994, many of the properties along Wildcat Road were rezoned to Industrial to facilitate redevelopment on the east side of Wildcat Road. While the records are unclear, staff thinks the rezoning was expanded to include residential homes that were not owned by the original 1994 rezoning applicant on the west side of Wildcat Road.

The current applicant (7767 Wildcat Road) would like to expand his home, but the zoning code does not allow the expansion of a non-conforming use. Staff suggested rezoning the property to R-1. Staff also contacted owners of adjacent residential uses who are currently zoned I-1, one owner (7777 Wildcat Road) contacted city staff and requested to be included in this rezoning request.

The two residential properties meet all the R-1 district standards. They are currently legal non-conforming uses. A change in zoning will allow the primary applicant to expand his structure. Additionally, being zoned R-1, rather than I-1, may enable a smoother real estate transaction if the applicants sell their property in the future.

Mr. Richard Baumer was present.

Discussion on appropriate zoning.

**Action**

Mr. Jeffries moved to approve the request by the applicants, Richard Baumer and Staci Carre, for approval of a Rezoning from I-1 to R1. Properties are located at 7767 and 7777 Wildcat Road (RZ 22-41).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

**VIII. Additional Business**

Election of Officers, with only 3 members present, will move this item to the next meeting of January 10, 2023.

**IX. Approval of the Minutes**

Without objection, the minutes of the November 8, 2022, Planning Commission meeting are approved.

**X. Reports and Calendar Review**

Approval of 2023 Meeting Schedule

**Action**

Mr. Jeffries moved to approve the 2023 meeting schedule. Starting in April, we will only have 1 meeting a month. That will give more time to work on each case.

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

**XI. Upcoming Meetings**

January 10, 2023

**XII. Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at approximately 8:02 p.m.

Planning Commission Meeting  
December 13, 2022

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**Terry Walton, Chair**

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**Date**

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**Geri Hoskins, Administrative Secretary**

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**Date**

# MJC 22-43

## Dayton Children's Medical Center

Approval of Major Change to Basic and Detailed Development  
Plan for 10,600 SF Addition

January 17, 2023



### **Site Details:**

- 3.8 acres
- Zoned: PC (Planned Commercial)
- Current Land Use: Dayton Children's Medical Center
- Adjacent land: PC (West, South, East); PP (North)
- Original B/DDP approved October 2014

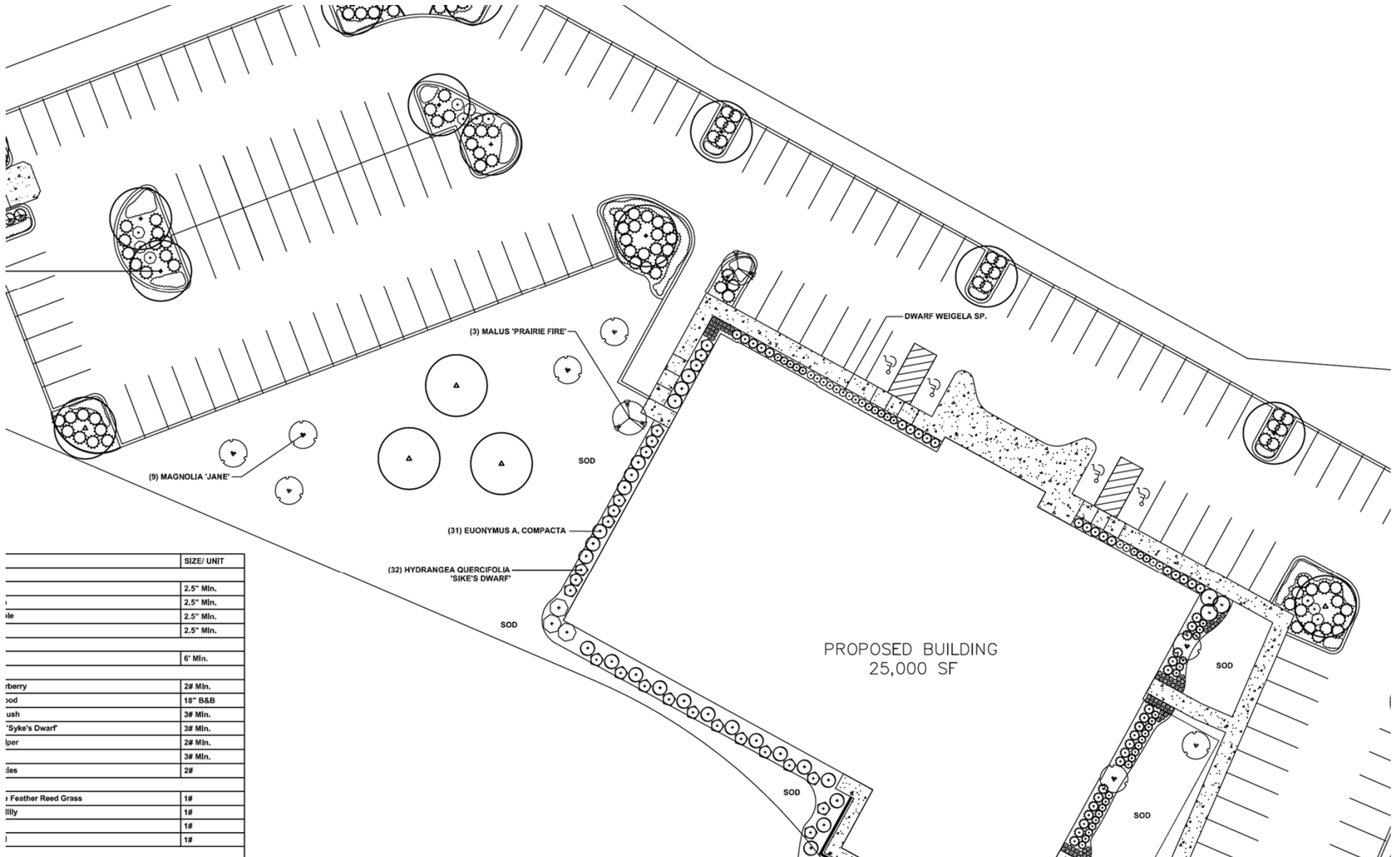
### **Development Details:**

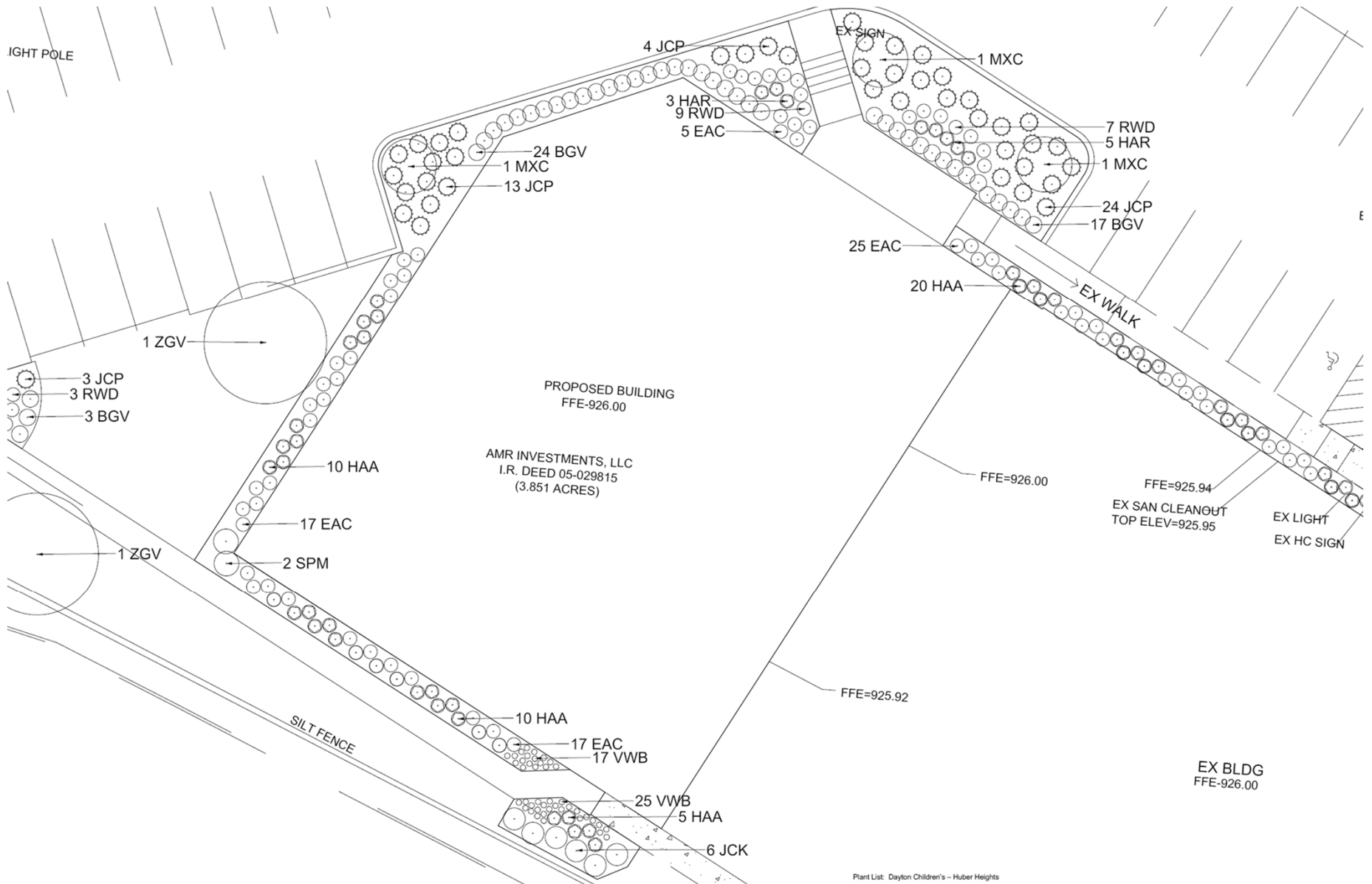
- Applicant is requesting major change to basic and detailed development plan to construct 10,600 SF addition to expand exam rooms.
- 8 parking space reduction











Plant List: Dayton Children's - Huber Heights

## **Conformance with Zoning Regulations**

### **1176 Planned Commercial**

- The proposed use conforms with all district requirements and the existing PUD.

### **1179.08 Parking and Loading**

- Staff feels the impact on parking is negligible. The zoning code requires 156 spaces, 153 spaces will be provided.

Landscaping and building materials are similar to the existing facility.

## **Staff Analysis and Recommendation**

- The proposed 10,600 SF building expansion will add 12 additional exam rooms, bringing the total to 40 exam rooms and the total size of the facility to just under 35,000 SF.
- The expansion will have minor impact on the parking, but staff feels the amount of parking provided is more than adequate for this facility.
- Staff feels the General Standards for Approval outlined in Chapter 1171.06 can be satisfied and recommended approval.



## **Planning Commission Action**

Planning Commission voted 3-0 to recommend approval.

CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2023-O-

TO APPROVE A MAJOR CHANGE TO THE BASIC AND DETAILED DEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 8501 OLD TROY PIKE AND FURTHER IDENTIFIED AS PARCEL NUMBER P70 04006 0156 ON THE MONTGOMERY COUNTY AUDITOR'S MAP (CASE MJC 22-43).

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 Case MJC 22-43 and on December 13, 2022, recommended approval by a vote of 3-0 of the Major Change to the Basic and Detailed 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 Major Change to the Basic and Detailed Development Plan for the property located at 8501 Old Troy Pike and further identified as Parcel Number P70 04006 0156 on the Montgomery County Auditor's Map (Case MJC 22-43) is hereby approved in accordance with the Planning Commission's recommendation and following conditions:

1. The applicant shall receive final Engineering approval prior to a zoning certificate being issued.
2. The applicant shall address all Fire Division comments prior to a zoning certificate being issued.
3. 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% 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% 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 \_\_\_\_\_, 2023;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**AI-8944**

**New Business J.  
City Manager**

**City Council Meeting**

**Meeting Date:** 01/23/2023

Case TA 22-42.1 - City Of Huber Heights - Text Amendment - Home Occupations

**Submitted By:** Geri Hoskins

**Department:** Planning **Division:** Planning

**Council Committee Review?:** Council **Date(s) of Committee Review:** 01/17/2023  
Work  
Session

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

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

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**Agenda Item Description or Legislation Title**

An Ordinance Amending Certain Sections Of Part Eleven, Planning And Zoning Code, Of The City Code Of Huber Heights Regarding Home Occupations (Case TA 22-42.1).  
(first reading)

**Purpose and Background**

The applicant, the City Of Huber Heights, is requesting approval of an amendment to Section 1123.53 of the Huber Heights Codified Ordinances for Home Occupations.

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**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:**

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**Attachments**

Staff Report  
Decision Record  
Minutes  
Presentation  
Ordinance

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# Memorandum

Staff Report for Meeting of December 13, 2022

To: Huber Heights City Planning Commission  
From: Aaron K. Sorrell, City Planner  
Date: December 6, 2022  
Subject: Proposed Zoning Text Amendments

Department of Planning and Zoning

City of Huber Heights

**APPLICANT/OWNER:** City of Huber Heights  
**DEVELOPMENT NAME:** N/A  
**ADDRESS/LOCATION:** Text Amendments  
**ZONING/ACREAGE:** N/A  
**EXISTING LAND USE:** N/A  
**ZONING  
ADJACENT LAND:** N/A  
**REQUEST:** The City is proposing a number of zoning text amendments meant to enhance the future development of the city.  
**ORIGINAL APPROVAL:** N/A  
**APPLICABLE HHCC:** Chapter 1123, 1142  
**CORRESPONDENCE:** In Favor – None Received  
In Opposition – None Received

## **STAFF ANALYSIS AND RECOMMENDATION:**

### **Overview**

From time to time the zoning text should be reviewed for necessary amendments due to changing development and design values, updated laws and policies, and/or to ease administration or lessen regulatory burden. The amendments suggested below are due in part from discussions with the City Council, Planning Commission and staff review of the code. The planning commission is making a recommendation to the City Council on whether these proposed amendments should be adopted. Since it requires a supermajority to overturn the recommendation of the planning commission, the commission should consider grouping recommendations into two or more decision orders: the amendments favored by the planning commission and those they are against.

### **Suggested Text Amendment #1: Expand the definition of Home Occupations (Section 1123.53).**

The home occupation definition is very limiting, especially considering the number of professions that have broadened work-at-home opportunities and advances in technology that make working from a home office easier. Additionally, traditional concerns about impacts from a home occupation such as delivery vehicles have primarily vanished with the increased popularity of Etsy, Amazon and other retailers who ship directly to consumers. Fed Ex, UPS and Amazon delivery vehicles are a ubiquitous sight in all residential areas.

### **Current Definition:**

1123.53 Home occupation.

*Home occupation* means an occupation conducted in a dwelling unit, provided that:

- (a) Only members of the family residing on the premises shall be engaged in a home occupation, thus permitting no employees therein.
- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation. Accessory buildings may not be used for the home occupation.
- (c) There shall be no visible evidence of the conduct of a home occupation.
- (d) No traffic shall be generated by a home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Zoning Ordinance and shall not be located in a required front yard.
- (e) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment may be used which causes fluctuations in line voltage off the premises.

- (f) There shall be no stock in trade kept or commodities sold on the premises.

I recommend the following updated and expanded definition for home occupations. I have bolded areas that are substantial expansions from the current definition.

**Proposed Definition:**

**1123.53 Home Occupations**

Home occupations may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- 1) Such use shall be conducted entirely within the dwelling unit or an accessory building. In all cases, all activities related to home occupation must take place within the enclosed building.
- 2) Home occupations shall not change the character of the residential use and shall not adversely affect the uses permitted in the residential district of which they are a part.
- 3) The nature of home occupation as an accessory use relative to its location and conduct of activity is such that the average neighbor, under normal circumstances, would not be aware of its existence.
- 4) Any home occupation activities on the property shall be conducted only by persons residing in the dwelling unit and one additional person who does not reside at the home where the occupation takes place.
- 5) No building or structure shall be used to: operate a business, store equipment or supplies used for a business, or serve as a location where more than four employees meet or park prior to going to work off-site, where such employees do not work anywhere on the property.
- 6) The maximum floor area the use may cover shall not exceed 25 percent of the total floor area of the dwelling unit.
- 7) One, non-illuminated sign with a maximum square footage of four-square feet is permitted, without a permit, if it is mounted flat against the wall of the principal building.
- 8) Home occupations which provide a service shall not have more than two customers (including those arriving and waiting for service) at any one time.
- 9) The storage of all equipment, machinery, supplies, materials, files, and the like, shall be stored completely within the residence or accessory buildings.
- 10) Any need for parking generated by the conduct of such home occupation shall be accommodated on off-street parking spaces or areas that are paved for the purpose of parking.
- 11) No traffic shall be generated by such home occupation in greater volume than is normally expected for the residential neighborhood.
- 12) The following are examples of permitted types of home occupations:

- (i) Clerical and other similar business services;
- (ii) Instruction in music, dance or other types of teaching with a maximum number of two students at a time;
- (iii) The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office-oriented occupations;
- (iv) Artists, sculptors, photographers, and other providers of home crafts;
- (v) Barber shop/beauty salon with a maximum of one chair;
- (vi) A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
- (vii) Any similar use as determined by the Zoning Inspector.

### **Suggested Text Amendment #2 & #3: Expand Special Uses within the Agricultural District (Chapter 1142)**

There is a limited list of allowable special uses in the agricultural district and expanding this list and with appropriate standards will provide the BZA with additionally options and widen the potential use of lands without impacting adjacent property owners. Unlike a rezoning or variance, the special use permit expires if the use is discontinued for more than one year.

### **Bed and Breakfast Establishments**

I recommend adding “Bed and Breakfast Establishments” to the list of Special Uses within the Agricultural District. Currently, Bed and Breakfast (B&B) uses are not defined nor allowed in Huber Heights. While there are currently no B&B’s, there are a few unique buildings that may lend themselves to operating as a B&B, and they have very limited impact on neighboring properties. Most surrounding jurisdictions permit B&Bs in large-lot or historic residential areas.

**Zoning Text Amendment #2:** I recommend the following definition and development standards for Bed and Breakfast Establishments within the Agricultural District:

#### **Definition**

#### **1123.141 Bed and Breakfast Establishments**

Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner’s personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

The following standards shall apply to any bed and breakfast establishment:

- 1) Bed and breakfast establishments shall only be permitted within a single-family, detached dwelling or accessory structure, unless otherwise approved by the BZA.
- 2) The owner of the premises shall reside full-time in the dwelling, or in a dwelling on an adjoining lot.



- 3) No more than four bedrooms in any dwelling may be used for bed and breakfast lodging and at least one bathroom shall be dedicated to guest use.
- 4) One off-street parking space shall be provided for each bedroom used for guest lodging in addition to those normally required for the single-family dwelling.
- 5) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.
- 6) Meals provided for cost in a bed and breakfast establishment, shall only be served to the guests who are lodging at the bed and breakfast establishment.
- 7) Guests shall be permitted to reside at the facility for not longer than three continuous weeks.

Add to Special Use table:

1142.03 (g) Bed and Breakfast Establishments

### **Indoor Automotive / Vehicle Repair**

Allowing the BZA to consider automotive/vehicle repair as a Special Use within the Agricultural District may provide the BZA with additional options when they were reviewing the Skilwies variance request. This approach is preferable to a rezoning or variance, because the use is no longer allowed if voluntarily discontinued after one year.

**Zoning Text Amendment #3:** I recommend the following development standards for indoor automotive / vehicle repair:

#### 1142.03 (h) Automotive / Vehicle Repair (Indoor)

The following standards shall apply to any automotive or vehicle repair use:

- 1) Activities shall be limited to the servicing of motor vehicles with minor repair work, including engine and transmission repair. All activities shall be performed in an enclosed building.
- 2) Bodywork and painting shall be prohibited.
- 3) The storage of non-operational vehicles for longer than one week shall be prohibited. Vehicles must be able to move at least 100 feet under their own power within 24 hours' notice by the City. All vehicles shall be required to have a valid license plate.
- 4) Parking, storage, or salvaging of junk vehicles, as defined by the ORC, shall be prohibited
- 5) The building shall be set back a minimum of 40 feet from any adjacent residential lot and 200 feet from any adjacent residential structure. The parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 35 feet from any adjacent residential lot.
- 6) Parking areas within 100 feet of an adjacent residential lot shall be screened along said lot line by an 8-foot solid fence, or dense evergreen vegetation with a height of at least 8' feet within two years of planting.

### **Self-Storage Facilities**

Self-Storage Facilities have been a topic of discussion both in Huber Heights and surrounding jurisdictions due to the recent acceleration in their development. While these facilities provide a service to the renters, they generate little employment opportunities, income tax, or vibrancy along a commercial corridor or areas designed to be active and vibrant.

Currently, there is no consistent definition for self-storage facilities within the zoning code. The terms "warehouse", "mini-warehouse" and "mini-storage warehouse" are used in the code but none of the terms are defined.

**Text Amendment #4:** I suggest we use the State of Ohio's definition for "Self-Service Storage Facilities" to define self-storage facilities, mini-warehouse, and mini-storage warehouse. Operators of these facilities use the state's definition because the state regulates how foreclosures and forfeitures of stored goods are handled.

Ohio Revised Code 5322.01 states:

*"Self-service storage facility" means any real property that is designed and used only for the purpose of renting or leasing individual storage space in the facility under the following conditions:*

*(1) The occupants have access to the storage space only for the purpose of storing and removing personal property.*

*(2) The owner does not issue a warehouse receipt, bill of lading, or other document of title, as defined in section 1301.201 of the Revised Code, for the personal property stored in the storage space.*

I suggest the following definition:

**Section 1123.9301 "Self Storage Facilities, "mini-warehouse" and "mini-storage warehouse" are defined as Self-Service Storage Facilities as defined in ORC 5322.01.**

Additionally, I suggest stand-alone self-storage facilities be principally permitted in the I-1, I-2, and PI Districts. The Planning Commission may wish to allow indoor self-storage facilities as a Special Use when existing buildings are being repurposed such as a vacant Wal-Mart, K-Mart, etc.

Suggested Amendments for each district:

I-1 District: 1156.02(a)(18) Self-Service Storage Facilities

PC District: 1176.05 (d) Indoor Self-Service Storage Facilities as part of an adaptive reuse of an existing building.

### **Planning Commission Action**

The planning commission may make any changes to the recommended text amendments.



## **Planning Commission Decision Record**

WHEREAS, on October 19, 2022, the City of Huber Heights requested amendments to Section 1123.53 of the Huber Heights City Code (Case TA 22-42.1), and;

WHEREAS, on December 13, 2022, 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.

Mr. Jeffries moved to recommend approval of the application by the City of Huber Heights requesting amendments to Section 1123.53 the Huber Heights City Code (Case TA 22-42) as follows:

Section 1123.53 of the Codified Ordinances is amended to read as follows:

### 1123.53 Home Occupations

Home occupations may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- 1) Such use shall be conducted entirely within the dwelling unit or an accessory building. In all cases, all activities related to home occupation must take place within the enclosed building.
- 2) Home occupations shall not change the character of the residential use and shall not adversely affect the uses permitted in the residential district of which they are a part.
- 3) The nature of home occupation as an accessory use relative to its location and conduct of activity is such that the average neighbor, under normal circumstances, would not be aware of its existence.
- 4) Any home occupation activities on the property shall be conducted only by persons residing in the dwelling unit and one additional person who does not reside at the home where the occupation takes place.
- 5) No building or structure shall be used to operate a business, store equipment, or supplies used for a business, or serve as a location where more than four

- employees meet or park prior to going to work off-site, where such employees do not work anywhere on the property.
- 6) The maximum floor area the use may cover shall not exceed 25 percent of the total floor area of the dwelling unit.
  - 7) One, non-illuminated sign with a maximum square footage of four-square feet is permitted, without a permit, if it is mounted flat against the wall of the principal building.
  - 8) Home occupations which provide a service shall not have more than two customers (including those arriving and waiting for service) at any one time.
  - 9) The storage of all equipment, machinery, supplies, materials, files, and the like, shall be stored completely within the residence or accessory buildings.
  - 10) Any need for parking generated by the conduct of such home occupation shall be accommodated on off-street parking spaces or areas that are paved for the purpose of parking.
  - 11) No traffic shall be generated by such home occupation in greater volume than is normally expected for the residential neighborhood.
  - 12) The following are examples of permitted types of home occupations:
    - (i) Clerical and other similar business services;
    - (ii) Instruction in music, dance, or other types of teaching with a maximum number of two students at a time;
    - (iii) The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office-oriented occupations;
    - (iv) Artists, sculptors, photographers, and other providers of home crafts;
    - (v) Barber shop/beauty salon with a maximum of one chair;
    - (vi) A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
    - (vii) Any similar use as determined by the Zoning Inspector.

Seconded by Ms. Vargo. Roll call showed: YEAS: Ms. Vargo, Mr. Jeffries, and Mr. Walton.  
NAYS: None. Motion to recommend approval carried 3-0.

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Terry Walton, Chair  
Planning Commission

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Date

**Planning Commission  
December 13, 2022, Meeting  
City of Huber Heights**

I. Chair Terry Walton called the meeting to order at approximately 6:02 p.m.

II. Present at the meeting: Mr. Jeffries, Ms. Vargo, and Mr. Walton.

Members absent: Ms. Opp and Ms. Thomas, both excused.

Staff Present: Aaron K. Sorrell, Interim City Planner, and Geri Hoskins, Planning & Zoning Administrative Secretary.

III. **Opening Remarks by the Chairman and Commissioners**

IV. **Citizens Comments**

None.

V. **Swearing of Witnesses**

Mr. Walton explained the proceedings of tonight's meeting and administered the sworn oath to all persons wishing to speak or give testimony regarding items on the agenda. All persons present responded in the affirmative.

VI. **Pending Business**

1. **TEXT AMENDMENTS - The applicant, THE CITY OF HUBER HEIGHTS, is requesting approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Use within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA22-42).**

**Suggested Text Amendment #1: Expand the definition of Home Occupations (Section 1123.53).**

The home occupation definition is very limiting, especially considering the number of professions that have broadened work-at-home opportunities and advances in technology that make working from a home office easier. Additionally, traditional concerns about impacts from a home occupation such as delivery vehicles have primarily vanished with the increased popularity of Etsy, Amazon and other retailers who ship directly to consumers. Fed Ex, UPS and Amazon delivery vehicles are a ubiquitous sight in all residential areas.

**Suggested Text Amendment #2 & #3: Expand Special Uses within the Agricultural District (Chapter 1142)**

There is a limited list of allowable special uses in the agricultural district, and expanding this list and with appropriate standards will provide the BZA with additional options and widen the potential use of lands without impacting adjacent property owners. Unlike a rezoning or variance, the special use permit expires if the use is discontinued for more than one year.

### **Bed and Breakfast Establishments**

I recommend adding “Bed and Breakfast Establishments” and “Automotive / Vehicle Repair” to the list of Special Uses within the Agricultural District. Currently, Bed and Breakfast (B&B) uses are not defined nor allowed in Huber Heights. While there are currently no B&B’s, there are a few unique buildings that may lend themselves to operating as a B&B, and they have very limited impact on neighboring properties. Most surrounding jurisdictions permit B&B’s in many residential areas.

### **Indoor Automotive / Vehicle Repair**

Allowing the BZA to consider automotive/vehicle repair as a Special Use within the Agricultural District may have provided the BZA with additional options when they were reviewing the Skilwies variance request. This approach is preferable to a rezoning or variance, because the use is no longer allowed if voluntarily discontinued after one year.

### **Self-Storage Facilities**

Self-Storage Facilities have been a topic of discussion both in Huber Heights and surrounding jurisdictions due to the recent acceleration in their development. While these facilities provide a service to the renters, they generate little employment opportunities, income tax, or vibrancy along a commercial corridor or areas designed to be active and vibrant.

Currently, there is no consistent definition for self-storage facilities within the zoning code. The terms “warehouse”, “mini-warehouse” and “mini-storage warehouse” are used in the code but none of the terms are defined.

### **Action**

Mr. Jeffries moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.1).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

### **Action**

Ms. Vargo moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.2).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

**Action**

Ms. Vargo moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.3).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Ms. Vargo and Mr. Walton. NAYS: Mr. Jeffries. Motion to approve denied 2-1.

**Action**

Mr. Jeffries moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.4).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

**2. BASIC DEVELOPMENT PLAN AND REZONING - The applicant, THOMAS E. DUSA, is requesting approval of a Basic Development Plan and Rezoning to PI (Planned Industrial) to construct a truck repair facility and truck/trailer drop lot on approximately three (3) acres. Property is located at the South East Corner of Technology Blvd and Artz Road (RZ BDP 22-35).**

Mr. Sorrell stated that the applicant requests approval of a basic development plan and rezoning to Planned Industrial to construct a truck stop and repair facility on a three (3) acre parcel. The site is very close to the I-70 / SR 235 interchange.

The land is currently zoned B-3. The surrounding lands are predominantly zoned I-1 and used for manufacturing or logistics purposes. There is a significant amount of agricultural / vacant land immediately east of this site in Clark County that has development potential but limited access to SR 235 and I-70.

Approximately 35 acres was recently rezoned to Planned Commercial to accommodate a fueling station, truck stop and repair facility. The City Council amended the basic development plan to increase the number of truck stop spaces to 30, from 10 spaces that was approved by the Planning Commission.

The applicant has provided additional details regarding the building design and use of the site. Staff feels a repair facility with overnight parking as an accessory use is consistent with the comprehensive plan at this location; however, a simple drop lot facility for overnight parking or trailer storage, without driver support services is not consistent with the comprehensive plan.

Tom Dusa was present.



Discussion on the appropriate use, gateway entrance, and details.

Mr. Jeffries moved to approve the request by the applicant, THOMAS E. DUSA, for approval of Basic Development Plan and Rezoning to PI (Planned Industrial) to construct a truck repair facility and truck/trailer drop lot on approximately three acres. Property is located at the SouthEast Corner of Technology Blvd and Artz Road (RZ BDP 22-35).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

## **VII. New Business**

- 1. MINOR CHANGE - The applicant, KAP SIGNS, is requesting approval of a Minor Change to add one 5'-8" ground sign. Property is located at 7050 Executive Blvd (MC 22-44).**

Mr. Sorrell stated that the Planning Commission granted approval for three wall signs in October 2014. At that time, no ground signs were planned or requested. At that time, the vegetation along Executive Boulevard did not obscure building visibility. Today, the vegetation has matured and obstructs building visibility from westbound traffic.

Staff supports the minor change to add one ground sign as detailed in the application dated November 17, 2022. Building visibility is difficult for westbound traffic since the vegetation has matured. There are similar ground signs along Executive Boulevard which meet the zoning code requirements.

David Williams from Kap Signs was present.

### **Action**

Ms. Vargo moved to approve the request by the applicant, Kap Signs, for approval of a Minor Change to add one ground sign. Property is located at 7050 Executive Blvd (MC 22-44).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

- 2. MAJOR CHANGE - The applicant, JOHN KOPILCHACK, is requesting approval of a Major Change to the combined basic and detailed development plan for addition to the existing medical facility. Property is located at 8501 Old Troy Pike (MJC 22-43).**

Mr. Sorrell stated in October 2014, the Planning Commission approved a combined basic and detailed development plan to construct a Dayton Children's Urgent Care facility on the site of a previous medical office use.

The applicant is now proposing to add a 10,600 SF addition to the rear of the existing facility.

The expansion will encroach into the parking area which will reduce the number of spaces by eight (8) spaces to a total of 153 spaces. The expansion materials and design will be similar to the existing facility.

The proposed 10,600 SF building expansion will add 12 additional exam rooms, bringing the total to 40 exam rooms and the total size of the facility to just under 35,000 SF. The expansion will have minor impact on the parking, but staff feels the amount of parking provided is more than adequate for this facility.

No other changes to the approved basic and detailed development plan are presented. Staff feels the General Standards for Approval outlined in Chapter 1171.06 can be satisfied and recommend approval.

Mr. John Kopilchack was present.

### **Action**

Ms. Vargo moved to approve the request by the applicant, John Kopilchack, for approval of a Major Change to the combined basic and detailed development plan for addition to the existing medical facility. Property is located at 8501 Old Troy Pike (MJC 22-43).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

### **3. REZONING - The applicants, RICHARD BAUMER and STACI CARRE, are requesting approval of a Rezoning from I-1 to R1. Properties are located at 7767 and 7777 Wildcat Road (RZ 22-41).**

Mr. Sorrell stated in 1994, many of the properties along Wildcat Road were rezoned to Industrial to facilitate redevelopment on the east side of Wildcat Road. While the records are unclear, staff thinks the rezoning was expanded to include residential homes that were not owned by the original 1994 rezoning applicant on the west side of Wildcat Road.

