

# RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

GOVERNMENT FORMS & SUPPLIES 644-224-0335 FORM NO. 16142  
In Council Chambers

Held 6131 Taylorsville Road January 10, 2022

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

The Huber Heights City Council met in a Regular Session on January 10, 2022. Mayor Jeff Gore called the meeting to order at 6:02 p.m..

**2. Invocation - Pastor Louise Wilson Of The Lifepointe Church At 4555 Marshall Road, Kettering, Ohio**

**3. Pledge Of Allegiance**

**4. Roll Call**

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

**5. Approval Of Minutes**

- A. City Council Meeting Minutes – December 13, 2021

**6. Special Presentations/Announcements**

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

The Oath of Office for Mayor Jeff Gore was administered by Mrs. Toni Gore.

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

The Oath of Office for Mark Campbell was administered by Mayor Jeff Gore

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

The Oath of Office for Nancy Byrge was administered by Mayor Jeff Gore.

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

The Oath of Office for Kathleen Baker was administered by Ms. Cayley Baker.

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

The Oath of Office for Anita Kitchen was administered by Mr. Joe Braden.

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

Members of the Military and Veterans Commission (MAVC) joined Mr. Albert Griggs, Chair, to recognize Montgomery County Recorder Brandon C. McClain for initiating programs and services provided to Montgomery County veterans. He said generally the MAVC presents awards to Huber Heights residents supporting veterans and the MAVC has now expanded to looking at people who do things for veterans that affect veterans from Huber Heights.



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He said there was no one better to receive this award than Mr. McClain. He read and presented Mr. McClain with the Outstanding Veteran Service Award. He said Mr. McClain is the first elected official to receive the Outstanding Service Award.

Mr. McClain said he is overwhelmed and humbled by the award. He said he is proud to stand up with his fellow veterans to work to make sure all veterans, people who were prepared to give everything, receive the best because that is what the veterans were prepared to give to us. He said there are other great things in the pipeline to improve the quality of life for local veterans.

7. **Citizens Comments**

There were no Citizens Comments.

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

There were no Citizens Registered To Speak On Agenda Items.

9. **City Manager Report**

Interim City Manager Bryan Chodkowski said the closing date for the sale of the land for the Huber Heights Library is January 13, 2022. He said City Staff received proposals back today regarding the 2022 Water Main Replacement Program. He said three proposals were received from Choice One Engineering, the Kleinger Group, and Norfleet, Brown, and Petkewicz. He said the proposals are being evaluated by City Staff, and he expects contracts to be awarded next week. He said there is a schedule for the Water Utility Integrity Study. He said City Staff will begin that process with the legislation tonight and City Staff will have legislation to award that contract on February 28, 2022, with a tentative completion date of September 1, 2022. He said that date will not be in time for the capital budget, but it will be in time for the overall operational budget of the City.

10. **Pending Business**

There was no Pending Business.

11. **New Business**

**CITY COUNCIL**

**Anthony Rodgers, Clerk of Council**

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

Mayor Gore said at the last Council Work Session there were two nominations for the 2022 Vice Mayor; one for Mr. Campbell made by Ms. Baker and one for Mr. Otto made by Mr. Shaw, and he said the voting goes in the order the nominations were made.

Ms. Baker moved to appoint Mark Campbell as the 2022 Vice Mayor; Mrs. Byrge seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Lyons, and Mr. Webb voted yea; Mr. Otto, Mrs. Kitchen, and Mr. Shaw voted nay. The motion passes 5-3.

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

Clerk of Council Anthony Rodgers said the only amendment from the 2021 Rules of Council to the 2022 Rules of Council is an amendment to



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reflect the agreed upon time change to the City Council Meetings from 7:00 p.m. to 6:00 p.m.

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

Mr. Campbell moved to adopt; Mrs. Kitchen 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.

