

RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

In Council Chambers

Held

6131 Taylorsville Road

November 22, 2021

1. Call The Meeting To Order - Mayor Jeff Gore

The Huber Heights City Council met in a Regular Session on November 22, 2021. Mayor Jeff Gore called the meeting to order at 7:00 p.m.

2. Invocation - Rabbi Leibel Agar Of The Beth Jacob Synagogue At 7020 North Main Street, Dayton, Ohio

3. Pledge Of Allegiance

4. Roll Call

Present: Kathleen Baker, Nancy Byrge, Ed Lyons, Andy Hill, Don Webb, Jeff Gore

Absent: Richard Shaw, Mark Campbell, Glenn Otto

Mayor Gore said Mr. Otto, Mr. Shaw, and Mr. Campbell have requested their absences be excused.

Mr. Hill moved to excuse the absences of Mr. Otto, Mr. Shaw, and Mr. Campbell; Mr. Webb seconded the motion. On a call of the vote, Ms. Baker, Mrs. Byrge, Mr. Lyons, Mr. Hill, and Mr. Webb voted yea; none voted nay. The motion passes 5-0.

5. Approval Of Minutes

There were no minutes to approve at this meeting.

6. Special Presentations/Announcements

A. Mayoral Proclamation Presentation To Mrs. Lu Dale – Mayor Jeff Gore

Mayor Gore read the proclamation for significant achievement and presented it to Mrs. Lu Dale. He said this proclamation was recommended by the Culture and Diversity Citizen Action Commission. He also presented a Key to the City to Mrs. Dale.

Mrs. Lu Dale said she is honored that she was even thought of and that time was taken to present this honor. She thanked Council and all of her friends and family who supported her. She said Huber Heights is a beautiful City, and she wants everyone to work hard to keep it that way.

Mrs. Yolanda Stephens, Chair of the Culture and Diversity Citizen Action Commission, said Mrs. Dale has been awesome and impactful to the City, and said she has been a voice for African American students and residents.

Ms. Eva Newby said if it had not been for Mrs. Dale's involvement in the City, she would not be here trying to make a difference. She said she is happy the City and Council has done this recognition for Mrs. Dale.

Other members of the public spoke about Mrs. Dale's influence and good works.

B. Huber Heights Ordinance Review Commission Final Report Presentation – Huber Heights Ordinance Review Commission

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Mr. Jim Ellis said the Huber Heights City Charter requires that Council appoint an Ordinance Review Commission every ten years to review all of the ordinances the City has enacted. He said the task was to look at legislation and see if any changes were needed and to make recommendations. He reviewed the steps taken by the commission members, and gave a presentation of the report from the Ordinance Review Commission with recommendations to Council. He thanked Anthony Rodgers and Karen Powell for their hard work and assistance in the process along with City Staff, the Law Director, and residents of the City who contributed to the process.

Mayor Gore thanked Mr. Ellis for his service on the commission. He said it is a serious job that needs to be done, and he thanked the commission members.

Mr. Webb said as a commission member and Councilmember, he appreciated Mr. Ellis' guidance and leadership this year. He said Mr. Ellis did his homework, came prepared, and kept the commission on track and he did an outstanding job leading the commission.

C. Huber Heights Ordinance Review Commission Mayoral Proclamation Presentation - Mayor Jeff Gore

Mayor Gore presented the members of the Ordinance Review Commission with mayoral proclamations and City coins to acknowledge the work of the members of the commission. He said this City would not function without its volunteers, and he appreciates the time given to this process.

7. Citizens Comments

Anita Kitchen said she wanted to remind everyone that the area of the property at Key Bank at Chambersburg Road and Old Troy Pike is imploding with water main breaks. She said putting anything on that property is asking for more problems. She asked Council to keep that in mind.

8. Citizens Registered to Speak on Agenda Items

There were no Citizens Registered to Speak on Agenda Items.

9. City Manager Report

Assistant City Manager Bryan Chodkowski noted the success of the Monita Field Park improvements. He said over the weekend, more than 300 people showed up to enjoy the amenities and celebrate the opening of the Skate and Bike Park. He said the Police Division was notified of success on a grant that was submitted for financial support for 911 upgrades. He said it is about a \$112,000 project, and the Police Division was able to secure \$67,700 towards offsetting the expenses of that project. He said City Staff have the preliminary net profit projections from the Rose Music Center, and City Staff is anticipating \$1.1 million in net profits from this year's operations at the Rose Music Center.

10. Pending Business

- A. An Ordinance Amending Certain Sections Of Part Nine, Streets And Public Services Code, Of The City Code Of Huber Heights.
(second reading)

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Clerk of Council Anthony Rodgers said these are recommendations from the Ordinance Review Commission for Part Nine of the City Code. He said he reviewed these recommendations in more detail at a recent Council Work Session. He said this item is at the second reading, and the recommendation would be to adopt this ordinance.

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

Mrs. Byrge moved to adopt; Mr. Hill seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Lyons, Mr. Hill, Mr. Webb, and Ms. Baker voted yea; none voted nay. The motion passes 5-0.

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

Mr. Chodkowski said there was discussion last week and a request from Council that City Staff look to identify some additional resources to put into addressing the water infrastructure issues. He said City Staff have done some preliminary work already and have found six figures worth of additional investments that City Staff will be bringing back as part of what will be the final adoption of the 2022 City Budget unless Council would like to consider the ordinance tonight and make those changes via supplemental appropriations at a future meeting.

Mayor Gore asked what the extra expense would be and confirmed that this money is in addition to the million dollars already allocated.

Mr. Chodkowski said City Staff have identified approximately half a million dollars in the Water Reserve Fund guaranteeing a loan the City has been paying down over time. He said when City Staff reviewed the reserve requirements, the City was able to release half a million dollars from the reserve. He said City Staff will be adding approximately \$400,000 to the implementation of capital improvements and then utilize \$100,000 of that money to fund the study discussed at the Council Work Session. He said with respect to ongoing revenues, City Staff looked at how the Water and Sewer Funds have been performing over the past several years. He said the Sewer Fund has been running a \$600,000 profit over that time period. He said City Staff are analyzing rate changes to lower the sewer rates and increase the water rates to have additional resources available to make improvements to the utility system without increasing any expense to the residents. He described the process and the steps needed. He said he has asked Suez Water to look at high, low, and middle users to ensure the theory would be cost neutral to residents. He said City Staff is also pulling together the information requested with respect to other areas such as fund balances and grant monies or federal assistance. He said City Staff are preparing to have the information for presentation at the December 7, 2021 Council Work Session. He said City Staff are also looking at issues and concerns with respect to a temporary budget versus a permanent budget. He said based on the direction that Council gave City Staff that it would only pass a temporary budget for operational purposes for the first 90 days, City Staff have come across some challenges that need to be addressed. He said one would be the purchase of a new ladder truck for the Fire Division. He said under an operations budget only, the purchase could not be made, and the result would be an increase to the cost of

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the ladder truck of \$165,000. He said not having capital available in January would push several improvement projects to the point where City Staff does not know if the projects will be scheduled, and contractors are bidding work in February or March. He said City Staff are analyzing that information as well.