The current applicant (7767 Wildcat Road) would like to expand his home, but the zoning code does not allow the expansion of a non-conforming use. Staff suggested rezoning the property to R-1. Staff also contacted owners of adjacent residential uses who are currently zoned I-1, one owner (7777 Wildcat Road) contacted city staff and requested to be included in this rezoning request.

The two residential properties meet all the R-1 district standards. They are currently legal non-conforming uses. A change in zoning will allow the primary applicant to expand his structure. Additionally, being zoned R-1, rather than I-1, may enable a smoother real estate transaction if the applicants sell their property in the future.

Mr. Richard Baumer was present.

Discussion on appropriate zoning.

**Action**

Mr. Jeffries moved to approve the request by the applicants, Richard Baumer and Staci Carre, for approval of a Rezoning from I-1 to R1. Properties are located at 7767 and 7777 Wildcat Road (RZ 22-41).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

**VIII. Additional Business**

Election of Officers, with only 3 members present, will move this item to the next meeting of January 10, 2023.

**IX. Approval of the Minutes**

Without objection, the minutes of the November 8, 2022, Planning Commission meeting are approved.

**X. Reports and Calendar Review**

Approval of 2023 Meeting Schedule

**Action**

Mr. Jeffries moved to approve the 2023 meeting schedule. Starting in April, we will only have 1 meeting a month. That will give more time to work on each case.

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

**XI. Upcoming Meetings**

January 10, 2023

**XII. Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at approximately 8:02 p.m.

Planning Commission Meeting  
December 13, 2022

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**Terry Walton, Chair**

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**Date**

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**Geri Hoskins, Administrative Secretary**

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**Date**

**TA 22-42**  
**ZONING TEXT AMENDMENTS**

January 17, 2023

## **PURPOSE FOR TEXT AMENDMENTS**

- Align code to recent updates in regulations and laws.
- Reduce inconsistencies or regulatory burden
- Align with changing uses, technology, best practices, etc.
- Implement policy direction from Planning Commission /  
City Council

## **TA 22-42.1 EXPAND HOME OCCUPATIONS**

- The home occupation regulations are limiting, and work-at-home opportunities have expanded and advances in technology that make working from a home office easier.
- Traditional concerns such as delivery vehicles have largely vanished with direct to consumers shipping. Fed Ex, UPS and Amazon delivery vehicles are a ubiquitous sight in all residential areas.

## **SUGGESTED CHANGES FROM CURRENT DEFINITION**

- Such use shall be conducted entirely within the dwelling unit **or an accessory building**. In all cases, all activities related to home occupation must take place within the enclosed building.
- Any home occupation activities on the property shall be conducted only by persons residing in the dwelling unit **and one additional person who does not reside at the home where the occupation takes place**
- **One, non-illuminated sign with a maximum square footage of four-square feet is permitted, without a permit, if it is mounted flat against the wall of the principal building.**



## **SUGGESTED CHANGES FROM CURRENT DEFINITION**

- **Home occupations which provide a service shall not have more than two customers (including those arriving and waiting for service) at any one time.**
- The following are examples of permitted types of home occupations:
  - **Barber shop/beauty salon with a maximum of one chair;**
  - **A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or**
  - **Any similar use as determined by the Director of Planning and Zoning, or their designee.**

## **PLANNING COMMISSION ACTION:**

Planning Commission voted 3-0 to recommend approval.

CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2023-O-

AMENDING CERTAIN SECTIONS OF PART ELEVEN, PLANNING AND ZONING CODE, OF THE CITY CODE OF HUBER HEIGHTS REGARDING HOME OCCUPATIONS (CASE TA 22-42.1).

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 Case TA 22-42.1 and on December 13, 2022, recommended approval by a vote of 3-0 the proposed text amendment to City Council; and

WHEREAS, after review by the Law Director, certain changes to Section 1123.53 as proposed by the Planning Commission were required to be put in Section 1181.26, yet all provisions as recommended by the Planning Commission, other than the new section number remain the same; 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. Part Eleven, Planning and Zoning Code, Chapter 1123 – Definitions, Section 1123.53 – Home Occupations is amended to read as follows:

**1123.53 - Home Occupations**

Home occupation means an occupation conducted in a dwelling unit or accessory building. Home occupations are subject to the standards in Section 1181.26.

Section 2. Part Eleven, Planning and Zoning Code, Chapter 1181 – General Provisions is hereby amended to add new Section 1181.26 – Home Occupations as follows:

**1181.26 - Home Occupations.**

(a) Home occupations may be permitted with standards when compliant with the following regulations and any other applicable sections of this zoning Ordinance:

- 1) Such use shall be conducted entirely within the dwelling unit or an accessory building. In all cases, all activities related to home occupation must take place within the enclosed building.
- 2) Home occupations shall not change the character of the residential use and shall not adversely affect the uses permitted in the residential district of which they are a part.
- 3) The nature of home occupation as an accessory use relative to its location and conduct of activity is such that the average neighbor, under normal circumstances, would not be aware of its existence.
- 4) Any home occupation activities on the property shall be conducted only by persons residing in the dwelling unit and one additional person who does not reside at the home where the occupation takes place.
- 5) No building or structure shall be used to operate a business, store equipment or supplies used for a business, or serve as a location where more than four employees meet or park prior to going to work off-site, where such employees do not work anywhere on the property.
- 6) The maximum floor area the use may cover shall not exceed 25 percent of the total floor area of the dwelling unit.
- 7) One, non-illuminated sign with a maximum square footage of four-square feet is permitted, without a permit, if it is mounted flat against the wall of the principal building.
- 8) Home occupations which provide a service shall not have more than two customers (including those arriving and waiting for service) at any one time.

- 9) The storage of all equipment, machinery, supplies, materials, files, and the like, shall be stored completely within the residence or accessory buildings.
- 10) Any need for parking generated by the conduct of such home occupation shall be accommodated on off-street parking spaces or areas that are paved for the purpose of parking.
- 11) No traffic shall be generated by such home occupation in greater volume than is normally expected for the residential neighborhood.
- 12) The following are examples of permitted types of home occupations:
  - (i) Clerical and other similar business services;
  - (ii) Instruction in music, dance, or other types of teaching with a maximum number of two students at a time;
  - (iii) The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office-oriented occupations;
  - (iv) Artists, sculptors, photographers, and other providers of home crafts;
  - (v) Barber shop/beauty salon with a maximum of one chair;
  - (vi) A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
  - (vii) Any similar use as determined by the Director of Planning and Zoning, or their designee.

Section 3. All provisions in Chapters 1123 and 1181 not expressly changed herein shall remain in full force and effect.

Section 4. 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 5. 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 \_\_\_\_\_, 2023;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**AI-8945**

**New Business K.**

**City Council Meeting**

**City Manager**

**Meeting Date:** 01/23/2023

Case TA 22-42.2 - City Of Huber Heights - Text Amendment - Bed And Breakfast Establishments

**Submitted By:** Geri Hoskins

**Department:** Planning **Division:** Planning

**Council Committee Review?:** Council **Date(s) of Committee Review:** 01/17/2023  
Work  
Session

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

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

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### **Agenda Item Description or Legislation Title**

An Ordinance Amending Certain Sections Of Part Eleven, Planning And Zoning Code, Of The City Code Of Huber Heights Regarding Bed And Breakfast Establishments (Case TA 22-42.2).  
(first reading)

### **Purpose and Background**

The applicant, The City of Huber Heights, is requesting approval to amend Section 1123 of the Huber Heights Codified Ordinances to add Bed and Breakfast Establishments and to read as any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner's personal residence, is occupied by the owner at the time of rental, and where meals may be served.

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### **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:**

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### **Attachments**

Staff Report

Decision Record

Minutes

Presentation

Ordinance

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# Memorandum

Staff Report for Meeting of December 13, 2022

To: Huber Heights City Planning Commission  
From: Aaron K. Sorrell, City Planner  
Date: December 6, 2022  
Subject: Proposed Zoning Text Amendments

Department of Planning and Zoning

City of Huber Heights

**APPLICANT/OWNER:** City of Huber Heights  
**DEVELOPMENT NAME:** N/A  
**ADDRESS/LOCATION:** Text Amendments  
**ZONING/ACREAGE:** N/A  
**EXISTING LAND USE:** N/A  
**ZONING  
ADJACENT LAND:** N/A  
**REQUEST:** The City is proposing a number of zoning text amendments meant to enhance the future development of the city.  
**ORIGINAL APPROVAL:** N/A  
**APPLICABLE HHCC:** Chapter 1123, 1142  
**CORRESPONDENCE:** In Favor – None Received  
In Opposition – None Received

## **STAFF ANALYSIS AND RECOMMENDATION:**

### **Overview**

From time to time the zoning text should be reviewed for necessary amendments due to changing development and design values, updated laws and policies, and/or to ease administration or lessen regulatory burden. The amendments suggested below are due in part from discussions with the City Council, Planning Commission and staff review of the code. The planning commission is making a recommendation to the City Council on whether these proposed amendments should be adopted. Since it requires a supermajority to overturn the recommendation of the planning commission, the commission should consider grouping recommendations into two or more decision orders: the amendments favored by the planning commission and those they are against.

### **Suggested Text Amendment #1: Expand the definition of Home Occupations (Section 1123.53).**

The home occupation definition is very limiting, especially considering the number of professions that have broadened work-at-home opportunities and advances in technology that make working from a home office easier. Additionally, traditional concerns about impacts from a home occupation such as delivery vehicles have primarily vanished with the increased popularity of Etsy, Amazon and other retailers who ship directly to consumers. Fed Ex, UPS and Amazon delivery vehicles are a ubiquitous sight in all residential areas.

### **Current Definition:**

1123.53 Home occupation.

*Home occupation* means an occupation conducted in a dwelling unit, provided that:

- (a) Only members of the family residing on the premises shall be engaged in a home occupation, thus permitting no employees therein.
- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation. Accessory buildings may not be used for the home occupation.
- (c) There shall be no visible evidence of the conduct of a home occupation.
- (d) No traffic shall be generated by a home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Zoning Ordinance and shall not be located in a required front yard.
- (e) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment may be used which causes fluctuations in line voltage off the premises.

- (f) There shall be no stock in trade kept or commodities sold on the premises.

I recommend the following updated and expanded definition for home occupations. I have bolded areas that are substantial expansions from the current definition.

**Proposed Definition:**

**1123.53 Home Occupations**

Home occupations may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- 1) Such use shall be conducted entirely within the dwelling unit or an accessory building. In all cases, all activities related to home occupation must take place within the enclosed building.
- 2) Home occupations shall not change the character of the residential use and shall not adversely affect the uses permitted in the residential district of which they are a part.
- 3) The nature of home occupation as an accessory use relative to its location and conduct of activity is such that the average neighbor, under normal circumstances, would not be aware of its existence.
- 4) Any home occupation activities on the property shall be conducted only by persons residing in the dwelling unit and one additional person who does not reside at the home where the occupation takes place.
- 5) No building or structure shall be used to: operate a business, store equipment or supplies used for a business, or serve as a location where more than four employees meet or park prior to going to work off-site, where such employees do not work anywhere on the property.
- 6) The maximum floor area the use may cover shall not exceed 25 percent of the total floor area of the dwelling unit.
- 7) One, non-illuminated sign with a maximum square footage of four-square feet is permitted, without a permit, if it is mounted flat against the wall of the principal building.
- 8) Home occupations which provide a service shall not have more than two customers (including those arriving and waiting for service) at any one time.
- 9) The storage of all equipment, machinery, supplies, materials, files, and the like, shall be stored completely within the residence or accessory buildings.
- 10) Any need for parking generated by the conduct of such home occupation shall be accommodated on off-street parking spaces or areas that are paved for the purpose of parking.
- 11) No traffic shall be generated by such home occupation in greater volume than is normally expected for the residential neighborhood.
- 12) The following are examples of permitted types of home occupations:



- (i) Clerical and other similar business services;
- (ii) Instruction in music, dance or other types of teaching with a maximum number of two students at a time;
- (iii) The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office-oriented occupations;
- (iv) Artists, sculptors, photographers, and other providers of home crafts;
- (v) Barber shop/beauty salon with a maximum of one chair;
- (vi) A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
- (vii) Any similar use as determined by the Zoning Inspector.

### **Suggested Text Amendment #2 & #3: Expand Special Uses within the Agricultural District (Chapter 1142)**

There is a limited list of allowable special uses in the agricultural district and expanding this list and with appropriate standards will provide the BZA with additionally options and widen the potential use of lands without impacting adjacent property owners. Unlike a rezoning or variance, the special use permit expires if the use is discontinued for more than one year.

### **Bed and Breakfast Establishments**

I recommend adding “Bed and Breakfast Establishments” to the list of Special Uses within the Agricultural District. Currently, Bed and Breakfast (B&B) uses are not defined nor allowed in Huber Heights. While there are currently no B&B’s, there are a few unique buildings that may lend themselves to operating as a B&B, and they have very limited impact on neighboring properties. Most surrounding jurisdictions permit B&Bs in large-lot or historic residential areas.

**Zoning Text Amendment #2:** I recommend the following definition and development standards for Bed and Breakfast Establishments within the Agricultural District:

#### **Definition**

#### **1123.141 Bed and Breakfast Establishments**

Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner’s personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

The following standards shall apply to any bed and breakfast establishment:

- 1) Bed and breakfast establishments shall only be permitted within a single-family, detached dwelling or accessory structure, unless otherwise approved by the BZA.
- 2) The owner of the premises shall reside full-time in the dwelling, or in a dwelling on an adjoining lot.

- 3) No more than four bedrooms in any dwelling may be used for bed and breakfast lodging and at least one bathroom shall be dedicated to guest use.
- 4) One off-street parking space shall be provided for each bedroom used for guest lodging in addition to those normally required for the single-family dwelling.
- 5) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.
- 6) Meals provided for cost in a bed and breakfast establishment, shall only be served to the guests who are lodging at the bed and breakfast establishment.
- 7) Guests shall be permitted to reside at the facility for not longer than three continuous weeks.

Add to Special Use table:

1142.03 (g) Bed and Breakfast Establishments

### **Indoor Automotive / Vehicle Repair**

Allowing the BZA to consider automotive/vehicle repair as a Special Use within the Agricultural District may provide the BZA with additional options when they were reviewing the Skilwies variance request. This approach is preferable to a rezoning or variance, because the use is no longer allowed if voluntarily discontinued after one year.

**Zoning Text Amendment #3:** I recommend the following development standards for indoor automotive / vehicle repair:

#### 1142.03 (h) Automotive / Vehicle Repair (Indoor)

The following standards shall apply to any automotive or vehicle repair use:

- 1) Activities shall be limited to the servicing of motor vehicles with minor repair work, including engine and transmission repair. All activities shall be performed in an enclosed building.
- 2) Bodywork and painting shall be prohibited.
- 3) The storage of non-operational vehicles for longer than one week shall be prohibited. Vehicles must be able to move at least 100 feet under their own power within 24 hours' notice by the City. All vehicles shall be required to have a valid license plate.
- 4) Parking, storage, or salvaging of junk vehicles, as defined by the ORC, shall be prohibited
- 5) The building shall be set back a minimum of 40 feet from any adjacent residential lot and 200 feet from any adjacent residential structure. The parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 35 feet from any adjacent residential lot.
- 6) Parking areas within 100 feet of an adjacent residential lot shall be screened along said lot line by an 8-foot solid fence, or dense evergreen vegetation with a height of at least 8' feet within two years of planting.

### **Self-Storage Facilities**

Self-Storage Facilities have been a topic of discussion both in Huber Heights and surrounding jurisdictions due to the recent acceleration in their development. While these facilities provide a service to the renters, they generate little employment opportunities, income tax, or vibrancy along a commercial corridor or areas designed to be active and vibrant.

Currently, there is no consistent definition for self-storage facilities within the zoning code. The terms "warehouse", "mini-warehouse" and "mini-storage warehouse" are used in the code but none of the terms are defined.

**Text Amendment #4:** I suggest we use the State of Ohio's definition for "Self-Service Storage Facilities" to define self-storage facilities, mini-warehouse, and mini-storage warehouse. Operators of these facilities use the state's definition because the state regulates how foreclosures and forfeitures of stored goods are handled.

Ohio Revised Code 5322.01 states:

*"Self-service storage facility" means any real property that is designed and used only for the purpose of renting or leasing individual storage space in the facility under the following conditions:*

*(1) The occupants have access to the storage space only for the purpose of storing and removing personal property.*

*(2) The owner does not issue a warehouse receipt, bill of lading, or other document of title, as defined in section 1301.201 of the Revised Code, for the personal property stored in the storage space.*

I suggest the following definition:

**Section 1123.9301 "Self Storage Facilities, "mini-warehouse" and "mini-storage warehouse" are defined as Self-Service Storage Facilities as defined in ORC 5322.01.**

Additionally, I suggest stand-alone self-storage facilities be principally permitted in the I-1, I-2, and PI Districts. The Planning Commission may wish to allow indoor self-storage facilities as a Special Use when existing buildings are being repurposed such as a vacant Wal-Mart, K-Mart, etc.

Suggested Amendments for each district:

I-1 District: 1156.02(a)(18) Self-Service Storage Facilities

PC District: 1176.05 (d) Indoor Self-Service Storage Facilities as part of an adaptive reuse of an existing building.

### **Planning Commission Action**

The planning commission may make any changes to the recommended text amendments.



## **Planning Commission Decision Record**

WHEREAS, on October 19, 2022, the City of Huber Heights requested amendments to Section 1123 and 1142 of the Huber Heights City Code (Case TA 22-42.2), and;

WHEREAS, on December 13, 2022, 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. Vargo moved to recommend approval of the application by the City of Huber Heights requesting amendments to Sections 1123 and 1142 the Huber Heights City Code (Case TA 22-42) as follows:

- 1) Add Bed and Breakfast Establishments to the list of Special Uses in Section 1142.03(g).
- 2) Add the following development standards to Section 1123.141 of the Codified Ordinances to read as follows:

### 1123.141 Bed and Breakfast Establishments

Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner's personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

The following standards shall apply to any bed and breakfast establishment:

- 1) Bed and breakfast establishments shall only be permitted within a single-family, detached dwelling or accessory structure, unless otherwise approved by the BZA.
- 2) The owner of the premises shall reside full-time in the dwelling, or in a dwelling on an adjoining lot.
- 3) No more than four bedrooms in any dwelling may be used for bed and breakfast lodging and at least one bathroom shall be dedicated to guest use.

- 4) One off-street parking space shall be provided for each bedroom used for guest lodging in addition to those normally required for the single-family dwelling.
- 5) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.
- 6) Meals provided for cost in a bed and breakfast establishment shall only be served to the guests who are lodging at the bed and breakfast establishment.
- 7) Guests shall be permitted to reside at the facility for not longer than three continuous weeks.

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to recommend approval carried 3-0.

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Terry Walton, Chair  
Planning Commission

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Date

**Planning Commission  
December 13, 2022, Meeting  
City of Huber Heights**

I. Chair Terry Walton called the meeting to order at approximately 6:02 p.m.

II. Present at the meeting: Mr. Jeffries, Ms. Vargo, and Mr. Walton.

Members absent: Ms. Opp and Ms. Thomas, both excused.

Staff Present: Aaron K. Sorrell, Interim City Planner, and Geri Hoskins, Planning & Zoning Administrative Secretary.

III. **Opening Remarks by the Chairman and Commissioners**

IV. **Citizens Comments**

None.

V. **Swearing of Witnesses**

Mr. Walton explained the proceedings of tonight's meeting and administered the sworn oath to all persons wishing to speak or give testimony regarding items on the agenda. All persons present responded in the affirmative.

VI. **Pending Business**

1. **TEXT AMENDMENTS - The applicant, THE CITY OF HUBER HEIGHTS, is requesting approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Use within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA22-42).**

**Suggested Text Amendment #1: Expand the definition of Home Occupations (Section 1123.53).**

The home occupation definition is very limiting, especially considering the number of professions that have broadened work-at-home opportunities and advances in technology that make working from a home office easier. Additionally, traditional concerns about impacts from a home occupation such as delivery vehicles have primarily vanished with the increased popularity of Etsy, Amazon and other retailers who ship directly to consumers. Fed Ex, UPS and Amazon delivery vehicles are a ubiquitous sight in all residential areas.

**Suggested Text Amendment #2 & #3: Expand Special Uses within the Agricultural District (Chapter 1142)**

There is a limited list of allowable special uses in the agricultural district, and expanding this list and with appropriate standards will provide the BZA with additional options and widen the potential use of lands without impacting adjacent property owners. Unlike a rezoning or variance, the special use permit expires if the use is discontinued for more than one year.

### **Bed and Breakfast Establishments**

I recommend adding “Bed and Breakfast Establishments” and “Automotive / Vehicle Repair” to the list of Special Uses within the Agricultural District. Currently, Bed and Breakfast (B&B) uses are not defined nor allowed in Huber Heights. While there are currently no B&B’s, there are a few unique buildings that may lend themselves to operating as a B&B, and they have very limited impact on neighboring properties. Most surrounding jurisdictions permit B&B’s in many residential areas.

### **Indoor Automotive / Vehicle Repair**

Allowing the BZA to consider automotive/vehicle repair as a Special Use within the Agricultural District may have provided the BZA with additional options when they were reviewing the Skilwies variance request. This approach is preferable to a rezoning or variance, because the use is no longer allowed if voluntarily discontinued after one year.

### **Self-Storage Facilities**

Self-Storage Facilities have been a topic of discussion both in Huber Heights and surrounding jurisdictions due to the recent acceleration in their development. While these facilities provide a service to the renters, they generate little employment opportunities, income tax, or vibrancy along a commercial corridor or areas designed to be active and vibrant.

Currently, there is no consistent definition for self-storage facilities within the zoning code. The terms “warehouse”, “mini-warehouse” and “mini-storage warehouse” are used in the code but none of the terms are defined.

### **Action**

Mr. Jeffries moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.1).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

### **Action**

Ms. Vargo moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.2).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.



**Action**

Ms. Vargo moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.3).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Ms. Vargo and Mr. Walton. NAYS: Mr. Jeffries. Motion to approve denied 2-1.

**Action**

Mr. Jeffries moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.4).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

**2. BASIC DEVELOPMENT PLAN AND REZONING - The applicant, THOMAS E. DUSA, is requesting approval of a Basic Development Plan and Rezoning to PI (Planned Industrial) to construct a truck repair facility and truck/trailer drop lot on approximately three (3) acres. Property is located at the South East Corner of Technology Blvd and Artz Road (RZ BDP 22-35).**

Mr. Sorrell stated that the applicant requests approval of a basic development plan and rezoning to Planned Industrial to construct a truck stop and repair facility on a three (3) acre parcel. The site is very close to the I-70 / SR 235 interchange.

The land is currently zoned B-3. The surrounding lands are predominantly zoned I-1 and used for manufacturing or logistics purposes. There is a significant amount of agricultural / vacant land immediately east of this site in Clark County that has development potential but limited access to SR 235 and I-70.

Approximately 35 acres was recently rezoned to Planned Commercial to accommodate a fueling station, truck stop and repair facility. The City Council amended the basic development plan to increase the number of truck stop spaces to 30, from 10 spaces that was approved by the Planning Commission.

The applicant has provided additional details regarding the building design and use of the site. Staff feels a repair facility with overnight parking as an accessory use is consistent with the comprehensive plan at this location; however, a simple drop lot facility for overnight parking or trailer storage, without driver support services is not consistent with the comprehensive plan.

Tom Dusa was present.

Discussion on the appropriate use, gateway entrance, and details.

Mr. Jeffries moved to approve the request by the applicant, THOMAS E. DUSA, for approval of Basic Development Plan and Rezoning to PI (Planned Industrial) to construct a truck repair facility and truck/trailer drop lot on approximately three acres. Property is located at the SouthEast Corner of Technology Blvd and Artz Road (RZ BDP 22-35).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

## **VII. New Business**

- 1. MINOR CHANGE - The applicant, KAP SIGNS, is requesting approval of a Minor Change to add one 5'-8" ground sign. Property is located at 7050 Executive Blvd (MC 22-44).**

Mr. Sorrell stated that the Planning Commission granted approval for three wall signs in October 2014. At that time, no ground signs were planned or requested. At that time, the vegetation along Executive Boulevard did not obscure building visibility. Today, the vegetation has matured and obstructs building visibility from westbound traffic.

Staff supports the minor change to add one ground sign as detailed in the application dated November 17, 2022. Building visibility is difficult for westbound traffic since the vegetation has matured. There are similar ground signs along Executive Boulevard which meet the zoning code requirements.

David Williams from Kap Signs was present.

### **Action**

Ms. Vargo moved to approve the request by the applicant, Kap Signs, for approval of a Minor Change to add one ground sign. Property is located at 7050 Executive Blvd (MC 22-44).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

- 2. MAJOR CHANGE - The applicant, JOHN KOPILCHACK, is requesting approval of a Major Change to the combined basic and detailed development plan for addition to the existing medical facility. Property is located at 8501 Old Troy Pike (MJC 22-43).**

Mr. Sorrell stated in October 2014, the Planning Commission approved a combined basic and detailed development plan to construct a Dayton Children's Urgent Care facility on the site of a previous medical office use.

The applicant is now proposing to add a 10,600 SF addition to the rear of the existing facility.

The expansion will encroach into the parking area which will reduce the number of spaces by eight (8) spaces to a total of 153 spaces. The expansion materials and design will be similar to the existing facility.

The proposed 10,600 SF building expansion will add 12 additional exam rooms, bringing the total to 40 exam rooms and the total size of the facility to just under 35,000 SF. The expansion will have minor impact on the parking, but staff feels the amount of parking provided is more than adequate for this facility.

No other changes to the approved basic and detailed development plan are presented. Staff feels the General Standards for Approval outlined in Chapter 1171.06 can be satisfied and recommend approval.

Mr. John Kopilchack was present.

### **Action**

Ms. Vargo moved to approve the request by the applicant, John Kopilchack, for approval of a Major Change to the combined basic and detailed development plan for addition to the existing medical facility. Property is located at 8501 Old Troy Pike (MJC 22-43).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

### **3. REZONING - The applicants, RICHARD BAUMER and STACI CARRE, are requesting approval of a Rezoning from I-1 to R1. Properties are located at 7767 and 7777 Wildcat Road (RZ 22-41).**

Mr. Sorrell stated in 1994, many of the properties along Wildcat Road were rezoned to Industrial to facilitate redevelopment on the east side of Wildcat Road. While the records are unclear, staff thinks the rezoning was expanded to include residential homes that were not owned by the original 1994 rezoning applicant on the west side of Wildcat Road.

The current applicant (7767 Wildcat Road) would like to expand his home, but the zoning code does not allow the expansion of a non-conforming use. Staff suggested rezoning the property to R-1. Staff also contacted owners of adjacent residential uses who are currently zoned I-1, one owner (7777 Wildcat Road) contacted city staff and requested to be included in this rezoning request.

The two residential properties meet all the R-1 district standards. They are currently legal non-conforming uses. A change in zoning will allow the primary applicant to expand his structure. Additionally, being zoned R-1, rather than I-1, may enable a smoother real estate transaction if the applicants sell their property in the future.

Mr. Richard Baumer was present.

Discussion on appropriate zoning.

**Action**

Mr. Jeffries moved to approve the request by the applicants, Richard Baumer and Staci Carre, for approval of a Rezoning from I-1 to R1. Properties are located at 7767 and 7777 Wildcat Road (RZ 22-41).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

**VIII. Additional Business**

Election of Officers, with only 3 members present, will move this item to the next meeting of January 10, 2023.

**IX. Approval of the Minutes**

Without objection, the minutes of the November 8, 2022, Planning Commission meeting are approved.

**X. Reports and Calendar Review**

Approval of 2023 Meeting Schedule

**Action**

Mr. Jeffries moved to approve the 2023 meeting schedule. Starting in April, we will only have 1 meeting a month. That will give more time to work on each case.

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

**XI. Upcoming Meetings**

January 10, 2023

**XII. Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at approximately 8:02 p.m.

Planning Commission Meeting  
December 13, 2022

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**Terry Walton, Chair**

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**Date**

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**Geri Hoskins, Administrative Secretary**

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**Date**

**TA 22-42**  
**ZONING TEXT AMENDMENTS**

January 17, 2023

## **PURPOSE FOR TEXT AMENDMENTS**

- Align code to recent updates in regulations and laws.
- Reduce inconsistencies or regulatory burden
- Align with changing uses, technology, best practices, etc.
- Implement policy direction from Planning Commission /  
City Council

## **TA 22-42.2 BED AND BREAKFAST ESTABLISHMENTS**

- Currently not defined in the zoning code.
- Will be permitted as a Special Use in the Agricultural District.
- Definition: Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner's personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.



## **BED AND BREAKFAST ESTABLISHMENTS**

The following standards shall apply to any bed and breakfast establishment:

- 1) Bed and breakfast establishments shall only be permitted within a single-family, detached dwelling or accessory structure, unless otherwise approved by the BZA.
- 2) The owner of the premises shall reside full-time in the dwelling.
- 3) No more than five bedrooms in any dwelling may be used for bed and breakfast lodging and at least one bathroom shall be dedicated to guest use.
- 4) One off-street parking space shall be provided for each bedroom used for guest lodging in addition to those normally required for the single-family dwelling.

## **BED AND BREAKFAST ESTABLISHMENTS**

- 5) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.
- 6) Meals provided for cost in a bed and breakfast establishment shall only be served to the guests who are lodging at the bed and breakfast establishment.
- 7) Guests shall be permitted to reside at the facility for not longer than three continuous weeks.

## **PLANNING COMMISSION ACTION:**

Planning Commission voted 3-0 to recommend approval.

CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2023-O-

AMENDING CERTAIN SECTIONS OF PART ELEVEN, PLANNING AND ZONING CODE, OF THE CITY CODE OF HUBER HEIGHTS REGARDING BED AND BREAKFAST ESTABLISHMENTS (CASE TA 22-42.2).

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 Case TA 22-42.2 and on December 13, 2022, recommended approval by a vote of 3-0 to City Council the proposed text amendments; 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. Part Eleven, Planning and Zoning Code, Chapter 1123 – Definitions is amended to add a new Section 1123.141 as follows:

**1123.141 - Bed and Breakfast Establishments**

Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner's personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

The following standards shall apply to the operation of any bed and breakfast establishment defined above:

- 1) Bed and breakfast establishments shall only be permitted within a single-family, detached dwelling or accessory structure, unless otherwise approved by the BZA.
- 2) The owner of the premises shall reside full-time in the dwelling.
- 3) No more than four bedrooms in any dwelling may be used for bed and breakfast lodging and at least one bathroom shall be dedicated to guest use.
- 4) One off-street parking space shall be provided for each bedroom used for guest lodging in addition to those normally required for the single-family dwelling.
- 5) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.
- 6) Meals provided for cost in a bed and breakfast establishment shall only be served to the guests who are lodging at the bed and breakfast establishment.
- 7) Guests shall be permitted to reside at the facility for not longer than three continuous weeks.

Section 2. Part Eleven, Planning and Zoning Code, Chapter 1142 – Agricultural District, Section 1142.03 – Special Uses is amended to add a new Section 1142.03(g) as follows:

(g) Bed and Breakfast Establishments subject to the standards set forth in Section 1123.141.

Section 3. All provisions in Chapters 1123 and 1142 not expressly changed herein shall remain in full force and effect.

Section 4. 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 5. 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 \_\_\_\_\_, 2023;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**AI-8946**

**New Business L.  
City Manager**

**City Council Meeting**

**Meeting Date:** 01/23/2023

Case TA 22-42.3 - City Of Huber Heights - Text Amendment - Automotive/Vehicle Repair

**Submitted By:** Geri Hoskins

**Department:** Planning **Division:** Planning

**Council Committee Review?:** Council **Date(s) of Committee Review:** 01/17/2023  
Work  
Session

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

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

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**Agenda Item Description or Legislation Title**

An Ordinance Amending Certain Sections Of Part Eleven, Planning And Zoning Code, Of The City Code Of Huber Heights Regarding Automotive/Vehicle Repair Facilities (Case TA 22-42.3).  
(first reading)

**Purpose and Background**

The applicant, the City of Huber Heights, is requesting approval to amend Section 1142 of the Huber Heights Codified Ordinances regarding Automotive/Vehicle Repair.

