



**CITY OF HUBER HEIGHTS
STATE OF OHIO
City Council Meeting
Regular Session
February 13, 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 - Mister Raby Of The New Seasons Ministry At 5711 Shull Road, Huber Heights, Ohio**
3. **Pledge Of Allegiance**
4. **Roll Call**
5. **Approval Of Minutes**
 - A. City Council Meeting Minutes - January 23, 2023
6. **Special Presentations/Announcements**
 - A. Dayton Metro Library Presentation - Mr. Adam Schwiebert, Government Relations Director, Dayton Metro Library
 - B. Greater Dayton RTA Presentation - Mr. Brandon Policicchio, Chief Customer And Business Development Officer, Greater Dayton RTA
7. **Citizens Comments**

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

9. **City Manager Report**

10. **Pending Business**

- A. 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).
(second reading)
- B. 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).
(second reading)
- C. 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).
(second reading)
- D. 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).
(second reading)
- E. 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).
(second reading)

11. **New Business**

CITY COUNCIL

Anthony Rodgers, Clerk Of Council

- A. A Motion To Appoint David Cassity To The Planning Commission To A Term Ending On January 31, 2028.
- B. A Motion To Appoint Lester Vaughn to the Property Maintenance Review Board To A Term Ending December 31, 2026.
- C. A Motion To Reappoint Alexander Black To The Parks And Recreation Board For A Term Ending March 31, 2026.

- D. A Motion To Reappoint Kenneth Herstine To The Personnel Appeals Board For A Term Ending March 31, 2026.

ADMINISTRATION

Bryan Chodkowski, Interim City Manager

- E. A Resolution Authorizing The City Manager To Enter Into An Agreement With Millat Industries For The Purposes Of Distributing A Grant Associated With The Economic Development/Government Equity (ED/GE) Agreement Between The City Of Huber Heights And Montgomery County.
(first reading)
- F. An Ordinance Authorizing Advances And Transfers Between Various Funds Of The City Of Huber Heights, Ohio And Amending Ordinance No. 2022-O-2562 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2023 And Ending December 31, 2023.
(first reading)
- G. An Ordinance Increasing The Sewer Rates In Section 934.03 Of The Codified Ordinances Of Huber Heights.
(first reading)
- H. An Ordinance Authorizing A One-Time Transfer Of Monies From The Gasoline Tax Fund To Document An Advance Previously Made To The Carriage Trails Infrastructure Fund, And Declaring An Emergency.
(first reading)
- I. A Resolution Amending Resolution No. 2022-R-7197 And Authorizing The City Manager To Enter Into Necessary Agreements And Make Necessary Purchases Of Goods And Services With Certain Vendors And Suppliers For The Purchase, Maintenance And Service Of Equipment, Professional Services, And Miscellaneous Operating Expenses By Various Departments And Divisions Of The City Of Huber Heights For Fiscal Year 2023 And Waiving The Competitive Bidding Requirements.
(first reading)
- J. A Resolution Authorizing The City Manager To Solicit A Request For Proposals From Behavioral Health Providers To Provide Behavioral Support Services For Members Of The Fire Division.
(first reading)
- K. A Resolution Authorizing The City Manager To Solicit, Advertise And Receive Bids From Qualified Firms For The 2023 Street Improvement Program, Non-Concrete Work.
(first reading)
- L. A Resolution Authorizing The City Manager To Enter Into An Agreement To Conduct Bridge Repair On Various Structures In District 7 Including SFN 5709504 MOT SR 201 8.870 In The City Of Huber Heights.
(first reading)

- M. A Resolution Authorizing The City Manager To Solicit, Advertise And Receive Bids From Qualified Firms For The Construction Of The Old Troy Pike North Bound Widening Project.
(first reading)

- N. A Resolution Authorizing The City Manager To Enter Into A Contract For The East Sanitary Sewer Extension Project.
(first reading)

- O. A Resolution Accepting Certain Streets And Public Improvements For Old Dominion Way.
(first reading)

- P. A Resolution Authorizing The City Manager To Award A Contract To Burgess & Niple For A Street Safety Study And Waiving The Competitive Bidding Requirements.
(first reading)

12. **City Official Reports And Comments**

13. **Executive Session**

14. **Adjournment**

AI-8960

Minutes A.

City Council Meeting

Meeting Date: 02/13/2023

Approval of Minutes - 01/23/2023

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.:

Agenda Item Description or Legislation Title

City Council Meeting Minutes - January 23, 2023

Purpose and Background

Approval of the minutes from the January 23, 2023 City Council Meeting.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

There are no financial implications to this agenda item.

Attachments

Minutes

1. Call The Meeting To Order - Mayor Jeff Gore

The Huber Heights City Council met in a Regular Session on January 23, 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. Flag Ceremony - Wayne High School Junior ROTC Honor Guard

4. Pledge Of Allegiance

5. Roll Call

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

6. Approval Of Minutes

- A. City Council Meeting Minutes - January 9, 2023

7. Special Presentations/Announcements

There were no Special Presentations or Announcements.

8. Citizens Comments

Mr. Jeff Morford said he is against the proposed annexation and development of the 250 agriculturally-zoned acres in Miami County/Bethel Township and he stated his concerns.

Ms. Jennifer Delk said for years she has suggested a change to the Community Garage Sale, and she has collected over 70 signatures to support the desire to change the date of the Community Garage Sale from October to September and to create an Excel spreadsheet stating the hours of each garage sale and the items being sold. She discussed the City Code regarding garage sale signs and offered possible changes to the City Code.

Interim City Manager Bryan Chodkowski said he would be happy to have a conversation with City Staff regarding the Community Garage Sale date.

Mayor Gore said Council could look at the zoning rules and see if it makes sense to make changes regarding garage sale signs.

State Representative Rodney Creech said he has enjoyed getting to know Council over the last eight months. He said he has attended some of the events, and he wants to be a part of this community. He talked about his history in government. He said he has a passion for serving people. He said he is starting his second term as State Representative and he now represents Huber Heights.

Mr. Don Webb said he has seen Rodney Creech at so many of the City events, meeting with and speaking with the residents of Huber Heights. He said Mr. Creech does the City proud. He congratulated Mr. Creech.

Mrs. Pat Stephens said she has been out of the picture for the last year or longer with health and personal issues. She said her doctor recommended that she stop doing so much. She said she and her husband sold their large home in Huber Heights and bought a smaller home in Vandalia. She talked about her history in Wayne Township and Huber Heights. She said her husband has stepped into her footsteps when necessary. She thanked Council and City Staff for working with her and helping her accomplish the things she was able to accomplish while being here in Huber Heights.

Mayor Gore said Pat Stephens is a treasure to the City, she was a treasure to Wayne Township, and everyone knows the work and time and effort she has put into the Wayne Township/Huber Heights Historical Society.

Councilmembers and City Staff talked about their experiences and history with Pat Stephens and her husband Ralph, and they thanked her for all of her efforts.

9. Citizens Registered To Speak On Agenda Items

Clerk of Council Anthony Rodgers said there was one resident registered to speak at the Public Hearing for Item 12-C and he said the resident would be given the opportunity to speak during the Public Hearing on that item.

10. City Manager Report

Interim City Manager Bryan Chodkowski said today was the kickoff for the traffic study in the Old Troy Pike corridor after meetings with the engineer about the traffic study. He said 2023 is shaping up to be the year of development. He said there is a fully executed Horizon Line development agreement, and Horizon Line will close on the land on or before April 1, 2023. He said there is also a fully executed development agreement with Homestead, and Homestead has wired \$20,000 to escrow. He said Wright Way, LLC has a fully executed agreement, and that deal should close on January 31, 2023. He said January 25, 2023 is Coffee With A Cop at the Huber Heights Church of God from 10:00 a.m. to 12:00 p.m. He said the Arts and Beautification is hosting a Community Art Exhibit on February 11, 2023 from 2:00 p.m. to 7:00 p.m. at the Huber Heights Community Center on Powell Road. He said the final submission date for art for that show is January 27, 2023.

11. Pending Business

There was no 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.

Clerk of Council Anthony Rodgers said the only change to the Rules of Council from 2022 to 2023 was the rewording of the section on Public Participation At Meetings. He said this section was outlined in greater detail to elaborate on the opportunities for public participation in the decision-making processes of the City Council. He said this amendment to the Rules of Council requires approval of the motion to adopt the changes effective for 2023.

Mrs. Byrge 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.

- 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.

Mayor Gore opened the Public Hearing for Case RZ 22-41.

City Planner Aaron Sorrell gave a PowerPoint presentation on Case RZ 22-41. He said there are two single family homes that are part of this Rezoning totaling four acres. He said it is currently zoned Industrial (I-1) and the applicants have asked to rezone these properties to Residential (R-1) to facilitate the future expansion of one of their residences. He said in 1994 much of this area was rezoned to Industrial (I-1) to facilitate development, including two of the three properties on the west side of Wildcat Road. He said one of the current applicants is looking to expand their property for medical purposes, but the City Code precludes expansion for a non-conforming use. He said City Staff suggested rezoning the property to residential (R-1). He said City Staff reached out to owners of the adjacent properties which are also residential properties but zoned I-1. He said the owner of 7777 Wildcat Road responded and wanted to be included in this Rezoning. He said the two residential properties meet the R-1 district standards and are legal non-conforming uses. He said the zoning change will allow the properties to become legal conforming uses and will facilitate a smoother real estate transaction if they decide to sell in the future. He said this Rezoning probably protects the properties to the west better than having four acres zoned I-1 immediately abutting the properties. He said it is City Staff's recommendation to rezone the two properties from I-1 to R-1. He said the Planning Commission voted 3-0 to recommend this Rezoning.

Mayor Gore called on representatives of Mr. Baumer and Ms. Carre to make any comments.

Seeing none, Mayor Gore asked if Law Director David Montgomery had any comments.

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

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

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

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

Seeing none, Mayor Gore said, barring further comments, this Public Hearing of the City Council for Case RZ 22-41 is hereby closed.

- 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.

Mayor Gore opened the Public Hearing for Case MJC 22-43.

City Planner Aaron Sorrell gave a PowerPoint presentation on Case MJC 22-43. He said this case is a rear addition to an existing development. He said this addition is a Major Change to add roughly 11,000 square feet to the existing Dayton Children's Medical Center building. He said the site is 3.8 acres and is currently zoned Planned Commercial (PC). He said this building is a medical facility in current operation. He said the original Rezoning and Basic Development Plan was approved in 2014. He said the applicant is looking to expand this use. He said there is a minor eight space parking reduction which City Staff feel is inconsequential to this development. He said the addition will carry through with the same material and landscaping. He reviewed the site plan. He said the proposed use conforms to the district requirements and the existing Planned Use Development. He said the City Code requires 156 spaces, and 153 parking spaces will be provided. He said City Staff feel the General Standards for Approval can be satisfied and he recommended approval of the Major Change. He said the Planning Commission voted 3-0 to recommend approval of the Major Change.

Mayor Gore called on Mr. Kopilchak to make any comments.

Mr. John Kopilchak said he is with Synergy Building Systems at 3500 Pentagon Boulevard in Beavercreek. He said he had nothing additional to add to what Mr. Sorrell presented. He said he wanted to reiterate the request to potentially vote tonight and waive the second reading of this ordinance if possible.

Mayor Gore asked if Law Director David Montgomery had any comments.

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

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

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

Mr. Shaw asked Mr. Sorrell if in any Planning Commission meetings, any meetings he has had, or in Council Work Sessions have there been any conversations as to roadway infrastructure upgrades as this addition is creating an increase of 40 exam rooms and bringing in an increased traffic flow.

Mr. Sorrell said City Staff would anticipate only a minor increase in traffic flow.

Mr. Shaw asked if the applicant is willing to provide or update in/out signage and/or infrastructure upgrades to the property as that property is very close to Lowe's and the property shares a main drag next to Lowe's. He said visiting this facility with the increased traffic concerns the City already has is starting to bottleneck that intersection.

Mr. Sorrell said this discussion did not come up during the Planning Commission meeting about the need for additional infrastructure or access to this site. He said during the Detailed Development Plan phase, City Staff can talk to the applicant about additional signage. He said that issue was not raised by City Staff, the Planning Commission, or the applicant at the Planning Commission Public Hearing.

Mr. Shaw said that is the only concern he has with moving this project forward, as there is increased business development in that plaza. He said even now, there are no marked lanes. He said at the very best, the lanes need to be remarked and City Staff need to work with the applicant or the property owner to increase traffic flow signage in that area.

Mr. Sorrell said City Staff will work with the applicant and he will talk to the City Engineer and discuss additional roadway markings and additional signage as well.

Mayor Gore asked one last time if there was anyone to speak in favor of or against the approval of this case.

Seeing none, Mayor Gore said, barring further comments, this Public Hearing of the City Council for Case MJC 22-43 is hereby closed.

- 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.

Mayor Gore opened the Public Hearing for Case TA 22-42.1.

City Planner Aaron Sorrell gave a PowerPoint presentation on Case TA 22-42.1. He said this proposed text amendment expands the current definition of home occupation and the allowable uses. He said people are working from home more, and he feels this is an opportunity to allow people to have more freedom as to what is considered a home occupation. He said this change would allow the home occupation to be in an accessory building as well as the dwelling. He said there are a number of people with detached garages and barns, and this amendment would allow a home occupation there. He said this amendment would also allow one additional person who does not reside at the home as part of the home occupation and allow one non-illuminated building sign to be placed on the dwelling or accessory building as part of a home occupation. He said currently the City does not allow any signage for a home occupation. He said this text amendment allows services as far as a home occupation and it would specify that no more than two customers can be serviced at any one time. He said the examples of the permitted types of home occupations are listed and City Staff would determine if a particular use that is not enumerated would fit under the Home Occupation section of the City Code. He said if there is a question regarding a home occupation, it would be sent to the Board of Zoning Appeals for interpretation.

Mayor Gore asked if Law Director David Montgomery had any comments.

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

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

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

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

Seeing none, Mayor Gore said, barring further comments, this Public Hearing of the City Council for Case TA 22-42.1 is hereby closed.

- 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.

Mayor Gore opened the Public Hearing for Case TA 22-42.2.

City Planner Aaron Sorrell gave a Powerpoint presentation on Case TA 22-42.2. He said this proposed text amendment would permit bed and breakfast establishments as a permitted use in the Agricultural (A) district. He said the City is one of the few jurisdictions that does not define or permit bed and breakfast establishments anywhere in the Planning and Zoning Code. He said a bed and breakfast is any place of lodging that provides four or fewer rooms for rent on a temporary basis in the owner's personal residence and is also occupied by the owner during the time of rental and whereby meals are only served to guests. He listed the standards that would apply to a bed and breakfast establishment. He said off-street parking would be

provided for each bedroom used as guest lodging in addition to whatever is required for a normal single family dwelling unit. He said the City would stipulate that there is no outward appearance of change to the building or the premises. He said meals would be provided for guests only. He said the guests would only be allowed to reside there no more than three continuous weeks. He said the Planning Commission voted 3-0 to recommend approval of the text amendment.

Mayor Gore asked if Law Director David Montgomery had any comments.

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

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

Mr. Paul Schaeffer said his comments apply to all of the TA 22-42 Public Hearings. He said, as a homeowner and member of a Homeowner's Association, he is concerned about the ability of the City to monitor, examine, and enforce these new ordinances, given the fact the City already has a problem enforcing the ordinances in place.

Mayor Gore asked if there was any member of City Council to make or provide additional information.

Mr. Webb said the language states that bed and breakfast establishments shall only be permitted within a single family detached dwelling or accessory structure, but then follows up by stating the owner of the premises shall reside full time in the dwelling. He asked if there was any discussion on this issue at the Planning Commission? He said this language seems to be in conflict. He asked how one can have an accessory building in an Agricultural district that qualifies as a bed and breakfast.

Mr. Sorrell said when he surveys the community, there are a handful of structures that would make good candidates for bed and breakfast establishments, and those are the older farmhouses on Chambersburg Road, Taylorsville Road, and possibly Old Troy Pike. He said in those instances, there are some carriage houses that could be converted to an upstairs or an upper loft area as part of a bed and breakfast. He said the resident would be in the building, and there would likely be one or two rooms there, but this text amendment would give them the opportunity to create a unique upper level in a carriage house. He said he does not think there are a lot of these properties, but the City wanted to provide that opportunity in the City Code.

Mr. Shaw asked Mr. Sorrell to walk him through a scenario of a person wanting to open a bed and breakfast and the process a resident would have to go through.

Mr. Sorrell described the lengthy process and said it would take an investment of time and resources. He said a casual user would probably not head down that path. He said this text amendment is for someone wanting a bed and breakfast as an occupation.

Mr. Shaw asked how this is different from a VRBO or an Airbnb? He also questioned the difference between an owner being a full-time resident versus being on-site.

Mr. Sorrell said the difference is the owner has to live on-site at the bed and breakfast, whereas the Airbnb or the VRBO is a home for rent. He said a bed and breakfast has an active owner who is there all of the time, which is completely different from an Airbnb or a VRBO.

Mr. Shaw said the presentation stated the owner must live there full time; he said he did not see anywhere where it stated the owner must be on-site during the rental period. He said he looks at what the IRS regulates as a full-time resident, which is more than a majority of the year.

Mr. Sorrell said it is the intent that the person lives on-site full time.

Mr. Shaw expressed his concerns. He said the City is missing out on funding

because of the increase of Airbnb's and VRBO's. He said the language for those needs to be tightened up as the City is missing an opportunity. He said it is the same with bed and breakfast establishments. He said as of now, any property within the City of Huber Heights can be operated as an Airbnb or a VRBO and the City would not know about it.

Mr. Sorrell said last time he looked, there were 12 to 15 homes operating as an Airbnb in the City.

Mr. Shaw said that issue needs to be looked into deeper and either tied into this text amendment or added as a subsection. He said there is some confusion about what can and cannot be operated today and what is Council's intent with the makeup of the community.

Mr. Sorrell said this issue is different from Airbnb's and VRBO's. He said depending on the city, it is split on how this is done. He said half of the cities regulate through a business license. He said the others regulate it through some quasi-zoning. He said it is his opinion if the City is going to go down that path, it should be looked at through a business license perspective and not a land use perspective. He said if that is the direction Council decides, City Staff can do more research for Council on that matter.

Ms. Baker asked if the City would tax bed and breakfast establishments?

Mr. Sorrell said in all of the zoning permits there is a section that is turned in to the Finance Department. He said he cannot tell her if it fits under the hotel/motel tax, but he can get back to Council on that point.

Ms. Baker said she would like a follow-up because the City is missing an opportunity to be competitive.

Mayor Gore said it would be appropriate to add that topic as an agenda item to the next Council Work Session regarding VRBO's and Airbnb's. He said he agrees with Mr. Sorrell that it is a separate issue on the bed and breakfast side. He said he would like to see some type of language that states the owner has to be there while the bed and breakfast is being used. He said this ordinance is going to a second reading. He said in the meantime, VRBO's and Airbnb's will be added as an item on a Council Work Session agenda to have the discussion on how the City moves forward.