Mayor Gore said there was a recommendation in the Council Work Session to pass this item to a third reading because nothing at the Council Work Session added more dollars to the Water Lining Project. He asked Council if an additional half million dollars allocated to the Water Lining Project next year in addition to the million is enough at this point to pass the 2022 City Budget this evening and work off any additional supplemental appropriations that may be needed moving into the next year. He said Council has the option to pass the budget tonight or move it to a third reading.

Mr. Lyons thanked Mr. Chodkowski for the update and the hard work and diligence of City Staff. He said with three Councilmembers out tonight, he would feel more comfortable with closer to a full Council and he has no problem taking this item to a third reading. He said in the absence of having a temporary budget in place, he asked Mr. Chodkowski if the temporary budget will be presented at the next Council Work Session.

Mr. Chodkowski said City Staff are working to bring forward a permanent budget for consideration at the Council Work Session and adoption at the December 13, 2021 City Council Meeting. He said that budget would basically be a revision to this budget with the understanding the half million dollars identified for next year, the \$300,000 in ongoing revenues that were identified, and the fact that City Staff are continuing to identify additional cost increases or unintended consequences of an operations budget only makes sense from the City Staff perspective to bring forward a full budget for adoption. He said a prime example is the Water Lining Project for 2022 as it is currently funded for one million dollars. He said if the City is not able to engage Suez Water in a contract by the end of January, Suez Water will not be able to accommodate the project in 2022 based on a meeting with Suez Water last week.

Mr. Lyons said he would feel more comfortable taking this item to a third reading.

Mrs. Byrge asked what the City is doing with the gas tax money.

Mr. Chodkowski said the gas tax dollars are earmarked for operational expenses related to the Public Works Division or support of nominal valued improvements in the City. He said the additional gas tax money that came in last year has been allocated toward the Local Street Improvement Project.

Mrs. Byrge said if it is allocated for the Public Works Division, that is money the City did not have in the past and had to use other monies for. She said she is trying to figure out where the money went that this money is replacing.

Mr. Chodkowski said as the money has come in, the Finance Department has continued to invest it in a way Council has asked. He said as the dollars have come in, say \$100,000 more in 2019, the capital investment infrastructure in streets was increased by \$100,000 in 2020. He said if \$300,000 came in during 2020, that increased the budget in 2021 to offset that revenue.

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Mrs. Byrge said Russ Bergman is saying his budget was \$1 million last year and \$1 million the year before. She said the streets budget was increased a little in 2021. She said it is hard to track where the money comes in from the gas tax, ARPA, and all the different reimbursements.

Mr. Chodkowski said City Staff was already putting that information together relative to the water utility and will put together similar information for the street program. He said there are multiple sources of revenue that support that program, and some of those revenues come from various accounts that are cumulatively increasing and being utilized to improve City streets and sidewalks.

Mrs. Byrge asked for a written revised budget that shows the \$600,000 that was uncovered. She said there also needs to be a line item for the Huber Heights Senior Center. She said she does not want a temporary budget as that sends a negative message. She said if the budget is in front of Council, she feels she can support that budget knowing there are a lot of unknowns for 2022 that will be addressed when issues come up.

Mayor Gore confirmed with Mr. Chodkowski that the presentation for a permanent budget would be what is before Council at the next Council Work Session, except for the additional monies for the Water Lining Project and a line item for the Senior Center.

Mayor Gore said this item will be passed to a third reading at the December 13, 2021, City Council Meeting.

11. New Business

CITY COUNCIL

Anthony Rodgers, Clerk of Council

- A. A Motion To Reappoint Darius Smith To The Citizens Water And Sewer Advisory Board To A Term Expiring January 1, 2025.

Mr. Rodgers said his comments are the same for items 11-A, 11-B, 11-C, and 11-D. He said these are all reappointments to City boards and commissions due to expiring terms. He said background checks have been completed on these individuals as needed. He said the recommendation would be for action on all of these items to have the appointments in place before the end of the year.

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

Mrs. Byrge moved to adopt; Mr. Hill seconded the motion. On a call of the vote, Mr. Lyons, Mr. Hill, Mr. Webb, Ms. Baker, and Mrs. Byrge voted yea; none voted nay. The motion passes 5-0.

- B. A Motion To Reappoint Arrick Richardson To The Culture And Diversity Citizen Action Commission To A Term Expiring December 31, 2024.

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

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Ms. Baker moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Hill, Mr. Webb, Ms. Baker, Mrs. Byrge, and Mr. Lyons voted yea; none voted nay. The motion passes 5-0.

- C. A Motion To Reappoint Tom Istvan To The Military And Veterans Commission To A Term Expiring December 31, 2024.

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

Mr. Webb moved to adopt; Mr. Lyons seconded the motion. On a call of the vote, Mr. Webb, Ms. Baker, Mrs. Byrge, Mr. Lyons, and Mr. Hill voted yea; none voted nay. The motion passes 5-0.

- D. A Motion To Reappoint Sheila Ballard And Donna Hess To The Property Maintenance Review Board To A Term Expiring December 31, 2024.

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

Mrs. Byrge moved to adopt; Mr. Hill seconded the motion. On a call of the vote, Ms. Baker, Mrs. Byrge, Mr. Lyons, Mr. Hill, and Mr. Webb voted yea; none voted nay. The motion passes 5-0.