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**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:**

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**Attachments**

Staff Report  
Decision Record  
Minutes  
Presentation  
Ordinance

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# Memorandum

Staff Report for Meeting of December 13, 2022

To: Huber Heights City Planning Commission  
From: Aaron K. Sorrell, City Planner  
Date: December 6, 2022  
Subject: Proposed Zoning Text Amendments

Department of Planning and Zoning

City of Huber Heights

**APPLICANT/OWNER:** City of Huber Heights  
**DEVELOPMENT NAME:** N/A  
**ADDRESS/LOCATION:** Text Amendments  
**ZONING/ACREAGE:** N/A  
**EXISTING LAND USE:** N/A  
**ZONING  
ADJACENT LAND:** N/A  
**REQUEST:** The City is proposing a number of zoning text amendments meant to enhance the future development of the city.  
**ORIGINAL APPROVAL:** N/A  
**APPLICABLE HHCC:** Chapter 1123, 1142  
**CORRESPONDENCE:** In Favor – None Received  
In Opposition – None Received

## **STAFF ANALYSIS AND RECOMMENDATION:**

### **Overview**

From time to time the zoning text should be reviewed for necessary amendments due to changing development and design values, updated laws and policies, and/or to ease administration or lessen regulatory burden. The amendments suggested below are due in part from discussions with the City Council, Planning Commission and staff review of the code. The planning commission is making a recommendation to the City Council on whether these proposed amendments should be adopted. Since it requires a supermajority to overturn the recommendation of the planning commission, the commission should consider grouping recommendations into two or more decision orders: the amendments favored by the planning commission and those they are against.

### **Suggested Text Amendment #1: Expand the definition of Home Occupations (Section 1123.53).**

The home occupation definition is very limiting, especially considering the number of professions that have broadened work-at-home opportunities and advances in technology that make working from a home office easier. Additionally, traditional concerns about impacts from a home occupation such as delivery vehicles have primarily vanished with the increased popularity of Etsy, Amazon and other retailers who ship directly to consumers. Fed Ex, UPS and Amazon delivery vehicles are a ubiquitous sight in all residential areas.

### **Current Definition:**

1123.53 Home occupation.

*Home occupation* means an occupation conducted in a dwelling unit, provided that:

- (a) Only members of the family residing on the premises shall be engaged in a home occupation, thus permitting no employees therein.
- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation. Accessory buildings may not be used for the home occupation.
- (c) There shall be no visible evidence of the conduct of a home occupation.
- (d) No traffic shall be generated by a home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Zoning Ordinance and shall not be located in a required front yard.
- (e) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment may be used which causes fluctuations in line voltage off the premises.



- (f) There shall be no stock in trade kept or commodities sold on the premises.

I recommend the following updated and expanded definition for home occupations. I have bolded areas that are substantial expansions from the current definition.

**Proposed Definition:**

**1123.53 Home Occupations**

Home occupations may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- 1) Such use shall be conducted entirely within the dwelling unit or an accessory building. In all cases, all activities related to home occupation must take place within the enclosed building.
- 2) Home occupations shall not change the character of the residential use and shall not adversely affect the uses permitted in the residential district of which they are a part.
- 3) The nature of home occupation as an accessory use relative to its location and conduct of activity is such that the average neighbor, under normal circumstances, would not be aware of its existence.
- 4) Any home occupation activities on the property shall be conducted only by persons residing in the dwelling unit and one additional person who does not reside at the home where the occupation takes place.
- 5) No building or structure shall be used to: operate a business, store equipment or supplies used for a business, or serve as a location where more than four employees meet or park prior to going to work off-site, where such employees do not work anywhere on the property.
- 6) The maximum floor area the use may cover shall not exceed 25 percent of the total floor area of the dwelling unit.
- 7) One, non-illuminated sign with a maximum square footage of four-square feet is permitted, without a permit, if it is mounted flat against the wall of the principal building.
- 8) Home occupations which provide a service shall not have more than two customers (including those arriving and waiting for service) at any one time.
- 9) The storage of all equipment, machinery, supplies, materials, files, and the like, shall be stored completely within the residence or accessory buildings.
- 10) Any need for parking generated by the conduct of such home occupation shall be accommodated on off-street parking spaces or areas that are paved for the purpose of parking.
- 11) No traffic shall be generated by such home occupation in greater volume than is normally expected for the residential neighborhood.
- 12) The following are examples of permitted types of home occupations:

- (i) Clerical and other similar business services;
- (ii) Instruction in music, dance or other types of teaching with a maximum number of two students at a time;
- (iii) The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office-oriented occupations;
- (iv) Artists, sculptors, photographers, and other providers of home crafts;
- (v) Barber shop/beauty salon with a maximum of one chair;
- (vi) A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
- (vii) Any similar use as determined by the Zoning Inspector.

### **Suggested Text Amendment #2 & #3: Expand Special Uses within the Agricultural District (Chapter 1142)**

There is a limited list of allowable special uses in the agricultural district and expanding this list and with appropriate standards will provide the BZA with additionally options and widen the potential use of lands without impacting adjacent property owners. Unlike a rezoning or variance, the special use permit expires if the use is discontinued for more than one year.

### **Bed and Breakfast Establishments**

I recommend adding “Bed and Breakfast Establishments” to the list of Special Uses within the Agricultural District. Currently, Bed and Breakfast (B&B) uses are not defined nor allowed in Huber Heights. While there are currently no B&B’s, there are a few unique buildings that may lend themselves to operating as a B&B, and they have very limited impact on neighboring properties. Most surrounding jurisdictions permit B&Bs in large-lot or historic residential areas.

**Zoning Text Amendment #2:** I recommend the following definition and development standards for Bed and Breakfast Establishments within the Agricultural District:

#### **Definition**

#### **1123.141 Bed and Breakfast Establishments**

Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner’s personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

The following standards shall apply to any bed and breakfast establishment:

- 1) Bed and breakfast establishments shall only be permitted within a single-family, detached dwelling or accessory structure, unless otherwise approved by the BZA.
- 2) The owner of the premises shall reside full-time in the dwelling, or in a dwelling on an adjoining lot.

- 3) No more than four bedrooms in any dwelling may be used for bed and breakfast lodging and at least one bathroom shall be dedicated to guest use.
- 4) One off-street parking space shall be provided for each bedroom used for guest lodging in addition to those normally required for the single-family dwelling.
- 5) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.
- 6) Meals provided for cost in a bed and breakfast establishment, shall only be served to the guests who are lodging at the bed and breakfast establishment.
- 7) Guests shall be permitted to reside at the facility for not longer than three continuous weeks.

Add to Special Use table:

1142.03 (g) Bed and Breakfast Establishments

### **Indoor Automotive / Vehicle Repair**

Allowing the BZA to consider automotive/vehicle repair as a Special Use within the Agricultural District may provide the BZA with additional options when they were reviewing the Skilwies variance request. This approach is preferable to a rezoning or variance, because the use is no longer allowed if voluntarily discontinued after one year.

**Zoning Text Amendment #3:** I recommend the following development standards for indoor automotive / vehicle repair:

#### 1142.03 (h) Automotive / Vehicle Repair (Indoor)

The following standards shall apply to any automotive or vehicle repair use:

- 1) Activities shall be limited to the servicing of motor vehicles with minor repair work, including engine and transmission repair. All activities shall be performed in an enclosed building.
- 2) Bodywork and painting shall be prohibited.
- 3) The storage of non-operational vehicles for longer than one week shall be prohibited. Vehicles must be able to move at least 100 feet under their own power within 24 hours' notice by the City. All vehicles shall be required to have a valid license plate.
- 4) Parking, storage, or salvaging of junk vehicles, as defined by the ORC, shall be prohibited
- 5) The building shall be set back a minimum of 40 feet from any adjacent residential lot and 200 feet from any adjacent residential structure. The parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 35 feet from any adjacent residential lot.
- 6) Parking areas within 100 feet of an adjacent residential lot shall be screened along said lot line by an 8-foot solid fence, or dense evergreen vegetation with a height of at least 8' feet within two years of planting.

### **Self-Storage Facilities**

Self-Storage Facilities have been a topic of discussion both in Huber Heights and surrounding jurisdictions due to the recent acceleration in their development. While these facilities provide a service to the renters, they generate little employment opportunities, income tax, or vibrancy along a commercial corridor or areas designed to be active and vibrant.

Currently, there is no consistent definition for self-storage facilities within the zoning code. The terms "warehouse", "mini-warehouse" and "mini-storage warehouse" are used in the code but none of the terms are defined.

**Text Amendment #4:** I suggest we use the State of Ohio's definition for "Self-Service Storage Facilities" to define self-storage facilities, mini-warehouse, and mini-storage warehouse. Operators of these facilities use the state's definition because the state regulates how foreclosures and forfeitures of stored goods are handled.

Ohio Revised Code 5322.01 states:

*"Self-service storage facility" means any real property that is designed and used only for the purpose of renting or leasing individual storage space in the facility under the following conditions:*

*(1) The occupants have access to the storage space only for the purpose of storing and removing personal property.*

*(2) The owner does not issue a warehouse receipt, bill of lading, or other document of title, as defined in section 1301.201 of the Revised Code, for the personal property stored in the storage space.*

I suggest the following definition:

**Section 1123.9301 "Self Storage Facilities, "mini-warehouse" and "mini-storage warehouse" are defined as Self-Service Storage Facilities as defined in ORC 5322.01.**

Additionally, I suggest stand-alone self-storage facilities be principally permitted in the I-1, I-2, and PI Districts. The Planning Commission may wish to allow indoor self-storage facilities as a Special Use when existing buildings are being repurposed such as a vacant Wal-Mart, K-Mart, etc.

Suggested Amendments for each district:

I-1 District: 1156.02(a)(18) Self-Service Storage Facilities

PC District: 1176.05 (d) Indoor Self-Service Storage Facilities as part of an adaptive reuse of an existing building.

### **Planning Commission Action**

The planning commission may make any changes to the recommended text amendments.



## **Planning Commission Decision Record**

WHEREAS, on October 19, 2022, the City of Huber Heights requested amendment to Sections 1142 of the Huber Heights City Code (Case TA 22-42.3), and;

WHEREAS, on December 13, 2022, 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. Vargo moved to recommend approval of the application by the City of Huber Heights requesting amendment to Sections 1142.03(h) the Huber Heights City Code (Case TA 22-42) as follows:

### 1142.03(h) Automotive / Vehicle Repair (Indoor)

The following standards shall apply to any automotive or vehicle repair use:

- 1) Activities shall be limited to the servicing of motor vehicles with minor repair work, including engine and transmission repair. All activities shall be performed in an enclosed building.
- 2) Bodywork and painting shall be prohibited.
- 3) The storage of non-operational vehicles for longer than one week shall be prohibited. Vehicles must be able to move at least 100 feet under their own power within 24 hours' notice by the City. All vehicles shall be required to have a valid license plate.
- 4) Parking, storage, or salvaging of junk vehicles, as defined by the ORC, shall be prohibited
- 5) The building shall be set back a minimum of 40 feet from any adjacent residential lot and 200 feet from any adjacent residential structure. The parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 35 feet from any adjacent residential lot.

- 6) Parking areas within 100 feet of an adjacent residential lot shall be screened along said lot line by a 8-foot solid fence, or dense evergreen vegetation with a height of at least 8' feet within two years of planting.

Seconded by Mr. Jeffries. Roll call showed: YEAS: Ms. Vargo and Mr. Walton. NAYS: Mr. Jeffries. Motion to recommend approval denied 2-1.

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Terry Walton, Chair  
Planning Commission

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Date

**Planning Commission  
December 13, 2022, Meeting  
City of Huber Heights**

I. Chair Terry Walton called the meeting to order at approximately 6:02 p.m.

II. Present at the meeting: Mr. Jeffries, Ms. Vargo, and Mr. Walton.

Members absent: Ms. Opp and Ms. Thomas, both excused.

Staff Present: Aaron K. Sorrell, Interim City Planner, and Geri Hoskins, Planning & Zoning Administrative Secretary.

III. **Opening Remarks by the Chairman and Commissioners**

IV. **Citizens Comments**

None.

V. **Swearing of Witnesses**

Mr. Walton explained the proceedings of tonight's meeting and administered the sworn oath to all persons wishing to speak or give testimony regarding items on the agenda. All persons present responded in the affirmative.

VI. **Pending Business**

1. **TEXT AMENDMENTS - The applicant, THE CITY OF HUBER HEIGHTS, is requesting approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Use within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA22-42).**

**Suggested Text Amendment #1: Expand the definition of Home Occupations (Section 1123.53).**

The home occupation definition is very limiting, especially considering the number of professions that have broadened work-at-home opportunities and advances in technology that make working from a home office easier. Additionally, traditional concerns about impacts from a home occupation such as delivery vehicles have primarily vanished with the increased popularity of Etsy, Amazon and other retailers who ship directly to consumers. Fed Ex, UPS and Amazon delivery vehicles are a ubiquitous sight in all residential areas.

**Suggested Text Amendment #2 & #3: Expand Special Uses within the Agricultural District (Chapter 1142)**

There is a limited list of allowable special uses in the agricultural district, and expanding this list and with appropriate standards will provide the BZA with additional options and widen the potential use of lands without impacting adjacent property owners. Unlike a rezoning or variance, the special use permit expires if the use is discontinued for more than one year.



### **Bed and Breakfast Establishments**

I recommend adding “Bed and Breakfast Establishments” and “Automotive / Vehicle Repair” to the list of Special Uses within the Agricultural District. Currently, Bed and Breakfast (B&B) uses are not defined nor allowed in Huber Heights. While there are currently no B&B’s, there are a few unique buildings that may lend themselves to operating as a B&B, and they have very limited impact on neighboring properties. Most surrounding jurisdictions permit B&B’s in many residential areas.

### **Indoor Automotive / Vehicle Repair**

Allowing the BZA to consider automotive/vehicle repair as a Special Use within the Agricultural District may have provided the BZA with additional options when they were reviewing the Skilwies variance request. This approach is preferable to a rezoning or variance, because the use is no longer allowed if voluntarily discontinued after one year.

### **Self-Storage Facilities**

Self-Storage Facilities have been a topic of discussion both in Huber Heights and surrounding jurisdictions due to the recent acceleration in their development. While these facilities provide a service to the renters, they generate little employment opportunities, income tax, or vibrancy along a commercial corridor or areas designed to be active and vibrant.

Currently, there is no consistent definition for self-storage facilities within the zoning code. The terms “warehouse”, “mini-warehouse” and “mini-storage warehouse” are used in the code but none of the terms are defined.

### **Action**

Mr. Jeffries moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.1).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

### **Action**

Ms. Vargo moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.2).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

**Action**

Ms. Vargo moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.3).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Ms. Vargo and Mr. Walton. NAYS: Mr. Jeffries. Motion to approve denied 2-1.

**Action**

Mr. Jeffries moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.4).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

**2. BASIC DEVELOPMENT PLAN AND REZONING - The applicant, THOMAS E. DUSA, is requesting approval of a Basic Development Plan and Rezoning to PI (Planned Industrial) to construct a truck repair facility and truck/trailer drop lot on approximately three (3) acres. Property is located at the South East Corner of Technology Blvd and Artz Road (RZ BDP 22-35).**

Mr. Sorrell stated that the applicant requests approval of a basic development plan and rezoning to Planned Industrial to construct a truck stop and repair facility on a three (3) acre parcel. The site is very close to the I-70 / SR 235 interchange.

The land is currently zoned B-3. The surrounding lands are predominantly zoned I-1 and used for manufacturing or logistics purposes. There is a significant amount of agricultural / vacant land immediately east of this site in Clark County that has development potential but limited access to SR 235 and I-70.

Approximately 35 acres was recently rezoned to Planned Commercial to accommodate a fueling station, truck stop and repair facility. The City Council amended the basic development plan to increase the number of truck stop spaces to 30, from 10 spaces that was approved by the Planning Commission.

The applicant has provided additional details regarding the building design and use of the site. Staff feels a repair facility with overnight parking as an accessory use is consistent with the comprehensive plan at this location; however, a simple drop lot facility for overnight parking or trailer storage, without driver support services is not consistent with the comprehensive plan.

Tom Dusa was present.

Discussion on the appropriate use, gateway entrance, and details.

Mr. Jeffries moved to approve the request by the applicant, THOMAS E. DUSA, for approval of Basic Development Plan and Rezoning to PI (Planned Industrial) to construct a truck repair facility and truck/trailer drop lot on approximately three acres. Property is located at the SouthEast Corner of Technology Blvd and Artz Road (RZ BDP 22-35).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

## **VII. New Business**

- 1. MINOR CHANGE - The applicant, KAP SIGNS, is requesting approval of a Minor Change to add one 5'-8" ground sign. Property is located at 7050 Executive Blvd (MC 22-44).**

Mr. Sorrell stated that the Planning Commission granted approval for three wall signs in October 2014. At that time, no ground signs were planned or requested. At that time, the vegetation along Executive Boulevard did not obscure building visibility. Today, the vegetation has matured and obstructs building visibility from westbound traffic.

Staff supports the minor change to add one ground sign as detailed in the application dated November 17, 2022. Building visibility is difficult for westbound traffic since the vegetation has matured. There are similar ground signs along Executive Boulevard which meet the zoning code requirements.

David Williams from Kap Signs was present.

### **Action**

Ms. Vargo moved to approve the request by the applicant, Kap Signs, for approval of a Minor Change to add one ground sign. Property is located at 7050 Executive Blvd (MC 22-44).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

- 2. MAJOR CHANGE - The applicant, JOHN KOPILCHACK, is requesting approval of a Major Change to the combined basic and detailed development plan for addition to the existing medical facility. Property is located at 8501 Old Troy Pike (MJC 22-43).**

Mr. Sorrell stated in October 2014, the Planning Commission approved a combined basic and detailed development plan to construct a Dayton Children's Urgent Care facility on the site of a previous medical office use.

The applicant is now proposing to add a 10,600 SF addition to the rear of the existing facility.

The expansion will encroach into the parking area which will reduce the number of spaces by eight (8) spaces to a total of 153 spaces. The expansion materials and design will be similar to the existing facility.

The proposed 10,600 SF building expansion will add 12 additional exam rooms, bringing the total to 40 exam rooms and the total size of the facility to just under 35,000 SF. The expansion will have minor impact on the parking, but staff feels the amount of parking provided is more than adequate for this facility.

No other changes to the approved basic and detailed development plan are presented. Staff feels the General Standards for Approval outlined in Chapter 1171.06 can be satisfied and recommend approval.

Mr. John Kopilchack was present.

### **Action**

Ms. Vargo moved to approve the request by the applicant, John Kopilchack, for approval of a Major Change to the combined basic and detailed development plan for addition to the existing medical facility. Property is located at 8501 Old Troy Pike (MJC 22-43).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

### **3. REZONING - The applicants, RICHARD BAUMER and STACI CARRE, are requesting approval of a Rezoning from I-1 to R1. Properties are located at 7767 and 7777 Wildcat Road (RZ 22-41).**

Mr. Sorrell stated in 1994, many of the properties along Wildcat Road were rezoned to Industrial to facilitate redevelopment on the east side of Wildcat Road. While the records are unclear, staff thinks the rezoning was expanded to include residential homes that were not owned by the original 1994 rezoning applicant on the west side of Wildcat Road.

The current applicant (7767 Wildcat Road) would like to expand his home, but the zoning code does not allow the expansion of a non-conforming use. Staff suggested rezoning the property to R-1. Staff also contacted owners of adjacent residential uses who are currently zoned I-1, one owner (7777 Wildcat Road) contacted city staff and requested to be included in this rezoning request.

The two residential properties meet all the R-1 district standards. They are currently legal non-conforming uses. A change in zoning will allow the primary applicant to expand his structure. Additionally, being zoned R-1, rather than I-1, may enable a smoother real estate transaction if the applicants sell their property in the future.

Mr. Richard Baumer was present.

Discussion on appropriate zoning.

**Action**

Mr. Jeffries moved to approve the request by the applicants, Richard Baumer and Staci Carre, for approval of a Rezoning from I-1 to R1. Properties are located at 7767 and 7777 Wildcat Road (RZ 22-41).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

**VIII. Additional Business**

Election of Officers, with only 3 members present, will move this item to the next meeting of January 10, 2023.

**IX. Approval of the Minutes**

Without objection, the minutes of the November 8, 2022, Planning Commission meeting are approved.

**X. Reports and Calendar Review**

Approval of 2023 Meeting Schedule

**Action**

Mr. Jeffries moved to approve the 2023 meeting schedule. Starting in April, we will only have 1 meeting a month. That will give more time to work on each case.

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

**XI. Upcoming Meetings**

January 10, 2023

**XII. Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at approximately 8:02 p.m.

Planning Commission Meeting  
December 13, 2022

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**Terry Walton, Chair**

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**Date**

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**Geri Hoskins, Administrative Secretary**

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**Date**

**TA 22-42**  
**ZONING TEXT AMENDMENTS**

January 17, 2023

## **PURPOSE FOR TEXT AMENDMENTS**

- Align code to recent updates in regulations and laws.
- Reduce inconsistencies or regulatory burden
- Align with changing uses, technology, best practices, etc.
- Implement policy direction from Planning Commission /  
City Council



## **TA 22-42.3 AUTOMOTIVE / VEHICLE REPAIR**

- Permits automotive / vehicle repair as a Special Use in the Agricultural District, with standards.
- There are limited special uses in the agricultural district, and expanding this list and with appropriate standards will provide the BZA with additional options.
- Unlike a rezoning or variance, the special use permit expires if the use is discontinued for more than one year.

## **AUTOMOTIVE / VEHICLE REPAIR (INDOORS)**

The following standards shall apply to any automotive or vehicle repair use:

- 1)Activities shall be limited to the servicing of motor vehicles with minor repair work, including engine and transmission repair. All activities shall be performed in an enclosed building.
- 2)Bodywork and painting shall be prohibited.
- 3)The storage of non-operational vehicles for longer than one week shall be prohibited. Vehicles must be able to move at least 100 feet under their own power within 24 hours' notice by the City. All vehicles shall be required to have a valid license plate.

## **AUTOMOTIVE / VEHICLE REPAIR (INDOORS)**

The following standards shall apply to any automotive or vehicle repair use:

- 4) Parking, storage, or salvaging of junk vehicles shall be prohibited
- 5) The building shall be set back a minimum of 40 feet from any adjacent residential lot and 200 feet from any adjacent residential structure.  
The parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 35 feet from any adjacent residential lot.
- 6) Parking areas within 100 feet of an adjacent residential lot shall be screened along said lot line by an 8-foot solid fence, or dense evergreen vegetation with a height of at least 8' feet within two years of planting.

## **PLANNING COMMISSION ACTION:**

- There was significant discussion about whether this use is appropriate and if there will be unintended consequences to surrounding properties.
- The motion to recommend approval of the text amendment was denied by a 2-1 vote.



CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2023-O-

AMENDING CERTAIN SECTIONS OF PART ELEVEN, PLANNING AND ZONING CODE, OF THE CITY CODE OF HUBER HEIGHTS REGARDING AUTOMOTIVE/VEHICLE REPAIR FACILITIES (CASE TA 22-42.3).

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 Case TA 22-42.3 and on December 13, 2022, recommended denial by a vote of 2-1 to City Council the proposed text amendment; 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. Part Eleven, Planning and Zoning Code, Chapter 1142 – Agricultural District, Section 1142.03 – Special Uses is amended to add a new Section 1142.03(h) as follows:

**1142.03(h) - Automotive/Vehicle Repair (Indoor)**

The following standards shall apply to any automotive or vehicle repair use:

- 1) Activities shall be limited to the servicing of motor vehicles with minor repair work, including engine and transmission repair. All activities shall be performed in an enclosed building.
- 2) Bodywork and painting shall be prohibited.
- 3) The storage of non-operational vehicles for longer than one week shall be prohibited. Vehicles must be able to move at least 100 feet under their own power within 24 hours' notice by the City. All vehicles shall be required to have a valid license plate.
- 4) Parking, storage, or salvaging of junk vehicles, as defined by the Ohio Revised Code, shall be prohibited.
- 5) The building shall be set back a minimum of 40 feet from any adjacent residential lot and 200 feet from any adjacent residential structure. The parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 35 feet from any adjacent residential lot.
- 6) Parking areas within 100 feet of an adjacent residential lot shall be screened along said lot line by an 8 foot solid fence or dense evergreen vegetation with a height of at least 8 feet within two years of planting.

Section 2. All provisions in Chapter 1142 not expressly changed herein shall remain in full force and effect.

Section 3. 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 4. 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 \_\_\_\_\_, 2023;  
Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**AI-8947**

**New Business     M.  
City Manager**

**City Council Meeting**

**Meeting Date:** 01/23/2023

Case TA 22-42.4 - City Of Huber Heights - Text Amendment - Self Storage Facilities

**Submitted By:** Geri Hoskins

**Department:** Planning **Division:** Planning

**Council Committee Review?:** Council **Date(s) of Committee Review:** 01/17/2023  
Work  
Session

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

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

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**Agenda Item Description or Legislation Title**

An Ordinance Amending Certain Sections Of Part Eleven, Planning And Zoning Code, Of The City Code Of Huber Heights Regarding Self Storage Facilities (Case TA 22-42.4).  
(first reading)

**Purpose and Background**

The applicant, the City of Huber Heights, is requesting approval of a text amendment to Section 1123, Section 1156, and Section 1176 of the Huber Heights Codified Ordinances regarding self storage facilities, mini-warehouses, and mini-storage warehouses.

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**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:**

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**Attachments**

Staff Report

Decision Record

Minutes

Presentation

Ordinance

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# Memorandum

Staff Report for Meeting of December 13, 2022

To: Huber Heights City Planning Commission  
From: Aaron K. Sorrell, City Planner  
Date: December 6, 2022  
Subject: Proposed Zoning Text Amendments

Department of Planning and Zoning

City of Huber Heights

<b>APPLICANT/OWNER:</b>	City of Huber Heights
<b>DEVELOPMENT NAME:</b>	N/A
<b>ADDRESS/LOCATION:</b>	Text Amendments
<b>ZONING/ACREAGE:</b>	N/A
<b>EXISTING LAND USE:</b>	N/A
<b>ZONING ADJACENT LAND:</b>	N/A
<b>REQUEST:</b>	The City is proposing a number of zoning text amendments meant to enhance the future development of the city.
<b>ORIGINAL APPROVAL:</b>	N/A
<b>APPLICABLE HHCC:</b>	Chapter 1123, 1142
<b>CORRESPONDENCE:</b>	In Favor – None Received In Opposition – None Received

## **STAFF ANALYSIS AND RECOMMENDATION:**

### **Overview**

From time to time the zoning text should be reviewed for necessary amendments due to changing development and design values, updated laws and policies, and/or to ease administration or lessen regulatory burden. The amendments suggested below are due in part from discussions with the City Council, Planning Commission and staff review of the code. The planning commission is making a recommendation to the City Council on whether these proposed amendments should be adopted. Since it requires a supermajority to overturn the recommendation of the planning commission, the commission should consider grouping recommendations into two or more decision orders: the amendments favored by the planning commission and those they are against.

### **Suggested Text Amendment #1: Expand the definition of Home Occupations (Section 1123.53).**

The home occupation definition is very limiting, especially considering the number of professions that have broadened work-at-home opportunities and advances in technology that make working from a home office easier. Additionally, traditional concerns about impacts from a home occupation such as delivery vehicles have primarily vanished with the increased popularity of Etsy, Amazon and other retailers who ship directly to consumers. Fed Ex, UPS and Amazon delivery vehicles are a ubiquitous sight in all residential areas.

### **Current Definition:**

1123.53 Home occupation.

*Home occupation* means an occupation conducted in a dwelling unit, provided that:

- (a) Only members of the family residing on the premises shall be engaged in a home occupation, thus permitting no employees therein.
- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation. Accessory buildings may not be used for the home occupation.
- (c) There shall be no visible evidence of the conduct of a home occupation.
- (d) No traffic shall be generated by a home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Zoning Ordinance and shall not be located in a required front yard.
- (e) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment may be used which causes fluctuations in line voltage off the premises.



- (f) There shall be no stock in trade kept or commodities sold on the premises.

I recommend the following updated and expanded definition for home occupations. I have bolded areas that are substantial expansions from the current definition.

**Proposed Definition:**

**1123.53 Home Occupations**

Home occupations may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- 1) Such use shall be conducted entirely within the dwelling unit or an accessory building. In all cases, all activities related to home occupation must take place within the enclosed building.
- 2) Home occupations shall not change the character of the residential use and shall not adversely affect the uses permitted in the residential district of which they are a part.
- 3) The nature of home occupation as an accessory use relative to its location and conduct of activity is such that the average neighbor, under normal circumstances, would not be aware of its existence.
- 4) Any home occupation activities on the property shall be conducted only by persons residing in the dwelling unit and one additional person who does not reside at the home where the occupation takes place.
- 5) No building or structure shall be used to: operate a business, store equipment or supplies used for a business, or serve as a location where more than four employees meet or park prior to going to work off-site, where such employees do not work anywhere on the property.
- 6) The maximum floor area the use may cover shall not exceed 25 percent of the total floor area of the dwelling unit.
- 7) One, non-illuminated sign with a maximum square footage of four-square feet is permitted, without a permit, if it is mounted flat against the wall of the principal building.
- 8) Home occupations which provide a service shall not have more than two customers (including those arriving and waiting for service) at any one time.
- 9) The storage of all equipment, machinery, supplies, materials, files, and the like, shall be stored completely within the residence or accessory buildings.
- 10) Any need for parking generated by the conduct of such home occupation shall be accommodated on off-street parking spaces or areas that are paved for the purpose of parking.
- 11) No traffic shall be generated by such home occupation in greater volume than is normally expected for the residential neighborhood.
- 12) The following are examples of permitted types of home occupations:

- (i) Clerical and other similar business services;
- (ii) Instruction in music, dance or other types of teaching with a maximum number of two students at a time;
- (iii) The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office-oriented occupations;
- (iv) Artists, sculptors, photographers, and other providers of home crafts;
- (v) Barber shop/beauty salon with a maximum of one chair;
- (vi) A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
- (vii) Any similar use as determined by the Zoning Inspector.

### **Suggested Text Amendment #2 & #3: Expand Special Uses within the Agricultural District (Chapter 1142)**

There is a limited list of allowable special uses in the agricultural district and expanding this list and with appropriate standards will provide the BZA with additionally options and widen the potential use of lands without impacting adjacent property owners. Unlike a rezoning or variance, the special use permit expires if the use is discontinued for more than one year.

### **Bed and Breakfast Establishments**

I recommend adding “Bed and Breakfast Establishments” to the list of Special Uses within the Agricultural District. Currently, Bed and Breakfast (B&B) uses are not defined nor allowed in Huber Heights. While there are currently no B&B’s, there are a few unique buildings that may lend themselves to operating as a B&B, and they have very limited impact on neighboring properties. Most surrounding jurisdictions permit B&Bs in large-lot or historic residential areas.

**Zoning Text Amendment #2:** I recommend the following definition and development standards for Bed and Breakfast Establishments within the Agricultural District:

#### **Definition**

#### **1123.141 Bed and Breakfast Establishments**

Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner’s personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

The following standards shall apply to any bed and breakfast establishment:

- 1) Bed and breakfast establishments shall only be permitted within a single-family, detached dwelling or accessory structure, unless otherwise approved by the BZA.
- 2) The owner of the premises shall reside full-time in the dwelling, or in a dwelling on an adjoining lot.

- 3) No more than four bedrooms in any dwelling may be used for bed and breakfast lodging and at least one bathroom shall be dedicated to guest use.
- 4) One off-street parking space shall be provided for each bedroom used for guest lodging in addition to those normally required for the single-family dwelling.
- 5) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.
- 6) Meals provided for cost in a bed and breakfast establishment, shall only be served to the guests who are lodging at the bed and breakfast establishment.
- 7) Guests shall be permitted to reside at the facility for not longer than three continuous weeks.

Add to Special Use table:

1142.03 (g) Bed and Breakfast Establishments

### **Indoor Automotive / Vehicle Repair**

Allowing the BZA to consider automotive/vehicle repair as a Special Use within the Agricultural District may provide the BZA with additional options when they were reviewing the Skilwies variance request. This approach is preferable to a rezoning or variance, because the use is no longer allowed if voluntarily discontinued after one year.