Mrs. Byrge asked Mr. Sorrell, when this item is discussed at the Council Work Session, to give Council an example of how an accessory building would be used as a bed and breakfast.

Mayor Gore asked one last time if there was anyone to speak in favor of or against the approval of this case.

Seeing none, Mayor Gore said, barring further comments, this Public Hearing of the City Council for Case TA 22-42.2 is hereby closed.

- 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.

Mayor Gore opened the Public Hearing for Case TA 22-42.3.

City Planner Aaron Sorrell gave a PowerPoint presentation on Case TA 22-42.3. He said this proposed text amendment would also broaden the uses within the Agricultural (A) district and would permit automotive/vehicle repair as a special use. He said there are limited special uses that are in the Agricultural districts. He said this text amendment would provide appropriate standards and would provide the Board of Zoning Appeals with additional options if someone comes forward wanting approval for this type of special use. He said, unlike a rezoning or a variance, a special use permit expires if that individual discontinues the use for more than a year.

He said the activities would be limited to servicing of motor vehicles with minor repair work in an enclosed building. He said that is key within the special use. He said body work and painting would be prohibited. He listed all the Standards of Use. He said parking, storage, or salvage of junk vehicles would be prohibited. He said there are standards on setbacks from the adjacent property line and the residential structure and he cited those standards. He said there was significant discussion about this text amendment and whether it is appropriate as a special use within the Agricultural district by the Planning Commission. He said there were discussions about unintended consequences to surrounding properties if this special use were permitted. He said there was a motion to recommend approval of the text amendment, and because there were only three Planning Commission members present, all were needed to vote unanimously. He said the motion to approve by the Planning Commission failed by a 2-1 vote.

Mayor Gore asked if Law Director David Montgomery had any comments.

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

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

Mayor Gore said an email was sent to Council from Ms. Goodspeed against the issue.

Mayor Gore asked if there was any member of City Council to make or provide additional information.

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

Seeing none, Mayor Gore said, barring further comments, this Public Hearing of the City Council for Case TA 22-42.3 is hereby closed.

- 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.

Mayor Gore opened the Public Hearing for Case TA 22-42.4.

City Planner Aaron Sorrell gave a PowerPoint presentation on Case TA 22-42.4. He said the City refers to self storage facilities in the City Code in three different ways. He said this amendment would combine and unify the definitions of what a self storage facility is consistent with the Ohio Revised Code definition. He said this text amendment would move the permitted use from the Commercial Districts and Planned Commercial District to I-1 and I-2 in the Planned Industrial Districts. He said this text amendment would allow indoor self storage facilities as a special use in the Planned Commercial District when part of a building that is being repurposed, such as the U-Haul facility that was a former store.

Mayor Gore asked if Law Director David Montgomery had any comments.

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

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

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

Ms. Baker asked Mr. Sorrell to clarify the indoor and outdoor storage areas.

Mr. Sorrell said the outside storage units will be moved to only being approved in I-1

and I-2 Districts.

Mayor Gore asked one last time if there was anyone to speak in favor of or against the approval of this case.

Seeing none, Mayor Gore said, barring further comments, this Public Hearing of the City Council for TA 22-42.4 is hereby closed.

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)

Mr. Chodkowski said this legislation would bring two non-conforming residential properties into conforming status as discussed at the Public Hearing. He said City Staff recommend that this item be passed to a second reading.

Mayor Gore said this item will be passed to a second 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)

Mr. Chodkowski said this legislation would approve a Major Change to the Basic Development Plan for an extension to the Children's Medical facility here in Huber Heights.

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

Mr. Webb moved to waive the second reading; Mrs. Byrge 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.

Mrs. Byrge moved to adopt; Ms. Baker 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.

- 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)

Mr. Chodkowski said this legislation would make changes to the Home Occupation provisions of the City Code. He said City Staff ask that this item be moved to a second reading.

Mayor Gore said this item will be passed to a second 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)

Mr. Chodkowski said this legislation would provide the City the ability to regulate bed and breakfast establishments. He said it is the recommendation of City Staff that this item be moved to a second reading.

Mayor Gore said this item will be passed to a second 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)

Mr. Chodkowski said City Staff recommend this item be moved to a second reading as it would create legislation and zoning provisions to regulate automotive/vehicle repair facilities in certain zoning districts.

Mayor Gore said this item will be passed to a second 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)

Mr. Chodkowski said this legislation would provide for an increased regulation of self storage units in the City. He said it is the recommendation of City Staff that this item be moved to a second reading.

Mayor Gore said this item will be passed to a second 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)

Mr. Chodkowski said this item would renew the Huber Heights Chamber of Commerce lease for the Thomas Cloud facility for an additional year.

Mr. Otto moved to adopt; Mr. Lyons 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.

- 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)

Mr. Chodkowski said this legislation would authorize the acquisition of 5001 Taylorsville Road for the future Public Works Division facility.

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

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

Mr. Webb asked Mr. Chodkowski to give an overview of what the City faced in developing the property at Centerpoint 70.

Mr. Chodkowski said there were a few challenges at that location. He said that the site, while significantly larger than the 8 1/2 acres of this property, is subject to wetland provisions, wetland restrictions, and there is a stream that bifurcates the property which needs to be bridged. He said while the benefit is that the City owns the property and there is no acquisition cost, there are some workarounds with respect to protecting the wetlands area as well as bridging the water feature on the site. He

said City Staff believes the acquisition cost will be offset by not having to make improvements at the Centerpoint 70 site as well as the ability to sell the the other site.

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.

- 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)

Mr. Chodkowski said this legislation would modify a boundary adjustment on the main parcel site near the termini of Miami Valley Way. He said it is the recommendation of City Staff that this item be adopted in support of the project with Homestead Development.

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

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

- 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)

Mr. Chodkowski said as was discussed with Council in Executive Session at the last Council Work Session, this matter brings forward the terms and conditions of the new collective bargaining agreement with AFSCME for employees in the Public Works Division.

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

Mr. Otto moved to adopt; Mrs. Kitchen seconded the motion. 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.

- 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)

Mr. Chodkowski said as was previously discussed with Council in Executive Session during the last Council Work Session, it is the recommendation of City Staff that this item be adopted so that the City can adequately be represented with respect to matters of collective bargaining.

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

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

Mr. Lyons asked when was the last time this legal counsel went to the next step in negotiations with fact finding.

Mr. Chodkowski said Mr. Downes is considered to be one of the best if not the best labor attorney in the State of Ohio. He said Mr. Downes went into fact finding most recently as of last week to the best of his knowledge.

On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, and Mr. Webb voted yea; Mr. Lyons voted nay; Mr. Shaw abstained from voting. The motion passes 6-1 with 1 abstention.

- 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)

Mr. Chodkowski said this legislation authorizes the City to acquire the necessary software to be able to manage video evidence storage.

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

Mr. Shaw moved to adopt; Ms. Baker 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.

- 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)

Mr. Chodkowski said this legislation would provide the Fire Division with the appropriate up-to-date medical technologies to support outstanding medical care within the community.

Mr. Webb moved to adopt; Mrs. Byrge 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.

- 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)

Mr. Chodkowski said this is annual legislation with respect to maintaining City infrastructure. He said the Engineering Staff is prepared to send this project out to bid so that the City can continue this process in 2023.

Mrs. Byrge moved to adopt; Mr. Otto 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.

- 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)

Mr. Chodkowski said this legislation provides utility maintenance of the City's sanitary sewer system to ensure the infrastructure can function in its capacity as long as possible.

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

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

- 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)

Mr. Chodkowski said this item would authorize the City to commence the necessary process for the regularly scheduled maintenance of the Emeraldgate Water Standpipe.

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

Ms. Baker moved to adopt; Mr. Otto 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.

- 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)

Mr. Chodkowski said this legislation would authorize the repair of an important vehicle engine in the Public Works Division so that vehicle can get back in service.

Ms. Baker moved to adopt; Mr. Shaw 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.

- 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)

Mr. Chodkowski said this legislation would allow City Staff to begin the process of identifying appropriate firms to replace certain landscaping maintained by the City.

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

Mr. Otto moved to adopt; Mrs. Kitchen seconded the motion. 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.

13. City Official Reports And Comments

Mr. Otto congratulated Caterpillars To Butterflies, an organization that works with autistic children and adults. He said the organization found a permanent home at the YWCA in Huber Heights and there was a ribbon cutting ceremony earlier in the day. He wished them the best.

Mrs. Kitchen said she was at the ribbon cutting ceremony for Caterpillars To Butterflies also. She said knowing that facility used to serve individuals with developmental disabilities and got shut down, it is nice to see the full cycle go around.

Ms. Baker thanked the Culture and Diversity Citizen Action Commission for the great program last week for Martin Luther King, Jr. She said it was a very nice program and the commission did a lot of work.

Mr. Webb complimented Aaron Sorrell. He said, as a long-time member of the Planning Commission, the presentations Mr. Sorrell brings before Council and the Planning Commission are first rate and exemplary. He said tonight was an overload situation with all of the Public Hearings, and he and Council sincerely appreciate his work.

Mrs. Byrge said she was also at the Caterpillars To Butterflies ribbon cutting ceremony today and Governor DeWine sent a representative to provide a proclamation. She said he was instrumental in getting the organization the space in the structure. She asked State Representative Rodney Creech to please keep an ear open for any funding or anything to help them along. She said this facility is providing a day care type facility. She said the parents were so pleased, and she hopes the City will help in any way possible for it to be successful.

Mrs. Kitchen thanked the Public Works Division for the hard work during the snow this weekend.

14. Executive Session

There was no need for an Executive Session.

15. Adjournment

Mayor Gore adjourned the Regular Session City Council Meeting at 7:38 p.m.

Clerk of Council

Date

Mayor

Date

AI-8989

Special Presentations/Announcements A.

City Council Meeting

City Council

Meeting Date: 02/13/2023

Dayton Metro Library Presentation

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: None

Date(s) of Committee Review: N/A

Audio-Visual Needs: None

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

Dayton Metro Library Presentation - Mr. Adam Schwiebert, Government Relations Director, Dayton Metro Library

Purpose and Background

Mr. Schwiebert from the Dayton Metro Library will be giving a presentation on Dayton Metro Library and an update on the Huber Heights Library to the City Council and the public.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

No file(s) attached.

AI-8979

Special Presentations/Announcements B.

City Council Meeting

City Council

Meeting Date: 02/13/2023

Greater Dayton RTA Presentation

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: None

Date(s) of Committee Review: N/A

Audio-Visual Needs: SmartBoard

Emergency Legislation?: No

Motion/Ordinance/
Resolution No.: N/A

Agenda Item Description or Legislation Title

Greater Dayton RTA Presentation - Mr. Brandon Policicchio, Chief Customer And Business Development Officer, Greater Dayton RTA

Purpose and Background

Mr. Policicchio with Greater Dayton RTA will make a presentation to the City Council and the public discussing current and future services Greater Dayton RTA provides to the community of Huber Heights.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

Presentation

Proudly Serving



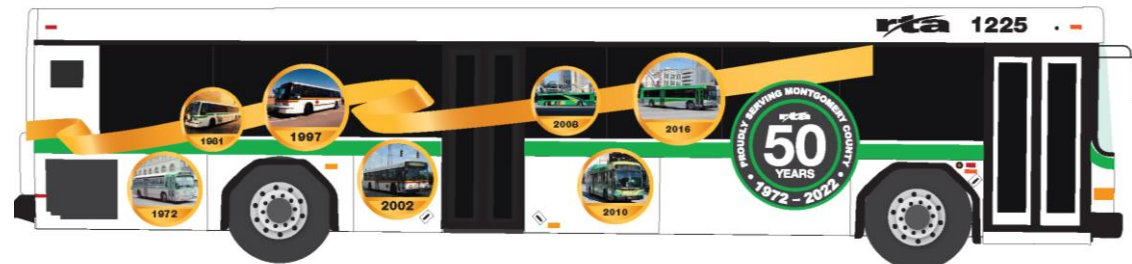
About Us

Over 500 employees proudly serve Montgomery County.

Over 65% of RTA customers are traveling to jobs, followed by healthcare, and educational opportunities.



Cheers to 50 years...



Equitable & Easy Way to Pay



- Use a card or smartphone to pay
- Always pay the best rate
- Hold onto your money longer
- Manage a single or family account
- Multiple ways to load value



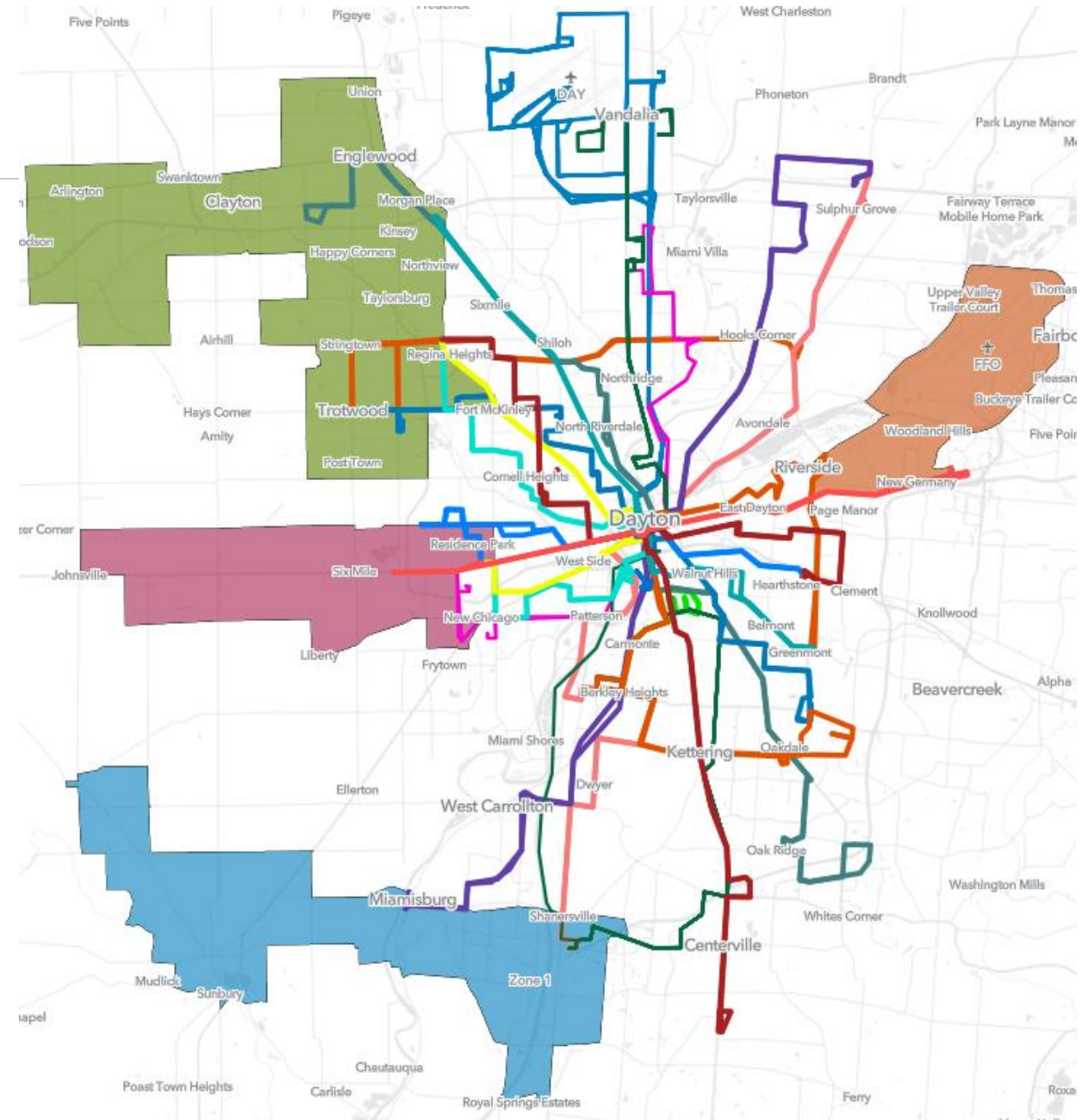
Our Services

18 Bus Routes

Over 2,500 Bus Stops

Connect Programs

Same Service 7 Days





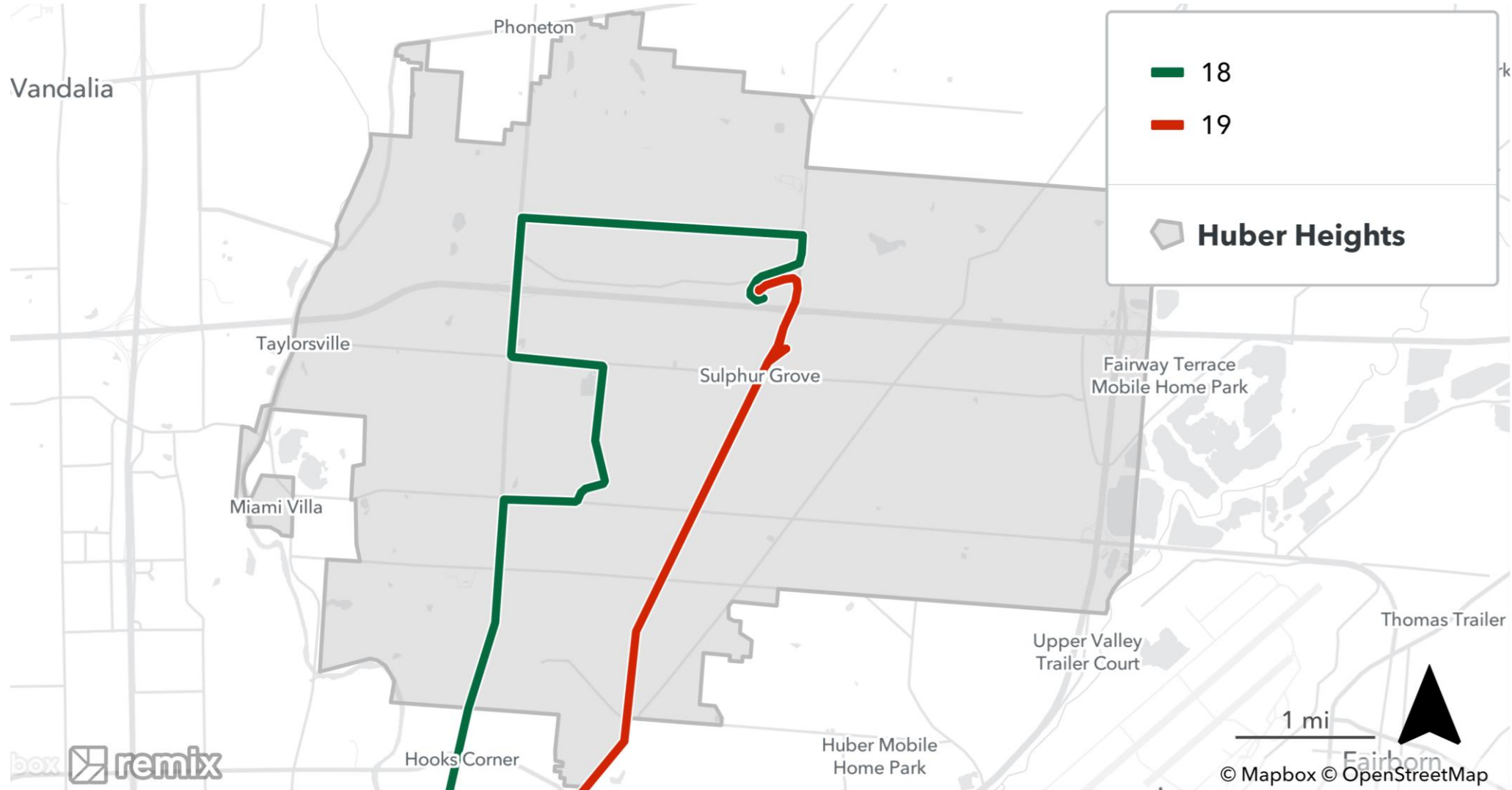
On - Demand	Paratransit	5310 Program
4 Zones	Montgomery County	Montgomery County
Free	\$3.50 per trip	\$5.00 per trip
Book via phone or app	Book via phone or web	Book via phone
Open to general public	Must be eligible	65+ or persons with a disability