- E. A Resolution Authorizing The City Of Huber Heights To Renew An Agreement With Pickrel Schaeffer & Ebeling For Legal Services As Law Director For The City Of Huber Heights, Ohio For The Time Period Of January 1, 2022 Through December 31, 2022. (first reading)

Mr. Rodgers said this item is a renewal of the contract basically on the same terms and conditions as 2021 to retain Mr. McDonald as the Law Director for 2022. He said there was a slight increase of \$10 per hour for legal services, but the cost for prosecution services remain the same as in 2021.

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

Mrs. Byrge moved to adopt; Mr. Webb seconded the motion.

Mayor Gore said Council asked for information from Mr. McDonald regarding legal fees and services over the past year. He said he wanted to acknowledge all that information was provided for Council review prior to this meeting, and he thanked Mr. McDonald.

On a call of the vote, Mrs. Byrge, Mr. Lyons, Mr. Hill, Mr. Webb, and Ms. Baker voted yea; none voted nay. The motion passes 5-0.

- F. A Resolution Authorizing The City Manager To Enter Into A Contract With The Montgomery County Public Defender Commission To Provide Statutorily Required Legal Counsel To Indigent Persons For Fiscal Year 2022. (first reading)

Mr. Rodgers said this item is similar to the item at the last City Council Meeting for Miami County. He said this item is for Montgomery County for Public Defender services. He said these rates have a slight increase of approximately \$6 per case over the 2021 rates.

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

Mr. Lyons moved to adopt; Mr. Hill seconded the motion. n a call of the vote, Mr. Lyons, Mr. Hill, Mr. Webb, Ms. Baker, and Mrs. Byrge voted yea; none voted nay. The motion passes 5-0.

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

Mr. Rodgers said this item is another item from the Ordinance Review Commission dealing with Part Thirteen - Building Code of the City Code. He said he reviewed these recommended changes in detail at the last Council Work Session. He said the recommendation would be for this item to go to a second reading to allow for public comments prior to adoption of the legislation.

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

- H. A Public Hearing Scheduled For November 22, 2021 By The Huber Heights City Council For Zoning Case 21-34. The Applicant Is The Annex Group. The Applicant Is Requesting Approval Of A Rezoning To Planned Residential And A Basic Development Plan For Property Located At 6502 Old Troy Pike And Further Described As Parcel Number P70 04004 0003 On The Montgomery County Auditor's Map.

Economic Development Coordinator Jason Foster said the applicant, The Annex Group, is requesting approval of the Basic Development Plan and a Rezoning for a planned 216 multifamily unit development on 20 acres at 6502 Old Troy Pike at the northeast corner of Old Troy Pike and Chambersburg Road. He said the property is currently zoned R-4 and this request includes Rezoning to Planned Residential. He said sanitary sewer and water will connect to the City's main system and is located on Old Troy Pike and Chambersburg Road. He said storm water will be handled through a public storm sewer system including detention basins. He said the site has two proposed access points, one on Old Troy Pike near the northern property line and one on Chambersburg Road. He said an existing access point on Old Troy Pike, currently the access to Key Bank, will also be utilized. He said six 36-unit buildings are being proposed. He said the buildings were originally proposed to be completely with siding; however, City Staff did recommend a minimum of 25 percent of the surface area be finished with brick or stone masonry product. He said a new rendering is included in the meeting packet to show the brick to be used on the side and front and rear elevations. He said 345 parking spaces are proposed for this development with 14 of those spaces being ADA accessible. He said a traffic study was completed on the intersection, and improvements to be made on this project include the widening of Chambersburg Road along the frontage of the property, and the extension of the south bound turn lane on Old Troy Pike to Chambersburg Road. He said as part of a separate project, the City will be improving Chambersburg Road to the west of Old Troy Pike. He said at the last Council Work Session, several issues were brought up. He said infrastructure is a main concern here. He said with water utilities being on Old Troy Pike and Chambersburg Road, this site has the potential for a looping system. He said the hot spots for water main breaks per the City Engineer would not be affected by this particular project.

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He said tap in fees for this project would be somewhere between \$40,000 and \$62,000 depending on the meter size. He said those fees can go directly to helping fund some other improvement projects necessary for the infrastructure. He said this property is in a CRA district. He said terms of the development agreement have not been discussed; however, PILOT payments could be an option, and unlike tax payments which are distributed to different areas, the PILOT payments could be used at the City's discretion and could also be directed toward the infrastructure improvements necessary in the City. He said traffic was also a concern, and the traffic engineer is present to discuss some issues and any questions Council may have. He discussed the improvements on Chambersburg Road and said the widening was going to be a part of the City's widening projects. He said this applicant taking on that responsibility would save the City an estimated \$90,000. He said parking was mentioned as a concern, and he would defer to the applicant to speak on that issue. He said Planning Commission did recommend approval of the application unanimously.

Mrs. Byrge asked if these apartments are to be rented and what income level is being discussed.

Mr. Foster said these are workforce housing units, which means the apartments are 60 percent of Average Median Income (AMI), and are not government subsidized. He asked the applicant to speak to this matter.

Mr. Tyler Knox of The Annex Group said the workforce housing units are at the 60 percent of the AMI level. He said what that means is the units will be allocated for those who make a certain income, and the 60 percent AMI is anywhere between \$32,000 and \$44,000 for the county, depending on how many people live in the apartment.

Mrs. Byrge said there was no mention of wider sidewalks. She said there is a requirement when Chambersburg Road is widened that it have wider sidewalks. She asked if Russ Bergman had reviewed the traffic study.

Mr. Foster said curb and sidewalk will be added to the property line to the east and to the property line to the west. He said Mr. Falkowski reviewed the traffic study prior to his departure.

Mrs. Byrge requested that Russ Bergman review the traffic study. She said with the state funding to widen Chambersburg Road East, the perceived savings of \$90,000 may not be that amount.

Mayor Gore explained to Mr. Chodkowski the matching grant funds for the improvements to Chambersburg Road to the east. He asked if Chambersburg Road from Old Troy Pike to the west or any further improvements west of Brandt Pike are coming from state money, or is that all on the City's dime through revenue from other developments.

Mr. Chodkowski described the process for federal funding and said just because it qualifies for federal funding it does not guarantee it gets the money. He said qualifying for the money requires the City to contribute some portion of the cost. He said Mrs. Byrge's position is not an incorrect position to say it might not cost that amount. He said how the cost sharing allocation is assigned depends on what policy Council would take. He said the Chambersburg Road West Project is a \$4 million project, and the City has an obligation to fund \$1.1 million. He said with these projects, depending on when the projects happen

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and what group of funding is used, there can be anywhere from a two to seven year window based on when the funding is awarded. He explained matching requirements and the process. He said Mrs. Byrge's comments are not incorrect, but it is difficult to say how correct or incorrect until looking at the actual project.