**Zoning Text Amendment #3:** I recommend the following development standards for indoor automotive / vehicle repair:

#### 1142.03 (h) Automotive / Vehicle Repair (Indoor)

The following standards shall apply to any automotive or vehicle repair use:

- 1) Activities shall be limited to the servicing of motor vehicles with minor repair work, including engine and transmission repair. All activities shall be performed in an enclosed building.
- 2) Bodywork and painting shall be prohibited.
- 3) The storage of non-operational vehicles for longer than one week shall be prohibited. Vehicles must be able to move at least 100 feet under their own power within 24 hours' notice by the City. All vehicles shall be required to have a valid license plate.
- 4) Parking, storage, or salvaging of junk vehicles, as defined by the ORC, shall be prohibited
- 5) The building shall be set back a minimum of 40 feet from any adjacent residential lot and 200 feet from any adjacent residential structure. The parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 35 feet from any adjacent residential lot.
- 6) Parking areas within 100 feet of an adjacent residential lot shall be screened along said lot line by an 8-foot solid fence, or dense evergreen vegetation with a height of at least 8' feet within two years of planting.

### **Self-Storage Facilities**

Self-Storage Facilities have been a topic of discussion both in Huber Heights and surrounding jurisdictions due to the recent acceleration in their development. While these facilities provide a service to the renters, they generate little employment opportunities, income tax, or vibrancy along a commercial corridor or areas designed to be active and vibrant.

Currently, there is no consistent definition for self-storage facilities within the zoning code. The terms "warehouse", "mini-warehouse" and "mini-storage warehouse" are used in the code but none of the terms are defined.

**Text Amendment #4:** I suggest we use the State of Ohio's definition for "Self-Service Storage Facilities" to define self-storage facilities, mini-warehouse, and mini-storage warehouse. Operators of these facilities use the state's definition because the state regulates how foreclosures and forfeitures of stored goods are handled.

Ohio Revised Code 5322.01 states:

*"Self-service storage facility" means any real property that is designed and used only for the purpose of renting or leasing individual storage space in the facility under the following conditions:*

*(1) The occupants have access to the storage space only for the purpose of storing and removing personal property.*

*(2) The owner does not issue a warehouse receipt, bill of lading, or other document of title, as defined in section 1301.201 of the Revised Code, for the personal property stored in the storage space.*

I suggest the following definition:

**Section 1123.9301 "Self Storage Facilities, "mini-warehouse" and "mini-storage warehouse" are defined as Self-Service Storage Facilities as defined in ORC 5322.01.**

Additionally, I suggest stand-alone self-storage facilities be principally permitted in the I-1, I-2, and PI Districts. The Planning Commission may wish to allow indoor self-storage facilities as a Special Use when existing buildings are being repurposed such as a vacant Wal-Mart, K-Mart, etc.

Suggested Amendments for each district:

I-1 District: 1156.02(a)(18) Self-Service Storage Facilities

PC District: 1176.05 (d) Indoor Self-Service Storage Facilities as part of an adaptive reuse of an existing building.

### **Planning Commission Action**

The planning commission may make any changes to the recommended text amendments.





## **Planning Commission Decision Record**

WHEREAS, on October 19, 2022, the City of Huber Heights requested amendments to Section 1123, Section 1156, and Section 1176 of the Huber Heights City Code (Case TA 22-42.4), and;

WHEREAS, on December 13, 2022, 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.

Mr. Jeffries moved to recommend approval of the application by the City of Huber Heights requesting amendments to Section 1123, Section 1156, Section 1176 the Huber Heights City Code (Case TA 22-42) as follows:

Section 1123 of the Codified Ordinances is amended to read as follows:  
Section 1123.9301 "Self-Storage Facilities", "mini-warehouse" and "mini-storage warehouse" are defined as Self-Service Storage Facilities as defined in ORC 5322.01.

Section 1156 of the Codified Ordinances is amended to read as follows:  
I-1 District: 1156.02(a)(18) Self-Service Storage Facilities

Section 1176 of the Codified Ordinances is amended to read as follows:  
PC District: 1176.05 (d) Indoor Self-Service Storage Facilities as part of an adaptive reuse of an existing building.

Seconded by Ms. Vargo. Roll call showed: YEAS: Ms. Vargo, Mr. Jeffries, and Mr. Walton.  
NAYS: None. Motion to recommend approval carried 3-0.

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Terry Walton, Chair  
Planning Commission

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Date

**Planning Commission  
December 13, 2022, Meeting  
City of Huber Heights**

I. Chair Terry Walton called the meeting to order at approximately 6:02 p.m.

II. Present at the meeting: Mr. Jeffries, Ms. Vargo, and Mr. Walton.

Members absent: Ms. Opp and Ms. Thomas, both excused.

Staff Present: Aaron K. Sorrell, Interim City Planner, and Geri Hoskins, Planning & Zoning Administrative Secretary.

III. **Opening Remarks by the Chairman and Commissioners**

IV. **Citizens Comments**

None.

V. **Swearing of Witnesses**

Mr. Walton explained the proceedings of tonight's meeting and administered the sworn oath to all persons wishing to speak or give testimony regarding items on the agenda. All persons present responded in the affirmative.

VI. **Pending Business**

1. **TEXT AMENDMENTS - The applicant, THE CITY OF HUBER HEIGHTS, is requesting approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Use within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA22-42).**

**Suggested Text Amendment #1: Expand the definition of Home Occupations (Section 1123.53).**

The home occupation definition is very limiting, especially considering the number of professions that have broadened work-at-home opportunities and advances in technology that make working from a home office easier. Additionally, traditional concerns about impacts from a home occupation such as delivery vehicles have primarily vanished with the increased popularity of Etsy, Amazon and other retailers who ship directly to consumers. Fed Ex, UPS and Amazon delivery vehicles are a ubiquitous sight in all residential areas.

**Suggested Text Amendment #2 & #3: Expand Special Uses within the Agricultural District (Chapter 1142)**

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### **Bed and Breakfast Establishments**

I recommend adding “Bed and Breakfast Establishments” and “Automotive / Vehicle Repair” to the list of Special Uses within the Agricultural District. Currently, Bed and Breakfast (B&B) uses are not defined nor allowed in Huber Heights. While there are currently no B&B’s, there are a few unique buildings that may lend themselves to operating as a B&B, and they have very limited impact on neighboring properties. Most surrounding jurisdictions permit B&B’s in many residential areas.

### **Indoor Automotive / Vehicle Repair**

Allowing the BZA to consider automotive/vehicle repair as a Special Use within the Agricultural District may have provided the BZA with additional options when they were reviewing the Skilwies variance request. This approach is preferable to a rezoning or variance, because the use is no longer allowed if voluntarily discontinued after one year.

### **Self-Storage Facilities**

Self-Storage Facilities have been a topic of discussion both in Huber Heights and surrounding jurisdictions due to the recent acceleration in their development. While these facilities provide a service to the renters, they generate little employment opportunities, income tax, or vibrancy along a commercial corridor or areas designed to be active and vibrant.

Currently, there is no consistent definition for self-storage facilities within the zoning code. The terms “warehouse”, “mini-warehouse” and “mini-storage warehouse” are used in the code but none of the terms are defined.

### **Action**

Mr. Jeffries moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.1).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

### **Action**

Ms. Vargo moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.2).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

**Action**

Ms. Vargo moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.3).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Ms. Vargo and Mr. Walton. NAYS: Mr. Jeffries. Motion to approve denied 2-1.

**Action**

Mr. Jeffries moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.4).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

**2. BASIC DEVELOPMENT PLAN AND REZONING - The applicant, THOMAS E. DUSA, is requesting approval of a Basic Development Plan and Rezoning to PI (Planned Industrial) to construct a truck repair facility and truck/trailer drop lot on approximately three (3) acres. Property is located at the South East Corner of Technology Blvd and Artz Road (RZ BDP 22-35).**

Mr. Sorrell stated that the applicant requests approval of a basic development plan and rezoning to Planned Industrial to construct a truck stop and repair facility on a three (3) acre parcel. The site is very close to the I-70 / SR 235 interchange.

The land is currently zoned B-3. The surrounding lands are predominantly zoned I-1 and used for manufacturing or logistics purposes. There is a significant amount of agricultural / vacant land immediately east of this site in Clark County that has development potential but limited access to SR 235 and I-70.

Approximately 35 acres was recently rezoned to Planned Commercial to accommodate a fueling station, truck stop and repair facility. The City Council amended the basic development plan to increase the number of truck stop spaces to 30, from 10 spaces that was approved by the Planning Commission.

The applicant has provided additional details regarding the building design and use of the site. Staff feels a repair facility with overnight parking as an accessory use is consistent with the comprehensive plan at this location; however, a simple drop lot facility for overnight parking or trailer storage, without driver support services is not consistent with the comprehensive plan.

Tom Dusa was present.

Discussion on the appropriate use, gateway entrance, and details.

Mr. Jeffries moved to approve the request by the applicant, THOMAS E. DUSA, for approval of Basic Development Plan and Rezoning to PI (Planned Industrial) to construct a truck repair facility and truck/trailer drop lot on approximately three acres. Property is located at the SouthEast Corner of Technology Blvd and Artz Road (RZ BDP 22-35).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

## **VII. New Business**

- 1. MINOR CHANGE - The applicant, KAP SIGNS, is requesting approval of a Minor Change to add one 5'-8" ground sign. Property is located at 7050 Executive Blvd (MC 22-44).**

Mr. Sorrell stated that the Planning Commission granted approval for three wall signs in October 2014. At that time, no ground signs were planned or requested. At that time, the vegetation along Executive Boulevard did not obscure building visibility. Today, the vegetation has matured and obstructs building visibility from westbound traffic.

Staff supports the minor change to add one ground sign as detailed in the application dated November 17, 2022. Building visibility is difficult for westbound traffic since the vegetation has matured. There are similar ground signs along Executive Boulevard which meet the zoning code requirements.

David Williams from Kap Signs was present.

### **Action**

Ms. Vargo moved to approve the request by the applicant, Kap Signs, for approval of a Minor Change to add one ground sign. Property is located at 7050 Executive Blvd (MC 22-44).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

- 2. MAJOR CHANGE - The applicant, JOHN KOPILCHACK, is requesting approval of a Major Change to the combined basic and detailed development plan for addition to the existing medical facility. Property is located at 8501 Old Troy Pike (MJC 22-43).**

Mr. Sorrell stated in October 2014, the Planning Commission approved a combined basic and detailed development plan to construct a Dayton Children's Urgent Care facility on the site of a previous medical office use.

The applicant is now proposing to add a 10,600 SF addition to the rear of the existing facility.



The expansion will encroach into the parking area which will reduce the number of spaces by eight (8) spaces to a total of 153 spaces. The expansion materials and design will be similar to the existing facility.

The proposed 10,600 SF building expansion will add 12 additional exam rooms, bringing the total to 40 exam rooms and the total size of the facility to just under 35,000 SF. The expansion will have minor impact on the parking, but staff feels the amount of parking provided is more than adequate for this facility.

No other changes to the approved basic and detailed development plan are presented. Staff feels the General Standards for Approval outlined in Chapter 1171.06 can be satisfied and recommend approval.

Mr. John Kopilchack was present.

### **Action**

Ms. Vargo moved to approve the request by the applicant, John Kopilchack, for approval of a Major Change to the combined basic and detailed development plan for addition to the existing medical facility. Property is located at 8501 Old Troy Pike (MJC 22-43).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

### **3. REZONING - The applicants, RICHARD BAUMER and STACI CARRE, are requesting approval of a Rezoning from I-1 to R1. Properties are located at 7767 and 7777 Wildcat Road (RZ 22-41).**

Mr. Sorrell stated in 1994, many of the properties along Wildcat Road were rezoned to Industrial to facilitate redevelopment on the east side of Wildcat Road. While the records are unclear, staff thinks the rezoning was expanded to include residential homes that were not owned by the original 1994 rezoning applicant on the west side of Wildcat Road.

The current applicant (7767 Wildcat Road) would like to expand his home, but the zoning code does not allow the expansion of a non-conforming use. Staff suggested rezoning the property to R-1. Staff also contacted owners of adjacent residential uses who are currently zoned I-1, one owner (7777 Wildcat Road) contacted city staff and requested to be included in this rezoning request.

The two residential properties meet all the R-1 district standards. They are currently legal non-conforming uses. A change in zoning will allow the primary applicant to expand his structure. Additionally, being zoned R-1, rather than I-1, may enable a smoother real estate transaction if the applicants sell their property in the future.

Mr. Richard Baumer was present.

Discussion on appropriate zoning.

**Action**

Mr. Jeffries moved to approve the request by the applicants, Richard Baumer and Staci Carre, for approval of a Rezoning from I-1 to R1. Properties are located at 7767 and 7777 Wildcat Road (RZ 22-41).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

**VIII. Additional Business**

Election of Officers, with only 3 members present, will move this item to the next meeting of January 10, 2023.

**IX. Approval of the Minutes**

Without objection, the minutes of the November 8, 2022, Planning Commission meeting are approved.

**X. Reports and Calendar Review**

Approval of 2023 Meeting Schedule

**Action**

Mr. Jeffries moved to approve the 2023 meeting schedule. Starting in April, we will only have 1 meeting a month. That will give more time to work on each case.

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

**XI. Upcoming Meetings**

January 10, 2023

**XII. Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at approximately 8:02 p.m.

Planning Commission Meeting  
December 13, 2022

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**Terry Walton, Chair**

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**Date**

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**Geri Hoskins, Administrative Secretary**

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**Date**

**TA 22-42**  
**ZONING TEXT AMENDMENTS**

January 17, 2023

## **PURPOSE FOR TEXT AMENDMENTS**

- Align code to recent updates in regulations and laws.
- Reduce inconsistencies or regulatory burden
- Align with changing uses, technology, best practices, etc.
- Implement policy direction from Planning Commission /  
City Council



## **TA 22-42.4: SELF STORAGE FACILITIES**

- Self-Storage Facilities have been a topic of discussion both in Huber Heights and surrounding jurisdictions due to the recent acceleration in their development.
- This amendment:
  - Defines self-storage facilities consistent with the Ohio Revised Code.
  - Principally Permits them in the I-1, I-2, PI Districts.
  - Permits indoor self-storage facilities as a Special Use in the PC District when existing buildings are being repurposed such as a vacant Wal-Mart, K-Mart, etc.

## **PLANNING COMMISSION ACTION:**

Planning Commission voted 3-0 to recommend approval.

CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2023-O-

AMENDING CERTAIN SECTIONS OF PART ELEVEN, PLANNING AND ZONING CODE, OF THE CITY CODE OF HUBER HEIGHTS REGARDING SELF STORAGE FACILITIES (CASE TA 22-42.4).

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 Case TA 22-42.4 and on December 13, 2022, recommended approval by a vote of 3-0 the proposed text amendment to City Council; 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. Part Eleven, Planning and Zoning Code, Chapter 1123 – Definitions is amended to add a new Section 1123.9301 as follows:

**1123.9301 - Self-Storage Facilities**

“Mini-warehouse” and “mini-storage warehouse” are defined as Self-Service Storage Facilities as defined in Ohio Revised Code Section 5322.01.

Section 2. Part Eleven, Planning and Zoning Code, Chapter 1156 – Light Industrial and Mixed Use District, Section 1156.02 – Uses is amended to add a new Section 1156.02(a)(18) as follows:

(18) Self-Service Storage Facilities

Section 3. Part Eleven, Planning and Zoning Code, Chapter 1176 – Planned Commercial District, Section 1176.05 – Special Uses is amended to add a new Section 1176.05(d) as follows:

(d) Indoor Self-Service Storage Facilities as part of an adaptive reuse of an existing building.

Section 4. All provisions in Chapters 1123, 1156, and 1176 not expressly changed herein shall remain in full force and effect.

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 \_\_\_\_\_, 2023;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**AI-8941**

**New Business    N.  
City Manager**

**City Council Meeting**

**Meeting Date:** 01/23/2023

Huber Heights Chamber Of Commerce - Lease - Thomas Cloud Park House

**Submitted By:** Bryan Chodkowski

**Department:** Economic Development

**Council Committee Review?:** Council      **Date(s) of Committee Review:** 01/17/2023  
Work  
Session

**Audio-Visual Needs:** None      **Emergency Legislation?:**

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

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**Agenda Item Description or Legislation Title**

A Resolution Approving A Lease Agreement With The Huber Heights Chamber Of Commerce For Use Of City-Owned Property Located At 4704 Brandt Pike.  
(first reading)

**Purpose and Background**

The City of Huber Heights owns the real property located at 4704 Brandt Pike which it currently leases to the Huber Heights Chamber of Commerce. The Chamber of Commerce's lease for the property is set to expire effective January 24, 2023, and both the Chamber of Commerce and the City desire to continue this lessee/lessor relationship for an additional 12 months.

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**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:**

The City will net \$2,400 in revenues from this lease.

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**Attachments**

Resolution  
Exhibit A

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2023-R-

APPROVING A LEASE AGREEMENT WITH THE HUBER HEIGHTS CHAMBER OF COMMERCE FOR USE OF CITY-OWNED PROPERTY LOCATED AT 4704 BRANDT PIKE.

WHEREAS, the City of Huber Heights (the “City”) owns the real property located at 4704 Brandt Pike (the “Property”); and

WHEREAS, the City currently leases the Property to the Huber Heights Chamber of Commerce (the “Chamber”); and

WHEREAS, the Huber Heights Chamber of Commerce’s lease for the Property is set to expire effective January 24, 2023; and

WHEREAS, the Huber Heights Chamber of Commerce and the City desire to continue this lessee/lessor relationship for an additional 12 months.

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

Section 1. A 12-month lease between the City and the Huber Heights Chamber of Commerce, attached hereto as Exhibit A and incorporated herein for the Property is hereby approved and the City Manager is further directed to execute said lease subject to review and approval by the Law Director.

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 \_\_\_\_\_, 2023;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



**EXHIBIT A**  
**AGREEMENT OF LEASE**

THIS AGREEMENT OF LEASE ("Lease") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between THE CITY OF HUBER HEIGHTS, an Ohio municipal corporation ("Landlord") and HUBER HEIGHTS CHAMBER OF COMMERCE, an Ohio Non-profit corporation ("Tenant").

**WITNESSETH**

1. **GRANT.** Landlord hereby leases to Tenant, and Tenant hereby leases from Landlord, the residential home structure at Tom Cloud Park, located at 4704 Brandt Pike, Huber Heights, Ohio, hereto (the "Premises"). The Premises shall be delivered to the Tenant in its then existing condition, "As Is" and with "All Faults". The Landlord makes no representation concerning the condition of the Premises except as provided for herein.

2. **TERM.** The term of this lease shall be for one (1) year, beginning on January 25, 2023 (Commencement Date") and ending January 24, 2024 , except as otherwise hereinafter provided.

As Landlord is a municipality, should Landlord determine in its sole discretion that a public exigency requires the use of the Premises by the City Landlord may terminate this Lease with thirty (30) days advance notice to Tenant

3. **RENT.** The rent for the Premises during the term of the Lease shall be Two Thousand Four Hundred Dollars (\$2,400.00), payable in monthly installments of \$200.00 per month beginning on the Commencement Date, and on the first day of each month thereafter during the term of this lease. The Landlord intends to place the rent paid into an account which shall be used for major repairs to the Premises such as HVAC, roof repair/replacement or plumbing repairs such as the hot water heater.

4. **UTILITIES.** Tenant shall pay all charges against the Premises including but not limited to water, sanitary sewer, gas, heat, electricity, telephone, cable, internet, trash removal and any other utility services furnished to the Premises, including any assessment against the Premises for making such services available, and also including any deposit, fee or penalty charged by the provider in connection with such service. Landlord shall not be obligated to pay for any utilities.

5. **INSURANCE.** Tenant shall pay all charges and at all times during the term of this Lease carry, at its own expense, for the protection of the Tenant and Landlord, as their interests may appear, one or more policies of general public liability and property damage insurance, issued by one or more insurance companies acceptable to the Landlord, with minimum public liability policy limits of ONE MILLION DOLLARS (\$1,000,000) personal injury liability and FIVE HUNDRED THOUSAND DOLLARS (\$500,000) property damage liability. Such insurance policy(ies) shall name the Landlord as an insured for coverage for said building and improvements on the Premises, and as an additional insured on all other coverage, and shall provide that it may not be canceled on less than thirty (30) days prior written notice to the Landlord.

6. **ENVIRONMENTAL.** Tenant shall not cause or permit to occur any violation of any law related to environmental conditions on, under, or about the Premises, or arising from the Tenant's use or occupancy of the Premises. Tenant shall indemnify, defend, and hold harmless the Landlord from all fines, suits, procedures, claims, and actions of every kind and all costs associated therewith (including reasonable attorneys' and consultants' fees) arising out of or in any way connected a breach of this paragraph. Tenant's obligations and liabilities under this paragraph shall survive the expiration of this lease.

7. **WAIVER OF SUBROGATION.** Landlord and Tenant, for themselves and all others claiming under them including any insurer, waive all rights including rights of subrogation against the other for loss, damage, or liability resulting from a risk which is insured against by either party, to the extent of any recovery collectible under such insurance; provided, however, that this waiver shall apply only when permitted by the applicable policy of insurance.

The parties shall use good faith efforts to have any and all fire, extended coverage or any and all liability policies which may be carried endorsed with the following (or equivalent) clause: "This insurance shall not be invalidated should

the insured waive in writing prior to a loss any and all right of recovery against any party for loss occurring to the property described herein."

8. TENANT'S LIABILITY. The Tenant shall assume the risk of, be responsible for, have the obligation to insure against, and indemnify the Landlord and hold it harmless from any and all liability claims, demands, actions, damages, costs and expenses whatsoever, including attorney's fees, arising from or connected with any loss of or damage or injury to person (including death resulting herefrom) or property occurring in, on or about the Premises, except when caused by the negligent act of Landlord.

9. ALTERATIONS. Tenant shall not make any alterations to the Premises without the prior written consent of Landlord. Any changes shall be made in a workmanlike manner so as not to weaken the building or lessen its value. Tenant will pay all the bills incurred for labor and materials for work done, and will cause to be removed from the record within sixty (60) days after filing all notices and affidavits for mechanic's liens filed with respect to the Premises or any part thereof. All additions and improvements made by Tenant to the Premises shall become part thereof and shall remain the property of Landlord unless Landlord requests their removal.

10. MAINTENANCE AND REPAIRS. Tenant shall keep and maintain in good order, condition and repair, the interior of the Premises. Landlord shall keep and maintain the foundation, exterior walls and roof of the building in which the Premises are located and the structural portions of the Premises. Landlord shall be responsible for replacement of mechanicals, cutting grass and snow removal.

11. DAMAGE TO PREMISES. In the event the Premises are untenable as a result of any damage, Landlord or Tenant may terminate this Lease.

12. DEFAULT. If Tenant shall (i) breach this Lease by failing to make any payment by the due date; (ii) breach any provision of this Lease other than for the payment of rent and fail to remedy same within thirty (30) days after written notice of said breach; or (iii) assign or sublease all or a portion of its interest in the Premises except as expressly provided in this Lease; Tenant shall be in default. Upon the occurrence of any event of default set forth above, Landlord shall have all rights and remedies allowed by law, any one or more of which may be exercised by Landlord, in its absolute discretion, without further notice to or demand upon Tenant.

13. TERMINATION. Upon the expiration or other termination of this Lease, Tenant shall surrender to Landlord the Premises in good and clean condition and repair with all electrical and mechanical systems in good working order, ordinary wear and tear excepted.

14. RIGHT OF ENTRY. Landlord may enter the Premises at any reasonable time to examine the condition thereof and make any repairs thereto, charging the cost to Tenant if such repairs are Tenant's responsibility.

15. SUBLETTING AND ASSIGNMENT. Tenant may not sublet the Premises or assign this Lease without prior written consent of Landlord, which consent shall be given or withheld in Landlord's sole discretion. In the event of a permitted subletting or assignment, under this Lease, Tenant shall remain primarily liable to Landlord for the performance of all obligations of Tenant.

16. NOT JOINT VENTURE. It is mutually agreed that nothing contained in this Lease is intended, or shall be construed, as creating or establishing the relationship of partners or joint ventures between the parties or as constituting the Tenant as the agent or representative of the Landlord for any purpose or in any manner whatsoever.

17. NONWAIVER. Failure of Landlord to exercise its rights under the terms of this Lease on any one occasion shall not be construed as a waiver of any requirement of this Lease or a waiver of Landlord's right to take advantage of any subsequent or continued breach by Tenant of any covenant contained in the Lease. All remedies herein provided shall be in addition to and not in substitution for any remedies otherwise available to Landlord.

20. NOTICES. All notices to be given by either party shall be given in writing and by depositing the same in the United States mail, postage prepaid, certified, return receipt requested, and addressed to the parties at the following addresses:

If to Landlord:	The City of Huber Heights 6131 Taylorsville Road Huber Heights, OH 45424 Attn: City Manager's Office
If to Tenant:	Huber Heights Chamber of Commerce 4704 Brandt Pike Huber Heights, OH 45424 Attn:

Should the address of either party for the purposes herein change, such party shall give written notice to the other of the new address.

21. MISCELLANEOUS. This Lease shall be construed under the laws of the State of Ohio. In the event any one or more of the provisions contained in this Lease shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Lease shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein. This Lease represents the complete agreement between the parties with respect to the Premises, and supersedes any prior written or verbal agreements. No amendment, modification, or alteration of the terms hereof shall be binding unless the same is in writing, dated subsequent to the date hereof and duly executed by the parties hereto. This Lease shall not be binding on the Landlord until approved by Huber Heights City Council.

IN WITNESS WHEREOF, Landlord and Tenant have caused this Lease to be signed on the day and year first above written.

LANDLORD: **THE CITY OF HUBER HEIGHTS,**  
An Ohio political subdivision

By: \_\_\_\_\_  
Bryan RH Chodkowski,  
Interim City Manager

TENANT: **HUBER HEIGHTS CHAMBER OF COMMERCE,**  
An Ohio non-profit corporation

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF OHIO, COUNTY OF MONTGOMERY, SS:

The foregoing instrument was acknowledged before me this\_\_\_\_day of\_\_\_\_\_, 2023, by Bryan RH Chodkowski, Interim City Manager of the City of Huber Heights, an Ohio political subdivision, on behalf of said subdivision.

\_\_\_\_\_  
Notary Public

STATE OF OHIO, COUNTY OF MONTGOMERY, SS:

The foregoing instrument was acknowledged before me this\_\_\_\_day of\_\_\_\_\_, 2023, by \_\_\_\_\_, the\_\_\_\_\_, of the Huber Heights Chamber of Commerce, an Ohio non-profit corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public

**AI-8951**

**New Business O.**

**City Council Meeting**

**City Manager**

**Meeting Date:** 01/23/2023

Purchase Of Property - 5001 Taylorsville Road - New Public Works Facility

**Submitted By:** Bryan Chodkowski

**Department:** Public Works

**Council Committee Review?:** Council Work Session **Date(s) of Committee Review:** 01/17/2023

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

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

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**Agenda Item Description or Legislation Title**

A Resolution Authorizing The City Manager To Purchase Montgomery County Parcel Number P70 01922 0001, Commonly Addressed As 5001 Taylorsville Road, For The Purposes Of Constructing A New City Public Works Division Facility.  
(first reading)

**Purpose and Background**

The City's Public Works Division is currently collocated on property with the City's Fire Division and operates out of a building constructed in 1955. This cooperative condition, coupled with the use of a building from 1955 which is no longer functionally or structurally sufficient to support the current and future needs of the Public Works Division, compels the City to construct a new public works facility to meet the needs of the Public Works Division. The property located at 5001 Taylorsville Road is currently for sale and meets several key features necessary for a new Public Works Division facility, including relevance to surrounding land use, direct access to major thoroughfares, and proximity to City Hall. Approval of this legislation would authorize the purchase of 5001 Taylorsville Road for use as the site for the City's future Public Works Division facility.

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**Fiscal Impact**

**Source of Funds:** Capital Improvement Fund

**Cost:** \$525,000

**Recurring Cost? (Yes/No):** No

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

**Financial Implications:**

The purchase price of the Property shall be Five Hundred Twenty-five Thousand (\$525,000.00) Dollars; excluding fees, expenses, and charges customarily paid by the purchaser of commercial real estate for transactions conducted in Montgomery County, Ohio. Funds necessary to acquire the Property shall be drawn from the Capital Improvement Fund, on advance from the General Fund, until such time as permanent financing is secured by the City through the issuance of bonds at a future date.

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**Attachments**

Resolution



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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO PURCHASE MONTGOMERY COUNTY PARCEL NUMBER P70 01922 0001, COMMONLY ADDRESSED AS 5001 TAYLORSVILLE ROAD, FOR THE PURPOSES OF CONSTRUCTING A NEW CITY PUBLIC WORKS DIVISION FACILITY.

WHEREAS, the City of Huber Heights (the “City”) has identified the need to construct a new Public Works Division facility as its current facility, constructed in 1955, is no longer functionally or structurally sufficient to support current and future public works activities; and

WHEREAS, the City has identified Montgomery County Parcel Number P70 01922 0001, commonly addressed as 5001 Taylorsville Road (the “Property”), as an ideal site for a new Public Works Division facility due to its location relative to surrounding land uses, major thoroughfares, and City Hall; and

WHEREAS, the Property is currently listed for sale by Equity Commercial Real Estate;

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, subject to review and approval of the Law Director, with Equity Commercial Real Estate to purchase the Property for the purposes of constructing a new Public Works Division facility. The purchase price of the Property shall be Five Hundred Twenty-Five Thousand Dollars (\$525,000.00); excluding fees, expenses, and charges customarily paid by the purchaser of commercial real estate for transactions conducted in Montgomery County, Ohio. The City Manager and the Finance Director are hereby authorized to take all actions reasonable and necessary to consummate the purchase of the property pursuant to the purchase agreement and to execute any and all closing documents.

Section 2. Funds necessary to acquire the Property shall be drawn from the Capital Improvement Fund, on advance from the General Fund, until such time as permanent financing is secured by the City through the issuance of bonds at a future date.

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 \_\_\_\_\_, 2023;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**AI-8953**

**New Business P.**

**City Council Meeting**

**City Manager**

**Meeting Date:** 01/23/2023

MVH/Premier/City Boundary Adjustment - Heritage Commons - Right-of-Way

**Submitted By:** Bryan Chodkowski

**Department:** Economic Development

**Council Committee Review?:** Council Work Session  
**Date(s) of Committee Review:** 01/17/2023

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

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

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**Agenda Item Description or Legislation Title**

A Resolution Authorizing The City Manager To Execute A Real Estate Purchase And Sale Agreement With Miami Valley Hospital To Acquire Portions Of Property For The Purposes Of Creating Public Right-Of-Way.  
(first reading)

**Purpose and Background**

The City of Huber Heights (the "City") is a partner in the Heritage Commons Mixed-Use Development (the "Project") as authorized and approve pursuant to Resolution 2022-R-7087. The Project is to be constructed on land currently owned by the City identified as Montgomery County Parcel P70 03912 0140 (the "City Parcel") and Miami Valley Hospital (the "MVH") owns vacant property immediate east of the City Parcel identified as Montgomery County Parcel P70 03912 0139 (the "MVH Parcel"). The creation of public right-of-way to construct a public road supporting the Project requires a boundary adjustment between the City Parcel and the MVH Parcel. The City and MVH have reached mutually agreeable terms and conditions to effect the necessary boundary adjustment.

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**Fiscal Impact**

**Source of Funds:** Transformative Economic Development Fund

**Cost:** \$30,000

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

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

**Financial Implications:**

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**Attachments**

Resolution  
Exhibit A  
Attachment A

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO EXECUTE A REAL ESTATE PURCHASE AND SALE AGREEMENT WITH MIAMI VALLEY HOSPITAL TO ACQUIRE PORTIONS OF PROPERTY FOR THE PURPOSES OF CREATING PUBLIC RIGHT-OF-WAY.

WHEREAS, the City of Huber Heights (the “City”) is a partner in the Heritage Commons Mixed-Use Development (the “Project”) as authorized and approved pursuant to Resolution No. 2022-R-7087; and

WHEREAS, the Project is to be constructed on land currently owned by the City identified as Montgomery County Parcel Number P70 03912 0140 (the “City Parcel”); and

WHEREAS, Miami Valley Hospital (“MVH”) owns vacant property to the immediate east of the City Parcel identified as Montgomery County Parcel Number P70 03912 0139 (the “MVH Parcel”); and

WHEREAS, the creation of public right-of-way to construct a public road supporting the Project requires a boundary adjustment between the City Parcel and the MVH Parcel; and

WHEREAS, the City and MVH have reached mutually agreeable terms and conditions to effect the necessary boundary adjustment.

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 a real estate and purchase agreement with Miami Valley Hospital, a copy of which is attached hereto as Exhibit A as if incorporated herein. The City shall pay MVH the amount of Thirty-Thousand Dollars (\$30,000.00) to effect the transaction pursuant to Exhibit A.