www.iriderta.org

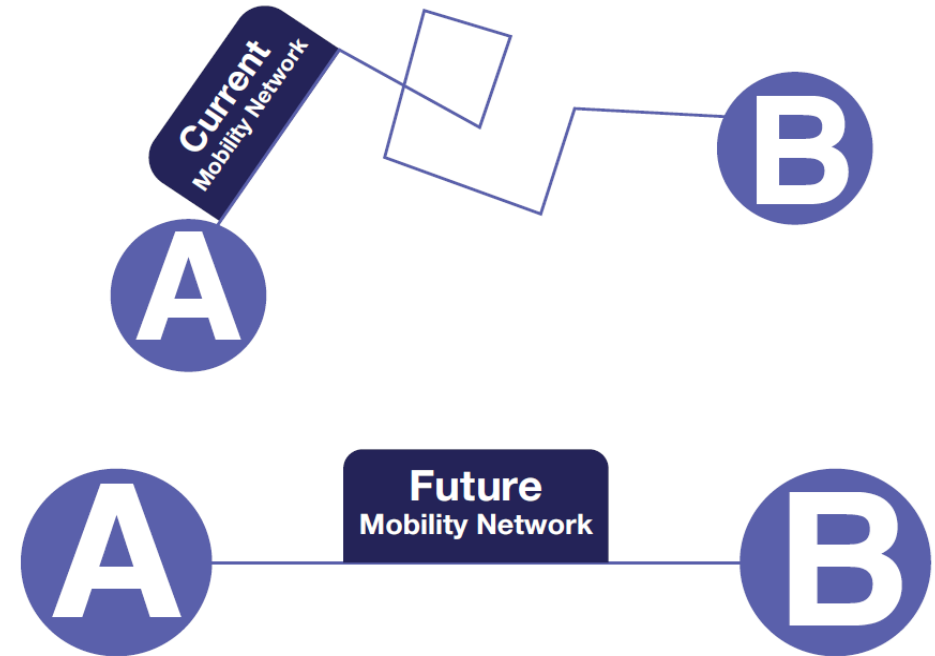
937-425-8300



Current Service – Huber Heights



The Future



Increase the quality of services through more frequent, direct and easy to use multi-mobility options.

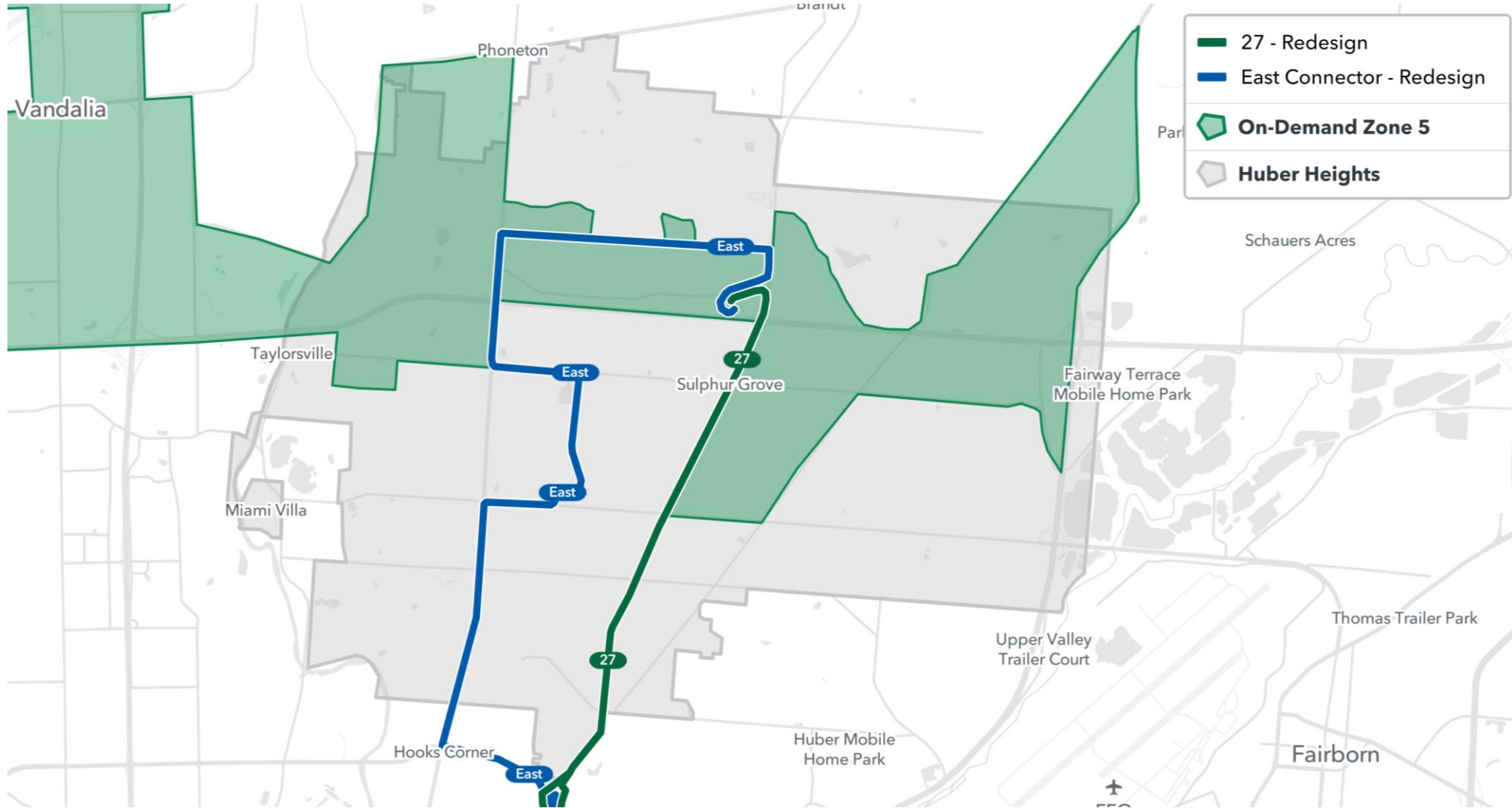
System Impact

The overall system will be improved reaching, within a ¼ mile of all services, roughly 70% of the Montgomery County population. The redesign will also reach 80% of individuals living in poverty, 85% of jobs, and 100% of major hospitals in Montgomery County.

In addition, through a combination of programs, service will continue to be available to 100% of the 65 and older population and individuals with disabilities residing in the county.



Proposed Service – Huber Heights



AI-8961

**Pending Business A.
City Manager**

City Council Meeting

Meeting Date: 02/13/2023

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

Submitted By: Geri Hoskins

Department: Planning

Division: Planning

Council Committee Review?: Council Work
Session

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

Audio-Visual Needs: SmartBoard

Emergency Legislation?: No

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

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).
(second 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:

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.

Terry Walton, Chair
Planning Commission

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

Terry Walton, Chair

Date

Geri Hoskins, Administrative Secretary

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.



P70 04009 0043

INTERSTATE 70 ON RAMP I70 W

EXIT 36

ROW INTERSTATE 70

CREEKNOLL CT

CRESTLINE CT

PP

P70 04005 0022

OLD COUNTRY CT

PR

FERNBANK CT
DEERWOOD CT

SPRUCE HILL CT

FLAGSTONE CT

PC

RUSTIC WOODS DR

TRAILSIDE CT

LODGEVIEW DR

MEADOWVISTA DR

MIDDLETON CT

WAYNE TOWNE BLVD

OLD TROY PIKE

MIDFORD ST

RED MAPLE CT

PINECROFT CT

TIMBERCREST DR

TAYLORSVILLE RD

B-1

R-4



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-8962

Pending Business B.
City Manager

City Council Meeting

Meeting Date: 02/13/2023

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 Work Session

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

Audio-Visual Needs: SmartBoard

Emergency Legislation?: No

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

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).
(second 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.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

Staff Report

Decision Record

Minutes

Presentation

Ordinance

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.

Terry Walton, Chair
Planning Commission

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

Terry Walton, Chair

Date

Geri Hoskins, Administrative Secretary

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-8963

Pending Business C.
City Manager

City Council Meeting

Meeting Date: 02/13/2023

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 Work Session

Date(s) of Committee Review: 01/17/2023 and 02/07/2023

Audio-Visual Needs: SmartBoard

Emergency Legislation?: No

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

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).
(second 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.

After discussion at the January 23, 2023 City Council Meeting and the February 7, 2023 Council Work Session, the proposed ordinance was revised and will need to be amended by the City Council at the second reading of the ordinance prior to adoption of the ordinance.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

- Staff Report
- Decision Record
- Minutes
- Presentation
- Ordinance
- Ordinance - Amended

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.

Terry Walton, Chair
Planning Commission

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

Terry Walton, Chair

Date

Geri Hoskins, Administrative Secretary

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

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 – Bed and Breakfast Establishments 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 while operating guest lodging.
- 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 1123.41

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-8964

Pending Business D.

City Council Meeting

City Manager

Meeting Date: 02/13/2023

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 Work Session

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

Audio-Visual Needs: SmartBoard

Emergency Legislation?: No

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

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).
(second 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.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

Staff Report

Decision Record

Minutes

Presentation

Ordinance

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.

Terry Walton, Chair
Planning Commission

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

Terry Walton, Chair

Date

Geri Hoskins, Administrative Secretary

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-8965

**Pending Business E.
City Manager**

City Council Meeting

Meeting Date: 02/13/2023

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 Work
Session

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

Audio-Visual Needs: SmartBoard

Emergency Legislation?: No

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

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).
(second 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.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

Staff Report

Decision Record

Minutes

Presentation

Ordinance

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, 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.

Terry Walton, Chair
Planning Commission

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

Terry Walton, Chair

Date

Geri Hoskins, Administrative Secretary

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-9004

**New Business A.
City Council**

City Council Meeting

Meeting Date: 02/13/2023

Planning Commission Appointment - D. Cassity

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 02/07/2023

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

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

Agenda Item Description or Legislation Title

A Motion To Appoint David Cassity To The Planning Commission To A Term Ending On January 31, 2028.

Purpose and Background

The City Council interview panel recommend the appointment of David Cassity to the Planning Commission for a term ending January 31, 2028. A background check on Mr. Cassity has been processed through Human Resources.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

Application - D. Cassity

Rodgers, Anthony

From: David Cassity <david.cassity@live.com>
Sent: Thursday, January 5, 2023 9:42 AM
To: Rodgers, Anthony
Subject: Application for Vacancy on Planning Commission
Attachments: Board and Commission Application - Cassity.pdf

RECEIVED ON:
JAN 05 2023
CLERK OF COUNCIL

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Hello Anthony,

I am submitting my application (attached) for the Planning Commission of Huber Heights. Thank you in advance for taking the time to review my application. I appreciate the opportunity to be considered for the role.

Best,
David Cassity



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 Huber Heights, Ohio 45424
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Application For City Boards and Commissions

RECEIVED ON:

JAN 05 2023

CITY OF COUNCIL

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

PLEASE COMPLETE ALL SECTIONS AND EACH QUESTION COMPLETELY AND ACCURATELY

Board or Commission Applied For: Huber Heights Planning Commission	Date Applied: January 5, 2023
--	---

Cassity	David	Paul
Last Name	First Name	Middle Name
5071 Meadowview St	Tipp City	OH
Address	City	State
937-631-7534	937-631-7534	45371
Home Phone Number	Daytime Phone Number	E-mail Address
		david.cassity@live.com

EDUCATION

	SCHOOL	COURSE OF STUDY OR DEGREE EARNED
HIGH SCHOOL	Wesleyan Christian Academy	General Studies
COLLEGE	GB College, Cincinnati, OH	B.A. Intercultural Studies
GRADUATE SCHOOL	Indiana Wesleyan University, Muncie, IN	M.S. Management
OTHER (Specify)		

COMMUNITY INVOLVEMENT

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

Organization	Dates of Service
Risk and Insurance Management Society	August 2019 to Present
New Carlisle Sportsman's Club	June 2021 to present
Bethel Clay Shooting Club	March 2021 to Present

EMPLOYMENT HISTORY

Name of Employer	Position(s) Held	Dates of Employment
Trimble Inc.	Director, Risk Management	Jan 2015 to present
Assurant Inc.	Operations Manager	Nov 2008 to Dec 2014
Starwood Hotels & Resorts	Front Desk Manager	Sept 2005 to Nov 2008

REFERENCES

Steve Ayars	2939 Willow Road, Springfield, OH	937-450-1054
Name	Address	Telephone Number
Herb Mullins	2728 Calvin Ave, Dayton, OH	937-830-7649
Name	Address	Telephone Number
Matthew Mckinney	1832 Clifton Road, Yellow Springs, OH	937-525-7608
Name	Address	Telephone Number

STATEMENT OF INTEREST

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

My family and I moved to Huber Heights in 2017 and have enjoyed watching the city develop since then. We
focus our time on volunteering where we think we can: 1) have an impact to something important, 2) align our
skillsets with the requirements of the role, and 3) find the work engaging and interesting. It is my belief
that the vacant role on the planning commission would a great fit for my skills, experience, and aptitude. I
am inspired by effective planning of complex programs and projects, and have a history of pulling together
various perspectives and coalitions to accomplish a common goal. I understand keenly how city planning
affects the prosperity and well being of an entire region and the lives of its constituents. I'd like to give back
to a community that has provided so much to me and my family and help the next generation to find what I've
found, a community that is growth-minded and provides a plethora of opportunities to fully enjoy life.

REQUIREMENTS AND APPLICANT STATEMENT

Are you at least 18 years of age? Yes No

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

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

Are you a registered voter? Yes No

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

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

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

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

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

David Cassity

January 5, 2023

Signature

Date

AI-9005

**New Business B.
City Council**

City Council Meeting

Meeting Date: 02/13/2023

Property Maintenance Review Board Appointment - L. Vaughn

Submitted By: Karen Powell

Department: City Council

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 02/07/2023

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

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

Agenda Item Description or Legislation Title

A Motion To Appoint Lester Vaughn to the Property Maintenance Review Board To A Term Ending December 31, 2026.

Purpose and Background

The City Council interview panel recommends the appointment of Lester Vaughn to the Property Maintenance Review Board for a term ending December 31, 2026. A background check on Mr. Vaughn has been processed through Human Resources.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

Application - L. Vaughn

Rodgers, Anthony

From: Lester Vaughn <lester.vaughn@singervaughnelectric.com>
Sent: Friday, January 13, 2023 9:47 AM
To: Rodgers, Anthony
Subject: Planning Commission Application
Attachments: HH App.pdf.pdf

RECEIVED ON:

JAN 13 2023

CLERK OF COUNCIL

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Sent from the iPhone of Lester Vaughn / Singer-Vaughn Electric. Check us out at www.singervaughnelectric.com



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Application For City Boards and Commissions

RECEIVED ON:

JAN 13 2023

CLERK OF COUNCIL

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

PLEASE COMPLETE ALL SECTIONS AND EACH QUESTION COMPLETELY AND ACCURATELY

Board or Commission Applied For: Planning Commission	Date Applied: 01/22/2023
--	------------------------------------

Vaughn II	Lester	Keith
Last Name	First Name	Middle Name

5204 Mariner Dr	Huber Heights	Ohio	45424
Address	City	State	Zip Code

937-689-6298	937-912-5790	Lester.Vaughn@singer.vaughn
Home Phone Number	Daytime Phone Number X101	E-mail Address electric.com

EDUCATION

	SCHOOL	COURSE OF STUDY OR DEGREE EARNED
HIGH SCHOOL	Northridge High School	Diploma
COLLEGE		
GRADUATE SCHOOL		
OTHER (Specify)	Montgomery County Joint Vocational School	Electrical Trades

COMMUNITY INVOLVEMENT

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

Organization	Dates of Service
Amvets post 464	2017 - Present
Veterans food Bank	2021 - Present
Seeds of Life	2019 - Present
Kettering Chamber	2015 - Present

EMPLOYMENT HISTORY

Name of Employer	Position(s) Held	Dates of Employment
Kettering Electric	Electrician	1994-2002
Vaughn Electric	Electrician / owner	2002 - 2010
Singer Vaughn Electric	President / Co-owner	2010 - 2023

REFERENCES

Chris Singer	2715 Culver Ave Kettering 45429	937-903-7473
Name	Address	Telephone Number
Jim Jeffries	2655 Sunset Maple Dr Tipp City 45371	937-409-4399
Name	Address	Telephone Number
Alan Manning	2365 Westlawn Dr Kettering 45429	937-672-4122
Name	Address	Telephone Number

STATEMENT OF INTEREST

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

I have lived in Huber Heights my entire adult life with my wife of 25 years and our 3 daughters. I have watched the city grow and I am at a point in my life where serving is becoming a part of my life. I am an entrepreneur that am co-owner of 4 business in Kettering Ohio. It would be my honor to be apart of the future of Huber Heights.

REQUIREMENTS AND APPLICANT STATEMENT

Are you at least 18 years of age? Yes No

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

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

Are you a registered voter? Yes No

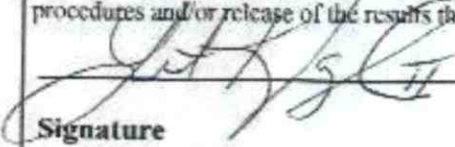
Are you willing to sign a release to allow the City of Huber Heights to perform a background screening and criminal records check? Yes No

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

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

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

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



Signature

01/12/2023
Date

AI-9003

**New Business C.
City Council**

City Council Meeting

Meeting Date: 02/13/2023

Parks and Recreation Board Reappointment - A. Black

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 02/07/2023

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

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

Agenda Item Description or Legislation Title

A Motion To Reappoint Alexander Black To The Parks And Recreation Board For A Term Ending March 31, 2026.