Mrs. Byrge asked if a request was submitted to Miami Valley Regional Planning Commission (MVRPC) for funding?

Mr. Chodkowski said he does not believe, based on the transportation plan in line for Chambersburg Road, that the City is to this eastern portion of Old Troy Pike for Chambersburg Road.

Mrs. Byrge asked Mr. Chodkowski to check on that issue as she believes MVRPC was working on making the connector to the Great Miami Bike Path and knew the new development was going to cover some of that cost. She said she thought documents were going to be submitted through MVRPC requesting some funds. She said the projected savings Mr. Foster brought up were as tenuous as the prospective savings the City would have if going through ODOT.

Mr. Chodkowski said this project requires the City to invest less at some point in time for the same improvement whether it is 100 percent, 50 percent, or 30 percent.

Mrs. Byrge said her last concern is there is no overflow parking in the plan.

Mr. Knox said the company found parking demographic data for renter vehicle occupancy in the four surrounding census tracts in Huber Heights. He said on average the amount of vehicles per rental household is 1.59 as compared to owner occupied housing at 2.07. He said the current parking ratio is 1.6. He referenced a sheet that shows his company's building and parking matrix for a lot of its projects. He said the average company-wide was 1.57. He said that number is for visitor and renter parking.

Mrs. Byrge said when Council has looked at plans for apartments or condominiums, there have been extra spaces set aside for people visiting or if a household has multiple cars or whatever else, and she does not see that in there. She said the 1.6 tells her there is not enough parking for the residents that have two cars. She asked where is the space, what she calls overflow parking.

Mr. Knox said in these type of developments he sees that some people do not even have cars and rely on public transportation.

Mrs. Byrge said this area is not a walking or heavily traveled public transit area. She said the City has to make sure the developments are built to accommodate the commuters.

Mr. Knox said there is a "Plan B" optional site plan which includes overflow parking and adds 43 spaces in the area just to the south of the creek. He distributed a copy to Mr. Rodgers.

Mayor Gore said the PILOT payments are different from the TIF revenue. He asked where that money can be used.

Mr. Chodkowski said monies received through PILOT payments are fully

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discretionary to the City.

Mayor Gore asked if this development adds stress onto the existing water system or in a closed loop system, does that maintain the water in that area, and it does not affect it. He said he does not understand.

Mr. Chodkowski said Mr. Bergman can address that issue. He said generally speaking in a pressurized system such as this one, no it would not.

Mayor Gore said Mr. Shaw pointed out his big concern was adding to a system already under duress, but no one ever said if this specific piece is going to affect what is under duress. He said he would like to know that for certain before Council starts making those decisions.

Mrs. Byrge said she would like to get Mr. Bergman's opinion on the traffic study.

Mayor Gore said as Mr. Chodkowski has mentioned, this intersection today is not the intersection that is there four years from now. He said a real good understanding of what these improvements are going to be with a marked up Google view showing what some of those improvements are going to look like. He said he cannot see where all the improvements are going to go on the proposed drawing.

Mr. Webb said with the Broad Reach Development north on Old Troy Pike, Council had a stipulation that the road work would be completed prior to the start of the project and asked Mr. Chodkowski to speak to what would happen here with the street improvements on Chambersburg Road as this project develops.

Mr. Chodkowski said there has not been a conversation with the applicant regarding that type of process or those types of conditions and that is only from the standpoint that City Staff has not had a discussion with the applicant regarding the potential PILOT opportunities. He said the City could negotiate those payments as terms and conditions if City Staff were to explore the PILOT opportunities, but City Staff have not gotten to that stage yet.

Mr. Webb asked if he was correct that once this case leaves Council's hands with its approval, Council will not see this coming back with those details.

Mr. Chodkowski confirmed it would not come back before Council for those details and it would be a City Staff negotiation.

Mr. Webb said prior to the next Council Work Session, he would like to see information regarding the PILOT payments and some sort of guesstimate and further information on the traffic study to make sure this intersection can handle it. He said he also wants to hear from Russ Bergman regarding any impact on the existing sewer and water with this tie in.

Mr. Lyons confirmed with Mr. Foster that he heard Mr. Foster say it was Russ Bergman's opinion that this project would not have any impact on water and sewer. He asked where on Chambersburg Road would be the closest water main break the City has had.

Mr. Foster said he cannot answer the question regarding Chambersburg Road, but the map he saw earlier today had breaks that were in the Villas to the north,

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and Russ Bergman has that full map that he can bring to the next Council Work Session and speak on that point.

Mr. Lyons asked with those breaks, is that fed into the same system or a separate system? He asked how long the water main has been there and if it has been lined.

Mr. Foster said it is a separate system. He said he did not know how long the water main has been there or if it has been lined.

Mr. Lyons said City Staff are aware they are looking for a temporary budget next year. He said what affects one ward affects them all. He said Councilmember-Elect Anita Kitchen just spoke to this point. He said Council has real issues and City Staff really needs to take a look at that fact. He asked Mr. Foster to pass this information on to Mr. Bergman, and he asked if the Water Lining Projects could be added to the map.

Mayor Gore asked if any representatives from The Annex Group had any comments.

Mr. Knox said he made most of his comments, and most were in regard to parking. He said if Council would like to see the schedule on how the development process is going and when the plan is for starting construction, the applicant is planning on Detailed Development Plan approval in March, 2022, tax credit application in April, 2022, and reservation award hopefully in June or July, 2022 with permitting process July to September, 2022, closing in September, 2022, and construction in October, 2022 to January, 2025, and begin leasing in July, 2024 - six months before the development is complete. He said the project should be complete in January, 2025.

Ms. Baker said she would like to see two parking spaces for each unit and the additional 43 spaces.