Section 2. The funds necessary to acquire the MVH Parcel shall be drawn from the Transformative Economic Development (TED) Fund.

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 \_\_\_\_\_, 2023;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## EXHIBIT A

### REAL ESTATE PURCHASE AND SALE AGREEMENT

1. Parties. This Agreement ("Agreement") is made and entered into by and between CITY OF HUBER HEIGHTS located at 6131 Taylorsville Road, Huber Heights, OH 45424, or assign(s) ("City") and MIAMI VALLEY HOSPITAL located at 110 N Main Street, Dayton, OH 45402 ("MVH").

2. Property. Upon the terms and conditions contained herein:

MVH agrees to transfer to City, 0.435 acres from the southwest corner of MVH-owned parcel P70 03912 0139 (referenced in RED & GREY on Attachment A (the "MVH Parcel");

City agrees to transfer to MVH 0.15 acres from city-owned parcel P70 03912 0140 (referenced in GREEN on Attachment A) (the "City Parcel").

The MVH Parcel and the City Parcel are referred to herein as the "Parcels" or individually as a "Parcel."

3. Intended Use. City intends to use the majority of the MVH Parcel as public right of way for the placement of public infrastructure to further enhance and promote the vibrancy of the Brandt Pike Corridor, and support businesses and residents of Huber Heights. MVH may use the City Parcel for any legal use.

4. Purchase Price. The City will pay MVH the sum of Thirty Thousand Dollars (\$30,000.00) (the "Purchase Price") for the MVH Parcel transferred to the City hereunder, and MVH will pay to the City \$1.00 for the City Parcel transferred to MVH hereunder, both payable at the Closing.

5. Condition of Property. All property transferred hereunder shall be AS-IS- WHERE-IS.

6. Creation of Lot. The City will conduct and provide all of the appropriate actions and documents necessary to create the lots and complete this transaction with no cost to MVH.

7. Contingencies. The parties' obligations under this Agreement are conditioned upon the satisfaction (or waiver by such party) of the following contingencies:

(a) The City shall have a period of sixty (60) days after the date of this Agreement (the "Inspection Period") in which to obtain City Council approval, to obtain plat approvals and legal descriptions for the transfer of the Parcels, and to determine whether the condition and suitability of the MVH Parcel is satisfactory. The City, at its sole cost and expense, may conduct inspections, environmental assessments, and other types of inspections. During the Inspection period, the City may elect to terminate this Agreement by written notice to MVH. In that event, this Agreement shall terminate and neither party shall have further rights or obligations hereunder except for those that are expressly stated to survive the expiration of this Agreement.

(b) Immediately after the execution of this Agreement, the City may obtain a commitment for an owner's policy of title insurance on the MVH Parcel. If the commitment shows that title to all or part of the MVH Parcel is unmarketable, as determined by Ohio law (with reference to the Ohio State Bar Association Standards of Title Examination), or is subject to any defect, lien or encumbrance that would materially hinder the purchase of the MVH Parcel, in the City's sole discretion, the City shall notify MVH of its objections before the expiration of the Inspection Period or the same shall be deemed to have been waived by the City. To the extent the City provides written objections to any title defects, MVH may, but shall have no obligation to, remedy or remove the title defects within ten (10) days after receipt of the City's objections. If MVH elects not to remedy or remove the title defects or are unable to do so within such ten (10) day period, the City's sole remedy shall be to either (i) waive the title defects and accept such title to the MVH Parcel as MVH is able to convey or (ii) terminate this Agreement, in which event the parties shall be released from all further obligations under this Agreement.



## EXHIBIT A

(c) MVH shall have the right, during the Inspection Period, to determine whether the condition and suitability of the City Parcel is satisfactory. MVH, at its sole cost and expense, may conduct inspections, environmental assessments, and other types of inspections. During the Inspection Period, MVH may elect to terminate this Agreement by written notice to the City. In that event, this Agreement shall terminate and neither party shall have any further rights and obligations hereunder except for those that are expressly stated to survive the termination of this Agreement.

(d) Immediately after the execution of this Agreement, MVH shall obtain a commitment for an owner's policy of title insurance on the City Parcel. If the commitment shows that title to all or part of the City Parcel is unmarketable, as determined by Ohio law (with reference to the Ohio State Bar Association Standards of Title Examination), or is subject to any defect, lien or encumbrance that would materially hinder the purchase of the City Parcel, in MVH's sole discretion, MVH shall notify the City of its objections before the expiration of the Inspection Period or the same shall be deemed to have been waived by MVH. To the extent MVH provides written objections to any title defects, the City may, but shall have no obligation to, remedy or remove the title defects within ten (10) days after receipt of MVH's objections. If the City elects not to remedy or remove the title defects or are unable to do so within such ten (10) day period, MVH's sole remedy shall be to either (i) waive the title defects and accept such title to the City Parcel as the City is able to convey or (ii) terminate this Agreement, in which event the parties shall be released from all further obligations under this Agreement.

8. Restrictive Covenants. At the Closing, the City will execute the following declaration of restriction encumbering all property transferred to the City hereunder:

(a) The Property [referring to the MVH Parcel] shall not be used for any of the following uses or purposes: any use that violates applicable laws or codes; sexually oriented business as currently defined in the City of Huber Heights Zoning Code or as may be identified in any future amendment to the City of Huber Heights Zoning Code; off-track betting parlor, casino or gambling operation; mobile home park, trailer court, labor camp, junkyard or scrap yard; obnoxious emission of odors or of noxious, caustic or corrosive matters, whether toxic or non-toxic, gas, fumes, or smoke; or multifamily residential dwellings, other than market rate units (condominium, apartment and retirement community units that are rented or sold at market rates). The Property also shall not be used for a "Competing Use" by a "Competing Entity," as these terms are hereinafter defined. As used herein, a "Competing Use" means the use of all or any part of the Property to provide any of the following services: healthcare insurance services (however an insurance agency offering a wide range of insurance products that sells healthcare insurance but not as its primary purpose shall not be considered a Competing Use); short term, acute in-patient services; out-patient surgery services; laboratory services; physical or occupational therapy; diagnostic imaging services (X-ray, CT, MRI, Nuclear Medicine, ultrasound, etc.); radiological services; dialysis services; clinical laboratory of moderate complexity as defined by CLIA standards; echocardiography or stress testing services; EEG or EMG services; unless the use meets the following Exception, allied health professionals whose services are available to out-patients or in-patients of a hospital and whose primary services are rendered to patients of a hospital other than Miami Valley Hospital or whose services compete with services performed at Miami Valley Hospital; or offices for a physician or group of physicians employed by, or who have hospital staff privileges with a Competing Entity, as hereinafter defined, and do not have hospital staff privileges with Miami Valley Hospital or its successor. A "Competing Entity," as used herein, means a person or entity who competes with Miami Valley Hospital or other affiliates of Premier Health Partners in the provision of any of the Competing Uses in the Greater Dayton Area, including, but not limited to, Kettering Adventist Healthcare and its affiliates. City shall have no liability to MVH and the foregoing restrictions shall not apply to the extent that such restrictions now or at any time in the future violate any law, statute, ordinance, regulation, or rule and, for such reason, may not be enforced by City.

(b) The preceding restrictive covenants (i) shall run with the land, (ii) shall be binding upon City and City's heirs, personal representatives, successors and assigns as owners of the Premises and (iii) shall inure to the benefit of and be enforceable by actions at law or in equity by MVH or MVH's successors in title or interest to all or any part of or interest in "MVH's Premises." "MVH's Premises," as used in this Agreement, means the property owned by MVH known as the Premier Health building located at 6251 Miami Valley Way,

## EXHIBIT A

Huber Heights, OH 45424. These restrictive covenants shall remain in effect for a period of fifty (50) years, unless and until terminated or modified by mutual agreement of the then owners of City's **Premises and MVH's Premises**.

9. Closing. Within twenty (20) days after the expiration of the Inspection Period (provided neither party elects to terminate this Agreement as provided herein), the parties shall conduct a closing (the "Closing") at which time each party shall convey its Parcel to the other party (or its designee) by Limited Warranty Deed, conveying marketable title to the Parcel free and clear of any and all exceptions to title, including, without limitation, liens, encumbrances, covenants, conditions, restrictions, rights-of-way, and easements (except those approved or deemed waived by the other party pursuant to Section 7.b. or 7.d., as applicable). At the Closing, the City shall pay the Purchase Price to MVH, subject to any prorations and closing expenses chargeable to MVH. Closing shall be at a mutually convenient place and time on the date specified by City which is no later than twenty (20) days after the end of the Inspection Period. Possession of the Parcels shall be given at Closing.

10. Prorations. There will be no proration of any, taxes or utility charges.

11. Notices. All notices to be delivered hereunder shall be sent by United States Mail, postage prepaid, certified or registered, by a nationally recognized overnight delivery service, or transmitted by confirmed email transmission and addressed to the attention of the respective persons set forth below. Each such notice shall be deemed delivered upon its receipt, refusal, or attempted delivery, as appropriate, at the address of the party to be noticed.

As to City: City of Huber Heights  
Attn: Bryan Chodkowski  
6131 Taylorsville Road  
Huber Heights, OH 45424  
Email: [Bchodkowski@hhoh.org](mailto:Bchodkowski@hhoh.org)

As to MVH: Miami Valley Hospital  
Attn: John Brownrigg  
110 N. Main Street  
Dayton, OH 45402  
Email: [jabrownrigg@premierhealth.com](mailto:jabrownrigg@premierhealth.com)

With copy to:  
Pickrel Schaeffer & Ebeling  
Attn: Gerald McDonald  
40 N. Main Street St 2700  
Dayton, Ohio 45423  
Email: [GMcDonald@pselaw.com](mailto:GMcDonald@pselaw.com)

With copy to:  
Robert M. Curry, Esq.  
Thompson Hine LLP  
10050 Innovation Dr., Suite 400  
Dayton, OH 45342  
Email: [bob.curry@thompsonhine.com](mailto:bob.curry@thompsonhine.com)

12. Representations and Warranties. Each party represents to the other the following:

(a) That it is the sole owner of the Parcel being transferred (subject to the terms and conditions of Section 7.b. and 7.d., as applicable) and that it has full power, authority, and right to execute, deliver and perform this Agreement. Neither party is a foreign person as defined in Section 1445(f)(3) of the Internal Revenue Code of 1986, as amended. Each party shall deliver a FIRPTA affidavit and all other affidavits reasonably required by City or the Title Agent.

(b) To the best of each party's knowledge, there is no pending claim, lawsuit, proceeding, or other legal, quasi-legal or administrative challenge concerning the Parcel to be transferred or the operation thereof or any condition thereon, and no such claim, lawsuit, proceeding or challenge is threatened by any person or entity. Neither party has received any notice, does not have any knowledge of or information as to any existing or threatened condemnation or other legal action of any kind affecting the Parcel to be transferred.

(c) Neither party has ordered any material, labor or services which could result in the filing of any **mechanics' or materialmen's lien against the** Parcel being transferred.

## EXHIBIT A

If any of the foregoing representations and warranties shall be untrue and incorrect in any material respects on and as of the date of Closing, the non-breaching party may terminate this Agreement and the parties shall be released from all further obligations hereunder.

13. Successors and Assigns. This Agreement shall fully bind and inure to the **benefit of each party's heirs, successors and assigns**. City shall have the right to assign this agreement but only with MVH's **consent**, which will not be unreasonably withheld.

14. Miscellaneous. This Agreement constitutes the entire agreement between the parties concerning the purchase and sale of the property to be transferred. City and MVH acknowledge that neither has relied upon any representation, warranty, or promise, except those expressly included herein. This Agreement may not be amended or modified except by written amendment hereto executed by an authorized signatory for each party hereto. **No waiver of any party's rights hereunder shall be binding, unless in writing and executed by an authorized signatory** for the party to be so bound. This Agreement may be executed in one or more counterparts, and facsimile copies shall be considered original copies for all purposes hereof. In the event any provision of this Agreement shall be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of the Agreement shall nonetheless remain in full force and effect.

15. City Council Approval. This Agreement shall not be binding on the City until approved by Huber Heights City Council. Such approval shall be sought prior to the expiration of the Inspection Period.

In Witness Whereof, City and MVH have executed this Agreement through their duly authorized signatories.

City:  
CITY OF HUBER HEIGHTS  
A Municipal Corporation

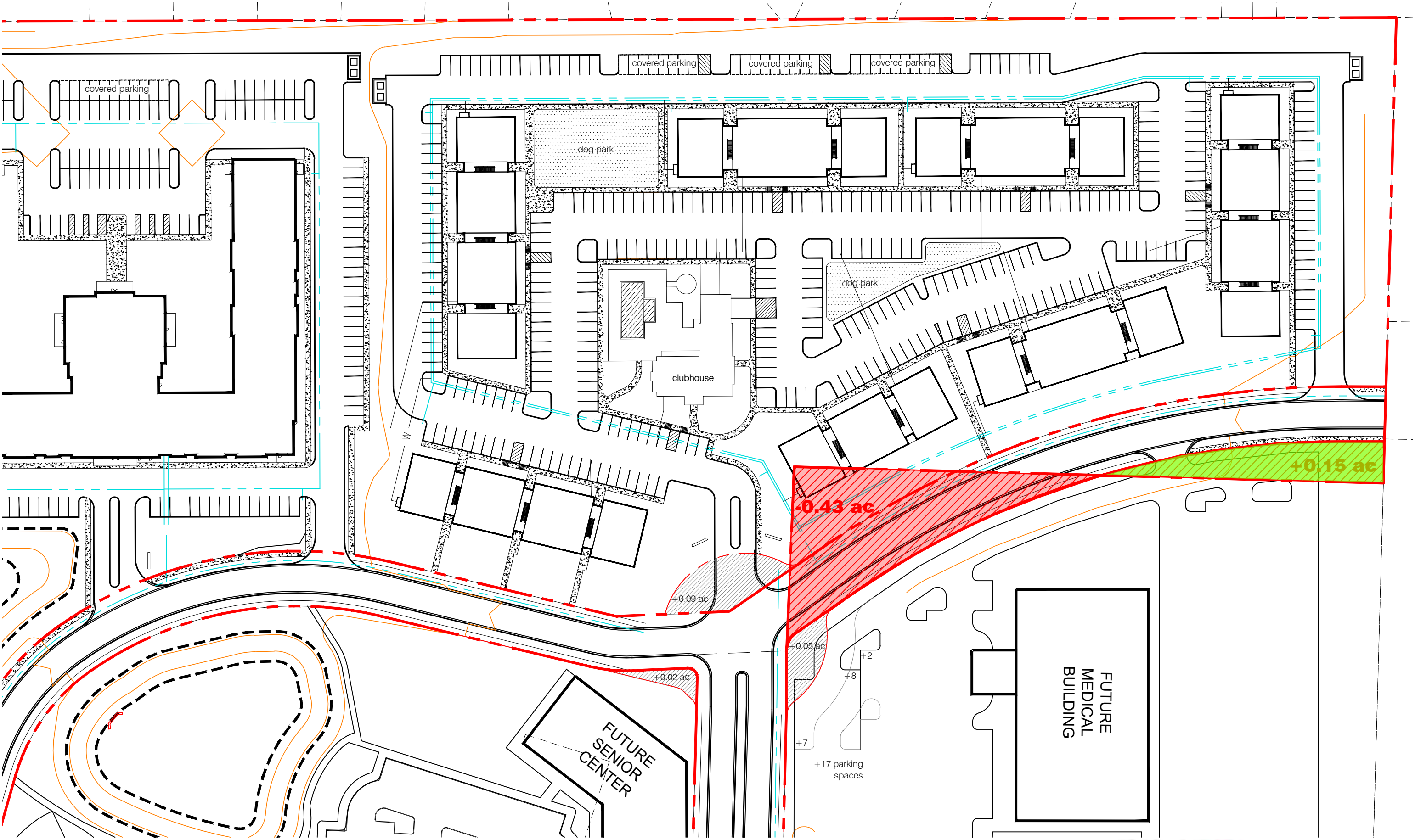
Accepted by MVH:  
MIAMI VALLEY HOSPITAL  
An Ohio nonprofit corporation

By: \_\_\_\_\_  
Printed Name: Bryan Chodkowski  
Interim City Manager

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Authorized Signer

Date: \_\_\_\_\_

Date: \_\_\_\_\_



1 proposed site plan  
SCALE 1" = 80'-0"

80 40 0

**AI-8954**

**New Business    Q.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 01/23/2023

Collective Bargaining Agreement - AFSCME

**Submitted By:** Katie Knisley

**Department:** Human Resources

**Council Committee Review?:** Council    **Date(s) of Committee Review:** 01/17/2023  
Work  
Session

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

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

---

**Agenda Item Description or Legislation Title**

A Resolution Approving The Collective Bargaining Agreement With The Ohio Council 8, Local 101, American Federation Of State, County And Municipal Employees, AFL-CIO For The Time Period January 1, 2023 Through December 31, 2025.  
(first reading)

**Purpose and Background**

The City and The Ohio Council 8, Local 101, AFSCME, AFL-CIO have been in negotiations and have agreed upon a new three-year contract. This legislation will approve the contract as negotiated and authorize the City Manager to sign the Collective Bargaining Agreement with The Ohio Council 8, Local 101, AFSCME, AFL-CIO.

---

**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:**

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**Attachments**

Resolution  
Exhibit A

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2023-R-

APPROVING THE COLLECTIVE BARGAINING AGREEMENT WITH THE OHIO COUNCIL 8, LOCAL 101, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO FOR THE TIME PERIOD JANUARY 1, 2023 THROUGH DECEMBER 31, 2025.

WHEREAS, representatives of the City of Huber Heights and the Ohio Council 8, Local 101, American Federation of State, County, and Municipal Employees, AFL-CIO representing Maintenance Technicians, Mechanics and Crew Leaders in the Public Works Division have been involved in active collective bargaining; and

WHEREAS, those negotiations have resulted in a new Collective Bargaining Agreement with this bargaining unit, which agreement commences on January 1, 2023 and expires on December 31, 2025.

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

Section 1. The City Manager is hereby authorized to execute on behalf of the City of Huber Heights the collective bargaining agreement between the City of Huber Heights and the Ohio Council 8, Local 101, American Federation of State, County, and Municipal Employees, AFL-CIO, referred to above and is appended hereto as Exhibit A and made a part hereof.

Section 2. The wages as set forth in the respective Collective Bargaining Agreement shall be effective retroactively in accordance with Article 16 of the attached Agreement.

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 \_\_\_\_\_, 2023;  
\_\_\_\_ Yeas; \_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Exhibit A

**AGREEMENT**

**BETWEEN**

**THE CITY OF HUBER HEIGHTS, OHIO**

**AND**

**OHIO COUNCIL 8, LOCAL 101, AMERICAN  
FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES,  
AFL-CIO**



**Effective January 1, 2023  
Through December 31, 2025**

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## **ARTICLE 1**

### **AGREEMENT/PURPOSE**

**Section 1.1.** This Agreement, entered into by the City of Huber Heights, Ohio, hereinafter referred to as the "Employer," and the Ohio Council 8, Local No. 101, American Federation of State, County, and Municipal Employees, AFL-CIO, hereinafter referred to as the "Union," has as its purpose the following:

To comply with the requirements of Chapter 4117 of the Ohio Revised Code; and to set forth the full and complete understandings and agreements between the parties governing the wages, hours, terms and other conditions of employment for those employees included in the bargaining unit as defined herein.

This Agreement shall replace any existing Collective Bargaining Agreements between the parties.

**Section 1.2** This Agreement supersedes and replaces all pertinent statutes, ordinances, resolutions, rules and regulations over which it has authority to supersede and replace. Where this Agreement is silent, the provisions of applicable law shall prevail. If a court of competent jurisdiction finds any provision of this Agreement to be contrary to any statute, such provision shall be of no further force and effect, but the remainder of the Agreement shall remain in full force and effect. The parties agree that should any provision of this Agreement be found to be invalid, that they will schedule a meeting within thirty (30) days at a mutually agreeable time to negotiate alternative language on the same subject matter.

**Section 1.3** In cases of emergency declared by the President of the United States, the Governor of the State of Ohio, the Montgomery County Sheriff, the City of Manager, Mayor, or City Council of Huber Heights, or the Federal or State Legislature, such as acts of God or civil disorder, the following conditions of this Agreement may be temporarily suspended by the Employer:

- A. Time limits for the processing of grievances; and
- B. Selected work rules and/or agreements and practices relating to the assignment of employees.

Upon the termination of the emergency should valid grievances exist, they shall be processed in accordance with the provisions outlined in the grievance procedure of this Agreement and shall process from the point in the grievance procedure to which they, the grievance(s), had properly progressed, prior to the emergency.

## **ARTICLE 2 UNION RECOGNITION**

**Section 2.1.** The Employer recognizes the Union as the sole and exclusive representative for those employees of the Employer in the bargaining unit. Wherever used in this Agreement, the term "bargaining unit" shall be deemed to include those employees employed by the Employer in classifications listed as appropriate to the bargaining unit, as certified by the Ohio State Employment Relations Board in case number 84-RC-04-0521, dated September 19, 1985, and filed and served upon each party on September 20, 1985 including.

All public service employees of the City of Huber Heights including Street Maintenance Technician, Mechanic and Crew Leader, but excluding:

All clerical employees, all police and fire department employees, all professional, confidential, and management level employees, all supervisors, and all other employees excluded by the Act.

**Section 2.2.** The Employer will not recognize any other organization as the representative for any employee within the bargaining unit referenced above.

## **ARTICLE 3 DUES DEDUCTION**

**Section 3.1.** The Employer agrees to deduct Union membership dues, fees, and assessments in accordance with this Article for all employees eligible for the bargaining unit.

**Section 3.2.** The Employer agrees to deduct Union membership dues once each pay period, not to exceed two (2) pay periods per month, from the pay of any eligible employee in the bargaining unit upon receiving written authorization signed individually and voluntarily by the employee. The signed payroll deduction form must be presented to the Employer by the employee or his designated representative. Upon receipt of the proper authorization, the Employer will deduct Union dues from the payroll check for the next pay period in which dues are normally deducted following the pay period in which the authorization was received by the Employer.

**Section 3.3.** The parties agree that the Employer assumes no obligation, financial or otherwise, arising out of the provisions of this Article regarding the deduction of Union dues. The Union hereby agrees that it will indemnify and hold the Employer harmless from any claims, actions or proceedings by any employee arising from deductions made by the Employer pursuant to this Article. Once the funds are remitted to the Union, their disposition thereafter shall be the sole and exclusive obligation and responsibility of the Union.

**Section 3.4.** The Employer shall be relieved from making such individual "check-off" deductions upon an employee's: (1) termination of employment; (2) transfer to a job other than one covered



by the bargaining unit; (3) layoff from work; (4) an unpaid leave of absence; (5) revocation of the checkoff authorization; or (6) resignation by the employee from the Union.

**Section 3.5.** The Employer shall not be obligated to make dues deductions from any employee who, during any dues months involved, shall have failed to receive sufficient wages to make all legally required deductions in addition to the deduction of Union dues.

**Section 3.6.** The parties agree that neither the employees nor the Union shall have a claim against the Employer for errors in the processing of deductions, unless a claim of error is made to the Employer in writing within sixty (60) days after the date such an error is claimed to have occurred. If it is found that an error was made, it will be corrected at the next pay period that the Union dues deduction would normally be made by deducting the proper amount.

**Section 3.7.** The rate at which dues are to be deducted shall be certified to the Finance Director by the Treasurer of the Union during January of each year. One (1) month advance notice must be given the Finance Director prior to making any changes in any individual's dues deductions.

**Section 3.8.** Except as otherwise provided herein, each eligible employee's written authorization for dues deduction shall be honored by the Employer for the duration of this Agreement or until such employee submits a written revocation of the dues deduction authorization to the Finance Director.

**Section 3.9. Union Membership Revocation/Maintenance of Membership:** Any voluntary dues checkoff authorization shall be irrevocable, regardless of whether an employee has revoked union membership, for a period of one year from the date of execution of the dues checkoff authorization and for year to year thereafter, unless the employee gives the Employer and the Union written notice of revocation not less than ten (10) days and not more than twenty-five (25) days before the end of any yearly period. Copies of employees' dues checkoff authorization cards are available from the Union upon request.

The Union hereby agrees that it will indemnify and hold the Employer harmless from any claims, demands, suits, actions, proceedings and other forms of liability, including damages, reasonable attorney fees, and costs, brought by any employee arising from any deduction made by the Employer for purposes of complying with any provision of this Article or in reliance on any notice or dues checkoff authorization card furnished under any of the provisions of this Article.

The City of Huber Heights will deduct from the wages the regular monthly Union dues of members. Deduction shall be made from the biweekly pay of all employees pursuant to the authorization cards. In the event an employee's pay is insufficient for the deduction, the City will deduct the amount from the employee's next regular pay where the amount earned is sufficient. All deductions under this Article, shall be deposited via electronic Automatic Clearing House (ACH) transfer payments into the commercial bank of Ohio Council 8, AFSCME, AFL-CIO no later than the tenth (10<sup>th</sup>) day following the date of the deduction, and upon receipt the Union shall assume full responsibility for the disposition of all funds deducted. The Union shall provide the Employer with authorization to make deposits into the financial institution utilized by the Union

along with routing number and account number of the Union's account. It is the Union's responsibility to notify the Employer in writing of any changes to the Union's account information.

If it is determined by the U.S. Supreme Court or by the legislative body of the State of Ohio, that the Fair Share Fee is deemed lawful, the parties agree to meet to bargain about the impact of such decision.

**Section 3.10** AFSCME P.E.O.P.L.E: The Employer agrees to deduct from the wages of any employee who is a member of the Union a PEOPLE deduction as provided for in a written authorization. Such authorization must be executed by the employee and may be revoked by the employee at any time by giving written notice to both the Employer and the Union. The Employer agrees to remit any deductions made pursuant to this provision promptly to: AFSCME PEOPLE Department, 1625 L. Street, NW, Washington, D.C., 20036 together with an itemized statement showing the name of each employee from whose pay such deductions have been made and the amount deducted during the period covered by the remittance. All deductions shall be transmitted no later than thirty (30) days following the end of the pay period in which the deduction is made.

## **ARTICLE 4 UNION REPRESENTATION**

**Section 4.1.** Representative(s) of the Union shall be admitted to the Employer's facilities for the purpose of processing grievances or attending meetings as permitted herein. Upon arrival, the Union Representative shall identify himself to the Employer or Employer's designated representative.

**Section 4.2.** The Employer shall recognize one (1) employee to act as Union Steward for the purpose of processing grievances in accordance with the grievance procedure. The Chief Steward, or in his absence, a designated alternate Steward shall be recognized as representative as provided herein.

**Section 4.3.** The Union Local shall provide to the Employer an official roster of its officers, Steward and designated alternate, which is to be kept current at all times and shall include the following:

1. Name
2. Address
3. Home telephone number
4. Immediate supervisor
5. Union office held

No employee shall be recognized by the Employer as a Union representative until the Union has presented the Employer with written certification of that person's selection.

**Section 4.4.** The investigation and writing of grievances shall be on non-work time. All grievance hearings shall be scheduled during an employee's regular duty hours, the employee shall not suffer any loss of pay while attending the hearing, nor shall such employee receive any compensation or

benefits while attending such hearing during nonscheduled working hours. Investigation of safety related grievances which demand immediate attention may occur during work time.

**Section 4.5.** Rules governing the activity of the Union representatives are as follows:

1. The Union agrees that no official of the Union, employee or non-employee, shall interfere, interrupt, or disrupt the normal work duties of other employees. The Union further agrees not to conduct Union business during on-duty hours except to the extent specifically authorized herein.
2. The Union shall not conduct Union activities in any work area without notifying the supervisor in charge of that area of the nature of the Union activity.
3. The Union employee official (President, Vice President or Representative) shall cease unauthorized activities immediately upon the request of the supervisor of the area where the unauthorized activity is being conducted or upon the request of the employee's immediate supervisor.
4. A Union employee abusing the rules of this Article is subject to disciplinary action.

**Section 4.6.** As a condition for the use of Union Leave under this Article for members of this agreement for conventions and seminars, the Labor Council Official (or designee) shall provide a written request to the Public Works Manager at least thirty (30) days in advance of the date upon which the Representative desires to utilize any Union Leave. Such leave shall be limited to no more than twenty-four (24) hours per year. The time off for the above-mentioned leave shall be hours off with full pay at no expense to the employee's accrued time. In addition, the Representative shall be limited to eight (8) hours of accrued vacation, personal time, etc. per year. Such permission in regard to convention and seminars will not be denied unless the Public Works Manager determines such leave would unduly compromise the normal operations of the Public Works Division.

## **ARTICLE 5 MANAGEMENT RIGHTS**

**Section 5.1.** The Employer possesses the sole right to operate its department and all management rights repose in it. The Employer's exclusive rights shall include, but shall not be limited to, the following except as expressly limited by the terms and conditions set forth in this Agreement:

- A. To determine matters of inherent managerial policy which include but are not limited to areas of discretion or policy such as functions and programs of the Employer, standards of services, its overall budget, utilization of technology, and organizational structure
- B. To direct, supervise, evaluate, or hire employees;

- C. To maintain and improve the efficiency and effectiveness of operations and programs;
- D. To determine the overall methods, process, means or personnel by which operations are to be conducted;
- E. To suspend, discipline, demote, or discharge for just cause, or layoff, transfer, assign, schedule, promote or retain employees;
- F. To determine the adequacy of the work force;
- G. To determine the mission of the Department as a unit of City government;
- H. To effectively manage the work force;
- I. To take action to carry out the mission of the Employer as a governmental unit.

**Section 5.2.** The Union recognizes and accepts that all rights and responsibilities of the Employer not specifically modified by this Agreement or ensuing agreements shall remain the rights, responsibilities and functions of the Employer.

**Section 5.3.** Management shall notify the Union, in writing or at a labor/management meeting, of its intention to reorganize the department or to substantially modify the functions of any bargaining unit position prior to the reorganization or modification in order to allow the parties to discuss said action.

## **ARTICLE 6 NON-DISCRIMINATION**

**Section 6.1.** The Employer and the Union will not interfere with, restrain, or coerce the employees covered by this Agreement because of membership or non-membership in or activity on behalf of the Union. The Employer will not discriminate in respect to hire, tenure of employment or any term or condition of employment against any employee covered by this Agreement because of membership in or activity on behalf of the Union.

**Section 6.2.** Neither the Employer nor the Union shall discriminate against any bargaining unit employee on the basis of age, sex, race, color, religion, disability, or national origin. The Union shall share equally with the Employer the responsibility for applying this provision of the Agreement.

**Section 6.3.** All references to employees in this Agreement designate both sexes, and wherever the male gender is used, it shall be construed to include male and female employees.

## **ARTICLE 7 LABOR/MANAGEMENT MEETINGS**

**Section 7.1.** In the interest of sound labor/management relations, once each month, or as otherwise mutually agreed to by the Union and the City, on a mutually agreeable day and time, or more frequently if requested by either Union or management, the Employer and/or its designee(s) shall meet with not more than six (6) representatives of the Union to discuss pending problems and to promote a more harmonious labor/management relationship.

**Section 7.2.** Agendas will be exchanged by the parties at least five (5) working days in advance of the scheduled meeting listing the matters to be taken up in the meeting (or stating that the party has no specific items it plans to present for discussion), and the names of those representatives of each party who will be attending. The purpose of such meeting shall be to:

- A. Discuss the administration of this Agreement.
- B. Notify the Union of changes made by the Employer which affect bargaining unit members of the Union.
- C. Discuss grievances which have not be processed beyond the final step of the grievance procedure when such discussions are mutually agreed to by the parties.
- D. Disseminate general information of interest to the parties.
- E. Discuss ways to increase productivity and improve efficiency.
- F. To consider and discuss health and safety matters relating to employees.
- G. Discuss policy changes that may affect terms and conditions of employment which are not specifically defined as management rights in Article 5, Section 5.1 of this Agreement.

**Section 7.3.** It is further agreed that if special labor/management meetings have been requested, and mutually agreed upon, they shall be convened as soon as possible.

**Section 7.4.** Minutes of any labor/management meeting shall be typed by the City and approved by both parties within seven (7) working days.

## **ARTICLE 8 GRIEVANCE PROCEDURE**

**Section 8.1.** The term "grievance" shall mean an allegation by a bargaining unit employee that there has been a breach, misinterpretation, or improper application of the Agreement. It is not intended that the grievance procedure be used to effect changes in the articles of this Agreement or those matters which are controlled by the provisions of Federal and/or State laws and/or by the United States or Ohio State constitutions.