Purpose and Background

City Staff recommend the reappointment of Alexander Black to the Parks and Recreation Board for a term ending March 31, 2026. An updated background check was completed on Mr. Black by Human Resources.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

No file(s) attached.

AI-9002

**New Business D.
City Council**

City Council Meeting

Meeting Date: 02/13/2023

Personnel Appeals Board Reappointment - K. Herstine

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 02/07/2023

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

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

Agenda Item Description or Legislation Title

A Motion To Reappoint Kenneth Herstine To The Personnel Appeals Board For A Term Ending March 31, 2026.

Purpose and Background

City Staff recommend the reappointment of Kenneth Herstine to the Personnel Appeals Board for a term ending March 31, 2026. An updated background check was not necessary at this time due to the recent appointment of Mr. Herstine to an unexpired term..

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

No file(s) attached.

AI-9001

**New Business E.
City Manager**

City Council Meeting

Meeting Date: 02/13/2023

ED/GE Grant Agreement - Millat Industries

Submitted By: Bryan Chodkowski

Department: Economic Development

Council Committee Review?: Council Work Session
Date(s) of Committee Review: 02/07/2023

Audio-Visual Needs: None
Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

A Resolution Authorizing The City Manager To Enter Into An Agreement With Millat Industries For The Purposes Of Distributing A Grant Associated With The Economic Development/Government Equity (ED/GE) Agreement Between The City Of Huber Heights And Montgomery County.
(first reading)

Purpose and Background

In Fall of 2022, the City submitted an ED/GE Grant in the amount of \$62,400 on behalf of Millat Industries. The grant was to support the replacement of HVAC equipment at the Millat Industries Center Point 70 location to keep it competitive in the markets of aerospace, manufacturing, advanced manufacturing, research and development, as well as composites and advanced materials. The grant allows Millat Industries to retain its workforce of 44 while adding an additional position.

In December, 2022, the City was notified that its grant application was approved for funding. On February 7, 2023, the Montgomery County Commissioners will approve the formal contract with the City after which the City can make funds available to Millat Industries. It is recommended that City Council approve this proposed agreement between the City and Millat Industries before the City distributes any grant funds to Millat Industries.

Fiscal Impact

Source of Funds: General Fund

Cost: \$62,400

Recurring Cost? (Yes/No): No

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

Financial Implications:

Monies to provide for the grant amount of \$62,400 will be provided via supplemental appropriation. Once Millat Industries demonstrates its compliance to the terms and conditions of the grant, the City will be reimbursed the amount of \$62,400 from Montgomery County.

Attachments

Resolution
Exhibit A

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MILLAT INDUSTRIES FOR THE PURPOSES OF DISTRIBUTING A GRANT ASSOCIATED WITH THE ECONOMIC DEVELOPMENT/GOVERNMENT EQUITY (ED/GE) AGREEMENT BETWEEN THE CITY OF HUBER HEIGHTS AND MONTGOMERY COUNTY.

WHEREAS, the City of Huber Heights (the “City”) and Montgomery County (the “County”) have partnered together since 1992 in the Economic Development/Government Equity (ED/GE) Program to support economic development; and

WHEREAS, on October 24, 2022, the City submitted to the ED/GE Program on behalf of Millat Industries, an application for grant funding to support the retention and future growth of Millat Industries within the City; and

WHEREAS, on February 7, 2023, via Resolution No. 23-R-____, the County approved its agreement with the City to specifically fund the grant application submitted by the City on behalf of Millat Industries.

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

Section 1. The ED/GE Agreement between the City and the County for Millat Industries, a copy of which is attached hereto as Exhibit A, is hereby accepted by the City.

Section 2. The corresponding ED/GE Agreement between the City and Millat Industries, a draft copy of which is attached hereto as Exhibit B, is hereby accepted by the City.

Section 3. The City Manager is hereby authorized to enter into the corresponding ED/GE Agreement between the City and Millat Industries, substantially similar in form and terms as provided for in Exhibit B, subject to approval by the Law Director.

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

EXHIBIT A

2022
MONTGOMERY COUNTY
ECONOMIC DEVELOPMENT/GOVERNMENT EQUITY (ED/GE)
PROGRAM PROJECT AGREEMENT

THIS AGREEMENT is entered into on the date(s) at the end hereof, by and between the BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO, Montgomery County Administration Building, 451 West Third Street, Dayton, Ohio 45422, hereinafter referred to as the "Board," and **CITY OF HUBER HEIGHTS, MONTGOMERY COUNTY, OHIO**, hereinafter referred to as the "Participant."

WITNESSETH:

WHEREAS, O.R.C. Section 307.07 grants the Board the authority to create an Office of Economic Development and to appoint a person to act as Director of said Office, referred to hereinafter as the Director; and

WHEREAS, O.R.C. Section 307.07 further constitutes a grant of authority to the Board to become actively involved in the development and execution of economic development in Montgomery County, Ohio; and

WHEREAS, on or about June 4, 1991, and pursuant to O.R.C. Section 307.07, the Board did create a Montgomery County Office of Economic Development and did appoint a Director of same; and

WHEREAS, O.R.C. Section 307.07 further authorizes the Board to use a portion of its sales tax revenues for the purpose of furthering and fostering economic development in Montgomery County, Ohio; and

WHEREAS, O.R.C. Section 307.07(B)(3) authorizes the Director, with the approval of the Board, to enter into Agreements with federal, state and local governmental agencies for the purpose of carrying out economic development functions of the Board relative to economic development; and

WHEREAS, the Board and the Participant are desirous of mutually cooperating in the funding of an economic development project situated within the boundaries of the **CITY OF HUBER HEIGHTS**, Montgomery County, Ohio, known as the **MILLAT, INDUSTRIES PROJECT**, hereinafter referred to as the "Project;" and

WHEREAS, the Board is willing to use some of its sales tax revenues to foster same; and

WHEREAS, the Board has been advised by the Director that the Project properly qualifies as an economic development project in the Montgomery County area; and

WHEREAS, the Participant has supplied the Board with proof that it possesses sufficient statutory/legal authority and management capability needed to assume the primary administration of the Project; and

WHEREAS, on **December 6, 2022** by **Resolution #22-1758**, the Board awarded the **CITY OF HUBER HEIGHTS** an amount not to exceed **\$62,400** or **12%** of total project cost, from the 2022 Primary Economic Development Fund, to provide funding support for the **MILLAT INDUSTRIES PROJECT**.

NOW, THEREFORE, for and in consideration of the mutual promises, covenants and

agreements hereinafter set forth, the parties to this Agreement, with the intent to be legally bound, agree as follows:

1. The Participant agrees to assume the responsibility of administering the Project, which project is found specifically identified in the Scope of Work, which scope is attached hereto and made a part hereof as Exhibit "A," and a budget document for said project, which budget is attached hereto and made a part hereof, as Exhibit "B". The Board agrees to tender to the Participant the sum of **SIXTY-TWO THOUSAND FOUR HUNDRED DOLLARS (\$62,400)** or **TWELVE PERCENT (12%)** of total project cost, whichever is less, of the Board's 2022 sales tax revenue to assist the Participant in conducting the Project.

2. The Participant agrees that the Board's sales tax revenues referred to in paragraph 1, above, will be used solely and exclusively by the Participant to offset the cost incurred by it in undertaking the Project, and further agrees that should any or all of Board's said sales tax revenues be used for any purpose other than that of the Project, the Participant will repay the Board the amount improperly expended, and will do so within fourteen (14) calendar days of written notice to it by the Board that such an improper expenditure has occurred, stating therein the amount which the Board believes has been misapplied.

3. Upon execution of this Agreement by both parties and certification by the Montgomery County Auditor, the Board agrees to tender the amount identified in paragraph 1 hereof to the Participant on a regular reimbursement basis as more fully explained in this paragraph. The Participant agrees to supply the Board with regular statements, or invoices, indicating therein the amount of monies expended by the Participant in the furtherance of the Project, this statement, or invoice, will also contain a statement therein identifying the date of each

expenditure, the name of the person or business enterprise paid, and the goods or services provided warranting the payment. The Board will, within thirty (30) calendar days of the receipt of such a statement, or invoice, reimburse the Participant the amount stated in the Participant's statement or invoice. Should the Board be of the opinion that any amount of monies identified in the Participant's invoice was expended for purposes other than the furtherance of the Project, the Board may, in its sole discretion, reduce such payment by the amount of the alleged misapplication, or seek reimbursement as same is provided in paragraph 2 hereof. The parties also agree that the Board, through its Office of Economic Development, has the authority to meet with the contractor, person or business entity employed by the Participant for the Project, and review documentation as it deems necessary to determine that the Board's sales tax revenues are being expended for Project purposes.

4. The Participant agrees that the Board's sales tax revenues are to be expended by the Board in its sole discretion, and that the Board's financial assistance to the Participant is voluntary and that the Participant has no legal or equitable claim to any of the Board's sales tax revenues.

5. The Participant acknowledges that part of the consideration for this Agreement emanates from the Board's sales tax revenues, and that as such, said consideration constitutes public funds, and the Participant acknowledges that the Board, the Montgomery County, Ohio Auditor and/or the Ohio Bureau of Inspection and Supervision of Public Offices (State Auditor's Office) is legally authorized to inspect and make copies of the Participant's books and audit the receipt and expenditure of said consideration. The Participant, therefore, agrees to allow either the Board, the Montgomery County, Ohio Auditor or his representative, or a representative of the State Auditor's Office, to enter upon its premises during regular business hours and to supply the Board,

the Montgomery County, Ohio Auditor or his representative, the State Auditor's Office or its representative, the books/financial records concerning the Participant's receipt and expenditure of the economic development funding received by the Participant pursuant to the Agreement.

6. The Participant agrees that all documentation, financial records and other evidence of project activity under this Agreement shall be maintained by the Participant, consistent with the records retention requirements of the Ohio Revised Code, for a period of three (3) years after the completion or termination of the Project. After this three (3) year retention period, the Participant must notify the Board, in writing, of its intent to destroy said records. The Board reserves the right to extend the retention period for such records, and if it decides to do so it will notify the Participant in writing, otherwise, the Board will issue to the Participant a written Certificate of Records Disposal, it being understood that no records in the Participant's possession will be destroyed until the Participant has received a Certificate of Records Disposal. The Participant also agrees to notify persons or business entities with which it does business in the prosecution of the work called for in the "Project" of the fact that such person or business entity is receiving public funds and that such funds may be audited by the County Auditor or the State Auditor even though they have been received by a private person or business entity.

7. The Participant agrees that, upon completion of said Project, Participant will deliver to the Board's Director of Economic Development a report certifying the Participant's expenditures for the total Project, including ED/GE funds and all other financial sources. In addition, the Participant agrees to provide to the Board's Director of Economic Development, upon the Director's request and at such intervals as requested by the Director, but not to exceed three years,

a report certifying the jobs created/retained and the tax base enhanced/retained as a direct result of the Project.

8. The parties acknowledge that this Agreement is made pursuant to the Montgomery County ED/GE program and that the distribution of funds provided for herein is made pursuant to that program and constitutes a distribution to the Participant thereunder. The parties agree that use of the funds distributed hereunder is subject to all terms and conditions of the Economic Development/Government Equity Participation Agreement previously entered into between the parties hereto.

9. The parties expressly agree that this Agreement shall not be assigned by the Participant without the prior written approval of the Board, which approval may be withheld in the sole discretion of the Board.

10. During the performance of this Agreement, the Participant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, ancestry, handicap, age, political belief or place of birth. The Participant will ensure that applicants are employed and that employees are treated during employment without regard to race, color, religion, sex, national origin, ancestry, handicap, age, political belief or place of birth. Such action shall include, but is not limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

The Participant, or any person claiming through the Participant agrees not to establish or knowingly permit any such practice or practices of discrimination or segregation in reference to

anything relating to this Agreement, or in reference to any contractors or subcontractors of said Participant.

11. Either party may terminate this Agreement by serving written notice on the other party at least fourteen (14) calendar days before the effective date of such termination as is mentioned in the notice.

12. If any term or provision of this Agreement or the application thereof to any entity, person or circumstance shall, to any extent be held invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to entities, persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each remaining term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

13. This instrument embodies the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein; and this Agreement shall supersede all previous communications, representations or agreements, either written or oral, between the parties to this Agreement. Also, this Agreement shall not be modified in any manner except by an instrument, in writing, executed by the parties to this Agreement and approved by proper Resolution of the parties, if necessary.

14. This Agreement and any modifications, amendments, or alterations, shall be governed, construed, and enforced under the laws of The State of Ohio.

15. Signatures hereon shall act as express representations that the signing agents are authorized to bind their respective principals to all rights, duties, remedies, obligations and responsibilities incurred by way of this Agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands this ____ day of

_____, 20__.

Signed and acknowledged
in the presence of:

BOARD OF COUNTY COMMISSIONERS OF
MONTGOMERY COUNTY, OHIO

Witness

By: _____

Witness

By: _____

By: _____

OR

Witness

By: _____

Michael B. Colbert
County Administrator

AND

Witness

By: _____

Erik S. Collins, Director
Community & Economic Development

AND

Witness

CITY OF HUBER HEIGHTS
Jurisdiction

6131 TAYLORSVILLE RD
Address

HUBER HEIGHTS OH 45424
City State Zip

City State Zip

By: 

Title: CITY MANAGER Date: 12/13/22

APPROVED AS TO FORM:
MATHIAS H. HECK, JR.
PROSECUTING ATTORNEY

By: _____
Assistant Prosecuting Attorney

Date: _____

**EXHIBIT A
Work Program**

Jurisdiction: **CITY OF HUBER HEIGHTS**

Project: **MILLAT INDUSTRIES**

Funds will be used to upgrade the HVAC System at their existing facility. The project will create 1 new job and retain 44 jobs.

Project Tasks:	Start Date:	End Date:
Request for Quote	7/1/2022	10/21/2022
HVAC System Upgrade	1/1/2023	6/15/2023
Purchase machinery and equipment	1/1/2023	3/01/2023

EXHIBIT B
Budget

Jurisdiction: **CITY OF HUBER HEIGHTS**

Project: **MILLAT INDUSTRIES**

It is expressly understood by the Board of County Commissioners and the Participant that the Board of County Commissioners will reimburse to the Participant only **\$62,400 or 12%** of total project cost, whichever is less. All costs, including those relating to salaries and benefits, shall be supported by documentation sufficient to support any claim under this Agreement.

Sources:	Amount:
ED/GE	\$ 62,400
Line of Credit	\$ 457,600
Total	\$ 520,000

User Expenses:	ED/GE	Amount:
HVAC System Upgrade	X	\$ 270,000
Machinery & Equipment		\$ 250,000
	Total	\$ 520,000

EXHIBIT B

AGREEMENT REGARDING ED/GE FUNDS

This Agreement (“Agreement”) dated February ____, 2023, made and entered into by and between the City of Huber Heights, with its main offices located at 6131 Taylorsville Road Huber Heights, OH 45424 (“City”), and Millat Industries, with its registered office at 4901 Croftshire Drive Dayton, OH 45440 (“Recipient”).

WHEREAS, on February 7, 2023 by Resolution #23-XXXX, the Board of County Commissioners of Montgomery County, Ohio, (the “Board”) awarded City an amount not to exceed Sixty-Two Thousand Four Hundred Dollars (\$62,400.00) or Twelve Percent (12%) of total project cost, whichever is less from the 2022 Primary Economic Development Fund, to provide funding support for Recipient (the “ED/GE grant”); and

WHEREAS, under a separate agreement between the County and City (the “ED/GE Contract”), the City is responsible for administering the ED/GE grant;

NOW, THEREFORE, for and in consideration of the mutual promises, covenants and agreements hereinafter set forth, the parties to this Agreement, with the intent to be legally bound, agree as follows:

1. **PROJECT.** This project allows Millat Industries Corporation, to make necessary HVAC improvements to their building in the City of Huber Heights to improve operational efficiency and maintain competitiveness in the market sectors of aerospace, composites and advanced materials, manufacturing, research and development, as well as advanced manufacturing. (the “Project”).

2. **EMPLOYMENT RETENTION/CREATION.** Recipient shall use its commercially reasonable best efforts to maintain 44 employment positions with an estimated payroll totaling \$2,604,880 and to secure one additional fulltime employee at the Project over during the next three (3) consecutive years.

3. **GRANT AMOUNT.** The City agrees to provide the ED/GE grant funds made available to City by County for the Project pursuant to the terms and conditions of the ED/GE Contract between the City and County and this Agreement. The parties further acknowledge that this Agreement is made pursuant to the Montgomery County ED/GE program and that the distribution of the Funds provided for herein is made pursuant and subject to that program and its applicable rules and regulations.

The amount of the ED/GE Grant is \$62,400 or 12% of the total project cost, whichever is less. The parties acknowledge that this Agreement is made pursuant to the Montgomery County ED/GE program and that the distribution of funds provided for herein is made pursuant to that program. The parties further acknowledge that they have been informed and fully understand that ED/GE grants are given to Member Jurisdictions as follows:

Following execution of this Agreement, (1) fifty percent (50%) of the grant amount will be reimbursed to the City of Huber Heights on an invoice basis for eligible expenses; (2) twenty-five percent (25%) of the grant amount will be reimbursed to the City of Huber Heights, on an invoice basis when the Recipient attains 50% of total pledged jobs; and 3) twenty-five percent (25%) of the grant amount will be reimbursed to the City of Huber Heights, on an invoice basis when the Recipient attains 100% of total pledged jobs. Job creation will happen over a three-year period commencing with the Recipient’s provision of adequate proof to the Member Jurisdiction that the jobs have been created and actually hired and/or filled.

4. **GRANT PAYMENT.** The City of Huber Heights shall distribute the ED/GE Grant, if at all, only after receiving such funds from the County and only after the completion of the following conditions, which shall be verified by the City of Huber Heights in advance of Grant distribution. The Recipient shall supply the Member

Jurisdiction with written evidence of the amount of monies expended by the Recipient in the furtherance of the Project, containing a statement therein identifying the date of each expenditure, the name of the person or business enterprise paid, and the goods or services provided warranting the payment. The Recipient shall also provide a copy of any fully executed lease between it and another party for the subject property that is part of the Project. The County, through its Office of Economic Development, has the authority to meet with any contractor, person or business entity employed by the Recipient to determine that the ED/GE funds are being expended for Project purposes.