Drew Wolfred from Kimley-Horn said he prepared the traffic study. He said the study used 2018 counts that were provided by the City and used the existing traffic signal timing plan. He said the proposed project is 216 multifamily units that generates 80 trips in the a.m. peak hour and 95 trips in the p.m. peak hour. He said the a.m. is more heavily weighted to outbound trips with some inbound and in the p.m. vice versa. He said the development will have three access points, including one new one on Old Troy Pike on the north end and one new access point on Chambersburg Road which already has a curb cut there just west of the stream. He said when you analyze that information and add those trips to the network, this intersection still performs at Level Service D and adds one second of delay on average to the vehicles that go through this intersection in the peak hours. He said a Level Service D does not sound good in school, but Level Service D is an acceptable level of service by industry standards. He said when you get into more urban locations, Level Service E is actually acceptable when doing studies in Columbus, Indianapolis and Chicago. He said the study did not take into account the improvements on Chambersburg Road the developer is committing to with the widening. He said the study recommends an extension of the southbound left turn lane that will provide more storage and queuing for folks on Old Troy Pike that need to make that left onto Chambersburg Road. He said that work was not taken into account on the level of service and will certainly help. He said another improvement the City is going forward with is the improvements on Chambersburg Road west of Old Troy Pike. He

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said the existing left turn lane is only sixty feet long, so when a third car is waiting to turn left it is blocking the throughways. He said any improvement to Chambersburg Road west will greatly help the capacity of the intersection's level of service. He said that is a 2025 project and as mentioned leasing will not begin until July, 2024, so that gap in time would be closely aligned and the developer would be making the improvements to the road east of Old Troy Pike. He said the improvements after the project is complete will be for the betterment of the current level of service. He said the trips and data used are from 2018, but a 1.5 percent growth rate was applied to analyze this in 2023 and explained how the company came up with the growth rate.

Mrs. Byrge asked if Mr. Wolfred took into consideration in timing of the intersections and the large number of buses going to the schools.

Mr. Wolfred said with the 2018 data there is a pretty low peak hour factor which means the worst 15 minutes in the peak hour. He said the data he received actually was already low, so he knows it is being extra conservative on the study because there will be those times when there is a bad 10 to 15 minutes that come up and is typical when around schools. He said the study kept the existing timings as is, and he would assume Old Troy Pike is coordinated and synchronized, so the cycle lengths need to be the same. He said there could be some improvements to the splits east and west that were not accounted for but would improve the level of service.

Mrs. Byrge asked Mr. Knox the sizes of the 1, 2, and 3 bedroom units.

Mr. Knox said roughly 700, 900, and 1,100 square feet respectively.

Mrs. Byrge asked about renting the units at 60 percent AMI.

Mr. Knox said the units will be reserved for individuals making anywhere at the 60 percent AMI level, between \$31,000 per year and \$44,000 per year.

Mrs. Byrge said she is curious why when the market is there to get a higher yield on an 1,100 square foot apartment that it would be rented at such a low rate.

Mr. Knox said the workforce housing is a huge need right now as compared to market rate housing. He said this company fulfills that need in communities.

Mayor Gore asked Law Director Gerald McDonald to make any comments or provide any additional information.

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

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

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

Anita Kitchen said the City does not know what has caused all of the water main breaks. She asked why the City is putting more pressure on the water mains until the City knows what is causing the breaks. She said she does not

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trust saying the issues will be bypassed. She said until this matter is resolved, the development needs to be on a back burner.

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

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

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

Mayor Gore said, barring further comments, this Public Hearing of the City Council for Planning Commission Case ZC 21-34 is hereby closed.

- I. A Public Hearing Scheduled For November 22, 2021 By The Huber Heights City Council For Zoning Case 21-35. The Applicant Is DDC Management. The Applicant Is Requesting Approval Of A Rezoning And A Basic Development Plan For Property Located At Chambersburg Road And Further Described As Parcel Number P70 04008 0004 On The Montgomery County Auditor's Map.

Economic Development Coordinator Jason Foster said the applicant, DDC Management, is requesting approval of a Basic Development Plan for 172.5 acres for the Villages of Westport, a planned residential community located north of Lexington Place on Chambersburg Road with the intent of building 283 residential lots. He said sanitary sewer and water will connect to the City's main system and both utilities are located along the perimeter of the property. He said storm water will be handled through a public storm sewer system including detention basins all of which follows the City Code. He said as part of this project, Chambersburg Road will be improved to a 45-foot half right of way section per the thoroughfare plan, and all interior streets will be public with curb and sidewalk on both sides. He said two styles of lots are being proposed. He said of the 283 lots, 98 lots are proposed to be 70-foot lots and will be located on the exterior of the property. He said the remaining 185 lots are proposed 51-foot lots to be located on the interior of the property. He said City Staff recommended 25 percent of front facades shall be brick or masonry. He said the proposed setbacks are 25-foot front and rear with a five-foot side yard. He said the proposal also calls for 101.58 acres of open space which is approximately 59.4 percent of the development. He said a 20-foot preservation zone will be placed along the eastern border. He said at the Council Work Session, the major concern was the connection to Sandalview Drive to the north. He said after discussion with the Fire Division, that connection is not required. He said a connection to Rustic Woods Drive further to the west was also discussed. He said based on the topography, with the span in which the developer would have to bridge the creek and the Army Corps of Engineers permit fees, the connection is not financially feasible even with City assistance. He said Planning Commission recommended approval of the applicant's request unanimously.

Mayor Gore asked if any representatives from DDC Management had any comments.

John Bills with DDC Management said the company has been working with the City for close to a year and are excited to partner with the City. He said there was a lot of conversation regarding the entrance to the north. He said he

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re-checked with the engineers and spoke with Mr. Chodkowski a little more, and they are unable to make the connection to the street further to the west. He said the company had at one point looked to a connection to the east into the other subdivision at Dial Drive. He said that was eliminated early on from an engineering standpoint. He said the topography between the community to the right and down into this development has a 50-foot drop. He said it is not feasible to build per the Huber Heights specifications for the roadway and be able to traverse the terrain in order to connect to the east. He said regarding questions about density, they are presenting at 1.65 units per acre and will provide over 100 acres of green space to the community, a significant portion of which will be public park space not just for the residents and the HOA but will be connected to be used by those within the community in partnering with the City and providing the trail network system. He said as it concerns the connection to the north, he will leave that in the hands of the City on whether it wants to make that connection. He said it is not needed per the Fire Chief, and it is not needed from the developer's viewpoint. He said he is willing to do it if it is needed, but would be fine eliminating it.

Mrs. Byrge asked with all the green space if the developer envisions putting in a park area within the development.