**Section 8.2.** All grievances must be presented at the proper step and time in progression, in order to be considered at the next step. The aggrieved may withdraw a grievance at any point by submitting, in writing, a statement to that effect, or by permitting the time requirements at any step to lapse without further appeal or prejudice.

Any grievance not answered by the Employer's representative within the stipulated time limits may be advanced by the employee to the next step in the grievance procedure. Time limits set forth herein may only be extended by mutual agreement. The Employer recognizes the obligation to provide a timely answer as described in this Agreement.

**Section 8.3.** A grievance must be submitted to Step 1 of the formal grievance procedure within five (5) work days after the grievant knows or should have known the facts giving rise to the grievance, but in no case later than thirty (30) calendar days following the date of such facts, otherwise it will be considered not to have existed.

**Section 8.4.** All written grievances shall contain the following information:

1. Aggrieved employee's name and signature or in case of emergency, signature of Steward or alternate Steward;
2. Date grievance was first discussed with Superintendent;
3. Date grievance was filed in writing;
4. Name of supervisor with whom grievance was discussed;
5. Date and time grievance occurred; and
6. Where grievance occurred.

**Section 8.5.** The following steps shall be followed in the process of a formal grievance:

**Step 1:** There shall be an earnest, honest effort to settle grievances promptly through oral discussions between the employee, his Steward, and his immediate supervisors. Any grievance which cannot be resolved through these discussions within five (5) work days of presentation may be submitted to Step 2 hereof within five (5) work days of the supervisor's verbal answer.

**Step 2:** If the grievant wishes to pursue an unresolved grievance to Step 2 of this grievance procedure, the grievance must be submitted in writing to the Street Superintendent or his designee within five (5) work days of the immediate supervisor's answer in Step 1 above. After receipt of the grievance, the Superintendent or his designated representative shall meet with the grievant and his Steward and may reply to the grievant in writing by the end of the fifth work day. If the grievant does not refer the grievance to the third step of the procedure within seven (7) work days after receipt of the decision rendered in the second step, it shall be considered to be satisfactorily resolved. If the City fails to reply within the above time limit, the grievance may be referred to the next step by the Union within five (5) work days.

**Step 3:** If the grievance is not resolved in Step 2, it may then be appealed by the staff representative to a hearing between the City Manager and/or his designated representative(s) and the aggrieved with his Union Steward, Chief Steward/Chapter Chairperson and staff representative not to exceed

four (4) including staff representative and grievant, provided said persons are not material to the grievance in question. Within seven (7) work days, a mutually agreeable date shall be scheduled for said hearing. The City Manager or his designated representative will answer the grievance within seven (7) work days after the hearing. If the City fails to reply within the above time limit, the grievance may be referred to the next step by the Union within ten (10) work days.

STEP 4: Mediation: Any grievance that remains unsolved after Step 3 may be submitted to grievance mediation upon agreement of the parties. If a grievance proceeds to mediation, the procedures set for in Step 5 shall be stayed until the mediation process is completed.

The parties agree to use a mediator from the Federal Mediation and Conciliation Services, the State Employment Relations Board or any other mutually agreed upon individual. The grievant shall have the right to be present at the mediation conference. The Employer and the Union may each have no more than three (3) additional representatives as participants in the mediation effort, unless otherwise mutually agreed to by the parties.

Mediation efforts will be informal in nature and shall not include written opinions or recommendations from the mediator unless mutually agreed to by the parties and the mediator.

If a settlement is not reached, the Union may proceed to arbitration. If mutually agreed, the parties may request the mediator to conduct the arbitration.

Step 5: Arbitration If the grievance is not satisfactorily resolved at Step 3, it may be submitted to Arbitration upon request of the Union in accordance with this Section of this Article.

The Union, based upon the facts presented, has the right to decide whether to arbitrate a grievance. Within ten (10) work days from the date of final answer on such grievance under Step 3 in the grievance procedure, the Union shall notify the Employer of its intent to seek arbitration over an unadjusted grievance. The representatives of the parties (the Union and the Employer) shall schedule a meeting to be held within ten (10) work days after notification of a request to arbitrate to begin the selection procedures outlined below. The Union may withdraw its request to arbitrate at any time prior to the actual hearing. Any cancellation fee due the arbitrator shall be paid by the party canceling the arbitration. Any grievance not submitted within the ten (10) work day period described above shall be deemed settled on the basis of the last answer given by the Employer's representative.

- A. After receipt of a request to arbitrate, a representative of each of the parties (the Union and the Employer) shall attempt to agree on an arbitrator. Should the representatives fail to agree on an arbitrator, the arbitrator shall be selected in the following manner: The American Arbitration Association shall be jointly requested to submit a panel list of five (5) arbitrators. The parties shall then choose an arbitrator by alternately striking names from the list until such time as one name remains as the arbitrator chosen by the parties. Prior to striking names, either party may once reject a list and submit a request for another list from the AAA. The arbitrator shall limit his decisions strictly to the interpretation, application, or enforcement of specific articles of the Agreement. He may not modify or amend the Agreement.

- B. The question of arbitrability of a grievance may be raised by either party before the arbitration hearing of the grievance on the grounds that the matter is non-arbitrable or beyond the arbitrator's jurisdiction.

The first question to be placed before the arbitrator will be whether or not the alleged grievance is arbitrable. If the arbitrator determines the grievance is within the purview of arbitrability, the alleged grievance will be heard on its merits before the same arbitrator.

- C. The decisions of the arbitrator shall be final and binding on the parties. The arbitrator shall be without authority to recommend any right or relief on an alleged grievance occurring at any time other than the Agreement period in which such right originated or make any award based on rights arising under any previous Agreement, grievance or practices. The arbitrator shall not establish any new or different wage rates not negotiated as part of this Agreement. In cases of discharge, suspension or reduction in pay and position, the arbitrator shall have the authority to award modification of said discipline.
- D. The costs of the services of the arbitrator, the costs of any proofs produced at the direction of the arbitrator, the fee of the arbitrator, if any, or hearing room, shall be borne equally by the Employer and the Union. The expenses of any non-employee witness shall be borne, if any, by the party calling them. The fees of the court reporter shall be paid by the party asking for one; such fees split equally if both parties desire a reporter, or request a copy of any transcripts. Any bargaining unit member whose attendance is required for such hearing shall not lose pay or benefits to the extent that hearing hours are during normally scheduled working hours on the day of the hearing, nor shall such bargaining unit member receive any compensation or benefit for any portion of such hearing that occurs during nonscheduled working hours.

**Section 8.6.** The Union shall use a grievance form which shall provide the information outlined in Section 8.4. The Union shall have the responsibility for the duplication, distribution, and their own accounting of the grievance forms.

## **ARTICLE 9 DISCIPLINE**

**Section 9.1.** The tenure of every employee who has completed his initial probationary period shall continue with good behavior and efficient service. No employee shall be reduced in position, suspended, discharged or otherwise disciplined except for just cause. An employee may not be disciplined for actions on his own personal time that do not reflect directly upon the Employer, or violate departmental standards of conduct. Forms of disciplinary action, but not necessarily the order or progression, are as follows:

- A. Level 1 Warning (equivalent to a Verbal Reprimand)
- B. Level 2 Warning (equivalent to a Written Reprimand)

- C. Level 3 Warning (equivalent to a 3 to 5 day suspension)
- D. Level 4 Warning (equivalent to a 10 day suspension)
- E. Discharge

Except in instances where an employee is charged with a serious offense, discipline will be applied in a progressive and uniform manner. Progressive discipline shall take into account the nature of the violation, the employee's record of discipline and the employee's record of performance and conduct.

**Section 9.2.** Level 3 and Level 4 Warnings are considered "paper" suspensions. However, where previous warnings have been ineffective in altering the employee's behavior, the Employer may impose a time off suspension, not to exceed the days listed at the appropriate level. With the permission of the Superintendent, a suspended employee may forfeit paid vacation leave for all or part of the suspension.

**Section 9.3.** No employee will receive a Level 3 or 4 Warning or be discharged without first having had the opportunity for a pre-disciplinary hearing. Employee will be given a seventy-two (72) hour advance notice of any pre-disciplinary hearing and a written outline of the charges which may be the basis for disciplinary action.

**Section 9.4.** Level 1 and 2 Warnings may be grieved up to the City Manager, but are not subject to the arbitration procedure. Level 3 and 4 Warnings, suspensions and discharge may be appealed through the grievance and arbitration procedure.

**Section 9.5.** Any time the Employer or any of its representatives has reason to discipline an employee, it shall be done in a manner that will not embarrass the employee before other employees or the public.

**Section 9.6.** It is agreed that the disciplinary process will be initiated within twenty-five (25) days following knowledge by the department head of the events upon which the disciplinary action is based.

**Section 9.7.** Records of verbal and written reprimands shall cease to have force and effect one (1) year from the date of issuance, assuming no intervening discipline has occurred. Records of suspension shall cease to have force and effect two (2) years from the date of issuance, assuming no intervening discipline has occurred.

## **ARTICLE 10 PERSONNEL FILES**

**Section 10.1.** Each employee may inspect his official personnel file maintained by the Employer at any reasonable time, and shall upon request, receive a copy of any documents contained therein. An employee shall be entitled to have a representative of his choice accompany him during such review.

**Section 10.2.** If an unfavorable statement or notation is in the file, the employee shall be given the right to place a statement or rebuttal or explanation in his file. No anonymous material of any type shall be included in the employee's official personnel file.

**Section 10.3.** Employees, upon request, will receive the exact copy of whatever is put in their personnel file from the Human Resources Director.

## **ARTICLE 11 PROBATIONARY PERIODS**

**Section 11.1.** Every newly hired employee will be required to successfully complete a probationary period. The probationary period for new employees shall begin on the first day for which the employee receives compensation from the Employer and shall continue for a period of twelve (12) months. A newly hired probationary employee may be terminated any time during his probationary period and shall have no right to the grievance procedures.

## **ARTICLE 12 SENIORITY**

**Section 12.1.** "Seniority" shall accrue to all employees in accordance with the provisions of this Agreement. Seniority, as defined in Section 2 of this Article, will apply wherever employee seniority rights are established in the terms and conditions of this Agreement.

**Section 12.2.** "Seniority" shall be computed on the basis of uninterrupted length of continuous service with the Employer.

A. The following situations shall not constitute a break in continuous service:

1. Absence while on approved leave of absence;
2. Absence while on approved sick leave or disability leave;
3. Military Leave;
4. A layoff of three (3) year's duration or less; and,

B. The following situations constitute breaks in continuous service for which seniority is lost:

1. Discharge for just cause;
2. Retirement;
3. Layoff for more than three (3) years;
4. Failure to return to work within fourteen (14) calendar days of a recall from layoff;
5. Failure to return to work at the expiration of leave of absence;
6. A resignation
7. A promotion or reassignment to a management, supervisory or other position not included in the bargaining unit of a duration of one hundred eighty (180) days.

**Section 12.3.** The Employer shall post two (2) seniority lists, once every six (6) months, on the department bulletin board. One (1) list showing the continuous service of each employee within each respective classification of the Street Division, and one (1) list showing the continuous service of each employee with the City. One (1) copy of the seniority lists shall be furnished to the Union upon request.

**Section 12.4.** Employees laid off shall retain their seniority for a period of thirty-six (36) months from the date of layoff.

**Section 12.5.** Upon request, the Employer shall provide an updated list of employees covered by this Agreement including the employee's (1) Name; (2) Address; (3) Telephone No.; and (4) Classification.

**Section 12.6.** Within thirty (30) days after date of hire the Employer shall provide the following information for newly hired employees covered by this Agreement including the employee's (1) Name; (2) Address; (3) Telephone No.; and (4) Classification.

### **ARTICLE 13 LAYOFF AND RECALL**

**Section 13.1.** When the Employer determines that a long-term layoff or job abolishment is necessary, it shall notify the affected employees thirty (30) days in advance of the effective date of the layoff or job abolishment. Employees will be notified of the Employer's decision to implement any short-term layoff, lasting seventy-two (72) continuous hours or less, at least seven (7) days in advance of the effective date of the layoff. The Employer, upon request from the Union, agrees to discuss, with representatives of the Union, the impact of the layoff on bargaining unit employees.

**Section 13.2.** Layoffs in the bargaining unit shall be in inverse order of seniority within the affected classification.

A. Such layoffs shall be implemented in the following order:

1. Temporary employees;
2. Probationary employees;
3. Permanent part-time employees;
4. Full-time regular employees.

B. Employees may displace the least senior employee in another classification provided the employee is presently qualified to perform the work.

Laid off full-time regular employees may displace permanent part-time employees if the full-time regular employees have greater seniority. No laid off permanent part-time employee may displace a full-time regular employee, regardless of seniority.



**Section 13.3.** Employees who are laid off shall be placed on a recall list for a period of three (3) years. If there is a recall, employees who are still on the recall list shall be recalled, in the inverse order of their layoff, provided they are presently qualified to perform the work in the work section to which they are recalled. Any recalled employee requiring additional training to meet the position qualifications in existence at the time of recall must satisfactorily complete the additional training requirements within twelve (12) months of recall. Any training required in this Section shall be at the Employer's expense.

**Section 13.4.** Notice of recall shall be sent to the employee by certified mail. The Employer shall be deemed to have fulfilled its obligations by mailing the recall notice by certified mail, return receipt requested, to the last mailing address provided by the employee.

**Section 13.5.** The recalled employee shall have ten (10) work days following the date of receipt of the recall notice to notify the Employer of his intention to return to work and shall have fourteen (14) calendar days following the employee's notification of intent to return to work in which to report for duty, unless a different date for returning to work is mutually agreed upon between the recalled employee and the Employer.

**Section 13.6.** For the purpose of Section 13.2 of this Article, seniority shall be computed on the basis of uninterrupted length of continuous service with the Employer in a position included within this bargaining unit.

## **ARTICLE 14 HEALTH AND SAFETY**

**Section 14.1.** It is agreed that safety must be a prime concern and responsibility of both parties. Therefore, the Employer accepts his responsibility to provide safe working conditions, equipment, vehicles and working methods for his employees. The employees accept the responsibility to follow all safety rules and safe working methods of the Employer.

**Section 14.2.** There shall be a Street Department Safety and Training Committee. The Committee shall hear safety complaints, make recommendations for the prevention of accidents, recommend safety and other training programs, and shall review all accident reports within the department recognizing that determining discipline and fault shall be management's responsibility. Two (2) representatives of the bargaining unit, along with two (2) management representatives shall be the members of the Safety Committee. A current list of who is on the Safety Committee will be posted on the department bulletin board. The two (2) Union members will be selected by the Union and will serve a one (1) year term on the Safety Committee. The Committee shall meet once each quarter on a mutually agreeable day and time or more frequently if requested by either Union or Management.

**Section 14.3.** Management will make a concerted effort to implement, in conjunction with Safety & Training Committee, as outlined in Section 14.2, any appropriate recommendations of the Committee as related to worker health and safety, including time aside each month for employee training opportunities.

## **ARTICLE 15**

### **HOURS OF WORK AND OVERTIME**

**Section 15.1.** The work week for determining eligibility for overtime for bargaining unit employees shall begin at 12:00 a.m. Sunday and end at 11:59 p.m. for Saturday.

**Section 15.2.** The standard number of work hours in a standard work day, and the standard working days in a standard work week for bargaining unit employed by the Employer shall be as described in Schedules A, B or C herein below, depending upon which schedule is in effect at any given time:

**Schedule A:** The standard work day for all bargaining unit employees shall consist of no more than eight (8) consecutive hours (excluding a thirty [30] minute meal period, but including two [2] on-site [15] minute breaks) within a twenty-four (24) hour 7:00 a.m. to 7:00 a.m. period. Employees may only work through their break with the approval of the Superintendent of Streets or a Street Foreman. The standard working days within a standard work week shall be Monday through Friday, 7:00 a.m. to 3:30 p.m.

**Schedule B:** The standard work day for all bargaining unit employees shall consist of no more than ten (10) consecutive hours (excluding a thirty [30] minute meal period, but including two [2] on-site fifteen [15] minute breaks) within a twenty-four (24) hour period. Employees may only work through their break with the approval of the Superintendent of Streets or a Street Foreman. The standard working days within a standard work week shall be Monday through Thursday.

**Schedule C:** The standard work day for all bargaining unit employees shall consist of no more than ten (10) consecutive hours (excluding a thirty [30] minute meal period, but including two [2] on-site fifteen (15) minute breaks) within a twenty-four (24) hour period. Employees may only work through their break with the approval of the Superintendent of Streets or a Street Foreman. The standard working days within a standard work week shall be Tuesday through Friday.

**Section 15.3.** Employees required to work beyond their standard work day as defined above, unless their standard work day is modified in accordance with provisions contained within this agreement, shall be considered worked overtime. Worked overtime shall be classified and defined as follows:

A) **Continuous Overtime:** Continuous Overtime is that overtime worked immediately prior to or immediately following the employee's standard work day where there is no clear separation of the work occurring as part of the standard work day and the overtime being worked. Continuous Overtime may or may not be scheduled.

B) **Discontinuous Scheduled Overtime:** Discontinuous Scheduled Overtime is that overtime worked outside of the employee's standard work day where there is a clear separation from the employee's standard work day and such time is scheduled not less than twelve (12) hours in advance of the start of the work scheduled.

C) Discontinuous Unscheduled Overtime: Discontinuous Unscheduled Overtime is that overtime worked outside of the employee's standard work day where there is a clear separation from the employee's standard work day and such time is scheduled or deemed necessary by the City on fewer than twelve (12) hours in advance of when the work needs to be performed.

#### Section 15.4. Overtime Pay Rates and Regulations:

- A) (Regular) Overtime: Employees required to work outside of their standard work day or in excess of forty (40) hours in a standard work week shall be compensated at the rate of one and one-half (1-1/2) times their regular hourly rate for all hours worked in excess of forty (40) in the work week (overtime hours), up to a maximum of twenty-four (24) overtime hours.
- B) Premium Overtime or Doubletime: Employees required to work in excess of twenty-four (24) overtime hours in a two week pay period shall be compensated at the rate of two (2) times their regular hourly rate for all such overtime hours actually worked in excess of twenty-four (24). The work week ends at 11:59 p.m. on Saturday for purposes of these premium pay calculations, except for an employee working overtime beyond twenty-four (24) hours when a new two week pay period begins. In that event the employee shall continue to be paid at the rate of two times their regular hourly rate for all overtime work hours that are consecutive to the overtime hours beyond twenty-four (24) hours that he or she works when a new two week pay period begins. Such overtime hours shall not be counted again as overtime for purposes of premium pay for the following two week pay period. Under any of these schedules, bargaining unit employees may combine their breaks to their lunch period.

Employees required to work in excess of eight (8) overtime hours in a Schedule A work day, or in excess of six (6) overtime hours in a Schedule B or C work day, shall be compensated at the rate of two (2) times their regularly hourly rate for all such excess overtime hours actually worked in the work day, regardless of the total number of overtime hours they work in that work week. The work day ends at 11:59 p.m. each day for purposes of these premium pay calculations, except for an employee working overtime beyond eight (8) hours when a new work day begins. In that event the employee shall continue to be paid at the rate of two times their regular hourly rate for all overtime work hours that are consecutive to the overtime hours beyond eight (8) hours that he or she is working when a new work day begins. Such overtime hours shall not be counted again as overtime for purposes of premium pay.

C) Minimum Payment Requirements: The City recognizes that the nature and duration of work performed by the employees can vary and the demand for such work may occur or be required at times which may be disruptive to the employee's personal time. In consideration thereof, the City provides the following minimum payment requirements:

- 1) An employee scheduled to work Discontinuous Scheduled Overtime, shall be provided a minimum of two (2) hours of compensation in accordance with the provisions of this article; regardless of whether or not the employee actually works for the entire two

(2) hour period. Any time worked by the employee beyond the two (2) hour minimum shall be compensate for the actual time worked in accordance with the provisions of this article.

2) An employee who works Discontinuous Unscheduled Overtime, previously known as 'Call-in Pay', shall be paid for a minimum of three (3) hours of compensation in accordance with the provisions of this article. If the employee is notified that the call-in is cancelled before arriving at the location, the employee shall be paid for a minimum of two (2) hours at one and one-half (1-1/2) times the employee's rate of pay. When making employee call-ins under this article, and in determining the number of employees needed to perform the work, the Employer shall give due consideration to the nature of the call-in work and to employee safety in the performance thereof.

3) The City will exercise good judgment in not requiring an employee to do unrelated "make work" activities in order to fill the three (3) hours minimum period. An employee off on sick leave shall not be eligible to be called in for overtime until he has reported back to work or is on pre-approved sick leave which will end prior to the call-out.

4) The minimum payment requirements shall not be applicable to hours of work which are contiguous to the employee's scheduled work shift.

- D. For the purpose of calculating an employee's eligibility for overtime compensation, time spent on approved paid leave or compensatory time off, and time spent on an approved legal holiday as defined in this Agreement, shall be counted as actual hours worked.
- E. There shall be no pyramiding of overtime or other premium pay. This shall include, but not be limited to be following examples:
  - 1. Double overtime paid for hours worked over eight (8) in a day shall not be counted in determining an employee's eligibility for double overtime in a two week period.
  - 2. Only actual hours worked by employees when called-in (Article 17) shall be counted toward eligibility for double overtime.
- F. All overtime work must be approved by the Employer or his designee before the work is done, unless circumstances prohibit advance approval.
- G. The Employer reserves the right to make overtime payments by separate check.
- H. In lieu of receiving overtime premium pay, an employee may elect to receive compensatory time off. Compensatory time off will be scheduled with the approval of the Superintendent. Compensatory time off shall be granted on the basis of the overtime rate applicable for each overtime hour actually worked. Compensatory time off may be accumulated to a maximum of eighty (80) hours. An employee shall elect to be paid the overtime premium and/or receive compensatory time off at the time the overtime hours are actually worked.

**Section 15.5** . Overtime work periods shall include the following non-work intervals, depending upon the length of the overtime work period:

- A. One (1) fifteen (15) minute on-site break (paid) after the completion of the second, sixth, tenth and fourteenth consecutive hours of overtime work; and
- B. One (1) thirty (30) minute meal period (unpaid) after the completion of the fourth, eighth, and twelfth consecutive hours of overtime work.

**Section 15.6**. When the Employer has determined the operational need of the department requires the overtime be worked by an employee or employees (excluding overtime which abuts either end of an employee's shift, or overtime which requires a specific employee), and whenever practicable, the Employer shall distribute the overtime as equitably as possible among bargaining unit employees. The distribution of overtime opportunities under this Section is the responsibility of the Employer.

**Section 15.7**. Unless emergency conditions exist, the working of overtime shall be voluntary on the part of the employee. However, the Employer reserves the right to require any and/or all employees to work overtime when the operational needs of the Department require it. The Employer will notify employees of required overtime at least two (2) hours in advance on a scheduled work day and at least twelve (12) hours in advance on a nonscheduled work day.

**Section 15.8**. When an employee is required to work outside in temperatures of twenty (20) degrees Fahrenheit or below, he will be reasonably permitted to periodically warm himself.

**Section 15.9**. Overtime will be awarded by classification, including the working supervisor on duty, except for emergencies, when all employees in that classification are utilized. Then all bargaining unit members will be utilized at the discretion of the employer regardless of classification.

## **ARTICLE 16 WAGES AND COMPENSATION**

**Section 16.1**. Effective at the beginning of the first pay period after January 1, 2023, hourly rates of pay for bargaining unit personnel shall be increased by 8.25%.

Maintenance Tech:	<u>Rate</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>
	\$24.6867	\$26.6953	\$28.8772	\$31.2500	\$34.2707

Mechanic	<u>Rate</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>
	\$28.0080	\$30.3011	\$32.7841	\$35.4412	\$37.2126

Effective at the beginning of the first pay period after January 1, 2024, hourly rates of pay for bargaining unit personnel shall be increased by 0%.

Maintenance Tech:	<u>Rate</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>
	\$24.6867	\$26.6953	\$28.8772	\$31.2500	\$34.2707

Mechanic	<u>Rate</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>
	\$28.0080	\$30.3011	\$32.7841	\$35.4412	\$37.2126

Effective at the beginning of the first pay period after January 1, 2025, hourly rates of pay for bargaining unit personnel shall be increased by 0%.

Maintenance Tech:	<u>Rate</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>
	\$24.6867	\$26.6953	\$28.8772	\$31.2500	\$34.2707

Mechanic:	<u>Rate</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>
	28.0080	\$30.3011	\$32.7841	\$35.4412	\$37.2126

Crew Leader: The pay of members in the classification of Crew Leader, for the term of the contract, is determined by adding to the top rate for Mechanic, a differential of 5%.

**Section 16.2.** Employees shall be advanced to the next step in their assigned pay range upon completion of the required length of service. Step advancements shall occur at the beginning of the pay period which includes the employee's anniversary date of hire.

**Section 16.3.** The Employer will pick up one percent (1%) of employee's contribution to P.E.R.S.

**Section 16.4.** Effective throughout the life of this Agreement, the Employer shall shelter members' pension contribution.

**Section 16.5.** During the term of this Agreement January 1, 2020, through December 31, 2022, if negotiated wage rates for any other unionized employees of the City of Huber Heights, Ohio are increased above the rates currently provided for in their respective collective bargaining agreements, the rates for Maintenance Techs and Mechanics shall increase by an equivalent percentage. Similarly, if other unionized employees of the City of Huber Heights, Ohio receive negotiated lump sum payments, Maintenance Techs and Mechanics covered hereunder shall receive equivalent lump sums. The Employer shall have no obligation to abide by this section of



the agreement if a higher percentage wage increase provided to any other collectively bargained group of City of Huber Heights is the direct result of an order/award from a Fact Finder or other neutral third party.

**Section 16.6 Performance Eligibility.** The City and Union shall implement this Performance Eligibility program to incentivize improved performance. To receive program payments, the following criteria must be met as of the end of the twelve (12) month evaluation period ending October 31: \*

- A. The employee shall pass the employees' annual performance evaluation receiving at least a rating of "meets expectations". The performance evaluation will be reviewed by the employee's supervisor, and/or the Public Works Manager.
- B. The employee will have no more than two (2) lates for duty.
- C. The employee will have no more than four (4) instances of sick leave during the twelve (12) month evaluation period, excluding leave which has been approved for FMLA.
- D. The employee will achieve and maintain all required certifications, and training required by the Public Works Division.
- E. The employee will not have received any formal disciplinary actions during the twelve (12) month evaluation period consisting of Level II or higher as defined in Article 9. This does not include counseling or any performance management or action which is not documented or formalized as a discipline Level defined in Article 9 of this Agreement.

**Section 16.7. Performance Incentive Pay.**

- A. The performance incentive pay determined in accordance with Section 1 above shall be equal to one point-two five percent (1.25%) of the employee's base pay.
- B. The performance incentive pay shall be issued to those employees' earning the pay and is to be included with the first paycheck in December with the appropriate number of deductions for the employee.

**ARTICLE 17**  
**THIS ARTICLE IS INTENTIONALLY LEFT BLANK**

## **ARTICLE 18**

### **MEDICAL INSURANCE COVERAGE**

**Section 18.1.** The Employer shall provide to all bargaining unit employees who elect coverage health care through a qualified High Deductible Health Plan (“HDHP”) in conjunction with a Health Savings Account (“HSA”) or a Health Reimbursement Account (“HRA”). Dental and vision insurance coverage shall be the same coverage provided to other groups of Huber Heights Municipal Employees.

**Section 18.2.** Through December 31, 2022, the Employer will pay 100% of the premium cost and will contribute 80% of the deductible for the HDHP for those bargaining unit employees who elect coverage and are enrolled in a HRA. The participating Union member shall be responsible for the remaining 0% of the premium cost and 20% of the deductible. Through December 31, 2022, the Employer will contribute 60% of the deductible for the HDHP for those bargaining unit employees who elect coverage and are enrolled in a HSA. The participating Union member shall be responsible for the remaining 40% of the deductible.

Effective January 1, 2020, the Employer will pay 100% of the premium cost and will contribute 80% of the deductible for in-network providers within the HDHP for those bargaining unit employees who elect coverage and are enrolled in a HRA. The participating employees shall be responsible for the remaining 0% of the premium cost and 20% of the deductible for in-network providers. Effective January 1, 2020, the Employer will contribute 60% of the deductible for in-network providers within the HDHP for those bargaining unit employees who elect coverage and are enrolled in a HSA. The participating Union member shall be responsible for the remaining 40% of the deductible for in-network providers.

Effective January 1, 2020, participating employees shall be responsible for 100% of the deductible for costs incurred for services provided by out-of-network providers and the Employer shall not be required to contribute toward such deductibles.

Effective January 1, 2020, participating employees shall be responsible for all “Co-Pays” under the HDHP for in-network and out-of-network services.

*(For information purposes, the Co-Pays shall apply after the \$2,500 Single or \$5,000 Family Deductible is met for In-Network Services. Employees shall be obligated to pay the following Co-Pays up to a maximum of \$1,000 Single or \$1,850 Family for In-Network Services:*

- *Office Visit - \$30.00*
- *Specialist - \$60.00*
- *Urgent Care - \$100.00*
- *Emergency Room - \$250.00*
- *Prescription Drugs - \$10 - \$35 - \$60 depending upon Tier.*

*Employees shall be obligated to pay Co-Pays of 30% up to a maximum of \$5,000 Single or \$10,000 Family for Out-Of-Network Services.*

For employees who either began working with the employer under the Collective Bargaining Agreement after the beginning of the calendar year, or add a dependent for coverage during the calendar year, the employer will pay 100 % of the premium cost and will contribute a pro rata percentage of deductible expenses for in-network expenses to the HDHP only in the event that the employee has to pay out of pocket for the deductible due to a medical claim, submitted to Anthem by the employee and/or any dependent.

**Section 18.3.** The Employer shall tender payments of its share of the deductibles to the Health Savings Accounts (“HSA”) and the Health Reimbursement Accounts (“HRA”) of Union members who choose to participate in the HDHP, then in effect, on or before the first banking day following January 1, April 1, July 1, and October 1 for each year of this Agreement.

**Section 18.4.** In the event that a Union member or a member of his or her family who is enrolled in and covered by the HDHP suffers an illness or injury for which the cost of medical attention exceeds the Employee Contribution paid to date, the Employer shall accelerate payments of the remaining deductible contributions for that calendar year to assist the Union member in paying for health care related expenses.

The Union member must submit to the Employer an Advance Request Form for acceleration and provide deductible documentation showing the costs of the illness or injury. Acceleration of the Employer’s payment of its portion of the deductible shall not be available for elective procedures, including surgery and/or outpatient treatments.

**Section 18.5.** The HSA accounts shall be set up with bank selected by the Employee with Employer’s approval. The Union members are solely responsible for any and all charges or fees assessed by the bank for the administration of and/or transactions involving each Union member’s HSA.

**Section 18.6.** The Employer agrees to deduct from each participating Union member’s biweekly paycheck the amount designated by that individual Union member through an authorization form to be provided by the Employer. These amounts shall be paid into the participating Union member’s HSA.

**Section 18.7.** The Union member is solely responsible for the management of his or her HSA. The Employer makes no representations or promises regarding the operations of the HSA, the tax implications of the HSA or the maximum a Union member may contribute to the HSA.

**Section 18.8.** Except for paragraphs 18.5 and 18.7, all matters relating to the rights and obligations of the Employer and Union member as set forth herein shall be subject to the grievance procedure set forth in Article 8 of this Agreement. Matters regarding occurrences which follow the Employer’s deposit of its portion of the deductible and deposit of the Union member’s authorized pay deduction, if any, are beyond the control of the Employer, and, therefore, are not amenable to the grievance procedure.

**Section 18.9.** The Employer and the Union shall form a committee to meet and confer periodically regarding health care coverage during the term of this Agreement. The committee will evaluate and agree upon recommended changes to the health care coverage of the bargaining unit. In the event that the committee is unable to reach an agreement on a recommendation for health care

coverage, both parties shall immediately file a request for arbitration pursuant to the American Arbitration Association's Expedited Labor Arbitration Rules to determine if the coverage under the HDHP selected by the City is substantially equivalent to the plan then in effect.

**Section 18.10.** Union members shall be responsible for a percentage of the premium payment for the plans providing vision and dental coverage according to the following schedule:

- A. Employees hired after January 1, 2003 shall pay fifteen percent (15%) of the premiums;
- B. Employees hired between January 1, 1994 and January 1, 2003 shall pay ten (10%) of the premiums; and
- C. Employees hired before January 1, 1994 shall pay five (5%) of the premiums.

**Section 18.11.** The insurance carriers and/or method of providing vision and dental Benefits referred to in this Article shall be solely at the discretion of the Employer.