5. ED/GE FUNDS ACKNOWLEDGEMENT. Recipient agrees that the ED/GE grant is expended by the County in its sole discretion, and that the County's financial assistance is voluntary and that the Recipient has no legal or equitable claim to any of the ED/GE funds from the County or City. The County, through its Office of Economic Development, has the authority, with advance notice, to meet with any contractor, person or business entity employed by Recipient for the Project, and review documentation as it deems necessary to determine that the ED/GE grant is being expended for Project purposes. In the event the County fails for any reason to reimburse the City, (other than due to the gross negligence of City), for the grant funds distributed to Recipient, then Recipient shall reimburse the City all grant funds paid to Recipient hereunder within ten (10) calendar days of its receipt of a written notice from the City.

6. INSTITUTIONAL USERS. Recipient warrants that the ED/GE grant shall not be used for the direct benefit of institutional users such as colleges, universities, or hospitals. Recipient acknowledges that if it is found that ED/GE grant funds were used for the direct benefit of institutional users, the Board may require that the spent ED/GE funds be returned in full to Montgomery County, and the remainder of the ED/GE grant award shall be closed, and funds will be re-incorporated to the ED/GE fund for future projects.

7. COMPLIANCE WITH ED/GE PROGRAM AND INDEMNIFICATION. Recipient agrees to use any ED/GE grant money received from the ED/GE program only for the purpose(s) provided in this Agreement, which have been determined to be a valid public purpose under the ED/GE program. Recipient agrees to indemnify, defend and save harmless the City, its officials, agents and employees, from and against all suits, claims demands or actions, damages, liabilities, judgments, losses, costs and reasonable attorney fees arising out of or flowing from its failure to use the Funds for the stated purpose. Further if any of the ED/GE Funds are used for any purpose other than that of the Project, or if the County requires such Funds be returned on account of Recipient's default under this Agreement, Recipient will repay to City the amount required within ten (10) calendar days of its receipt of a written notice from the City.

8. LOCATION IDENTIFICATION. Recipient agrees to make a good-faith effort in all its communications to identify that the Company's facility is located in Huber Heights, Ohio. Communication may include signage, promotional literature, and stationery.

9. TAXES CURRENT. Recipient agrees to pay all respective applicable real and tangible personal property taxes and all municipal earnings tax amounts including payroll withholding owed in a timely manner.

10. INFORMATION WARRANTED. Recipient affirmatively covenants that it has made no false statements to the City in the process of obtaining approval of the ED/GE Funds.

11. AUDIT. Recipient acknowledges that it is receiving public funds and documentation of the use of such funds may be subject to audit by City, the County Auditor or the State Auditor or their representatives. Recipient agrees to allow such auditing party or its representative, to enter upon its premises during regular business hours, upon advanced notice, and to supply the books/financial records concerning the receipt and expenditure of the ED/GE funds received pursuant to the Agreement. Recipient also agrees to notify persons or business entities with which they do business in the prosecution of the work called for in the Project of

the fact that such person or business entity is receiving public funds and that such funds may be audited by the City, County Auditor or the State Auditor even though they have been received by a private person or business entity.

12. RECORD RETENTION. Recipient agrees that all documentation, financial records and other evidence of project activity under this Agreement shall be maintained by Recipient, consistent with the records retention requirements of the Ohio Revised Code, for a period of three (3) years after the completion or termination of the Project. After this three (3) year retention period, Recipient must notify the City, in writing, of its intent to destroy said records. The City reserves the right to extend the retention period for such records, and if it decides to do so it will notify Recipient in writing, otherwise, the City will issue to Recipient a written Certificate of Records Disposal, it being understood that no records in Recipient's possession will be destroyed until Recipient has received a Certificate of Records Disposal.

13. NO DISCRIMINATION. Recipient agrees not to discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, ancestry, handicap, age, political belief or place of birth. Recipient will ensure that applicants are employed and that employees are treated during employment without regard to race, color, religion, sex, national origin, ancestry, handicap, age, political belief or place of birth. Such action shall include, but is not limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Recipient or any person claiming through them agrees not to establish or knowingly permit any such practice or practices of discrimination or segregation in reference to anything relating to this Agreement, or in reference to any contractors or subcontractors.

14. TRANSFER. This Agreement is not transferable or assignable without the express, written approval of the City.

15. AMENDMENT. This instrument embodies the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein; and this Agreement shall supersede all previous communications, representations or agreements, either written or oral, between the parties to this Agreement. Also, this Agreement shall not be modified in any manner except by an instrument, in writing, executed by the parties to this Agreement. This Agreement may only be voided or amended by the written mutual consent of both parties.

16. SEVERABILITY. If any term or provision of this Agreement or the application thereof to any entity, person or circumstance shall, to any extent be held invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to entities, persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each remaining term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

17. GOVERNING LAW. This Agreement and any modifications, amendments, or alterations, shall be governed, construed, and enforced under the laws of the State of Ohio.

18. SIGNATURES. Signatures hereon shall act as express representations that the signing agents are authorized to bind their respective principals to all rights, duties, remedies, obligations and responsibilities incurred by way of this Agreement.

CITY OF HUBER HEIGHTS
An Ohio Municipal Corporation

MILLAT INDUSTRIES
an Ohio Corp.

By: Bryan RH Chodkowski, ICMA-CM
Its: Interim City Manager

By: Zach Millat
Its: Vice President of Operations

AI-8990

New Business F.
City Manager

City Council Meeting

Meeting Date: 02/13/2023

Supplemental Appropriations

Submitted By: Jim Bell

Department: Finance **Division:** Accounting

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 02/07/2023

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

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

Agenda Item Description or Legislation Title

An Ordinance Authorizing Advances And Transfers Between Various Funds Of The City Of Huber Heights, Ohio And Amending Ordinance No. 2022-O-2562 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2023 And Ending December 31, 2023.
(first reading)

Purpose and Background

The supplemental appropriations are for the following purposes:

- \$440,000 transfer from Sewer Fund to Sewer Capital Fund for East Sanitary Sewer Extension Project (bids received over amount budgeted).
- \$525,000 advance from General Fund to Capital Improvement Fund to purchase land for the new Public Works facility.
- \$62,400 advance from the General Fund to ED/GE Capital Improvements Fund for initial funding for the Millat Industries Project (to be reimbursed by grant proceeds).
- \$62,400 return of advance from ED/GE Capital Improvements Fund to General Fund upon receipt of grant proceeds.
- \$22,610 reduction in Accounting Division personnel expenses.
- \$22,610 for temporary staffing services for the Accounting Division.
- \$55,000 for the Street Safety Study Project.
- \$15,000 for Annual Storm Water Report and the Illicit Discharge Detection and Elimination Plan.
- \$14,545 for the remaining balance on the Comprehensive Development Plan.
- \$16,850 reduction in the Engineering section of the Gasoline Tax Fund.
- \$16,850 increase in the Public Works section of the Gasoline Tax Fund for a Ver-Mac high definition message board for traffic information.

Fiscal Impact

Source of Funds: Various Funds

Cost: \$1,049,545

Recurring Cost? (Yes/No): No

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

Financial Implications:

Attachments

Ordinance

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2023-O-

AUTHORIZING ADVANCES AND TRANSFERS BETWEEN VARIOUS FUNDS OF THE CITY OF HUBER HEIGHTS, OHIO AND AMENDING ORDINANCE NO. 2022-O-2562 BY MAKING SUPPLEMENTAL APPROPRIATIONS FOR EXPENSES OF THE CITY OF HUBER HEIGHTS, OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2023 AND ENDING DECEMBER 31, 2023.

WHEREAS, supplemental appropriations for expenses of the City of Huber Heights must be made for appropriations of funds for various 2023 operating and project funding.

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

Section 1. Authorization is hereby given to advance and transfer certain monies up to amounts not exceeding those shown and for the purposes cited in Exhibit A, and such authorization applies to any and all such advances and transfers necessary and effected after January 1, 2023.

Section 2. Ordinance No. 2022-O-2562 is hereby amended as shown in Exhibit B of this Ordinance.

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

EXHIBIT A

Transfer:

<u>Amount</u>	<u>Fund From</u>	<u>Fund To</u>	<u>Purpose</u>
\$440,000.00	551 Sewer	552 Sewer Capital	East Sanitary Sewer Extension

Advance:

<u>Amount</u>	<u>Fund From</u>	<u>Fund To</u>	<u>Purpose</u>
\$525,000.00	101 General	406 Capital Imp.	Purchase land for PW facility
\$ 62,400.00	101 General	427 ED/GE Cap Imp	Millat Industries project

EXHIBIT B

AMENDING ORDINANCE NO. 2022-O-2562 BY MAKING APPROPRIATIONS FOR EXPENSES OF THE CITY OF HUBER HEIGHTS, OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2023 AND ENDING DECEMBER 31, 2023.

- 1) Section 1 of Ordinance No. 2022-O-2562 is hereby amended to reflect changes in the appropriations of the 101 General Fund, as follows:
 - a. Subsection d) Planning & Development, Operations and Capital increase of \$14,545.00
 - b. Subsection k) Accounting, Personnel decrease of \$22,610.00
 - c. Subsection k) Accounting, Operations and Capital increase of \$22,610.00
 - d. Subsection r) Non-Departmental, Advances increase of \$587,400.00.
- 2) Section 3 of Ordinance No. 2022-O-2562 is hereby amended to reflect changes in the appropriations of the 203 Gasoline Tax Fund, as follows:
 - a. Subsection a) Engineering, Operations and Capital increase of \$55,000.00
 - b. Subsection a) Engineering, Operations and Capital decrease of \$16,850.00
 - c. Subsection b) Streets, Operations and Capital increase of \$16,850.00.
- 3) Section 30 of Ordinance No. 2022-O-2562 is hereby amended to reflect an increase in the appropriations of the 406 Capital Improvement Fund, as follows:
 - a. Subsection c) Capital, Operations and Capital of \$525,000.00.
- 4) Section 33 of Ordinance No. 2022-O-2562 is hereby amended to reflect an increase in the appropriations of the 427 ED/GE Capital Improvement Fund, as follows:
 - a. Subsection a) Capital, Operations and Capital of \$62,400.00
 - b. Subsection b) Non-Departmental, Advances of \$62,400.00.
- 5) Section 44 of Ordinance No. 2022-O-2562 is hereby added to reflect an increase in the appropriations of the 551 Sewer Fund, as follows:
 - a. Subsection e) Non-Departmental, Transfers of \$440,000.00.
- 6) Section 45 of Ordinance No. 2022-O-2562 is hereby added to reflect an increase in the appropriations of the 552 Sewer Acquisition/Capital Fund, Operations and Capital of \$440,000.00.
- 7) Section 46 of Ordinance No. 2022-O-2562 is hereby added to reflect an increase in the appropriations of the 571 Storm Water Management Fund, as follows:
 - a. Subsection a) Engineering, Operations and Capital of \$15,000.00.

General Fund	\$601,945.00
Gasoline Tax Fund	\$55,000.00
Capital Improvements Fund	\$525,000.00
ED/GE Capital Improvements Fund	\$124,800.00
Sewer Fund	\$440,000.00
Sewer Acquisition/Capital Fund	\$440,000.00
Storm Water Management Fund	\$15,000.00

AI-8991

New Business G.
City Manager

City Council Meeting

Meeting Date: 02/13/2023

Sanitary Sewer Rates

Submitted By: Jim Bell

Department: Finance

Division: Accounting

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 02/07/2023

Audio-Visual Needs: None Emergency Legislation?: No

Motion/Ordinance/
Resolution No.:

Agenda Item Description or Legislation Title

An Ordinance Increasing The Sewer Rates In Section 934.03 Of The Codified Ordinances Of Huber Heights.
(first reading)

Purpose and Background

The Board of the Tri-Cities North Regional Wastewater Authority approved an increase in rates charged to the member cities by 10% beginning in January, 2023. The increase in cost to the City of Huber Heights is estimated to be \$204,474. Veolia Water will be implementing an increase of 5% in 2023. Veolia Water's contract allows for an increase in fees based on the annual CPI, with a cap of 5%. The amount of the Veolia Water increase in cost to the City is estimated to be \$33,600. A sanitary sewer rate increase of 6.0% would generate an estimated \$233,155 annually to help cover these increased fees from the Tri-CitiesNorth Regional Wastewater Authority and Veolia Water. An increase in the sanitary sewer rate of 6% would increase the sewer portion of an average monthly utility bill by \$1.21. The proposed sanitary sewer rate increase would go into effect with billings beginning on April 1, 2023.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

Ordinance

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2023-O-

INCREASING THE SEWER RATES IN SECTION 934.03 OF THE CODIFIED ORDINANCES OF HUBER HEIGHTS.

WHEREAS, Section 934.03 of the Codified Ordinances of the City of Huber Heights sets forth the sanitary sewer rates for water customers; and

WHEREAS, Council has determined it is necessary to increase the sanitary sewer rates across the board effective in April, 2023 by six percent (6%).

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

Section 1. Effective with the first billing in April, 2023, Section 934.03(a) and (b) of Chapter 934 – Rates and Fees for Water Distribution and Sanitary Sewer Services, Title Three – Public Utilities, Part Nine – Streets and Public Services of the Codified Ordinances of the City of Huber Heights is hereby amended to read as follows:

934.03 – Sanitary sewer rates.

(a) Except as provided elsewhere in this section, sanitary sewer rates for all customers shall be as provided below.

(1) The billing period for sanitary sewer rates shall be monthly.

(2) The sanitary sewer rates to be charged shall be based on the volume of water consumption measured by meters servicing customers of the system, and the size of the water meter(s) servicing a property as follows:

Consumption Volume	Rate per 100 Cubic Foot
Per Cubic Foot	\$1.4202

(3) Consumption charges shall be used to pay for wastewater treatment service charges billed to the City.

(4) Residential customers with sanitary sewer service and no water service, and therefore no water meter shall be billed at a rate of \$15.66 per month plus the monthly service charge which, for these customers, shall be at the rate of the five-eighths inches meter.

(5) Monthly service charges for sanitary sewer services shall be based on the size of the largest meter servicing a property as follows:

Meter Size	Residential User Service Charge	Commercial User Service Charge
5/8"	\$8.84	\$8.84
1"	22.10	22.10
1 1/2"	44.21	46.08
2"	70.73	73.75
3"	132.61	138.28
4"	173.00	178.67

Monthly service charges for water distribution for meter sizes not enumerated above shall be determined by the City Engineer in proportion to the rates for meter sizes listed above. The Citizens Water and Sewer Advisory Board shall hear appeals concerning service charge determinations by the City Engineer and provide a recommendation of final action to the City Council. The City Council shall make the final decision regarding any appeal concerning service charge determinations by the City Engineer.

(b) Rates for the Miami Villa Sewerage District. For any lot, parcel of land, building or premises situated within the Miami Villa plat limits of the City, having any connection with the City sanitary sewer system or otherwise discharging wastewater, either directly or indirectly, into the City sanitary sewer system, a monthly charge or rental shall be based upon the number of bedrooms or occupants of the facility, or by other means acceptable to the City Manager.

(1) The rates for residential users shall be as follows:

Number of Bedrooms	Number of Residents	Monthly Billing
1-3	1-3	\$16.45
4	4	21.94
5+	5+	27.42

(2) The rates for commercial users shall be as follows:

- A. Restaurants, bars, etc.\$1.57 per seat
- B. Churches and public assembly hall\$0.08 per seat
- C. Manufacturing plant\$1.57 per employee

(3) Vacant property in the Miami Villa Sewerage District shall be billed at one-half the rate stated above for occupied property, provided notification of the vacancy is given to the City.

Section 2. Section 934.03(c) 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-8992

**New Business H.
City Manager**

City Council Meeting

Meeting Date: 02/13/2023

Advances/Transfers - Finance Department

Submitted By: Jim Bell

Department: Finance **Division:** Accounting

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 02/07/2023

Audio-Visual Needs: None **Emergency Legislation?:** Yes

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

Agenda Item Description or Legislation Title

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

Purpose and Background

An advance was made from the Gasoline Tax Fund to the Carriage Trails Infrastructure Fund for initial financing for development prior to the receipt of a SIB Loan. The advance for this project was \$640,000 in anticipation of a SIB Loan which was not obtained. The Director of Finance recommends that the original advance of \$640,000 be now classified as a transfer from the Gasoline Tax Fund to the Carriage Trails Infrastructure Fund. This legislation, if approved, will make that correction so that those monies will not be expected to be returned to the Gasoline Tax Fund. The Director of Finance requests that the second reading of the legislation be waived and that this legislation be adopted as emergency legislation at the February 13, 2023 City Council Meeting.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

Ordinance

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2023-O-

AUTHORIZING A ONE-TIME TRANSFER OF MONIES FROM THE GASOLINE TAX FUND TO DOCUMENT AN ADVANCE PREVIOUSLY MADE TO THE CARRIAGE TRAILS INFRASTRUCTURE FUND, AND DECLARING AN EMERGENCY.

WHEREAS, the auditing firm of Plattenburg & Associates requires documentation of previously made advances to be authorized as transfers; and

WHEREAS, this Ordinance serves to satisfy the auditors' requirements.

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

Section 1. The Director of Finance is authorized to document the previous advance listed below as a transfer as follows:

Gasoline Tax Fund (203) to Carriage Trails Infrastructure Fund (454)	\$640,000
--	-----------

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the further reason that there is a need to immediately provide for improved organizational structures in the City; therefore, this Ordinance shall take full force and effect immediately upon its adoption by Council.

Passed by Council this _____ day of _____, 2023;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8993

**New Business I.
City Manager**

City Council Meeting

Meeting Date: 02/13/2023

2023 Annual Legislation - Amendment

Submitted By: Jim Bell

Department: Finance

Division: Accounting

Council Committee Review?: Council
Work
Session

Date(s) of Committee Review: 02/07/2023

Audio-Visual Needs: None

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

A Resolution Amending Resolution No. 2022-R-7197 And Authorizing The City Manager To Enter Into Necessary Agreements And Make Necessary Purchases Of Goods And Services With Certain Vendors And Suppliers For The Purchase, Maintenance And Service Of Equipment, Professional Services, And Miscellaneous Operating Expenses By Various Departments And Divisions Of The City Of Huber Heights For Fiscal Year 2023 And Waiving The Competitive Bidding Requirements.
(first reading)

Purpose and Background

The continuous operation of various departments and divisions of the City rely on the purchase, maintenance and service of certain equipment and various departments and divisions of the City require certain professional services and miscellaneous operating expenses in order to perform necessary functions for the business of the City. All costs associated with the listed purchases and services are included in the operational budget for the respective departments and divisions for FY 2023. These purchases and services are needed effective January 1, 2023, in order to perform the day to day routine operations of various departments and divisions of the City.