Mr. Bills said they do and are working through final plans with City Staff. He said there is a portion of this area that will be dedicated for public park area. He said a lot will be nature trails coming from the north, and within the community itself they are looking at a tot lot and a playground area as well.

Ms. Baker asked where the park and parking lot for the park would be located.

Mr. Bills said in the area to the right of the entrance in the larger green space. He said once it is dedicated to the City, parking would be included.

Mayor Gore asked if Law Director Gerald McDonald had any comments or any additional information.

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

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

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

Seeing none, Mayor Gore asked if there was any member of Huber Heights 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 zoning case.

Mayor Gore said, barring further comments, this Public Hearing of the City Council for Planning Commission Case ZC 21-35 is hereby closed.

- J. A Public Hearing Scheduled For November 22, 2021 By The Huber Heights City Council For Zoning Case 21-37. The Applicant Is Megan Prather. The Applicant Is Requesting Approval Of A Rezoning To Planned Mixed Use And A Combined Basic And Detailed Development Plan For Property Located At

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6119 Brandt Pike And Further Described As Parcel Number P70 03912 0088
On The Montgomery County Auditor's Map.

Economic Development Coordinator Jason Foster said the applicant, Megan Prather, is requesting approval of Basic and Detailed Development Plans for one acre to construct a new Dogtown facility at 6119 Brandt Pike. He said the proposed zoning of this project is a Planned Mixed Use Development. He said sanitary sewer and water will connect to the City's main system at the edge of the parcel. He said storm water will be handled through a public sewer system which flows to an existing detention basin to the southwest. He said 21 parking spaces are proposed for this project with 2 spaces being ADA accessible. He said the entrance to the facility comes off an existing access easement that leads to Brandt Pike and Fishburg Road. He said all lighting for this facility shall follow City Code, and landscaping is provided in all drive and parking islands and around the monument sign. He said a 10-foot tall monument sign is proposed, and City Staff recommended the sign be limited to 6 feet in height and 75 total square feet in area. He said one wall sign is being proposed, and City Staff recommended that sign have a maximum size of 75 square feet. He said both City Staff recommendations would meet the current City Code. He said the building is a two-story structure consisting of brick and EIFS and other masonry units. He said two outdoor areas are proposed, both further away than the current outdoor area at Dogtown. He said the outside park areas will be surrounded by a 6-foot picket fence. He said Planning Commission recommended approval of the applicant's request unanimously.

Mayor Gore asked if any representatives of Megan Prather had any comments.

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

Seeing none, Mayor Gore asked if Law Director Gerald McDonald had any comments or additional information.

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

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

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

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

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

Mayor Gore said, barring further comments, this Public Hearing of the City Council for Planning Commission Case ZC 21-37 is hereby closed.

- K. A Public Hearing Scheduled For November 22, 2021 By The Huber Heights City Council For Zoning Case 21-40. The Applicant Is Daniel Greene. The Applicant Is Requesting Approval Of A Rezoning From B-1 (Commercial) To PR (Planned Residential District) For Property Located At 4270 Murdock

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Avenue And Further Described As Parcel Number P70 00201 0063 On The Montgomery County Auditor's Map.

Economic Development Coordinator Jason Foster said applicant, Daniel Greene, is requesting approval to rezone his five lots to Planned Residential. He said this applicant came before the Planning Commission and requested the combination of the five lots to create one parcel for the continued use of a residential lot. He said these actions would clean up the zoning map to a one owner parcel. He said Planning Commission did recommend approval of the applicant's request unanimously.

Mayor Gore asked if any representatives for Mr. Greene had any comments.

Seeing none, Mayor Gore asked if there was any member of City Council to make comments or ask questions of Mr. Foster.

Seeing none, Mayor Gore asked if Law Director Gerald McDonald had any comments or could provide any additional information.

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

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

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

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

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

Mayor Gore said, barring further comments, this Public Hearing of the City Council for Planning Commission Case ZC 21-40 is hereby closed.

ADMINISTRATION

Bryan Chodkowski, Acting City Manager

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

Acting City Manager Bryan Chodkowski said in advance of further consideration of this item, Council has asked from the public hearing to ensure City Staff provide a statement from the City Engineer regarding the validity of the traffic study and the stress on the water main and that City Staff provide a visualization of the intersection, a markup, of what that intersection will look like, potential estimates on PILOT payments with respect to this project as well as additional clarification on traffic, water and sewer issues, and a request that City Staff confirm the Chambersburg Road section in the grant application

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process. He said based on a conversation with Council at the Council Work Session, he made the comment that Council table this particular matter, so City Staff could bring together all of the appropriate information requested. He apologized and said being City Manager and sitting in the chair is like riding a bike and sometimes one is wobbly when they start. He said subsequent to his comment, there has been some communication from the Law Director about the commentary and he asked the Law Director to speak to that point. He said City Staff's intention from the Council Work Session was to provide this application sufficient time, so that City Staff could assemble the information requested. He apologized for the incorrect vernacular.

Law Director Gerald McDonald said it would not be appropriate in his opinion to table this case indefinitely. He said the best case scenario would be to bring this item to another reading and that way there would be a Council Work Session before that reading where City Staff could get the information and then Council could act. He said the City is required by the City Code to take certain action on zoning requests, and to table action indefinitely is not one of the allowable actions. He asked that this matter get moved over to a second reading.

Mayor Gore asked if there were any objections to a second reading. Seeing none, Mayor Gore said this item will be passed to a second reading.

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

Mr. Chodkowski said in light of the information shared at the Council Work Session and the conversation tonight through the Public Hearing, he asked that this item be passed to a second reading.

Mrs. Byrge asked when this item is moved on to a second reading, can the map be modified to delete the connector, so the conversation no longer includes that issue and the design no longer includes that connector. She said based on the conversation with the Dial Drive residents, Council did not hear back from them what they would like to see happen. She said it is presumptuous to include that connector without the feedback of residents. She said also there are a lot of meanings of "connector". She said it could be a footpath or road. She said without understanding what the concept of a connector was and how broad that is, she thinks it is premature to be considering it with the developer's design.

Mayor Gore said what was proposed is an actual roadway connection similar to the size of Sandalview Drive in terms of the width of the street. He said that is what the developer said they would continue to keep in there although the Fire Division has suggested the connection from a safety perspective is not necessary. He said the discussion at the Council Work Session was the idea of the interconnectivity of the different developments.