**Section 18.12.** The Employer shall continue to offer an Employee Assistance Program designed to assist employees with personal problems that often interfere with their work.

**Section 18.13.** In the event that a Union member declines coverage under the HDHP then in effect, the Employer agrees that it will pay the non-participating employee two-thousand five hundred dollars (\$2,500.00), in lieu of providing health care coverage. Payments of six-hundred twenty-five dollars (\$625.00) shall be made to the employee quarterly, on the dates set forth in Section 18.3. Union members will not receive compensation should they choose not to participate in the City's vision or dental plans.

In order to qualify for this benefit, the employee must present proof satisfactory to the Employer that he or she is covered under a health care plan other than the HDHP provided by the Employer.

**Section 18.14 Health Reimbursement Accounts.** Employees who are participants of the HRA may use their HRA funds to purchase all qualified medical expenses, as permitted in section 213 (d) of the Internal Revenue Code and the HRA Plan Document. The maximum HRA benefit will be the maximum HRA benefit prorated on a quarterly basis based on the employee HRA eligibility date.

Reimbursements under the HRA can be made for the expenses of employee, spouse, and dependent of the employee. HRA participants may access their entire HRA benefit anytime during the year. The unused HRA amounts at the end of the coverage year will not be carried forward to the next calendar period. Upon separation of employment during the plan year, participation in the plan will cease and any unused amounts are forfeited. These amounts may never be used for anything but reimbursements for qualified medical expenses.

**Section 18.15 Life Insurance.** The Employer shall provide for each bargaining unit employee term life insurance and double indemnity coverage in the amount of fifty thousand dollars (\$50,000.00). The costs of said term life insurance shall be at the expense of the City. The choice

of insurance carriers shall be solely within the discretion of the City. A copy of the insurance policy shall be provided to the Labor Council by the City.

The City agrees to provide its employees the opportunity to purchase (at the employee's cost) voluntary group term life insurance for themselves and/or their dependents. The plan will attempt to provide flexibility that allows for various coverage options and choices for the employee. The provider selection process will allow the City to "shop" for affordable group rates, minimum/maximum levels of life insurance, as well as guaranteed issue provisions.

## **ARTICLE 19 HOLIDAYS**

**Section 19.1.** Employees shall receive holiday pay as defined below, for the following holidays:

New Year's Day	January 1st
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4th
Labor Day	First Monday in September
Veteran's Day	November 11th
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Eve	December 24th
Christmas Day	December 25th

If any designated holiday falls on a Saturday, it shall be observed on the Friday immediately preceding. If any designated holiday falls on a Sunday, it shall be observed on the Monday immediately following.

**Section 19.2.** For each holiday listed above, employees shall receive their regular daily rate of pay as holiday pay, provided they work the last scheduled work day prior to the holiday and the next scheduled work day following the holiday. Employees who work on a holiday shall receive one and one-half (1-1/2) times their regular hourly rate of pay for all hours actually worked on the holiday, in addition to their holiday pay. Employees who work on Christmas Eve, Christmas Day, or New Year' Day shall receive two (2) times their regular hourly rate of pay for all hours actually worked on these holidays, in addition to their holiday pay.

**Section 19.3.** Employees on an approved vacation leave shall receive holiday pay. Employees on disciplinary suspensions or unpaid leaves of absence during a holiday shall not be paid holiday pay. Employees on sick leave on a holiday or the day immediately preceding or following a holiday shall not receive holiday pay unless the employee provides a written statement from a licensed medical physician stating the nature of the illness and that such illness required the employee to be absent from work.

**Section 19.4.** All bargaining unit employees shall receive twenty-eight (28) hours of personal leave per year. Employees hired during a calendar year will receive a prorated amount of personal leave in this first calendar year of employment based on their date of hire. Personal leave shall be requested off as far in advance as possible, and shall be deducted in increments of one-half (1/2) hour (i.e., fifty minutes used will be rounded up to one hour, etc.) The granting of personal leave is subject to operational demands.

## **ARTICLE 20 SICK LEAVE**

**Section 20.1.** Full-time regular employees shall accrue sick leave credit at the rate of five (5) hours per pay period and permanent part-time employees shall accrue sick leave credit at the rate of five (5) hours per eighty (80) hours worked while in active pay status (e.g., during paid vacations, holidays, sick leave, injury leave, and compensatory time). Sick leave credit shall not accrue during any disciplinary suspension, layoff, unpaid Family Medical Leave or Workers' Compensation disability. Advance use of sick leave shall not be granted.

**Section 20.2.** An employee who transfers from another Ohio public agency or is reinstated by the Employer retains his sick leave balance, provided that the time between separation and re-appointment does not exceed ten (10) years.

**Section 20.3.** Sick leave may be granted to an employee, upon approval by the Employer, for the following reasons:

- A. Illness, injury or pregnancy related condition of the employee.
- B. Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees or the public.
- C. Examination of the employee, including medical, psychological, dental or optical examination, by an approved practitioner, which cannot be scheduled during non-work time.
- D. Illness, injury or pregnancy related condition of a member of the employee's immediate family where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member.
- E. Examination, including medical, psychological, dental or optical examination, of a member of the employee's immediate family by an appropriate practitioner where the employee's presence is reasonably necessary.

For the purpose of this Article, the definition of immediate family shall be: spouse, child, parent or parent-in-law, sibling, or dependents residing in the employee's household.



**Section 20.4.** The employee shall submit, to the Department/Division Head, a standard leave request into the timekeeping system requesting the leave, and the reason for such leave either prior to the leave or immediately upon return to work.

**Section 20.5.** The Employer may require a certificate from a medical practitioner which justifies use of sick leave for use of sick leave on more than three (3) occasions in a calendar year. Any use of sick leave which is justified by submission of a medical practitioner's certificate will not be considered as one of the three (3) occasions of use of sick leave. All absences of three (3) or more days in length require certification from a medical practitioner as to the nature of the illness or injury to justify the use of sick leave, unless waived by the Superintendent. If absence due to illness requires the attendance of a licensed practitioner, the Employer may require the employee to obtain a certificate from his medical practitioner to be submitted immediately upon return to work. Failure to present such as certificate or written signed statement to the Employer or his designee, may result in loss of pay for the time absent. Disciplinary action including discharge may be taken against an employee who falsifies any sick leave documentation.

Where sick leave in excess of two (2) days is requested to care for members of the immediate family, the Employer may require a medical practitioner's certificate to the effect that the presence of the employee was necessary to care for the ill member.

**Section 20.6.** An employee who is unable to work shall notify his immediate supervisor or designee within fifteen (15) minutes before but no later than fifteen (15) minutes after his scheduled work time on the first day of absence (unless extenuating circumstances prohibit) and each day of absence thereafter, unless other arrangements are made with the supervisor. Failure to comply with the notification requirements will result in the denial of sick leave for the period of the late call in and may result in disciplinary action.

An employee off on sick leave for his own illness or injury shall not be eligible for overtime unless he is on pre-approved sick leave which ends prior to the end of his shift or until he has reported back to work and worked a full regular shift.

**Section 20.7.** If illness or disability continues past the time covered by earned sick leave, the employee, at his option, may be granted use of earned vacation time and comp time. If the illness continues past the expiration of earned sick leave and vacation, comp time, and/or a personal leave for medical disability reasons, a disability leave may then be granted.

**Section 20.8.** When sick leave is used, it shall be deducted from the employee's credit on a basis of one (1) hour for every hour or part of an hour of absence from previously scheduled work.

**Section 20.9.** Compensation for sick leave used shall be equal to the employee's regular hourly rate of pay. Sick leave payment shall be made on the regularly scheduled pay days.

**Section 20.10.** If at the end of the last pay period of any calendar year, an employee has a balance of more than one thousand two hundred eighty-five (1285) hours of accrued but unused sick leave, the hours in excess of one thousand two hundred eighty-five (1285) will be converted into a cash payment. Each employee who has accumulated more than one thousand two hundred eighty-five

(1285) hours, and has no more than four occurrences of sick leave, will be paid a sum equal to one hour worked, at the employee's regular straight time rate, for every two (2) hours accumulated in excess of one thousand two hundred eighty-five (1285) hours. Each employee who has accumulated more than one thousand two hundred eighty-five hours, and has more than four occurrences of sick leave, will be paid a sum equal to one hour worked, at the employee's regular straight time rate, for every three (3) hours accumulated in excess of one thousand two hundred eighty-five (1285) hours.

Each employee will be paid according to the following schedule:

- A. For accumulated sick leave hours 1-357, the employee will be paid a sum equal to one (1) hour worked, at his or her regular straight time rate, for every four (4) hours of accumulated sick leave.
- B. For accumulated sick leave hours 358-714, the employee will be paid a sum equal to one (1) hour worked, at his or her regular straight time rate, for every three (3) hours of accumulated sick leave.
- C. For accumulated sick leave hours 715-1071, the employee will be paid a sum equal to one (1) hour worked, at his or her regular straight time rate, for every two (2) hours of accumulated sick leave.
- D. For accumulated sick leave hours in excess of 1072, the employee will be paid a sum equal to one (1) hour worked, at his or her regular straight time rate, for every one (1) hour of accumulated sick leave.

Upon an employee being granted a permanent and total disability from OP&F, that employee is eligible to receive a cash payment for unused sick leave hours according to the following schedule:

- A. For accumulated sick leave hours 1-357, the employees will be paid a sum equal to one (1) hour worked, at his or her regular straight time rate, for every one (1) hour of accumulated sick leave.
- B. For accumulated sick leave hours 358-714, the employee will be paid a sum equal to one (1) hour worked, at his or her regular straight time rate, for every three (3) hours of accumulated sick leave.
- C. For accumulated sick leave hours 715-1071, the employee will be paid a sum equal to one (1) hour worked, at his or her regular straight time rate, for every two (2) hours of accumulated sick leave.
- D. For accumulated sick leave hours in excess of 1072, the employee will be paid a sum equal to one (1) hour worked, at his or her regular straight time rate, for every one (1) hour of accumulated sick leave.

**Section 20.11. Donated Sick Leave.**

A. Eligibility. Any eligible employee may apply to the City Manager to receive donated sick leave, if the employee requesting such donated sick leave:

1. Has a non-work related serious illness or injury, as documented in writing by a medical doctor, which renders them unable to perform the essential functions of their position for a minimum of four (4) consecutive weeks; and
2. Does not have a sufficient amount of accrued and unused paid leave to cover the estimated period of absence; and
3. Has not been offered non-work related Transitional Duty; and
4. Has no disciplinary actions regarding sick leave abuse on record for progressive discipline purposes.

B. Procedure.

1. An employee qualifying for sick leave donation hereunder shall make a written request for such leave by completing the necessary form and submitting same to the City Manager. Written documentation from a medical doctor of the employee's serious illness or injury must be attached to the request. The City Manager shall have the discretion to approve or deny such request. Copies shall be provided to the employee, and Human Resources.
2. Upon approval of a request for sick leave donation, the City Manager shall complete the necessary form and forward copies of same to each City division.
3. An employee wishing to donate sick leave to a fellow employee eligible for donation shall complete the necessary form and forward same to the employee's division head, who shall provide a copy to Human Resources.

C. Approval. Upon approval of an employee's request for donated sick leave, the City Manager shall:

1. Notify all City employees of the employee's need for donated sick leave, while respecting the employee's right of privacy;
2. Approve payment of any such donated sick leave to the requesting employee on a pay period by pay period basis up to the amount of donated leave, or the hours necessary to provide the employee with their regular, straight-time pay for such pay period, whichever is greater.

D. Donating Sick Leave. An employee may donate accrued and unused sick leave to their credit to any other employee who has been approved to receive donated sick leave if the donating employee:

1. Retains a sick leave balance of at least four hundred eighty (480) hours after deduction of the hours offered for donation; and
  2. Voluntarily elects to donate sick leave to the employee approved for donation, understanding that any such leave donated and used shall not be returned.
- E. Terms and Conditions. The following additional terms and conditions shall apply to the sick leave donation program:
1. All donation of sick leave shall be in eight (8) hour increments, with eight (8) hours being the minimum donation.
  2. An employee receiving donated sick leave shall be paid at their regular, straight-time rate of pay, regardless of the rate of pay of the employee donating such leave,
  3. Sick leave shall be deducted from donating employees proportionally from all donated hours and credited to the receiving employee's account on pay day up to the amount necessary for the employee to be paid their regular two weeks' pay. No sick leave shall accumulate in the account of a receiving employee or be converted to cash or compensatory time. Any sick leave donated by an employee that is not used shall remain in the account of the donating employee.
  4. An employee using donated sick leave shall be in active pay status and shall accrue sick and vacation leave, and be entitled to any benefits they would normally receive. Sick leave accrued by an employee while using donated sick leave shall be used in the following pay period before donated sick leave is used.
  5. Employees receiving donated sick leave shall be eligible to receive such leave only until the employee's estimated date of return to duty, or until the first pay period during which the receiving employee fails to receive enough donated leave to receive their full two weeks pay. Persons who have continued to receive full donations and whose physicians extend their estimated date of return will be eligible for notification for the need for further donation.
  6. No employee receiving donated sick leave will be permitted to be off work on such leave more than twelve (12) consecutive calendar months. An employee may not apply for donated leave more than once in any twelve (12) month period.
  7. Donated sick leave shall not count for purposes of the donating employee's sick leave attendance bonus, and
  8. The City Manager shall ensure that no employee is forced or coerced into donating sick leave for a fellow employee. Donation shall be strictly voluntary. No City employee shall directly solicit donations of sick leave from another employee other than by the posting of an approved form

**Section 20.12.** Family and Medical Leave will be granted to an employee who has been employed for at least twelve (12) months by the Employer and who has provided at least 1250 hours of work

during the previous twelve (12) months. The leave will be granted for a period of up to twelve (12) weeks for the following reasons:

1. To care for his own serious health condition;
2. To care for his spouse, child, or parent who has a serious health condition; or
3. Because of the birth, adoption, or foster placement of a child.

The employee's paid sick leave must be exhausted if the absence qualifies for sick leave, and is included in the twelve (12) week total. The employee may use vacation, personal and compensatory time during the twelve (12) weeks.

The employee must provide the Employer with thirty (30) days advance notice of the leave or such notice as is practicable if thirty (30) days notice is not possible. The employee shall provide the Employer with certification of the condition from a health care provider or from the adoption or foster placement agency, whichever is applicable. It is intended that the application of this section comply with the FMLA of 1993 and that the parties shall take such actions as to ensure compliance.

An employee who exhausts Family Medical Leave and/or injury leave shall be eligible for continued sick leave or disability leave.

## **ARTICLE 21 VACATIONS**

**Section 21.1.** Bargaining unit employees shall earn vacation leave according to their number of years of continuous service with the Employer in a position included within the bargaining unit as follows:

- A. Less than one year of service: No vacation, however, vacation time shall accumulate at a rate of 3.07 hours per pay period.
- B. One (1) year of service but less than five (5) years completed: Accumulation rate: 3.07 hours per pay period. Annual vacation earned; eighty (80) hours (ten [10] working days).
- C. Five (5) years of service but less than ten (10) years completed: Accumulation rate: 5.0 hours per pay period. Annual vacation earned: one hundred thirty (130) hours (sixteen and one-fourth [16.25] working days).
- D. Ten (10) years of service but less than fifteen (15) years completed: Accumulation rate: 6.15 hours per pay period. Annual vacation earned: one hundred sixty (160) hours (twenty [20] working days).

- E. Fifteen (15) years or more of service completed: Accumulation rate: 7.31 hours per pay period. Annual vacation earned: one hundred ninety (190) hours (twenty-four [24] working days).
- F. Twenty (20) years of service but less than twenty (20) completed: Accumulation rate: 8.64 hours per pay period. Annual vacation earned: approximately twenty-eight [28] working days.
- G. Twenty-five (25) years or more of service completed: 9.97 hours per period. Annual vacation earned: approximately thirty-two [32] working days.)

**Section 21.2.** Vacation credit accrues while an employee is in active pay status. Prorated vacation credit is given for any part of a pay period.

**Section 21.3.** Vacation shall generally be granted in eight (8) hour increments except that vacation requests made after February 1 may, with the approval of the Public Works Superintendent or his designee, be granted in minimum increments of one-half (1/2) hour (i.e., fifty minutes used will be rounded up to one hour, etc.) Requests for vacation shall be made in writing by the employee to the employee's immediate supervisor no less than seven (7) days prior to the date the requested vacation is to commence. Vacation requests with less than seven (7) days prior notice may be granted at the discretion of the Employer or his designee. Vacations shall be scheduled by the Employer or his designee in such a manner as to not interfere with the efficient operation of the division.

**Section 21.4.** Employees may request, during the month of January of each year, the dates for that vacation year (February 1 through January 31 of the following year) on which they prefer to use their accumulated vacation. Such requests shall be honored on the basis of the employee's seniority with the Employer, subject to the following limitations and exceptions:

- A. An employee may request no more than two (2) weeks vacation for the vacation year prior to the February 1 closing date. After February 1, an employee may request to schedule his remaining vacation on a first come, first served basis
- B. Vacation requests submitted after February 1 shall be honored solely on the basis of order of application, and no seniority rights to preferred dates shall exist. Where there are simultaneous requests, seniority shall prevail.
- C. Vacation requests for less than one (1) full work week, excluding weeks which include holidays, are honored solely on the basis of order of application.
- D. Vacations are scheduled and approved in accordance with the work load requirements of the Employer.
- E. The vacation schedule will be posted by February 15 showing the approved vacations

**Section 21.5.** Employees may be allowed to carryover from calendar year to calendar year up to the amount of vacation hours accrued during the previously completed calendar year. Vacation



amounts in excess of the above to an employee's credit, as of December 31, shall be automatically carried over to the following calendar year, but such excess vacation is to be used by March 31 of the following year. Any excess hours of vacation not used by March 31 of the following calendar year shall be forfeited, unless the employee is eligible to convert vacation to pay as described in Section 21.8. In such case, all excess vacation as of March 31 shall be converted to cash up to the conversion limits described in Section 21.8. Any amounts as of March 31 that are over the conversion limits shall be forfeited.

**Section 21.6.** Any employee who voluntarily resigns shall be paid for any earned but unused vacation leave providing the employee meets the following terms and conditions:

- A. The employee must have had more than one (1) year of continuous service in the bargaining unit position prior to the resignation;
- B. The employee must have given at least two (2) weeks written notice prior to the date of the resignation; and
- C. The employee must have resigned in good standing with the Employer.

**Section 21.7.** In case of death of an active employee with more than one (1) year of continuous service with the Employer, the employee's earned but unused vacation will be converted to a lump sum payment, payable to the employee's beneficiary as previously designated by the employee in writing to the Employer on the official form provided by the Employer. If there is no valid designation of beneficiary, the payment shall be made to the employee's estate, upon application by the fiduciary of the employee's estate.

**Section 21.8.** Employees who earn vacation at a rate of 5.0 hours per pay period may elect to receive payment for up to one (1) week of vacation in return for not using one (1) week of vacation. Employees who earn vacation at a rate of 6.15 hours or more per pay period may elect to receive payment for up to two (2) weeks of vacation in return for not using two (2) weeks of vacation. Payment under this Section shall only be in increments of eight (8) hours of vacation, is limited to three (3) payments annually, and shall be made at the employee's then current wage rate. Employees who elect to receive payment in lieu of vacation shall forfeit that vacation.

**Section 21.9.** All employees shall be entitled to credit for prior service as a regular full-time employee with any political subdivision of the State of Ohio for the purpose of computing years of service for vacation accrual.

## **ARTICLE 22 WAGE CONTINUATION**

**Section 22.1.** Reporting. Any employee injured on the job will file a written accident or injury report with the Public Works Superintendent or his designee within twenty-four (24) hours of the incident or as soon as the employee is physically able to do so. Failure without good cause of an employee to comply with this section may be grounds for the Employer to deny wage continuation

or supplemental benefits. Any employee claiming a service-connected illness or injury under this Article shall file a claim with the Ohio Bureau of Worker's Compensation (BWC). In the event the claim is denied by Worker's Compensation, the employee shall be charged with sick leave and/or vacation for all time paid by the Employer for the wage continuation claim. The parties agree that the employee's pay status will be controlled by the BWC's original decision until all appeals are final.

**Section 22.2** Wage Continuation. Any employee who is rendered temporarily totally disabled due to a physical injury suffered in the discharge or performance of official duties as an employee of the Employer shall be eligible for wage continuation. Wage continuation shall be available for up to seven hundred twenty (720) work hours per claim. These seven hundred twenty (720) work hours are fully paid by the Employer, and are in lieu of Temporary Total Disability (TT) benefits from the BWC. An employee who applies for wage continuation will apply to BWC for medical benefits only, and not lost income (TT) benefits. The employee may apply for lost income benefits toward the end of the wage continuation if it is known that the absence will continue beyond the paid wage continuation. Recurring injuries do not qualify employees to receive wage continuation pay beyond the allowable seven hundred twenty (720) hours provided at the time of the initial work connected injury date.

**Section 22.3.** Medical Evidence.

A. Any employee making claim for such compensation as provided for in this Article shall, at the request of the Employer, submit to a physical exam by a licensed physician of the Employer's choice. This examination will be restricted to areas limited to or affected by the injury. In the event that the physician finds that such employee is able to return to duty, the employee shall do so on the next scheduled work day or at any other time as scheduled by the Employer. Physical examinations required pursuant to this Article shall be at the Employer's expense.

B. An employee utilizing wage continuation shall be available for contact during the employee's regular shift hours unless otherwise authorized by the Public Works Superintendent in writing.

C. An employee who has suffered a compensable injury and has been released by their physician to work with restrictions shall be offered a Transitional Duty assignment by the Employer subject to the limitations set and approved by the employee's physician.

## **ARTICLE 23 FUNERAL LEAVE**

**Section 23.1.** Paid leave for three (3) days to attend the funeral of a member of the employee's immediate family shall be granted by the Street Superintendent. Proof of death and relationship of the deceased may be requested. For the purposes of this Article, the definition of immediate family shall be: current spouse, child, step-child, parent, child-in-law, parent, parent-in-law, sibling, step-sibling, sibling-in-law, grandparent, grandchild, aunt, uncle, person in loco parentis or legal guardian, other family member residing in the employee's household and claimed as a tax

exemption by the employee in the most recent tax year, and one significant other residing in the employee's household as approved by the City Manager.

**Section 23.2.** If additional time is necessary for an employee to attend the funeral of a member of his/her immediate family as defined in Section 34.1 above, an employee shall be entitled to use up to three (3) additional days of sick leave which may be used in conjunction with three (3) days of funeral leave.

## **ARTICLE 24 COURT LEAVE**

**Section 24.1.** The Employer shall grant required leave with full pay where an employee is summoned for any jury duty or subpoenaed as a witness by any court or other adjudicatory body as listed in this Article. All compensation received from the summoning agency for such duty must be paid to the Employer unless such duty is performed totally outside of normal working hours. An employee released from jury or witness duty prior to the end of his scheduled work day shall report to work for the remaining hours of his work shift. Employees will honor any subpoena issued to them, including those from Workers' Compensation, Unemployment Compensation, and State Employment Relations Board hearings. The Employer will not pay employees for appearing in court for cases being heard in connection with the employee's personal matters, including, but not limited to, criminal or traffic charges against the employee, domestic relations matters to which the employee is a party, appearing as directed with a juvenile, etc. These absences would be leave without pay, compensatory time, personal leave, or vacation leave at the discretion of the employee. An employee shall request prior approval for court leave, in order for such leave to be granted.

## **ARTICLE 25 MILITARY LEAVE**

**Section 25.1** All bargaining unit members of the Ohio National Guard, the Ohio Organized Militia or members of other reserve components of the Armed Forces of the United States are entitled to leave of absence from their respective duties – without loss of pay for such time as they are in the military service on field training or active duty for periods of time not to exceed twenty-two (22) eight (8) hour work days or one hundred seventy-six (176) hours in any one (1) calendar year from January 1 through December 31. The member is required to submit to the City an order or statement from the appropriate military commander as evidence of such duty. There is no requirement that the service be in one (1) continuous period of time. Bargaining unit members who are members of those components listed above will be granted emergency leave from mob control, riot control, flood, civil defense or similar duties when so ordered by the governor to assist civil authorities. Such leave will be paid provided it does not exceed the maximum hours of military leave provided above. The leave will cover the official period of the emergency.

**Section 25.2** Employees who are called or ordered to the uniformed services for longer than a month, for each calendar year in which the employee performed service in the uniformed services, because of an executive order issued by the President of the United States or an act of congress is

entitled, during the period designated in the order or act, to a leave of absence and to be paid, during each monthly pay period of that leave of absence, the lesser of the following:

1. The difference between the permanent public employee's gross monthly wage or salary as an officer or permanent public employee and the sum of the permanent public employee's gross uniformed pay and allowances received that month;
2. Five hundred dollars

No permanent public employee shall receive payments under division (B) of this section if the sum of the permanent public employee's gross uniformed pay and allowances received in a pay period exceeds the employee's gross wage or salary as a permanent public employee for that period or if the permanent public employee is receiving pay under (A) of this section.

**Section 25.3** Employees who are drafted or called for active duty with the Armed Forces of the United State or one of its reserve components shall in accordance with existing laws be entitled to re-employment after separation or discharge under honorable conditions from such service. The employee must be physically and mentally able to do the work required and must report for work within ninety (90) days of discharge. The Employee shall be re-employed in the same position or a similar position to the one held at the time of entry into the Armed Forces. The employee will enjoy seniority and benefits of that seniority that would be due as though he had been actively on the payroll. However, while on extended leave the employee shall not be entitled to benefits of employment, such as, sick, vacation, personal leave days or group health and life insurance an other such coverage.

**Section 25.4** An employee shall be granted permission to be absent from work in order to receive a physical examinations for compulsory military service in the Armed Forces in the United States. The employee shall be entitled to use paid sick leave for the purpose during such absence for a period not to exceed three (3) days.

Employees wishing to enlist shall be permitted to take one (1) enlistment physical and shall receive no more than one (1) day paid sick leave for that physical.

## **ARTICLE 26**

### **UNPAID LEAVES OF ABSENCE**

**Section 26.1.** Employees may be granted the following types of unpaid leaves of absence:

- A. **Personal Leave** The Employer may grant a leave of absence to any employee for a maximum duration of six (6) months for any personal reasons of the employee including medical disability. Such a leave may not be renewed or extended beyond an additional three (3) months.

- B. Disability Leave A physically or mentally incapacitated employee who has completed his probationary period may request a disability leave. A disability leave for a period not to exceed nine (9) months may be granted when the disability continues beyond accumulated sick leave and/or vacation leave rights or beyond the period of a personal leave for medical reasons, provided the employee furnishes satisfactory medical proof of such disability along with his written request, and is:

1. Hospitalized or institutionalized;
2. On a period of convalescence following hospitalization or institutionalization authorized by a physician at the hospital or institution; or
3. Declared incapacitated for the performance of the duties of his position by a licensed physician designated by the Employer. It is the employee's responsibility to request a disability leave since such leave is not granted automatically when the employee's sick leave has expired.

When an employee is ready to return to work, he shall furnish a statement by his attending physician certifying the employee is able to return to work.

- C. Employer Required Disability Leave The Employer may require an employee to be examined by a licensed physician of the Employer's choosing for the purpose of determining whether the employee is physically or mentally able to perform the essential functions of his position. An employee found to be physically or mentally unable to perform the essential functions by such physician shall be placed on Disability Leave as described in Paragraph B above.

## **Section 26.2. Granting of Unpaid Leaves of Absence**

1. The authorization of an unpaid leave of absence is a matter of administrative discretion. The Employer will decide in each individual case if a leave of absence is to be granted.
2. The granting of any unpaid leave of absence is subject to approval of the Employer. Except for emergencies, employees will advise the Employer thirty (30) days prior to commencement of the desired leave so that the various departmental functions may proceed properly.
3. Upon completion of an unpaid leave of absence, the employee is to be returned to the position formerly occupied, or to a similar position if the employee's former position no longer exists. Any replacement in the position while an employee is on leave will be terminated upon the reinstatement of the employee from leave. The terminated employee may be considered for other vacancies.

4. An employee may return to work before the scheduled expiration of leave as requested by the employee and agreed to by the Employer. If an employee fails to return to work at the expiration of an approved unpaid leave of absence, such employee, absent extenuating circumstances, shall be removed from his position and shall not receive seniority credit for the period of leave.

## **ARTICLE 27**

### **EDUCATION AND TRAINING**

**Section 27.1** Each full-time non-probationary employee who is subject to the provisions of this Agreement shall be eligible for a reimbursement of tuition only in courses of instruction voluntarily undertaken and subject to the following conditions:

- A. Only courses that are part of a post-secondary degree directly related to the employee's current employment position are eligible for reimbursement hereunder. To claim reimbursement the employee must complete an application on a form provide by the Employer and receive approval from the City Manager for the course of study in advance. Each class taken must also be approved in advance. All courses must be taken during non-work hours. The Employer shall not reimburse fees for any course for which the employee received a scholarship, grant or subsidy to the extent of such aid.
- B. All courses must be taken at an accredited college or university pursuant to and part of an established program leading to either an Associate's or a Bachelor's degree.
- C. For classes taken in pursuit of an Associate's degree, the Employer shall reimburse at the rate of thirty six dollars and eighty five cents (\$36.85) per credit hour, or the actual cost, whichever is less. For classes taken in pursuit of a Bachelor's degree, the Employer shall reimburse at the rate of one hundred forty seven dollars and eighty cents (\$147.80) per credit hour, or the actual cost, whichever is less. These rates shall increase at the same percentage rate as the employee's wage rate increases.
- D. Upon completion of an eligible course the employee shall promptly submit to the Employer a copy of the course grade report and a receipt issued by the college or university setting forth the cost of tuition.
- E. Reimbursement shall be one hundred percent (100%) for an "A" or equivalent, ninety percent (90%) for a "B" or equivalent and eighty percent (80%) for a "C" or equivalent.
- F. No reimbursement will be granted for books, papers, supplies, transportation, meals or any other expense connected with any course except the cost of tuition.



- G. Employees will be expected to repay the Employer any tuition reimbursement received in the prior four (4) years on a pro-rated basis if they voluntarily leave employment as follows:

During the first (1 <sup>st</sup> ) year	100%
During the second (2 <sup>nd</sup> ) year	75%
During the third (3 <sup>rd</sup> ) year	50%
During the fourth (4 <sup>th</sup> ) year	25%

Time will begin upon date of reimbursement.

- H. In the event of a permanent lay-off, disability retirement or death the employee will not be required to reimburse the Employer for tuition assistance.

## **ARTICLE 28 EQUIPMENT/CLOTHING**

**Section 28.1.** The Employer shall supply at no cost to the employees all protective equipment and uniforms required by the Employer, as listed below, in quantities specified by the Employer. Replacement of initially issued items shall be on an as-needed basis.

- Insulated coveralls in the first year of the contract no later than March 1, which must be Carhart, or of similar quality, up to \$150.00
- Uniform pants – 11 per employee
- Uniform shirts (for Maintenance Mechanics only) – 11 per Mechanic
- Work T-shirts (5 per year)
- Eye and ear safety wear
- Gloves (not to exceed 5 pair per year)
- Rain gear
- Prescription safety glasses (once time per contract) provided they are deemed necessary by a certified physician for the employee to perform his/her job safely and be a minimum standard of ANSI Z87 certified as appropriate for job classification). Safety glasses will be replaced as needed due to breakage as long as the breakage occurred on the job and not through negligence of the employee.
- One insulated Carhart (or similar quality) coat per the term of the contract, payable the first year of the contract no later than, up to \$150.00.

**Section 28.2.** The Employer will provide a purchase order number for two hundred fifty dollars (\$250) toward the purchase of work boots by each employee for each year of this Agreement. The employee must purchase a pair of leather boots from a vendor approved by the Employer. Employees will not receive any reimbursement for boots purchased at a vendor not approved by the Employer. It is understood that in the event the cost of the boots is under two hundred fifty dollars (\$250), the employee will not receive the difference between the cost of the boots and the two hundred fifty dollars (\$250).

**Section 28.3.** All uniforms and equipment issued by the Employer are the property of the Employer and shall, upon termination of employment of an employee, be returned to the Employer prior to the issuance of any final compensation to the employee. All damage to and any loss (including thefts) of issued items shall be reported by the employee to the Street Superintendent or his designee as soon as the employee becomes aware of the damage or loss. Any issued item which is lost by an employee or damaged or stolen due, in part, to the employee's own negligence in reasonably using and/or securing same, shall either be replaced or paid for at current market value by the employee, at the employee's option. Any issued item which is damaged or stolen from an employee through no fault of his own, or which is lost or damaged by the Employer or the agent it contracts with to clean and maintain issued items, shall not be the responsibility of the employee provided such damage or loss is reported to the Street Superintendent or his designee as required hereinabove.