Upon review of the purchase orders requested at the beginning of 2023, it was discovered that Resolution No. 2022-R-7197 for the 2023 annual legislation passed in late 2022 needed to be amended as follows:

- Gall's Uniforms - increase from \$20,000 to \$30,000 for City-wide safety personnel
- State of Ohio (Police LEADS, OVI tests, OPOTA training, all departments radio maintenance) - increase from \$100,000 to \$125,000
- Delete Section 1x for Newegg for a reduction of \$40,000
- Delete Section 1gg for Locution for a reduction of \$28,000 (duplicate)
- Add SHI International for software and licensing for cloud-based applications at a cost not to exceed \$40,000
- Add Creative Financial Staffing for temporary staffing services for the Tax and Accounting Divisions of the Finance Department at a cost not to exceed \$95,000
- Add gasoline for all departments at a cost not to exceed \$400,000
- Add diesel fuel for all departments at a cost not to exceed \$300,000

Fiscal Impact

Source of Funds: Various Funds

Cost: \$5,000

Recurring Cost? (Yes/No): Yes

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

Financial Implications:

Amending the original resolution will result in an increase of \$5,000 to the maximum allowed spending for goods and services with identified vendors.

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2023-R-

AMENDING RESOLUTION NO. 2022-R-7197 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO NECESSARY AGREEMENTS AND MAKE NECESSARY PURCHASES OF GOODS AND SERVICES WITH CERTAIN VENDORS AND SUPPLIERS FOR THE PURCHASE, MAINTENANCE AND SERVICE OF EQUIPMENT, PROFESSIONAL SERVICES, AND MISCELLANEOUS OPERATING EXPENSES BY VARIOUS DEPARTMENTS AND DIVISIONS OF THE CITY OF HUBER HEIGHTS FOR FISCAL YEAR 2023 AND WAIVING THE COMPETITIVE BIDDING REQUIREMENTS.

WHEREAS, the continuous operation of various departments and divisions of the City rely on the purchase, maintenance and service of certain equipment; and

WHEREAS, various departments and divisions of the City require certain professional services and miscellaneous operating expenses in order to perform necessary functions for the business of the City; and

WHEREAS, all costs associated with the listed purchases and services are included in the operational budget for the respective departments and divisions for Fiscal Year 2023; and

WHEREAS, these purchases and services are needed effective January 1, 2023 in order to perform the day to day routine operations of various departments and divisions of the City; and

WHEREAS, Chapter 171.12 of the Codified Ordinances of the City of Huber Heights allows Council to waive the competitive bidding procedures herein or approve alternate procedures whenever it deems it to be in the best interest of the City to do so.

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 agreements and make necessary expenditures of funds with identified vendors and suppliers for the purchase, maintenance and service of equipment, professional services, and miscellaneous operating expenses by various departments and divisions of the City effective January 1, 2023, as follows:

- a. Columbia Building Company for professional office space leasing at a cost not to exceed \$60,000
- b. Plattenburg & Associates for professional financial audit services at a cost not to exceed \$75,000
- c. Squire, Patton, Boggs, LLC for professional financial legal and bond counsel services at a cost not to exceed \$200,000
- d. GTGis for GIS mapping maintenance and services for multiple divisions at a cost not to exceed \$65,000
- e. Bradley Payne Advisors, LLC, for City debt services at a cost not to exceed \$175,000
- f. Change Healthcare for EMS billing at a cost not to exceed \$120,000
- g. Phoenix Fire Safety Outfitters for Fire Division personnel protective clothing at a cost not to exceed \$65,000
- h. City of Dayton (Fire Department Garage) for maintenance and service of Fire apparatus at a cost not to exceed \$40,000
- i. Bound Tree Medical for EMS and pharmaceutical supplies at a cost not to exceed \$40,000
- j. Gall's Uniforms for city-wide safety personnel uniform purchases at a cost not to exceed \$30,000
- k. A. E. David Company for the purchase of uniforms for the Police Division at a cost not to exceed \$48,500
- l. Montgomery County, Ohio, for prisoner housing, processing, medical testing, radio lease and maintenance and court parking at a cost not to exceed \$100,000
- m. Agile Networks for connectivity switch maintenance for phones and radios for the Police Division at a cost not to exceed \$32,000
- n. State of Ohio for Police LEADS, OVI tests, OPOTA training, and for all departments radio maintenance at a cost not to exceed \$125,000
- o. P&R Communications for all departments radio maintenance at a cost not to exceed \$150,000
- p. Civica CMI for financial and public safety applications at a cost not to exceed \$100,000

- q. ESO for Fire and EMS Software Maintenance at a cost not to exceed \$36,000
- r. Locution for automated dispatching at a cost not to exceed \$35,000
- s. Motorola for dispatch console maintenance at a cost not to exceed \$60,000
- t. US Bank Equipment Finance for City-wide copier lease and maintenance at a cost not to exceed \$45,000
- u. Pickrel, Schaeffer & Ebeling for legal services at a cost not to exceed \$250,000
- v. Ryan L. Brunk for prosecution services in Montgomery County at a cost not to exceed \$90,000
- w. CDW-G for state-term contract computer and electronic equipment at a cost not to exceed \$80,000
- x. Amazon for computer and electronic equipment at a cost not to exceed \$40,000
- y. IT Savvy for computer and electronic equipment at a cost not to exceed \$40,000
- z. MNJ Technologies for computer and electronic equipment not to exceed \$40,000
- aa. Stryker for cardiac monitor, cot and AED maintenance at a cost not to exceed \$33,000
- bb. Lakeshore IT Solutions at a cost not to exceed \$40,000
- cc. Enterprise Fleet Management at a cost not to exceed \$322,000
- dd. Heritage Fire Equipment for maintenance and parts at a cost not to exceed \$30,000
- ee. Rush Trucking for medic parts and repairs at a cost not to exceed \$20,000
- ff. Watkem for plumbing services at a cost not to exceed \$50,000
- gg. American Forestry for tree maintenance for parks at a cost not to exceed \$25,000
- hh. Greentech at the Rose Music Center and city parks for irrigation and any other landscape projects at a cost not to exceed \$70,000
- ii. Joe's Landscaping of Beaver creek for mulch at the Rose Music Center, Christmas lights on City buildings, landscape services for the Rose Music Center at a cost not to exceed \$100,000
- jj. Landscape Structures/Penchura for playground design and installation at a cost not to exceed \$300,000
- kk. Wagner Paving for parking lots and court resurfacing for parks at a cost not to exceed \$100,000
- ll. Asphalt Sealcoaters of Dayton for painting courts and parking lot resurfacing at a cost not to exceed \$50,000
- mm. Maxim roofing for park shelter roofs at a cost not to exceed \$100,000
- nn. Forever Lawn for playground surfacing at a cost not to exceed \$100,000
- oo. Patterson Pools for splash pad repairs at a cost not to exceed \$100,000
- pp. Clutch IT Solution for computer and electronics equipment at a cost not to exceed \$40,000
- qq. Dell IT Technologies for computer and electronics at a cost not to exceed \$50,000
- rr. SHI International for software and licensing for cloud-based applications at a cost not to exceed \$40,000
- ss. Creative Financial Staffing for temporary staffing services for the Accounting and Tax Divisions of the Finance Department at a cost not to exceed \$95,000
- tt. Gasoline for all departments at a cost not to exceed \$400,000
- uu. Diesel fuel for all departments at a cost not to exceed \$300,000

Section 2. Consistent with the provisions of the City Charter and the Huber Heights Codified Ordinances, the competitive bidding requirements are hereby waived.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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

Passed by Council on the _____ day of _____, 2023;
 _____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

 Clerk of Council

 Mayor

 Date

 Date

AI-8994

**New Business J.
City Manager**

City Council Meeting

Meeting Date: 02/13/2023

Request For Proposals – Mental Wellness Report – Fire Division

Submitted By: Keith Knisley

Department: Fire

Council Committee Review?: Council Work Session
Date(s) of Committee Review: 02/07/2023

Audio-Visual Needs: None
Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

A Resolution Authorizing The City Manager To Solicit A Request For Proposals From Behavioral Health Providers To Provide Behavioral Support Services For Members Of The Fire Division.
(first reading)

Purpose and Background

This legislation will allow the City to solicit proposals from qualified Behavioral Service Providers to provide behavioral services for the Fire Division. The funding for this program was granted by the State of Ohio ARPA funding for first responders. The RFP will include services provided through December, 2024.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

Sample RFP
Resolution



City of Huber Heights
6131 Taylorsville Rd.
Huber Heights, OH 45424

937.233.1423
937.233.1272 fax

www.hhoh.org

REQUEST FOR PROPOSALS

And

INSTRUCTIONS

RFP 23- 001 (FIRE)

Behavioral Health Support Program

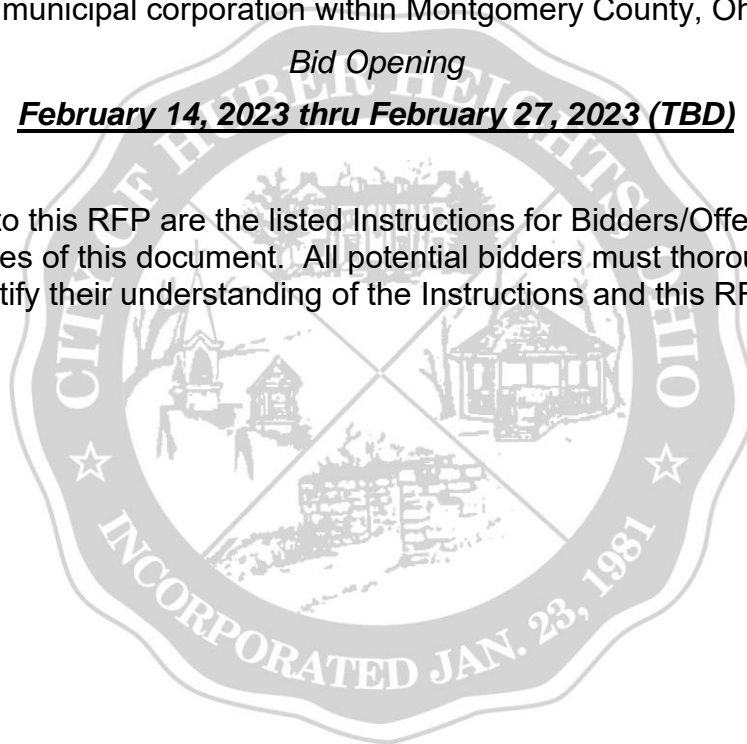
City of Huber Heights, Fire Division

A municipal corporation within Montgomery County, Ohio

Bid Opening








February 14, 2023 thru February 27, 2023 (TBD)

Attached to this RFP are the listed Instructions for Bidders/Offerors in the first ten (10) pages of this document. All potential bidders must thoroughly review and certify their understanding of the Instructions and this RFP process.




GENERAL INSTRUCTIONS TO BIDDERS/OFFERORS

For the purposes of this Document, the terms “Bid” and Proposal” have the same meaning, and the terms “Bidder, Offeror, Contractor, Vendor” are intended to mean the company or firm who is the respondent Bidder for this RFP.

-  The following instructions are to be considered an integral part of this proposal. Unless otherwise requested, three (3) complete copies of the written proposal need be submitted. The person signing the bid/proposal form must initial any changes or corrections made to this proposal.
-  No proposal may be withdrawn or modified in any way after the bid/proposal-opening deadline. **Quotes must remain valid for ninety (90) days after the quote date.** Quotes submitted with a less than ninety (90) day validity will be found non-responsive and will not be considered.
-  All bids/proposals must be a final cost.
-  Bids/Proposals will be received beginning **Tuesday, February 14, 2023** and to be received no later than the close of business day on **Monday, February 27, 2023** at the City of Huber Heights 6131 Taylorsville Rd. Huber Heights, Ohio 45424 at which time they will be opened and publicly read aloud. Bids/proposals received after the above date and time, or in any other location other than the City of Huber Heights City Hall as noted above will not be considered.
-  A Request for Proposal packet may be obtained from the City of Huber Heights 6131 Taylorsville Rd. Huber Heights, Ohio 45424 or from www.hhoh.org
-  If descriptive literature is attached to the bid/proposal, bidder’s name must appear on all sheets.
-  A cover letter must be attached in the form of a standard business letter containing the Contractor’s name, address and telephone number and must be signed with an original signature, in ink, by an individual authorized to legally bind the Contractor. The letter must contain the following information:
 - A statement describing the Contractor’s legal structure (e.g. corporation, partnership) and providing federal tax identification number and principle place of business.
 - A statement that the person signing the quote certifies that he or she is the person in the Contractor’s organization who has actual authority to make decisions as to matters relating to this RFP and to bind the Contractor.
 - A statement that the quote meets the minimum qualifications set forth in this RFP and accepts all requirements and terms and conditions contained in this RFP.
 - A statement that the Contractor does not discriminate in its employment practice with regard to race, color, age, religion, sex, veteran status, sexual preference, national origin, or disability


- A statement that no attempt has been made or will be made by the Contractor to induce any other person or firm to submit or not submit a quote.
- A statement that indicates whether the Contractor or any of its agents has a possible conflict of interest with any city employee involved in the RFP and any ensuing Contract(s) or any other conflict of interest and, if so, an explanation of the conflict must be given.


 **Communication:** If there is any question whatsoever regarding any portion of the instructions or specifications, it shall be the bidder's responsibility to seek clarification immediately from the City of Huber Heights **No later than close of business on February 22, 2023 at 4:00pm** unless otherwise stated in the documents.


All questions shall be submitted in writing or via e-mail to the attention of Dr. Chris McIntosh at 937-233-1564 and/or cmcintosh@hhoh.org. If mailed, the address is as follows: City of Huber Heights ATTN: Dr. Chris McIntosh RFP: 23-001, 7008 Brandt Pike, Huber Heights, OH 45424.


It shall be the bidder's responsibility to check the City's website (www.hhoh.org) for any and all addendums or modifications.


Under no circumstances should respondents contact City personnel or officials outside of the opportunity provided herein.

 **Proprietary Information:** Any information contained in the RFP response that is proprietary must be clearly designated. Marking of the entire response as proprietary will neither be accepted nor honored. The City cannot guarantee that all such material noted remains proprietary, particularly if it becomes a significant consideration in contract award. Information will be kept confidential only to the extent allowed by Public Records Laws of Ohio.

 Any variation from the specifications must be clearly stated by the bidder in writing and submitted with his/her proposal.

 The apparent silence of any specifications or any supplement specifications to any details or the omission of a detailed description concerning any point shall be regarded as meaning that only the best commercial practices are to prevail, and that only materials of first quality and correct type, size and design are to be used. All workmanship is to be of first quality. All interpretations of this specification shall be made upon the basis of this statement.

 The following bid shall be awarded to one bidder based on the specifications as provided for in Chapter 171 of the Codified Ordinances of Huber Heights, so the City can determine the "lowest and best proposal". An award shall be made to one vendor for the total bid. Unit prices and extensions will be verified and total checked. Unit price extension and net total must be shown. Unit price shall prevail unless otherwise stated in the proposal.


 Section 171.04 of the Codified Ordinances of Huber Heights provides for a process and description for opening, tabulating and awarding responses to RFP/bids as stated in reference:


(a) *In the case of sealed competitive bids, the bids shall be opened and tabulated publicly by the Purchasing Agent. An investigation of the responsibility of the bidders and the responsiveness of the bid shall be made as the Purchasing Agent deems necessary. The Purchasing Agent shall determine the lowest and best bid. The Purchasing Agent may reject all bids if the Purchasing Agent determines that it is in the best interest of the City to do so.*


(b) *In the case of competitive proposals, the responses shall be opened publicly by the Purchasing Agent. The City may discuss the responses with the proposers to clarify responses and to obtain information needed by the City to determine the lowest and best proposal. An investigation of the responsibility of the proposers and the responsiveness of the proposal shall be made as Purchasing Agent deems necessary. The Purchasing Agent shall determine the lowest and best proposal. The Purchasing Agent may reject all proposals if the Purchasing Agent determines that it is in the best interest of the City to do so.*


(c) *In the case of two-step competitive proposals, the technical responses shall be opened publicly by the Purchasing Agent. The City may discuss the responses with the proposers to clarify responses and to obtain information needed by the City to determine qualified proposers. An investigation of the responsibility of the proposers and the responsiveness of the proposal shall be made as the Purchasing Agent deems necessary.*


The Purchasing Agent shall determine the qualified proposers. The qualified proposers shall then be invited to submit price proposals which shall be opened publicly by the Purchasing Agent. The City may discuss responses with the proposers to clarify responses and to obtain information needed by the City to determine the lowest and best proposal. If appropriate, the City may request best and final offers. The Purchasing Agent shall then determine the lowest and best proposal. The Purchasing Agent may reject all proposals if the Purchasing Agent determines that is in the best interest of the City to do so.


 The City of Huber Heights reserves the right to accept, reject or waive any irregularities in the proposal and/or any and all bids received for the work contemplated herein and to accept or reject any or all proposals and/or bids. The proposal and/or bids will be compared on the basis of the total cost of the project and the award will be made to the lowest and best bidder (or bidders), provided the proposal and/or bid is reasonable and is in the best interest of the City (owner) to accept. In determining the lowest and best bid the City (owner), in its sole discretion, may consider factors, including but not limited to, the bidder's work history, (including work done under other names), experience, conduct and performance on previous contracts, management skills, ability to execute the contract properly, customer satisfaction, work on comparable projects, ability to timely complete the work in accordance with the contract documents, the Bidder's financial condition and facilities, and the Bidder's compliance with federal, state, and local laws, rules, and regulations, (including but not limited to the Prevailing Wage Laws, Occupational Safety and Health Act, and the State of Ohio's Equal Employment Opportunity Commission requirements, as may be applicable).


 The City desires delivery of the material or services specified at the earliest possible time after the date of award. An unreasonable delivery proposal may be cause for disqualifying a bid. Each bidder shall state a definite time and avoid using terms such as "ASAP" or "approximately so many days".


-  **References:** Contractor must provide five (5) references of customers with successful implementations of similar size and scope with work performed within the past five (5) years. Please include name, address, contact and phone number. If sub-contractors or business partners will be used in conjunction with the installation or maintenance of this project, please provide references as stipulated above. **References should be included in bid documents**


-  **Quality Standard:** Any references to the construction, fabrication and/or design which are proprietary or specific to one equipment manufacturer are to be considered as an indication of the level of quality and protection expected by HHFD. If a particular section names a process, construction, and/or design that is patented or proprietary in nature, bidders can take exception and propose an alternative, provided that the proposed alternative meets or exceeds the performance, the level of quality, and the degree of protection afforded to Huber Heights firefighters.

-  **Inspection:** It is understood within this agreement that any problems such as equipment failure, unspecified maintenance, lack of performance and any other conditions outlined in the scope of service not performed by the Contractor will be under immediate review by the City of Huber Heights.

-  **Technical Specifications Guidelines:** Bidders should address each subsection in their proposal. The technical specifications are to provide bidders with guidelines. They are not meant to prevent bidders from proposing alternative solutions. In all instances, the bidder is to clearly indicate how the proposed solution meets the desire of HHFD to implement the best behavioral health program. The bidder shall include as much detailed explanation as the deem appropriate of the alternative program with supporting data and documentation for evaluation by HHFD

-  **License and Permits:** It shall be the responsibility of the successful bidder to obtain all licenses and permits required to perform this service at no additional cost to the City of Huber Heights.