Mrs. Byrge said based on a packed Council Chamber for weeks, she cannot support a connector over there. She said the citizens have spoken, and it would be hypocritical of Council to charge ahead and put a connector in that would have an effect on the neighborhood.

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Mr. Bills said as the developer, he will build it if the City wants the connector, but as a developer he does not want a connection there. He said he would be okay eliminating it if Council as a whole wants that connector removed.

Mrs. Byrge asked what the proposed connector would cost.

Mr. Bills said anywhere from half a million dollars plus for the road and then there are costs for the bridge crossings.

Mrs. Byrge said this money could be used for infrastructure.

Mayor Gore clarified under the current proposal, the City is not spending the money building the road, that is a cost of the developer because in the initial discussion that is what the developer thought the City would require. He said the connection to Sandalview Drive is at the cost of the developer, not the cost of the City.

Mr. Bills said that connector would also require the Army Corps of Engineers. He said those are some of the challenges they are working through.

Mayor Gore asked if all the zoning notifications and signage was put up as discussed at the Council Work Session.

Mr. Foster said the signs were put up at the dead end of Sandalview Drive and dead end of Rustic Woods Drive as requested and along Chambersburg Road in front of the development. He confirmed residents within 200 feet of the development were notified by mail.

Mayor Gore said this item can be placed back on the next Council Work Session agenda prior to the second reading at the December 13, 2021 City Council Meeting.

Mrs. Byrge said she would hate to see opposition to the development due to a connector.

Mr. Webb said it makes perfect sense from a Fire Division standpoint, but it does not make good sense from a public safety or policing standpoint. He said this neighborhood is a pocket and very isolated. He said a police officer on one of the courts in that neighborhood would have a great difficulty responding to a call in Mr. Otto's neighborhood because the police would have to go out to Chambersburg Road, down to Old Troy Pike, and come back in off of Longford Road to get to the other development. He said even for public services such as an Amazon driver, it would be ridiculous to not have this neighborhood connected to another neighborhood. He said since Mrs. Byrge said she would not be in favor of that connector, he would lead the opposition if this connector is not a part of this development. He said he is tired of seeing neighborhoods developed in little pockets with no access to other neighborhoods. He said some connection needs to be established just for the simplest of public services. He said a secondary benefit is so that neighbors can get from one neighborhood to another.

Mr. Hill said he wanted to echo Mr. Webb's opposition to removing a connector. He said he does not like seeing pockets. He said he has seen that in a lot of neighborhoods that have come in.

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Mrs. Byrge asked for a pictorial representation of that actual connection for the next meeting as she would like to show the neighbors what will be taken out in building that connector. She said that connector will probably be completed after the development is done. She said for transparency, she would like an overhead view of the wooded area to show how it is going to cut through.

Mayor Gore confirmed with the developer that there are no designs showing the bridge or connector. He asked if a digital rendering could be done of that view.

Mr. Bills said City Staff has the topography and the engineer is trying to design the stream crossing. He said the street will look similar to what is at the bottom of the presentation. He said they will have to clear a 100-foot wide swath all the way following the pathway where the road would be so the grading can be done on either side and make transitions for the road. He said he will try to come up with some rendering and possibly overlaying it on an aerial view to show the wooded area.

Mayor Gore asked the actual incline from the back side of that court to get up to Sandalview Drive.

Mr. Bills said it looks like roughly a 12 to 14 foot incline. He said it is 14 feet over about a 200-250 feet scale. He said with the bridge it will be above the low point, so it will not be a full 12 to 14 feet.

Mayor Gore said there are clearly two different opinions. He said Council needs to make sure it has all of the information possible and allow more time for citizen input over the next couple of weeks.

Mayor Gore said this item will be passed to a second reading.

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

Mr. Chodkowski said unless there are objections or concerns from Council, he asked this item be moved to a second reading.

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

At 9:11 p.m., Mayor Gore recessed the City Council Meeting.

At 9:16 p.m., Mayor Gore reconvened the City Council Meeting.

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

Mr. Chodkowski said in light of Council's comments in Council Work Session and tonight's public hearing, he asked this item be moved to a second reading.

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Mayor Gore said the Council Work Session recommendation was to pass this item to a second reading. He said this item will be passed to a second reading.

- P. A Resolution Authorizing The Purchase Of Employee Health Insurance Services For The City Of Huber Heights For Fiscal Year 2022 And Waiving The Competitive Bidding Requirements.
(first reading)

Mr. Chodkowski said this item is annual recurring legislation to provide health, dental, and vision insurance to the City's employees. He asked this legislation be adopted so the City can provide these benefits to City employees on January 1, 2022.

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

Mr. Hill moved to adopt; Mr. Lyons seconded the motion. On a call of the vote, Mr. Hill, Mr. Webb, Ms. Baker, Mrs. Byrge, and Mr. Lyons voted yea; none voted nay. The motion passes 5-0.

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

Mr. Chodkowski said this item was discussed at the last Council Work Session and is annual recurring legislation to make sure the City has all the right people in all the right places. He said there was follow up information requested by members of Council, and that information was sent. He asked that Council adopt this legislation.

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

Mrs. Byrge moved to adopt; Mr. Lyons seconded the motion. On a call of the vote, Mr. Webb, Ms. Baker, Mrs. Byrge, Mr. Lyons, and Mr. Hill voted yea; none voted nay. The motion passes 5-0.

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

Mr. Chodkowski said this item is annual recurring legislation that ensures all employees are paid an appropriate wage. He said there are no changes to the table for 2022 compared to the table for 2021.

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

Mrs. Byrge moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Ms. Baker, Mrs. Byrge, Mr. Lyons, Mr. Hill, and Mr. Webb voted yea; none voted nay. The motion passes 5-0.

- S. An Ordinance Authorizing Transfers Between Various Funds Of The City Of Huber Heights, Ohio And Amending Ordinance No. 2020-O-2453 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights,

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Ohio For The Period Beginning January 1, 2021 And Ending December 31, 2021.

(first reading)

Mr. Chodkowski said this legislation is to amend the budget to ensure funds are available to provide for the development of Windbrooke Phase III, Section 2 as well as the Jonetta Street Lift Station Project. He asked that Council adopt this legislation.

Mayor Gore said the Council Work Session recommendation was to waive the second reading and adopt this item. He said there are only five members of Council present, and it takes six members of Council to waive the second reading. He said this item will be moved to the December 13, 2021 City Council Meeting for a second reading.