**Section 28.4.** If so requested by the employee, the Employer shall reimburse an employee in the classification of Mechanic for the theft of or damage to his personally owned tools if such loss is incurred in the performance of his job duties; provided, however, that such loss must be reported to the Street Superintendent or his designee as soon as the employee becomes aware of it, and that such loss is not the result, in part, of the employee's own negligence in reasonably using and/or securing the subject tool(s). After reimbursement is requested by the employee and approved by the Employer, it shall be made by the Employer upon the employee's presentation to the Street Superintendent or his designee, of a receipt showing that the employee has purchased the appropriate replacement tool(s).

## **ARTICLE 29 EXPENSES**

**Section 29.1.** When an employee is required or authorized by the Employer to travel on official business, the Employer shall reimburse the employee for all reasonable and necessary expenses actually incurred by the employee in the performance of his duty, including, but not limited to, expenses incurred for meals, lodging and parking, subject to established limits and rates, upon presentation to the Employer of receipts showing the employee's payment for same.

**Section 29.2.** When an employee is required or authorized by the Employer to travel on official business and to drive his own automobile, the Employer shall reimburse the employee for all miles actually driven for official business by the employee in his automobile at the rate consistent with established City rate per mile as it may change during this Agreement.

**Section 29.3.** When an employee is required to attend training related to his/her job responsibilities, and such training continues beyond that employee's regular work hours, the employee shall be paid at the overtime rate.

## **ARTICLE 30 SEVERANCE PAY**

**Section 30.1.** An employee who leaves the employ of the Employer shall receive pay for all hours worked but unpaid, all hours credited but unpaid, and pay for unused vacation, compensatory time, and sick leave conversion in accordance with the terms of this agreement.

**Section 30.2.** In the event of death of an employee, any severance pay to which the employee would have been entitled shall be paid directly to the designated beneficiary, or to the employee's estate, if no beneficiary is named, in accordance with the terms of this Agreement.

## **ARTICLE 31 NO STRIKE/NO LOCKOUT**

**Section 31.1.** The Employer and the Union recognize that a work stoppage of any kind would create a clear and present danger to the health and safety of the public, and that this Agreement provides machinery for the orderly resolution of grievances. Therefore the parties agree that:

- A. During the term of this Agreement, the Union shall not, for any reason, authorize, cause, engage in, sanction, or assist in any sick call work stoppage, strike, sympathy strike, slowdown, or any other concerted activity which would interrupt the operations or services of the Employer during the life of this Agreement.
- B. During the life of this Agreement, the Employer shall not cause, permit, or engage in any lockout of the bargaining unit employees unless those employees shall have violated Section 30.1 (A) of this Article.

**Section 31.2.** In addition to any other remedies available to the Employer, any employee or employees, either individually or collectively, who violate Section 30.1 (A) of this Article is/are subject to disciplinary action, up to and including discharge by the Employer.

**Section 31.3.** In the event of any violation of Section 30.1 (A) of this Article, the Union shall promptly do whatever it can to prevent or stop such unauthorized acts.

**Section 31.4.** Nothing in this Article shall be construed to limit or abridge the Employer's right to seek other available remedies provided by law to deal with any unauthorized or unlawful strikes.

## **ARTICLE 32 SUBCONTRACTING**

**Section 32.1.** There shall be no limitation on subcontracting as long as subcontracting does not result in the layoff of the bargaining unit's fifteen (15) most senior members

## **ARTICLE 33 WORKING SUPERVISORS**

**Section 33.1.** Non-union department supervisors will be allowed to perform bargaining unit work which will not cause layoffs or reductions in the bargaining unit. It is recognized that the primary responsibilities of the supervisors are to oversee all projects and jobs in the department. However, it is important that they be considered working supervisors to perform, on an as needed basis, work that is required to supplement or assist Bargaining Unit personnel in the completion of job tasks. It is understood that the performance of Bargaining Unit work by supervisors shall generally be for the purpose of supplementing or assisting Bargaining Unit personnel.

Some illustrative examples of a supervisor supplementing or assisting Bargaining Unit personnel are:

1. Filling in for employees who leave work because of an illness or injury.
2. Assisting employees in the completion of a job duty when the employees are short handed. Additionally, both parties understand it is important for supervisors to be able to utilize their common sense and management rights to assist and help the Street Department operate in the most cost-effective and efficient manner possible.

**Section 33.2.** It is further agreed by the parties that except in emergency situations or to supplement and/or assist Bargaining Unit personnel, supervisors will not be used on overtime hours to exclusively perform Bargaining Unit work, unless no Bargaining Unit personnel are available to work the overtime. When it is necessary to perform work on a call out basis, Bargaining Unit employees will be utilized to perform the primary work of the call-out.

## **ARTICLE 34 PROMOTIONAL PROCESS**

**Section 34.1 Intent.** This Article is intended to apply to any promotional process for any supervisor position listed in Section 2.1 of this Agreement.

**Section 34.2. Eligibility.** To be eligible for a promotional examination, the applicant must have had at least three (3) years of fulltime service with the Huber Heights Public Works Division or two (2) years progressively responsible experience in supervision of construction, maintenance, and repair; and vehicle equipment maintenance repair at the time of position posting and had no lost time discipline within the previous twelve (12) months.

**Section 34.3. Examinations.** The examination announcement shall provide a complete list of study materials and be posted at least thirty (30) days prior to the examination. The City will administer a multipart promotional examination, including written and oral components. The weights of the various components will be determined by the City and disclosed to the Ohio Council 8 in advance of the examination. A portion of the written component may be purchased from a recognized testing agency. An employee shall be entitled to receive a report on that employee's individual performance. At no time will any member of the bargaining unit receive any test questions or content of answers in advance of the promotional test.

Section 34.4 Promotional Lists. Any eligibility list created for the purposes of promotion under this Article shall remain in effect for not less than one (1) year and may be extended for a second year from the original certification date.

## **ARTICLE 35 DURATION**

Section 35.1. This Agreement shall be effective as of January 1, 2023 and shall remain in full force and effect through midnight, December 31, 2025.

Section 35.2 If either party desires to modify or amend this Agreement, it shall give written notice of such intent no earlier than one hundred and twenty (120) calendar days prior to the expiration date, nor later than ninety (90) calendar days prior to the expiration date of this Agreement. Such notice shall be by certified mail with the return receipt requested. The parties shall commence negotiations within two (2) calendar weeks upon receiving notice of intent.

Section 35.3 The parties acknowledge that during the negotiations which resulted in this Agreement, each had the unlimited right to make demands and proposal on any subject matter not removed by law from the area of collective bargaining, and that the entire understandings and agreement arrived at by the parties after the exercise of that right and opportunity are set forth in this Agreement. The provisions of this Agreement constitute the entire agreement between the Employer and the Union and all prior agreements, practices and policies, either oral or written, are hereby canceled. Therefore, the Employer and the Union, for the life of this Agreement, each voluntarily and unequivocally waives the right, and each agrees that the other shall not be obligated, to bargain collectively or individually with the respect to any subject or matter referred to or covered in the Agreement, or with respect to any subject or matter not specifically referred to or covered in this Agreement, even though such subjects or matters may not have been within the knowledge of either or both parties at the time they negotiated or signed this Agreement.

In Witness Whereof the parties have hereunto signed by their authorized representatives, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

FOR THE CITY OF HUBER HEIGHTS:

FOR THE UNION:

\_\_\_\_\_  
Bryan Chodkowski, Interim City Manager

\_\_\_\_\_  
P. Scott Thomasson, Staff Representative

\_\_\_\_\_  
Michael Gray, Public Works Manager

\_\_\_\_\_  
Greg Schroeder, Bargaining Committee

\_\_\_\_\_  
Kathryn Knisley, HR Director

\_\_\_\_\_  
Stephanie Yount, Bargaining Committee

\_\_\_\_\_  
Marlon Foster, Bargaining Committee

\_\_\_\_\_  
Christopher Stanley, Bargaining Committee

Approved to as Form:

\_\_\_\_\_  
David H. Montgomery, Law Director  
Pickerel, Schaeffer & Ebeling

Approved and ratified by the Council of the City of Huber Heights, Ohio on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Resolution No. \_\_\_\_\_-R-\_\_\_\_\_



**AI-8957**

**New Business R.**

**City Council Meeting**

**City Manager**

**Meeting Date:** 01/23/2023

Special Legal Counsel - Jonathan J. Downes - Zashin & Rich - Collective Bargaining

**Submitted By:** Bryan Chodkowski

**Department:** Human Resources

**Council Committee Review?:** Council Work Session  
**Date(s) of Committee Review:** 01/17/2023

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

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

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**Agenda Item Description or Legislation Title**

A Resolution Appointing Jonathan J. Downes, Esquire Of The Law Firm Zashin & Rich As Special Legal Counsel To The City Of Huber Heights To Represent The City With Regard To Matters Of Collective Bargaining.  
(first reading)

**Purpose and Background**

The City of Huber Heights requires special legal counsel to assist it in matters associated with collective bargaining.

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**Fiscal Impact**

**Source of Funds:** General Fund

**Cost:** TBD

**Recurring Cost? (Yes/No):** No

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

**Financial Implications:**

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**Attachments**

Resolution

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2023-R-

APPOINTING JONATHAN J. DOWNES, ESQUIRE OF THE LAW FIRM ZASHIN & RICH AS SPECIAL LEGAL COUNSEL TO THE CITY OF HUBER HEIGHTS TO REPRESENT THE CITY WITH REGARD TO MATTERS OF COLLECTIVE BARGAINING.

WHEREAS, the City of Huber Heights requires special legal counsel to assist it in matters associated with collective bargaining.

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 the law firm of Zashin & Rich for the purposes of engaging Jonathan J. Downes, Esquire, as special legal counsel to assist the City in matters pertinent to collective bargaining.

Section 2. This legislation is adopted in accordance with Section 7.05 of the City Charter of the City of Huber Heights, Ohio and Section 171.12(a)4 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 \_\_\_\_\_, 2023;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**AI-8937**

**New Business S.  
City Manager**

**City Council Meeting**

**Meeting Date:** 01/23/2023

Motorola Equipment Purchase - Digital Evidence Storage

**Submitted By:** Maria Beisel

**Department:** Police **Division:** Police

**Council Committee Review?:** Council Work Session  
**Date(s) of Committee Review:** 01/17/2023

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

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

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**Agenda Item Description or Legislation Title**

A Resolution Authorizing The City Manager To Enter Into An Agreement With Motorola Solutions, A Sole Source Vendor, To Provide The Police Division With A Software System For Digital Evidence Storage.  
(first reading)

**Purpose and Background**

Motorola currently provides software service and maintenance for the Police Division's reporting system. The digital evidence storage is available at no cost for the first year, with a five-year contract. This is a necessary component to the reporting system.

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**Fiscal Impact**

**Source of Funds:** IT Budget

**Cost:** \$23,800

**Recurring Cost? (Yes/No):** No

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

**Financial Implications:**

Year 1 is at no cost. Years 2-5 will cost \$5,950 per year to be charged to IT Budget.

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**Attachments**

Resolution

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MOTOROLA SOLUTIONS, A SOLE SOURCE VENDOR, TO PROVIDE THE POLICE DIVISION WITH A SOFTWARE SYSTEM FOR DIGITAL EVIDENCE STORAGE.

WHEREAS, in 2020, Council authorized an agreement with Motorola Solutions to provide a software system for public safety computer-aided dispatching and law enforcement report management; and

WHEREAS, Motorola Solutions currently provides software service and maintenance for the Police Division's report management system; and

WHEREAS, Motorola Solutions offers the first year at no cost with a five-year agreement.

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 five-year agreement with Motorola Solutions for the purpose of providing software for digital evidence storage.

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 \_\_\_\_\_, 2023;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**AI-8938**

**New Business T.**

**City Council Meeting**

**City Manager**

**Meeting Date:** 01/23/2023

Cardiac Monitor/Defibrillator/CPR Devices - Lease Agreement

**Submitted By:** Keith Knisley

**Department:** Fire

**Council Committee Review?:** Council Work Session **Date(s) of Committee Review:** 01/17/2023

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

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

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**Agenda Item Description or Legislation Title**

A Resolution Authorizing The City Manager To Enter Into A Ten-Year ALS 360 Lease Agreement With Stryker Corporation And Waiving The Competitive Bidding Requirements.  
(first reading)

**Purpose and Background**

The Fire Division is requesting the ability to enter into a ten-year lease agreement for cardiac monitor/defibrillator and mechanical CPR devices with Stryker. The Fire Division is seeking the ability to trade in six cardiac monitors and three mechanical CPR devices. The Fire Division will receive seven new cardiac monitors along with four new mechanical CPR devices. Cardiac monitoring/defibrillation equipment is used in many of the daily requests for EMS services and enables Fire Division personnel to provide medical treatments and several options for patient monitoring (Carbon Monoxide in the blood stream, Capnography, 12 LEAD EKGs, blood pressure, and Oxygen saturation).

The Lease agreement with Stryker is known as the ALS 360 program. The ALS 360 program provides new cardiac monitor/defibrillators and mechanical CPR devices once the contract is executed. During the life of the agreement, preventative maintenance and non-accidental damages are covered, including replacement batteries. Three to five years after execution of this agreement, the Fire Division will cycle out the equipment for the newest devices with the newest technology provided. At the end of the agreement, the Division will purchase all of the equipment for \$1 per unit.

The costs of all equipment, especially medical equipment, including the preventative maintenance and maintenance costs continue to climb. Once the ALS 360 contract is executed, costs for equipment will be secured for the next ten years. At any time in the future, the contract agreement may be amended to factor in any new equipment that may be required by the Fire Division.

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**Fiscal Impact**

**Source of Funds:** Fire Division Budget

**Cost:** \$122,271 Per Year

**Recurring Cost? (Yes/No):** Yes

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

**Financial Implications:**

Ten-year agreement.

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**Attachments**

Proposal  
Resolution

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## Huber Heights FD

### Cash Purchase

Capital	Product	Qty	Huber Heights FD	Cash Purchase
	LP 15	7		
	Batteries & Accessories	7		
	Lucas	4		
	Accessories	4		
	LP1000	0		
	CR2	0		
	McGrath	0		
	PowerProXT	0		
	PowerPro 2	0		
	Performance Pro	0		
	PowerLoad	0		
	Performance Load	0		
	Stair Pro	0		
			\$ 850,300	\$ 1,231,200
Data/PAD	Product	Qty	Huber Heights FD	Cash Purchase
	4G Modem	7		
	Lifenet Asset	0		
	Lifenet Care	1		
	CDSTSERVICE 101-200	0		
	Verizon Data Plan 1yr	0		
	CODE-STAT Maint Subsc	0		
	LIFELINK Central	0		
	Community PAD Solution	0		
	Code Stat Data Review 10Yrs	0		
			\$ 36,800	\$ 28,100

ProCare	Product	Qty	Huber Heights FD	Cash Purchase
	LP 15 Onsite	7		
	Lucas Onsite	4		
	LP1000 Prevent	0		
	CR2 PM	0		
	PowerPro XT	0		
	PowerPro 2 Prevent	0		
	PowerPro 2 Prevent + Refresh	0		
	Performance Pro	0		
	Power Load	0		
	Performance Load	0		
	Stair Chair Prevent	0		
	LOAD Upgrade or Install	0		
			\$ 206,800	\$ 312,600

Trade in	Product	Qty	Huber Heights FD	Cash Purchase
	Trade In LP15	6	\$ (39,000)	
	Trade in Power Cot	0	\$ -	
	Trade in Lucas	3	\$ (15,000)	
	Trade in Power Load	0	\$ -	
	Trade in AED	0	\$ -	
		0	\$ -	
		0	\$ -	
		0	\$ -	
			\$ (54,000)	\$ (54,000)

Freight \$ 12,755  
**Total ALS360 \$ 1,052,655**

	<b>Annual Payment</b>	<b>\$ 105,265</b>	
	<b>\$ Buyout Estimator</b>	<b>\$ 1,222,715</b>	
	<b>Annual Payment</b>	<b>\$ 122,271</b>	

CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO ENTER INTO A TEN-YEAR ALS 360 LEASE AGREEMENT WITH STRYKER CORPORATION AND WAIVING THE COMPETITIVE BIDDING REQUIREMENTS.

WHEREAS, the City of Huber Heights (the “City”) utilizes Stryker (formally DBA as Physio-Control) cardiac monitor/defibrillators and mechanical LUCAS CPR devices and the current cardiac monitoring equipment and CPR devices are reaching the useful life and need to be upgraded, and standardization of said equipment results in the most efficient and effective deployment; and

WHEREAS, the City has negotiated a ten-year lease with Stryker for \$122,271 per year to provide the City with new Cardiac Monitor/Defibrillators and CPR Devices and the terms provide new Cardiac Monitor/Defibrillators and CPR Devices after execution of the agreement and provides all new and upgraded equipment within three to five years after execution, with purchase of all equipment for \$1 per unit at the end of the ten-year agreement.

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

Section 1. The City Manager is hereby authorized to enter into a ten-year agreement with Stryker for \$122,271 per year to provide the City with new Cardiac Monitor/Defibrillators and CPR Devices with terms to provide new Cardiac Monitor/Defibrillators and CPR Devices after execution of the agreement and to provide all new and upgraded equipment within three to five years after execution, with purchase of all equipment for \$1 per unit at the end of the ten-year agreement on behalf of the City of Huber Heights in accordance with Section 171.12(a)(2) of the City Code of the City of Huber Heights, Ohio.

Section 2. A ten-year lease agreement with Stryker, subject only to appropriation of funds, is hereby approved for the purpose of providing new Cardiac Monitor/Defibrillators and CPR Devices to the City of Huber Heights Fire Division.

Section 3. Consistent with the provisions of the City Charter and the Huber Heights Codified Ordinances, the competitive bidding requirements are hereby waived.

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 \_\_\_\_\_, 2023;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**AI-8948**

**New Business U.  
City Manager**

**City Council Meeting**

**Meeting Date:** 01/23/2023

2023 Sidewalk Program And Concrete Portion Of 2023 Street Program - Solicit Bids

**Submitted By:** Hanane Eisentraut

**Department:** Engineering **Division:** Engineering

**Council Committee Review?:** Council Work Session **Date(s) of Committee Review:** 01/17/2023

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

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

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**Agenda Item Description or Legislation Title**

A Resolution Authorizing The City Manager To Solicit, Advertise And Receive Bids From Qualified Firms For The 2023 Sidewalk Replacement Program And The Concrete Portion Of The 2023 Street Improvement Program.  
(first reading)

**Purpose and Background**

At this time, it is necessary to secure construction bids for the remaining portions of the 2023 Sidewalk Replacement Program. In August, 2022, the City Council passed legislation declaring the necessity of making these sidewalk repairs. Since that time, property owners have had the option of doing the work themselves, utilizing a bonded contractor, and few homeowners have elected to perform the sidewalk work with their own contractor.

This legislation allows the City to solicit bids for the 2023 Sidewalk Replacement Program. This year's program includes Damascus Drive, Glen Ivy Drive, Grovehill Drive, Highbury Road, Leawood Drive, Mandrake Drive, Millhoff Drive, Moberly Place, and Treon Place.

This legislation also allows for the receipt of bids for the concrete portion of the 2023 Street Improvement Program.

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**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

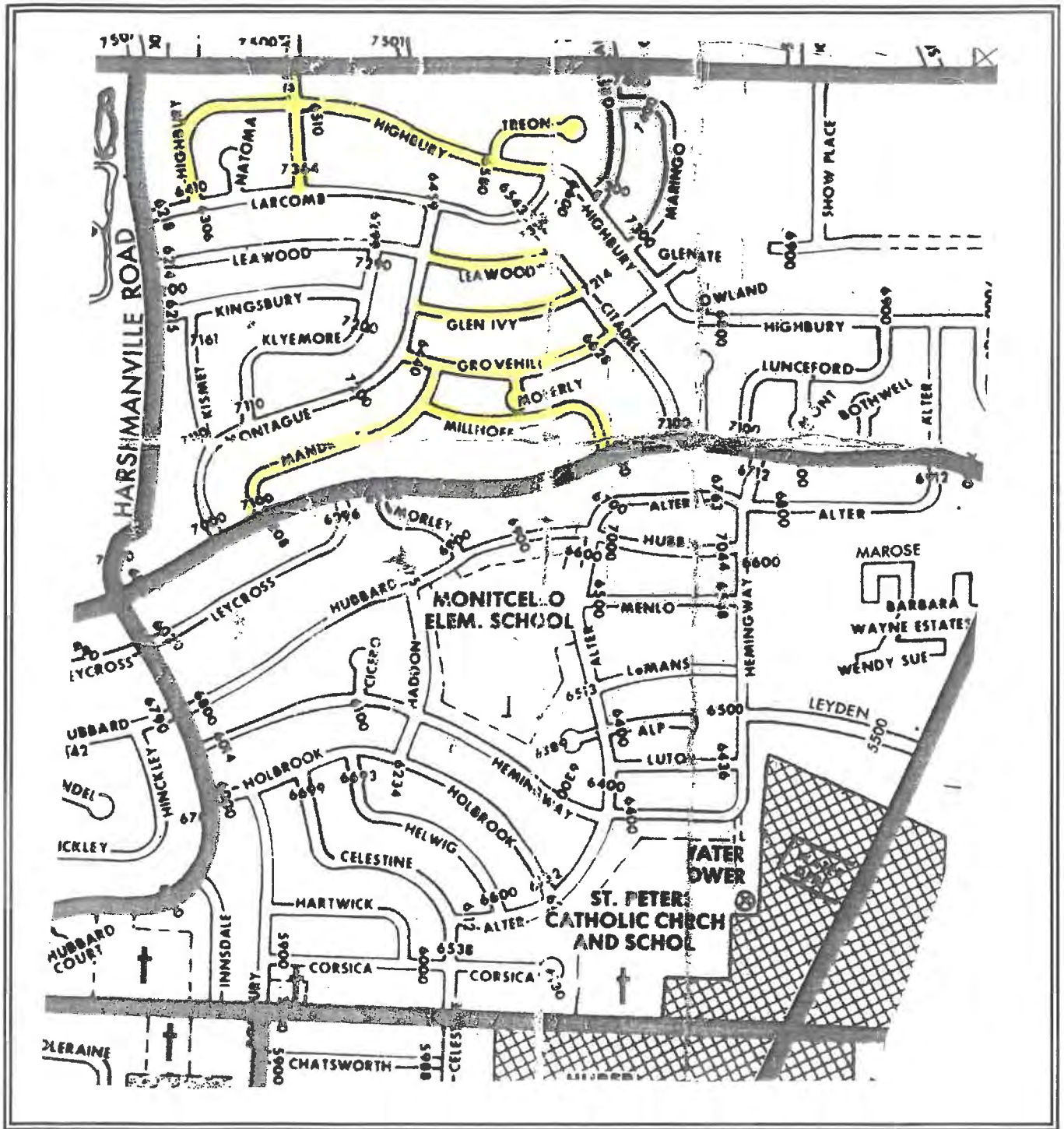
**Financial Implications:**

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**Attachments**

Map  
Resolution

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Project Location Map  
2023 SIDEWALK PROGRAM

Huber Heights, Ohio

CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO SOLICIT, ADVERTISE AND RECEIVE BIDS FROM QUALIFIED FIRMS FOR THE 2023 SIDEWALK REPLACEMENT PROGRAM AND THE CONCRETE PORTION OF THE 2023 STREET IMPROVEMENT PROGRAM.

WHEREAS, City Council has previously authorized the Resolution Of Necessity No. 2022-R-7158 for the 2023 Sidewalk Replacement Program; and

WHEREAS, City Staff believe it prudent to bid the concrete portion of the 2023 Street Improvement Program with other concrete related construction work; and

WHEREAS, City Council has agreed to a Request For Proposals (RFP) process to be facilitated by City Staff.

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

Section 1. The City Manager is hereby authorized to solicit, advertise and receive responses from qualified firms for the construction of the 2023 Sidewalk Replacement Program and the concrete portion of the 2023 Street Improvement Program. The cost of the 2023 Sidewalk Replacement Program portion of this work shall not exceed \$150,000.00; the cost of the concrete portion of the 2023 Street Improvement Program shall not exceed \$950,000.00.

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 \_\_\_\_\_, 2023;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



**AI-8949**

**New Business V.  
City Manager**

**City Council Meeting**

**Meeting Date:** 01/23/2023

2023 Rehabilitation Of Sewer Lines Project - Solicit Bids

**Submitted By:** Hanane Eisentraut

**Department:** Engineering **Division:** Engineering

**Council Committee Review?:** Council Work Session **Date(s) of Committee Review:** 01/17/2023

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

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

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**Agenda Item Description or Legislation Title**

A Resolution Authorizing The City Manager To Solicit, Advertise And Receive Bids From Qualified Firms For The Construction Of The 2023 Rehabilitation Of Sewer Lines Project.  
(first reading)

**Purpose and Background**

This legislation will allow soliciting, advertising and receiving bids for the 2023 Rehabilitation Of Sewer Lines Project. Lining the sanitary sewer will be done as a corrective action to eliminate groundwater infiltration, improve the flow capacity, increase the strength of the pipes, and reduce sewage treatment costs. The Sewer Fund will be utilized to construct this project at a cost not to exceed \$350,000.

---

**Fiscal Impact**

**Source of Funds:** Sewer Fund

**Cost:** \$350,000

**Recurring Cost? (Yes/No):** Yes

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

**Financial Implications:**

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**Attachments**

Map  
Resolution

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO SOLICIT, ADVERTISE AND RECEIVE BIDS FROM QUALIFIED FIRMS FOR THE CONSTRUCTION OF THE 2023 REHABILITATION OF SEWER LINES PROJECT.

WHEREAS, City Council has determined that there is a need to improve the sanitary sewer system by eliminating the inflow and infiltration; and

WHEREAS, City Staff have identified sanitary sewer lines within the City which are in urgent need of rehabilitation.

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

Section 1. The City Manager is hereby authorized to solicit, advertise and receive responses from qualified firms for the construction of the 2023 Rehabilitation Of Sewer Lines Project at a cost not to exceed \$350,000.00.

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 \_\_\_\_\_, 2023;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**AI-8950**

**New Business     W.  
City Manager**

**City Council Meeting**

**Meeting Date:** 01/23/2023

Emeraldgate Water Standpipe Painting Project - Solicit Bids

**Submitted By:** Hanane Eisentraut

**Department:** Engineering **Division:** Engineering

**Council Committee Review?:** Council **Date(s) of Committee Review:** 01/17/2023  
Work  
Session

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

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

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**Agenda Item Description or Legislation Title**

A Resolution Authorizing The City Manager To Solicit, Advertise And Receive Bids From Qualified Firms For The Painting Of The Emeraldgate Water Standpipe.  
(first reading)

**Purpose and Background**

This legislation will allow soliciting, advertising and receiving bids for the painting of the Emeraldgate Water Standpipe. The Water Fund will be utilized to construct this project at a cost not to exceed \$550,000.

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**Fiscal Impact**

**Source of Funds:** Water Fund

**Cost:** \$550,000

**Recurring Cost? (Yes/No):** No

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

**Financial Implications:**

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**Attachments**

Map  
Resolution

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1 in = 188 ft

# City of Huber Heights

Date: 1/10/2023





CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO SOLICIT, ADVERTISE AND RECEIVE BIDS FROM QUALIFIED FIRMS FOR THE PAINTING OF THE EMERALDGATE WATER STANDPIPE.

WHEREAS, the Emeraldgate Water Standpipe is in need of rehabilitation; and

WHEREAS, City Council is determined to proceed with this repainting during the 2023 construction season; and

WHEREAS, the Emeraldgate Water Standpipe Painting Project is included in the City’s Capital Improvement Program.

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

Section 1. The City Manager is hereby authorized to solicit, advertise and receive responses from qualified firms for the Emeraldgate Water Standpipe Painting Project at a cost not to exceed \$550,000.00.

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 \_\_\_\_\_, 2023;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

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**AI-8939**

**New Business    X.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 01/23/2023

Increase Not to Exceed Amount - Howard Truck Repair Service

**Submitted By:** Linda Garrett

**Department:** Public Works **Division:** Public Works

**Council Committee Review?:** Council **Date(s) of Committee Review:** 01/17/2023  
Work  
Session

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

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

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**Agenda Item Description or Legislation Title**

A Resolution To Increase The Not To Exceed Amount For The Repair And Replacement Of The Motor To A Snowplow Dump Truck With Howard Truck Repair Service For Calendar Year 2023 And Waiving The Competitive Bidding Requirements.  
(first reading)

**Purpose and Background**

The Public Works Division requests authorization to increase the not to exceed amount of \$25,0000 by an additional \$20,000 for Howard Truck Repair Service for repairs to Snowplow Dump Truck #422.

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**Fiscal Impact**

**Source of Funds:** Public Works Division Budget

**Cost:** \$45,000

**Recurring Cost? (Yes/No):** No

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

**Financial Implications:**

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**Attachments**

Resolution

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2023-R-

TO INCREASE THE NOT TO EXCEED AMOUNT FOR THE REPAIR AND REPLACEMENT OF THE MOTOR TO A SNOWPLOW DUMP TRUCK WITH HOWARD TRUCK REPAIR SERVICE FOR CALENDAR YEAR 2023 AND WAIVING THE COMPETITIVE BIDDING REQUIREMENTS.

WHEREAS, it is necessary to maintain and repair snowplow dump trucks and other apparatus for the Public Works Division throughout a calendar year in a timely manner; and

WHEREAS, Snowplow Dump Truck #422 has been inoperable since August, 2022, and initial service estimates from Howard Truck Repair Service were under the approved spending limits; and

WHEREAS, the motor for the Snowplow Dump Truck #422 is now in need of major repair and replacement and expenditures with Howard Truck Repair Service will exceed the authorized spending limit of \$25,000.00 by an additional \$20,000.00.

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 not to exceed amount for Howard Truck Repair Service by \$20,000.00 to a new total of \$45,000.00 for the repair to Snowplow Dump Truck #422 to cover all additional expenses throughout Calendar Year 2023 as needed. These repairs are currently needed as Snowplow Dump Truck #422 is inoperable in its current condition.

Section 2. The competitive bidding requirements are hereby waived consistent with appropriate provisions of the Huber Heights City Charter in Administrative Code Section 171.12(a)(2).

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 \_\_\_\_\_, 2023;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**AI-8940**

**New Business**    **Y.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 01/23/2023

Landscape Revitalization - Bid Acceptance

**Submitted By:** Linda Garrett

**Department:** Public Works **Division:** Public Works

**Council Committee Review?:** Council Work Session  
**Date(s) of Committee Review:** 01/17/2023

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

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

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**Agenda Item Description or Legislation Title**

A Resolution Authorizing The City Manager To Award A Contract For Services Related To Providing A Detailed Landscape Revitalization Plan Of Specified City Properties.  
(first reading)

**Purpose and Background**

The Public Works Division requests authorization to award a contract for a detailed landscape revitalization plan of specified City properties to Greentech Lawn and Irrigation in an amount not to exceed \$200,000.

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**Fiscal Impact**

**Source of Funds:** Public Works Division Budget

**Cost:** \$200,000

**Recurring Cost? (Yes/No):** Yes

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

**Financial Implications:**

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**Attachments**

Resolution

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT FOR SERVICES RELATED TO PROVIDING A DETAILED LANDSCAPE REVITALIZATION PLAN OF SPECIFIED CITY PROPERTIES.

WHEREAS, the City of Huber Heights requires a detailed landscape revitalization plan of specified City properties; and

WHEREAS, the City Council, under Resolution No. 2022-R-7125, authorized the solicitation of bids for the services of providing a detailed landscape revitalization plan of specified City properties on May 9, 2022; and

WHEREAS, bids for the detailed landscape revitalization plan of specified City properties were received on January 6, 2023; and

WHEREAS, the cost for such services is estimated at an amount not to exceed \$200,000.00; and

WHEREAS, the funds for these costs are available within the Public Works Division Budget for Calendar Year 2023.

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

Section 1. The City Manager is hereby authorized to award a contract for services related to providing a detailed revitalization plan of specified properties in the City of Huber Heights to Greentech Lawn and Irrigation, 2985 Fenner Road, Troy, Ohio 45373. This bid and contract shall cover work related to a detailed landscape revitalization plan of specified City properties until project completion and shall be in an amount not to exceed \$200,000.00, subject to the availability of funds.

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 \_\_\_\_\_, 2023;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date