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

Mr. Rodgers said this motion is the recommendation of the City's interview panel to fill a vacancy on the Military and Veterans Commission. He said this gentleman is a very enthusiastic veteran who would like to join this commission.

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

Mr. Shaw 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.

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

Mr. Rodgers said there is a requirement under the Ohio Public Records Law that each Councilmember and the Mayor for each term of office either attend the required public records training or designate someone to attend the training on their behalf. He said he is the designee under this resolution, but that designation does not preclude any Councilmember or the Mayor from attending the training on their own.

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

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

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

Mr. Rodgers said this legislation covers the most recent adoption of legislation and the incorporation of this legislation into the City Code as Supplement 8. He said this ordinance has been advertised in a newspaper of general circulation as required by the City Charter. He said the recommendation is to pass this item 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.

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

Mr. Chodkowski said this case, ZC 21-47 is for the rezoning of approximately 23 acres on Bellefontaine Road. He said the applicant is Campbell Berling and the development is residential in nature. He said the property is currently zoned Agricultural. He gave a presentation showing the location and the water feature overlay. He showed the proposed layout which was recommended by the Planning Commission on December 14, 2021, which reflects 132 duplex owner-occupied units in a variety of styles and layouts and he discussed the floor plans for the single and two-story units. He said the Planning Commission unanimously recommended approval of this particular subdivision with stipulations that the plan approved be the one dated November 16, 2021; that minimum setbacks of 25 feet be required for the front yards, 25 feet for the rear yards with 15 lots having an exception with rear setbacks of 20 feet; that the side yard setbacks be a minimum of 6 feet with a total side yard setback of 15 feet; that an average of 40 percent of the front facade be stone or brick; that required acceleration and deceleration lanes be installed pending a traffic impact study; conformance to petroleum easement requirements which bifurcate the property from southwest to northeast; and that before any permits be approved and presented to the developer that the Detailed Development Plan be approved by the Planning Commission.

Mayor Gore called on representatives of Campbell Berling for a presentation or comments.

Mr. Bob Krohngold of Campbell Berling Huber Heights said the area is a transition area. He said there is a nearby commercial use for a 100-unit assisted living facility on 18 acres, there is an industrial use for the Metronet and electric tower to the north, and there are complications with this site as far as the gas pipeline going through the site and the stream on the north side. He said consultants have reached out to City Staff regarding a traffic impact study and a wetlands and stream impact study, and as part of the process when the final development plan is submitted, those issues should be answered. He said this is a good product for the City. He said in looking at the census information, there were 100 residents who left the City last year and perhaps this product would cater to some of those folks who would have sought different living circumstances and left the City. He said the company has had great success and acceptance of the product. He said Greg Berling is here as well to answer any questions. Mr. Greg Berling discussed the history of the company. He said Campbell Berling developed two projects in Huber Heights, and he said City Staff has been great to work with on the project. He said there are eleven communities in Cincinnati, Northern Kentucky, and Louisville that Fisher Homes is building this product in. He said it provides a great quality of life. He said the townhomes provide housing for young professionals and families who then transition from those homes to single family homes. He said the patio product is one-level living which allows people who raised their families in Huber Heights to stay in Huber Heights, but who are older and want first floor living. He said the HOA maintains all



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the landscaping and yards and does snow removal. He said it maintains consistency throughout the community.

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

Seeing none, Mayor Gore called on any other representative of the City of Huber Heights to make comments or provide any additional information.

Mrs. Byrge asked when the water impact and traffic studies are anticipated to be done.

Mr. Berling said those studies will be done in the next thirty to sixty days. He said Choice One will be doing the traffic study and the environmental assessment will be done by Ramboll.

Mrs. Byrge asked how broad the environment study will be in scope.

Mr. Berling said the environmental study just looks at the development property and the impact on that property.

Mrs. Byrge said there is a stream on the neighboring property and asked if this study will look at water runoff due to the impervious surfaces.