- T. A Resolution Authorizing The City Manager To Enter Into Change Orders With Respect To The Construction Of The Huber Heights Veterans Memorial Project.

(first reading)

Mr. Chodkowski said this legislation is to approve a final change order for the Huber Heights Veterans Memorial. He said there was a request for additional information from Council at the Council Work Session which was provided. He asked Council to adopt this legislation.

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

Mrs. Byrge moved to adopt; Mr. Hill seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Lyons, Mr. Hill, Mr. Webb, and Ms. Baker voted yea; none voted nay. The motion passes 5-0.

- U. A Resolution Authorizing The City Manager To Enter Into That Certain Fourth Amendment To The Grant Of Public Access Easement Agreement Originally Entered Into Between The City And DEC Land Co I, LLC On February 1, 2008 As Amended.

(first reading)

Mr. Chodkowski said this legislation reduces the designated open space within the Carriage Trails Subdivision. He said with this reduction, the total acreage available exceeds the minimum requirement pursuant to the master development agreement.

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

Mr. Lyons moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Lyons, Mr. Hill, Mr. Webb, Ms. Baker, and Mrs. Byrge voted yea; none voted nay. The motion passes 5-0.

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

(first reading)

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Mr. Chodkowski said this is annual recurring legislation and allows the City to have all the appropriate contracts and arrangements in place to begin calendar year 2022 in full swing. He asked that Council adopt this legislation.

Mayor Gore said the Council Work Session recommendation was to pass this item to a second reading to allow for discussion and amendments.

Mr. Rodgers said there were City Staff changes and some amounts needed to be changed in the legislation. He said that was not done prior to the first reading, so the recommendation was to pass it to a second reading, so those amendments could be made in between the first and second readings.

Mayor Gore said this item will be passed to a second reading.

- W. A Resolution Authorizing The City Manager To Purchase Various Goods And Services Required For The Ongoing Needs Of The Public Works Division For Fiscal Year 2022 And Waiving The Competitive Bidding Requirements.
(first reading)

Mr. Chodkowski said this document is annual recurring legislation that allows Public Works Division to have access to the commodities, goods, and services needed to ensure services can be delivered effectively beginning January 1, 2022. He asked Council to adopt this legislation unless there are questions or concerns.

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

Mr. Hill moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Hill, Mr. Webb, Ms. Baker, Mrs. Byrge, and Mr. Lyons voted yea; none voted nay. The motion passes 5-0.

- X. A Resolution Authorizing The City Manager To Enter Into A Contract For Abandoning The Jonetta Street Pump Station And Extending The Sanitary Sewer And Waiving The Formal Bidding Requirements.
(first reading)

Mr. Chodkowski said this particular item authorizes City Staff to take the appropriate steps to address the Jonetta Street private lift station and to install public sewer to relieve those residents of this particular issue.

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

Mr. Lyons moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Webb, Ms. Baker, Mrs. Byrge, Mr. Lyons, and Mr. Hill voted yea; none voted nay. The motion passes 5-0.

12. City Official Reports and Comments

Mr. Lyons said he had the privilege of working with Mrs. Lu Dale, and she was a delight to work with on Council and gave him excellent advice dealing with perspective at times. He said she was a great leader for her constituency in Ward 1. He said she had great passion for the employees of the City, pointing out to administrators what they needed to do to achieve her level of awareness of what is going on. He said he is proud to call her friend and she is dearly missed on the dais.

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Mr. Webb said his comment is about what a wonderful thing this City has done for the youth and young at heart in the community with Monita Field Park. He said he was there Saturday early with the Mayor and Mrs. Byrge, and it was phenomenal. He said parents with their kids of all ages enjoying the park was breathtaking. He said City Council had a lot of disagreements when it came to Monita Field Park, and having everything put into one location was a stroke of genius on behalf of Council. He said parents were pulling up with children of all ages. He said it is a success for the City of Huber Heights and his hat is off to Parks Manager Josh King. He said all of Council should be proud of what they have done.

Mayor Gore said he met people from Springfield, New Carlisle, Fairborn, and Chillicothe. He said the park is a regional draw. He said as the weather gets nicer, he thinks the City will have something special that many people will enjoy for years to come.

Mrs. Byrge said this project turned out bigger than imagined. She said people 55 and older were using the different amenities down to the smallest kid on a skateboard. She said it will be a huge success.

13. Executive Session

Mayor Gore said there is need for an Executive Session.

Mr. Rodgers said this is an Executive Session regarding personnel matters to consider the appointment of a public employee.

Mr. Lyons moved to enter into Executive Session regarding personnel matters to consider the appointment of a public employee; Mr. Webb seconded the motion. On a call of the vote, Ms. Baker, Mrs. Byrge, Mr. Lyons, Mr. Hill, and Mr. Webb voted yea; none voted nay. The motion passes 5-0.

City Council went into Executive Session at 9:32 p.m.

City Council adjourned from Executive Session at 9:38 p.m.

Mayor Gore asked Gerald McDonald to explain what took place in the Executive Session.

Mr. McDonald said the status of the City Manager position was discussed and how when Mr. Falkowski left, he appointed Mr. Chodkowski as a Temporary Acting City Manager, but under the City Charter, Council has to take Council action and have Mr. Chodkowski adopt those duties on a temporary basis, and then at some point in the near future can have further discussions making it more official as to an official Interim City Manager position until the position is filled. He asked Council to make a motion to appoint Mr. Chodkowski to perform the duties of the City Manager until a City Manager is duly appointed as required under Section 6.04 of the City Charter.

Mr. Webb moved to appoint Mr. Chodkowski to the duties of the Acting City Manager until a City Manager is duly appointed; Mr. Lyons seconded the motion.

Mr. Chodkowski said he is very much interested in serving in the role, and he will have further discussion with Mr. McDonald following Council action.

RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

In Council Chambers

Held 6131 Taylorsville Road November 22, 2021

On a call of the vote, Mrs. Byrge, Mr. Lyons, Mr. Hill, Mr. Webb, and Ms. Baker voted yea; none voted nay. The motion passes 5-0.

14. Adjournment

Mayor Gore adjourned the Regular Session City Council Meeting at 9:40 p.m.

Anthony C. Rusk

12-14-21

Clerk of Council

Date

Gregory Gore

12-15-21

Mayor

Date