-  **Timeline:** Provide an estimated, standard timeline for installation, implementation and creative design services. **Timeline should be included in bid documents.**

-  **Configuration and Pricing:** Bidder must itemize all charges for individually identifiable components of the proposed system, including all associated installation, programming and training if applicable. Bidder must include charges for all components required to connect any applicable applications.

RFP Checklist:

Please review and check off these 10 most important items to consider when responding to an RFP for the City of Huber Heights:

	<p>Read the <u>entire</u> document. Note critical items such as: mandatory requirements; supplies/services required; submittal dates; number of copies required for submittal; contract requirements (i.e., contract performance, insurance requirements, performance and/or reporting requirements, etc.).</p>
	<p>Note the procedures for communication with the City during the RFP process. All communication during the RFP process must be in writing. Offerors should not contact City personnel or officials outside of the opportunity provided in the document.</p>
	<p>Attend the pre-proposal conference if one is offered. These conferences provide an opportunity to ask clarifying questions, obtain a better understanding of the project, or to notify the City of any ambiguities, inconsistencies, or errors in the RFP.</p>
	<p>Take advantage of the “question and answer” period. Submit your questions by the due date listed and view the answers given in the formal “addenda” issued for the RFP. All addenda issued for an RFP are posted on the City’s website and will include all questions asked and answered concerning the RFP.</p>
	<p>Follow the format required in the RFP when preparing your response. Provide point-by-point responses to all sections in a clear and concise manner.</p>
	<p>Provide complete answers/descriptions. Read and answer all questions and requirements. Don’t assume the City or the evaluating staff will know what your company capabilities are or what items/services you can provide, even if you have previously contracted with the City of Huber Heights. The proposals are evaluated based solely on the information and materials provided in your response.</p>
	<p>Use the forms provided, if any. e.g., bidder’s submittal page, reference forms, attachment forms, etc.</p>
	<p>Before submitting your response, check the City’s website at: www.hhoh.org to see whether any addenda were issued for the RFP.</p>
	<p>Review and read the RFP document again to make sure that you have addressed all requirements. Your original response and the requested copies must be identical and be complete. The copies are provided to the evaluating staff members and will be used to score your response.</p>
	<p>Submit your response on time. Note all the dates and times listed in the RFP and be sure to submit all required items on time. Late proposal responses are never accepted.</p>



Please Note:

All potential contractors are strongly urged to submit supporting documentation as to their qualifications to perform the Scope of Work.

Certificate of Insurance, Reference List and Timeline must be attached.

If additional comments or conditions are desired, please attach a separate sheet providing details.

Include all proposed equipment specifications, showing manufacturer name, model, etc. depicting unit specifications and other pertinent information.

Certification:

The undersigned on the Bid Proposal certifies that the Instructions to Bidder has been carefully examined, is thoroughly familiar with the terms and specifications applicable to and made part of this Request for Proposal and understands and is capable of meeting the provisions within to the quality, type and grade of work requested. The undersigned further certifies the prices shown in the schedule of items contained within the Proposal/Bid are in accordance with the conditions, terms and specifications of the proposal and that any exception taken thereto may disqualify the bid.

Signature Date

Print Name Title

Email Address Phone

Company Name



City of Huber Heights Request for Proposals

RFP 2023-001 (Fire)

Advertised as: Behavioral Health Support Program

Release Date: Tuesday, February 14, 2023 Closing Date: Monday, February 27, 2023

The City of Huber Heights, a municipal corporation, Montgomery County, Ohio

1. General Information

- 1.1. The City of Huber Heights invites qualified firms to submit proposals for clinical behavioral health support for Huber Heights Fire Division members. Proposals shall be submitted in accordance with the Documents and Requirements as set forth in this formal "Request for Proposals." The Contract that will result from this "Request for Proposals" will include what is indicated in Section 4 "Scope of Work" of this RFP.
- 1.2. A City Review and Selection Committee will evaluate the proposals submitted.
- 1.3. During evaluation, the City Review and Selection Committee reserves the right, where it may serve the City's best interest, to request additional information or clarification from the Offeror, or to allow corrections of errors or omissions. Oral interviews may be conducted by the City Review and Selection Committee for the Contractors who submit a Proposal and were short listed.
- 1.4. Submission of a proposal indicates acceptance by the Offeror of the conditions contained in this Request for Proposals, unless clearly and specifically noted in the proposal submitted and confirmed in the resultant contract between the City of Huber Heights and the Contractor selected.
- 1.5. There is no expressed or implied intent or obligation for the City of Huber Heights to reimburse responding firms for any expenses incurred in preparing proposals, as well as travel expenses during interviews in response to this Request for Proposals.
- 1.6. The City of Huber Heights shall reserve the right to terminate any agreement resultant from this solicitation and subsequent action for cause but not limited to inadequacy of performance.

Contact Person/Communication

- 1.7. Until the receipt and opening of proposals, the proposers' principal contact with the City of Huber Heights will be as listed below. All questions are to be submitted in writing and potential Bidders will receive copies of all questions and answers except for the questions that are considered proprietary. Questions will only be received through Dr. Chris McIntosh
City of Huber Heights Fire Division
7008 Brandt Pike
Huber Heights, Ohio 45424
937-233-1564
Email: cmcintosh@hhoh.org
- 1.8. All contacts and communication regarding the proposal should be with the above-named individual only. Bidders contacting other City Staff or Officials may be disqualified for doing so.



2. Background Information

- 2.1. The City of Huber Heights, Fire Division, a municipal corporation, Montgomery County, Ohio was awarded funding through the State of Ohio's American Rescue Plan Act (ARPA) *First Responder Wellness, Recruitment, Retention, and Resiliency program* for clinical behavioral health support for Huber Heights Fire Division members until December 31st, 2024.

3. Definitions: The following definitions are used in this Agreement

- 3.1. HHFD – Huber Heights Fire Division

4. Scope of Project:

- 4.1. The clinician team will provide
 - 4.1.1. Clinician shall be Individually Licensed through a state agency.
 - 4.1.2. Clinicians with experience working with Public Safety First Responders.
 - 4.1.3. Clinicians should possess Trauma Informed Care certificate that meets the Trauma Informed Competencies as determined by the Ohio Department of Job & Family Services and the Ohio Department of Mental Health and Addiction Services.
 - 4.1.4. Availability for on scene call-outs 24/7.
 - 4.1.5. Monthly Station Visits - provide first responders the opportunity to meet individually to discuss cumulative stress and to reduce the stigma of receiving behavioral health services.
 - 4.1.6. 1:1 Private 30-minute Clinical visits for all HHFD first responders
 - 4.1.7. Continuing Education opportunities for all members in a lectured base format that meets the requirements for continuing education for Emergency Medical Services (EMS). Minimum of 3 – 3-hour lectures annually.
 - 4.1.8. Referrals and resources for follow-up as necessary
 - 4.1.9. Clinical consultation for Command Staff and Peer Support Team to determine framework for current and future needs of members. Following initial institution of program, consultation for Command Staff and Peer Support Team as needed.
 - 4.1.10. Awardee shall follow all applicable portions of Health Insurance Portability and Accountability Act (HIPAA).

5. Program Components

- 5.1. The awardee will provide an assigned clinician to the HHFD for the purposes of providing education, support, and clinical oversight. The clinician shall also visit Huber Heights Fire Stations monthly to ensure and maintain the mental health of HHFD members.
 - 5.1.1. Monthly Station visits
 - a) 3 Platoons - 3 Stations – 2 visits to each platoon and station per month (12 hours per month)



- 5.1.2. Consultation, Oversight, Education (8 hours per month) as indicated in Scope of Project.
- 5.1.3. Availability of personnel to assist during or after traumatic experiences, 24/7.

6. TRAINING

- 6.1. Initial Training with members on program components, benefits, and resources available.

7. RFP Requirements:

- 7.1. Submitting RFP Proposal packages: Offeror will submit a comprehensive and thorough written plan for Dr. Chris McIntosh. Pricing must be listed on the proposal, and no sales tax should be included.

8. Evaluation of Proposals and Required Information

- 8.1. Proposals submitted will be evaluated by the City Review and Selection Committee.
- 8.2. The Committee may call for oral interviews. The City reserves the right to retain all proposals submitted and use an idea in a proposal regardless of whether or not said proposal is selected.
- 8.3. The evaluation factors considered in the selection process will weigh heavily into the City's decision-making process. These evaluation requirements are considered to be minimum requirements. More points may be awarded for exceeding the minimum requirements.

9. Right to Reject Proposals

- 9.1. Submission of proposals indicates acceptance by the Offering Firm of the Conditions contained in this RFP, unless clearly and specifically noted in the proposal submitted and confirmed in the subsequent Agreement between the City of Huber Heights and the selected firm.
- 9.2. The City of Huber Heights reserves the right to reject any or all proposals and to award to the proposer the City determines to be most qualified and whose award of the contract will be in the best interests of the City.
- 9.3. Late proposals will not be accepted. Offerors are held responsible that their proposals arrive at the City of Huber Heights on or before the designated date and time.

10. Withdrawal of Proposals

- 10.1. Requests to withdraw proposals received after the date and time set for bid opening will not be considered. Only requests to withdraw proposals prior to that date and time will be considered.

11. Contract Termination

- 11.1. The City of Huber Heights reserves the right to terminate any subsequent Agreement or Contract as a result of this RFP if the Contractor does not perform as required by the Terms and Conditions therein.



*** END OF DOCUMENT ***

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO SOLICIT A REQUEST FOR PROPOSALS FROM BEHAVIORAL HEALTH PROVIDERS TO PROVIDE BEHAVIORAL SUPPORT SERVICES FOR MEMBERS OF THE FIRE DIVISION.

WHEREAS, it is necessary to identify trained professionals to provide behavioral support services as granted by the State of Ohio ARPA Funding For First Responders; and

WHEREAS, behavioral health for members of the Fire Division is important; and

WHEREAS, Council has authorized the Fire Division to apply for grant funding for this project.

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

Section 1. The City Manager is hereby authorized to solicit a Request For Proposals (RFP) from Behavioral Health Providers to provide behavioral support services for members of the Fire Division.

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-8995

**New Business K.
City Manager**

City Council Meeting

Meeting Date: 02/13/2023

2023 Street Program - Solicit Bids

Submitted By: Hanane Eisentraut

Department: Engineering **Division:** Engineering

Council Committee Review?: Council **Date(s) of Committee Review:** 02/07/2023
Work
Session

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

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

Agenda Item Description or Legislation Title

A Resolution Authorizing The City Manager To Solicit, Advertise And Receive Bids From Qualified Firms For The 2023 Street Improvement Program, Non-Concrete Work.
(first reading)

Purpose and Background

This legislation will allow the soliciting, advertising and receiving of bids for the 2023 Street Program. The Local Street Capital Improvement Fund will be utilized to construct this project at a cost not to exceed \$1,400,000. The plans and specifications will be prepared by the Engineering Division.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

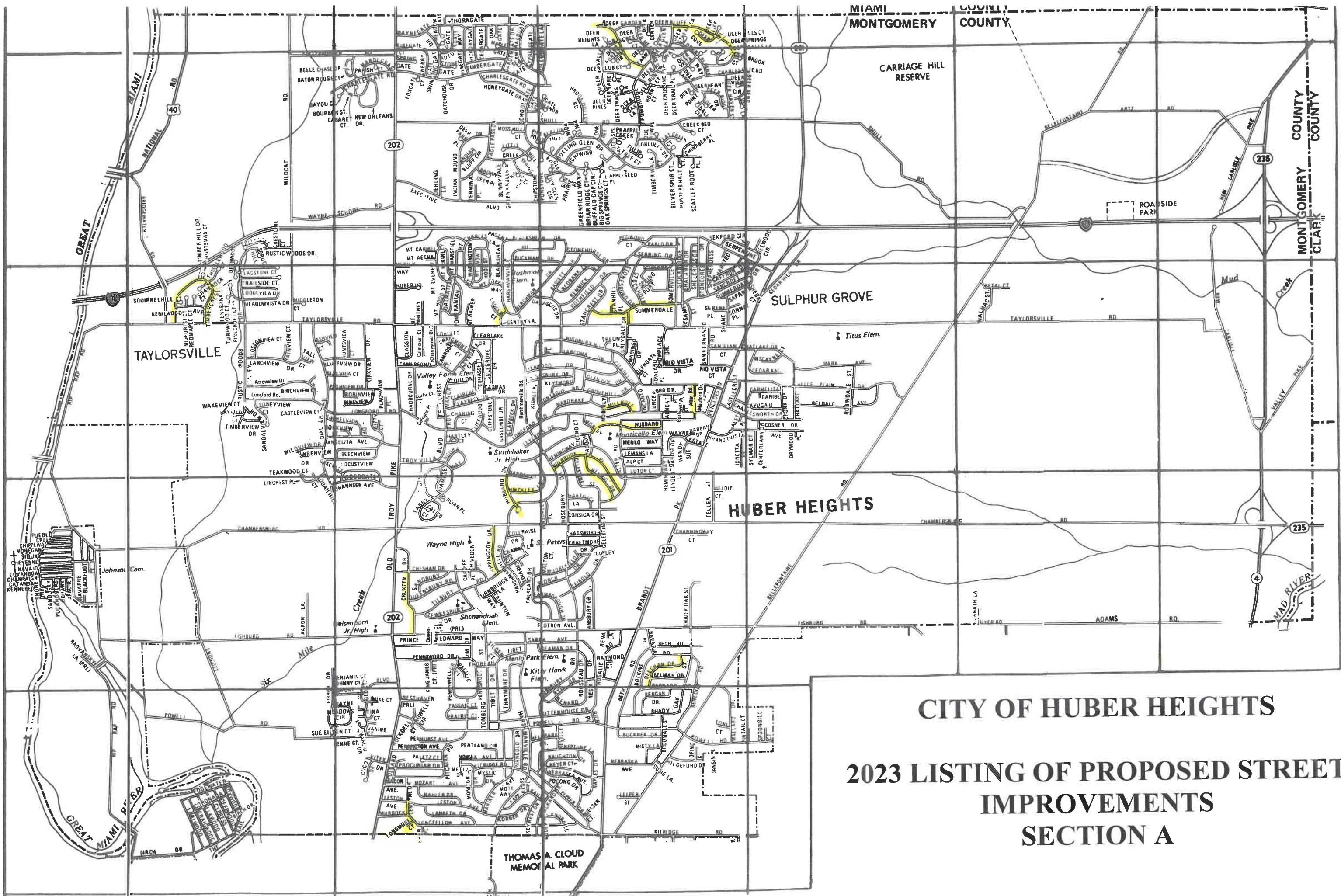
Recurring Cost? (Yes/No): N/A

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

Financial Implications:

Attachments

Map
Resolution
Exhibit A



CITY OF HUBER HEIGHTS
2023 LISTING OF PROPOSED STREET
IMPROVEMENTS
SECTION A

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 STREET IMPROVEMENT PROGRAM, NON-CONCRETE WORK.

WHEREAS, City Staff have identified certain streets within the City which are in urgent need of repair; and

WHEREAS, Council has determined to proceed with the 2023 Street Program, as described in Exhibit A, during the 2023 construction season including reconstruction of the streets identified on the list, related underground utility repair costs, roadway earthwork and miscellaneous base and drainage work; and

WHEREAS, the Local Street Capital Improvement Fund is available to cover the cost of this 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 Street Improvement Program and non-concrete work as described in Exhibit A. The cost of this portion of the 2023 Street Improvement Program will not exceed \$1,400,000.00

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 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
CITY OF HUBER HEIGHTS
2023 STREET IMPROVEMENTS

- | | | |
|----|-------------------|--|
| 1 | Alter Road | from Longford to Highbury
base repair, cold planing, curb and gutter
replacement, asphalt repaving |
| 2 | Beecham Drive | from Barnard to Botkins
base repair, cold planing, curb and gutter
replacement, asphalt repaving |
| 3 | Chippingdon Drive | from Chambersburg to Tilbury
base repair, cold planing, curb and gutter
replacement, asphalt repaving |
| 4 | Coronado Cir | from Deer Bluff to dead end
base repair, cold planing, curb and gutter
replacement, asphalt repaving |
| 5 | Cruixten Drive | from Chesham to Fishburg.
base repair, cold planing, curb and gutter
replacement, asphalt repaving |
| 6 | Deer Bluff Drive | from Citrus to Trowbridge
base repair, cold planing, curb and gutter
replacement, asphalt repaving |
| 7 | Deer Knolls Drive | from Trowbridge to dead end
base repair, cold planing, curb and gutter
replacement, asphalt repaving |
| 8 | Gentry Lane | from Blackshear to Taylorsville
base repair, cold planing, curb and gutter
replacement, asphalt repaving |
| 9 | Greydale Drive | from taylorsville to summerdale
base repair, cold planing, curb and gutter
replacement, asphalt repaving |
| 10 | Helwig Drive | from Holbrook to Alter
base repair, cold planing, curb and gutter
replacement, asphalt repaving |
| 11 | Hinckley Court | from Hubbard S of Handel Ct to approximatly
800 L.F east
base repair, cold planing, curb and gutter
replacement, asphalt repaving |

**EXHIBIT A
CITY OF HUBER HEIGHTS
2023 STREET IMPROVEMENTS**

- | | | |
|----|-------------------|---|
| 12 | Holbrook Drive | from Harshmanville to Helwig
base repair, cold planing, curb and gutter
replacement, asphalt repaving |
| 13 | Hubbard Drive | from Morley to Hemingway
base repair, cold planing, curb and gutter
replacement, asphalt repaving |
| 14 | Hubbard Drive | from Handel to cul de sac
base repair, cold planing, curb and gutter
replacement, asphalt repaving |
| 15 | Lemoyne Drive | from Leston to Longmore
base repair, cold planing, curb and gutter
replacement, asphalt repaving |
| 16 | Longmore Court | from Lemoyne to cul de sac
base repair, cold planing, curb and gutter
replacement, asphalt repaving |
| 17 | Millhoff Drive | from Mandrake to Longford
base repair, cold planing, curb and gutter
replacement, asphalt repaving |
| 18 | Stanhill Place | from Summerdale to cul de sac
base repair, cold planing, curb and gutter
replacement, asphalt repaving |
| 19 | Summerdale Drive | from Stancrest to Sebring
base repair, cold planing, curb and gutter
replacement, asphalt repaving |
| 20 | Timbercrest Drive | from Taylorsville to Thistlewood
base repair, cold planing, curb and gutter
replacement, asphalt repaving |
| 21 | Timberhill Drive | from Thistlewood to Taylorsville
base repair, cold planing, curb and gutter
replacement, asphalt repaving |

AI-8996

**New Business L.
City Manager**

City Council Meeting

Meeting Date: 02/13/2023

ODOT Consent Legislation - Bridge Repair - Brandt Pike

Submitted By: Hanane Eisentraut

Department: Engineering **Division:** Engineering

Council Committee Review?: Council **Date(s) of Committee Review:** 02/07/2023
Work
Session

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

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

Agenda Item Description or Legislation Title

A Resolution Authorizing The City Manager To Enter Into An Agreement To Conduct Bridge Repair On Various Structures In District 7 Including SFN 5709504 MOT SR 201 8.870 In The City Of Huber Heights.
(first reading)

Purpose and Background

The Ohio Department of Transportation (ODOT) is planning to conduct a bridge repair on Brandt Pike north of Grusenmeyer Way near the YMCA. The project is scheduled to be awarded in September, 2023 with the start of construction in April, 2024. Brandt Pike will be closed and detoured for a short time during the repair. ODOT requests consent legislation from the City to initiate the project programming. ODOT will provide the funding to finance this project.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO CONDUCT BRIDGE REPAIR ON VARIOUS STRUCTURES IN DISTRICT 7 INCLUDING SFN 5709504 MOT SR 201 8.870 IN THE CITY OF HUBER HEIGHTS.

WHEREAS, the State has determined the need for the described project:

Conduct bridge repair on various structures in District 7 including SFN 5709504 MOT SR 201 8.870 in the City of Huber Heights.

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

Section 1. Being in the public interest, the City gives its consent to the Director of Transportation to complete the above-described project.

Section 2. The City shall cooperate with the Director of Transportation in the above-described project as follows:

The State shall assume and bear one-hundred percent (100%) of all of the costs of the improvement.

The City agrees to pay one-hundred percent (100%) of the cost of those features requested by the City which are determined by the State and Federal Highway Administration to be unnecessary for the project.

Section 3. The City agrees that all right-of-way (if applicable) required for the project will be acquired and/or made available in accordance with current State and Federal regulations. The City also understands that right-of-way costs include eligible utility costs. The City agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 4. Upon completion of the project, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C. Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the project; (3) maintain the right-of-way keeping it free of obstructions; and, (4) hold said right-of-way inviolate for public highway purposes.

Section 5. The City Manager of said City of Huber Heights is hereby empowered on behalf of the City of Huber Heights to enter into contracts with the Director of Transportation necessary to complete the project.

Section 6. 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 7. 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-8997

**New Business M.
City Manager**

City Council Meeting

Meeting Date: 02/13/2023

Old Troy Pike Northbound Widening Project - Solicit Bids

Submitted By: Hanane Eisentraut

Department: Engineering **Division:** Engineering

Council Committee Review?: Council **Date(s) of Committee Review:** 02/07/2023
Work
Session

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

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

Agenda Item Description or Legislation Title

A Resolution Authorizing The City Manager To Solicit, Advertise And Receive Bids From Qualified Firms For The Construction Of The Old Troy Pike North Bound Widening Project.
(first reading)

Purpose and Background

This legislation will permit the City to receive bid proposals to widen Old Troy Pike from Huber Road to I-70 to accommodate an additional northbound lane and additional widening on a portion of Merily Way. The project includes the installation of asphalt pavement, curb, curb ramps, curb radii, storm sewer, and mast arm traffic signals at Merily Way and Old Troy Pike intersection. The Capital Improvement Fund will be utilized for the construction of this project.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO SOLICIT, ADVERTISE AND RECEIVE BIDS FROM QUALIFIED FIRMS FOR THE CONSTRUCTION OF THE OLD TROY PIKE NORTH BOUND WIDENING PROJECT.

WHEREAS, design and construction plans for the Old Troy Pike North Bound Widening Project are being finalized; and

WHEREAS, funds are available to cover the cost of this improvement.

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

Section 1. The City Manager is authorized to solicit, advertise and receive responses from qualified firms for the construction of the Old Troy Pike North Bound Widening Project at a cost not to exceed \$1,400,000.00.

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 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-8998

**New Business N.
City Manager**

City Council Meeting

Meeting Date: 02/13/2023

East Sanitary Sewer Extension Project - Award Contract

Submitted By: Hanane Eisentraut

Department: Engineering **Division:** Engineering

Council Committee Review?: Council **Date(s) of Committee Review:** 02/07/2023
Work
Session

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

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

Agenda Item Description or Legislation Title

A Resolution Authorizing The City Manager To Enter Into A Contract For The East Sanitary Sewer Extension Project.
(first reading)

Purpose and Background

Five (5) bids were received for the East Sanitary Sewer Extension Project. Due to inflation and supply chain issues, the bids came in higher than anticipated. The project was bid with a main bid and an alternating bid. The main bid includes the installation of 9,000 feet of large sanitary sewer, 3,200 feet of force main, and two new pump stations. This sanitary sewer installation will start at the Fairborn Wastewater Treatment Plant and go north along the west side of State Route 4 to the Center Point 70 Commercial Park. This work will provide full sanitary service to Center Point 70. The bid for this work is shown on the attached bid sheet. The lowest and best bid for this work was from Helms & Sons at \$3,917,449.00.

There was an alternate bid requested that was for installing sanitary sewer on Chambersburg Road starting at State Route 4 and going west up Chambersburg Road approximately 6,300 feet. Unfortunately, the alternate bid came in at \$1,515,942.00, making the total bid \$5,433,391. This total cost was about \$1,000,000 over the City Engineer's estimate. Due to this overage, the installation of the sewer line on Chambersburg Road will not be part of this award and the work will be deferred to a future year.

This legislation will authorize the City Manager to enter into a contract with Helms & Sons Excavating, Inc. as the lowest and best bidder for the main bid for the East Sanitary Sewer Extension Project at a cost not to exceed \$4,300,000. The Sewer Capital Fund will be utilized for the construction of this project.

Fiscal Impact

Source of Funds: Sewer Capital Fund

Cost: \$4,300,000

Recurring Cost? (Yes/No): No

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

Financial Implications:

Attachments

Bid Results

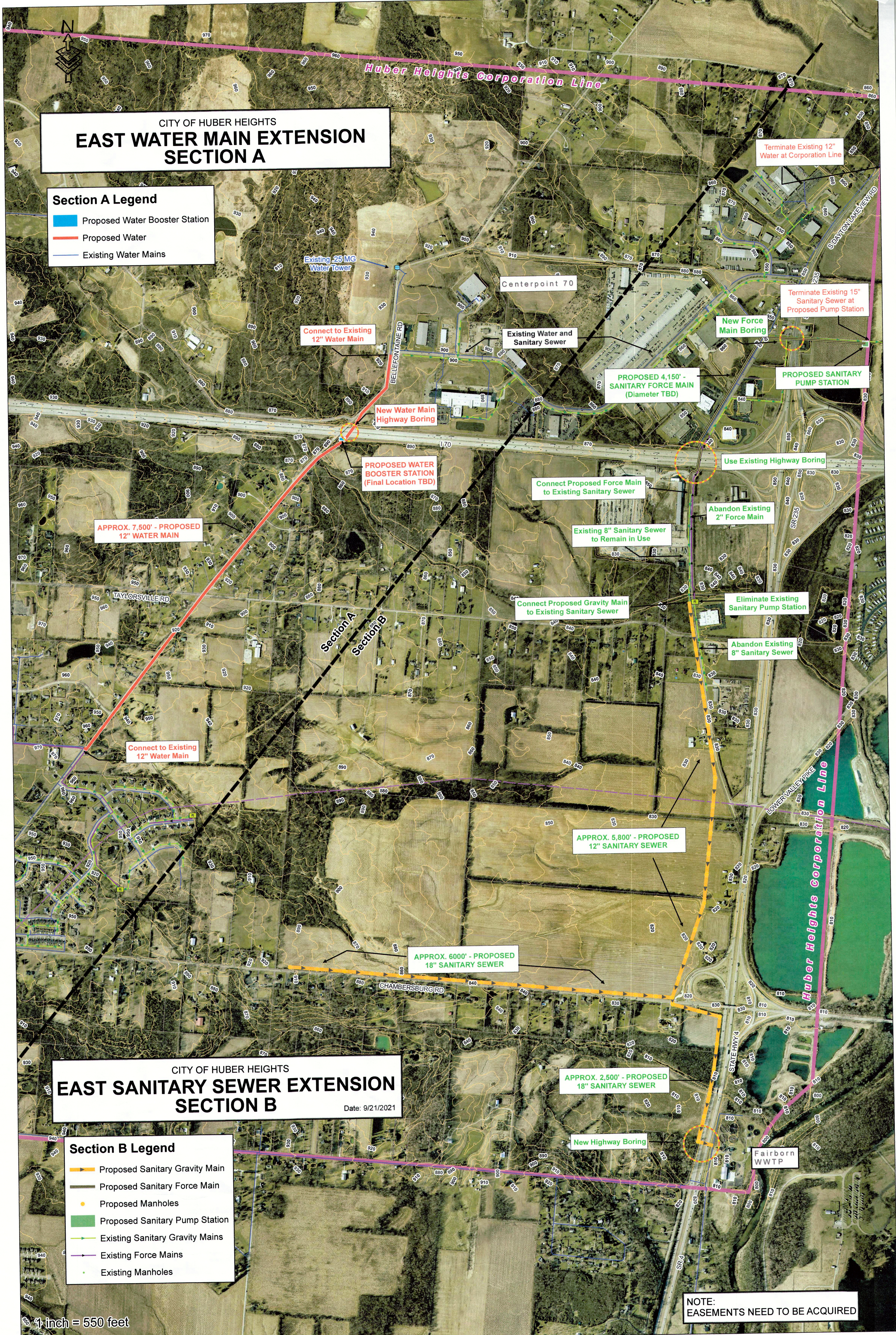
Map

Resolution



**CITY OF HUBER HEIGHTS
EAST SANITARY SEWER EXTENSION
BID RESULT
BID DATE: JANUARY 20, 2023**

CONTRACTOR'S NAME	BASE BID	ALTERNATE BID CHAMBERSBURG SANITARY SEWER	TOTAL BID AMOUNT	
Kelchner	\$5,322,448.00	\$2,177,935.00	\$7,500,383.00	300 Calendar Days
			Bid Bond - Yes	
Milcon Concrete	\$4,411,829.25	\$1,311,325.40	\$5,723,154.75	220 Calendar Days
			Bid Bond - Yes	
Helms and Sons	\$3,917,449.00	\$1,515,942.00	\$5,433,391.00	220 Calendar Days
			Bid Bond - Yes	
Outdoor Enterprise	\$4,462,202.00	\$1,829,385.00	\$6,291,587.00	465 Calendar Days
			Bid Bond - Yes	
Kinnison Excavating	\$5,459,500.00	\$1,725,185.00	\$7,184,685.00	500 Calendar Days
			Bid Bond - Yes	



CITY OF HUBER HEIGHTS
**EAST WATER MAIN EXTENSION
 SECTION A**

- Section A Legend**
- █ Proposed Water Booster Station
 - █ Proposed Water
 - Existing Water Mains

CITY OF HUBER HEIGHTS
**EAST SANITARY SEWER EXTENSION
 SECTION B**
 Date: 9/21/2021

- Section B Legend**
- █ Proposed Sanitary Gravity Main
 - █ Proposed Sanitary Force Main
 - Proposed Manholes
 - █ Proposed Sanitary Pump Station
 - Existing Sanitary Gravity Mains
 - Existing Force Mains
 - Existing Manholes

1 inch = 550 feet

NOTE:
 EASEMENTS NEED TO BE ACQUIRED

FINAL

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE EAST SANITARY SEWER EXTENSION PROJECT.

WHEREAS, City Council under Resolution No. 2022-R-7188, dated October 24, 2022, has previously authorized the securing of bids for the East Sanitary Sewer Extension Project; and

WHEREAS, construction bids were received on January 20, 2023; and

WHEREAS, City Council has determined to proceed with this improvement.

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

Section 1. The City Manager is hereby authorized to enter into a contract for the East Sanitary Sewer Extension Project with Helms and Sons Excavating, Inc. as the lowest and best bidder at a cost not to exceed \$4,300,000.00 on the terms and conditions as substantially set forth in the specifications of the contract.

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-8999

**New Business O.
City Manager**

City Council Meeting

Meeting Date: 02/13/2023

Street Dedication - Old Dominion Way

Submitted By: Stephanie Wunderlich

Department: Engineering **Division:** Engineering

Council Committee Review?: Council **Date(s) of Committee Review:** 02/07/2023
Work
Session

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

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

Agenda Item Description or Legislation Title

A Resolution Accepting Certain Streets And Public Improvements For Old Dominion Way.
(first reading)

Purpose and Background

The City has approved the improvements for Old Dominion Way. The following are the addresses that are hereby accepted and approved: 2000 to 2005 Old Dominion Way.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

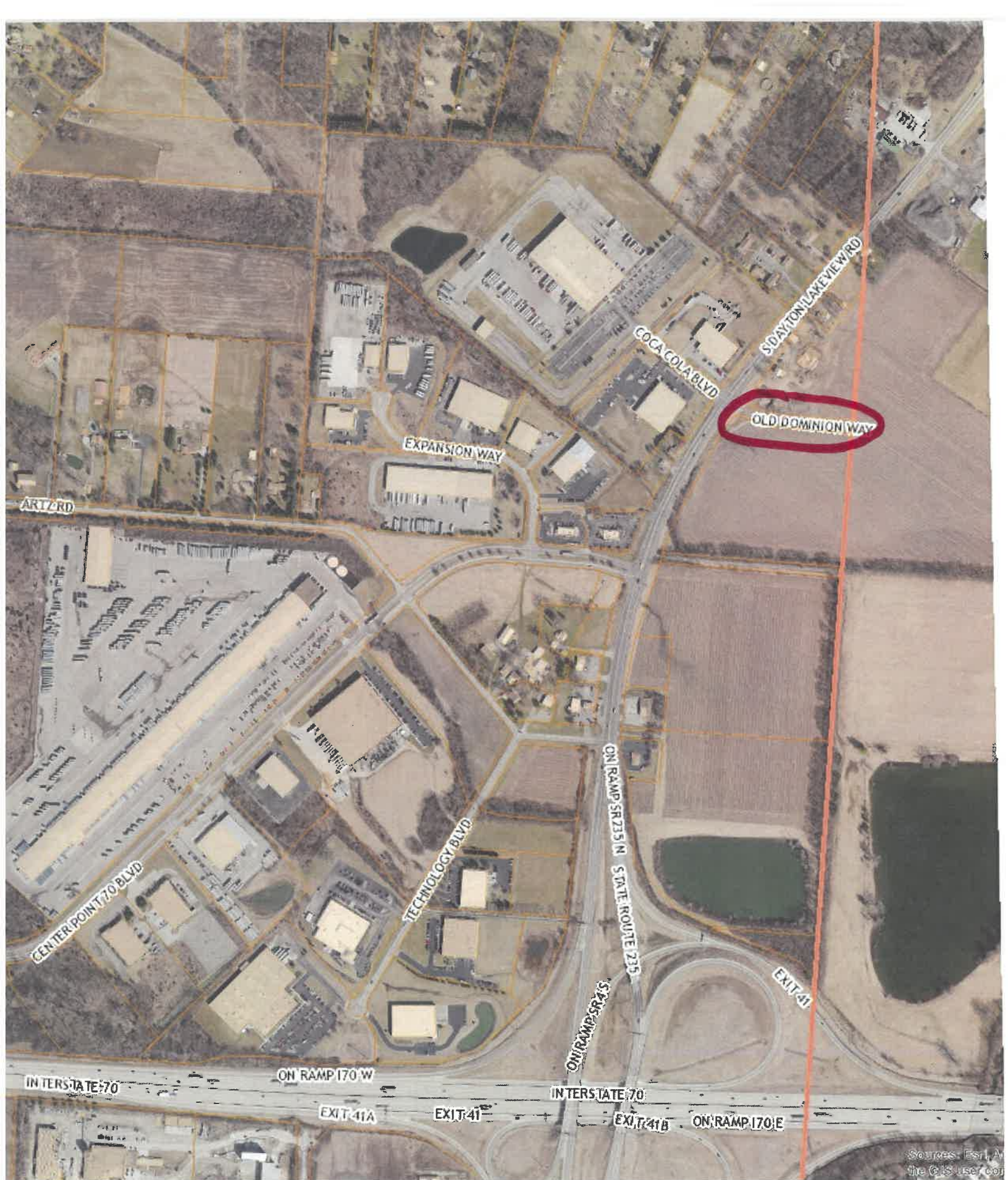
Recurring Cost? (Yes/No): N/A

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

Financial Implications:

Attachments

Map
Resolution



1 in = 752 ft

City of Huber H

Sources: Esri, The GIS User Group

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2023-R-

ACCEPTING CERTAIN STREETS AND PUBLIC IMPROVEMENTS FOR OLD DOMINION WAY.

WHEREAS, the citizens of Huber Heights require the orderly and efficient establishment of public improvements; and

WHEREAS, the City has approved the improvements for Old Dominion Way.

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

Section 1. The public improvements and dedicated right-of-way on Old Dominion Way include the following and are hereby accepted and approved:

2000 to 2005 Old Dominion Way

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-9000

**New Business P.
City Manager**

City Council Meeting

Meeting Date: 02/13/2023

Street Safety Study - Award Contract

Submitted By: Hanane Eisentraut

Department: Engineering **Division:** Engineering

Council Committee Review?: Council **Date(s) of Committee Review:** 02/07/2023
Work
Session

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

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

Agenda Item Description or Legislation Title

A Resolution Authorizing The City Manager To Award A Contract To Burgess & Niple For A Street Safety Study And Waiving The Competitive Bidding Requirements.
(first reading)

Purpose and Background

This legislation will authorize the City Manager to enter into a contract for the Street Safety Study with Burgess & Niple at a cost not to exceed \$55,000. The City solicited quotes from three consulting firms, and Burgess & Niple presented the lowest and best proposal to perform this study. This study is required by the U S Department of Transportation to be completed for the City to be eligible to apply for Bipartisan Infrastructure Law (BIL) funding opportunity through the Safe Streets and Roads for All (SS4A) grant program.

Fiscal Impact

Source of Funds: Gas Tax Fund

Cost: \$55,000

Recurring Cost? (Yes/No): No

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

Financial Implications:

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT TO BURGESS & NIPLE FOR A STREET SAFETY STUDY AND WAIVING THE COMPETITIVE BIDDING REQUIREMENTS.

WHEREAS, the U.S. Department of Transportation through the Safe Streets and Roads For All (SS4A) grant program provides funding directly to local government to improve roadway safety; and

WHEREAS, a street safety study is required to be completed before applying for any SS4A grant; and

WHEREAS, it is necessary to obtain outside engineering services to complete this study; and

WHEREAS, Burgess & Niple is a uniquely qualified firm to perform this type of service.

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

Section 1. The City Manager is hereby authorized to enter into a contract with Burgess & Niple for a street safety study at a cost not to exceed \$55,000.00.

Section 2. Consistent with the provisions of the City of Huber Heights Codified Ordinances, the competitive bidding requirements are hereby waived.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and 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