Mr. Berling said that issue is not done on the environmental consulting, it is done on the stormwater design by the engineer. He said that work will be done after the other studies and he explained the process.

Mayor Gore asked what is the EPA rule about moving water from one parcel of property to the other.

Mr. Berling said the plans go to the State of Ohio and the developer receive a PTI (Permit To Install) through the State of Ohio for stormwater, sanitary and water connections. He said stormwater wise, those impervious surfaces and all the runoff have to be detained in a detention basin for a period of time and then released, and the release of water outside of the property lines has to equal what it is now. He said the engineers take care of that process. He said it is based off of calculations agreed to by the State of Ohio and the City and is part of the subdivision regulations.

Mayor Gore asked if the EPA changed its guidelines recently in terms of how fast retention or runoff can build up versus how long it has to stay and how quickly can the water be dispersed throughout other properties.

Mr. Chodkowski said the EPA has changed the regulation in the last few years in that the regulation is no longer about discharging the same volume of water at the same frequency prior to the development. He said the EPA tries to retain the water longer, so saturation occurs down through the soil as opposed to being discharged through the outlet pipe. He said that is an issue the City is experiencing in another part of town. He said the detention pond was constructed for the more conventional outlet and would fill up less and discharge more. He said that is how the first residents in the area experienced that retention/detention facility; then subsequently the EPA changed the rule and when that subdivision was expanded. He said this subdivision would be built under the new regulations of the EPA where the objective is to try to hold the stormwater longer.

Mr. Berling said the design will be done by a professional engineer. He said it is out of Campbell Berling's hands, it is done per established regulations.



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Mrs. Byrge said the City will be holding a bond, so if in the period of construction and before everything is dedicated, if there are problems with runoff or anything else, the developer would be obligated to fix those issues.

Mr. Chodkowski said there are multiple ways in which the City could address the issue whether it be delaying permits for future phases or other avenues; and also there is a maintenance bond required as part of the project to ensure the project is being developed in accordance to the standards.

Mr. Berling said Huber Heights does inspections while the work is being done and that is another level of quality control.

Mr. Webb asked Mr. Chodkowski what happens to the requirement for the acceleration/deceleration lanes pending a traffic study. He said that requirement would significantly impact the design before Council if a lane is required.

Mr. Chodkowski said the study would review and evaluate the traffic patterns as it is relative to the projected traffic patterns. He said should the traffic study come back and recommend perhaps both an acceleration and deceleration lane approximately 70 feet in length that would be necessary to sustain or maintain the current traffic rate, based on that finding the developer would have to submit a modified plan to reflect that finding from the impact study because that is conditioned as part of this approval. He said the developer could come back and not do the project. He said the study might find one is necessary and not the other, but that finding would require the applicant to modify the plan and that modification would have to be approved by the City Engineer.

Mr. Webb asked if such a change would be a Minor Change or a Major Change.

Mr. Chodkowski said it is possible there are any number of things that might facilitate the plan coming back; for instance, stormwater calculations. He said if the pond needed to be larger, that change affects the density of the project, and that would kick it back to the Planning Commission for an amendment to the Basic Development Plan. He said any investigatory change that comes out of the more detailed work the applicant has to do that would affect this plan could result in a return to the Planning Commission and a return to Council for modification of the Basic Development Plan.

Mayor Gore asked if there is anyone present who wishes to speak in favor of approval of the issue.

Seeing none, Mayor Gore asked if there is anyone present who wishes to speak against the approval of the issue.

Mr. Ron Deak said at the Planning Commission meeting, no one asked those in attendance any questions. He said Mr. Stewart asked if there was any way to stop it, and he was told no. He said Mrs. Vargo said the developer owns the land and can choose anything it wants to develop. He read a memorandum from Mr. Jason Foster to the Planning Commission regarding Section 1171.61. He said City Staff must follow the rules. He said the Planning Commission should have voted it down. He said the Comprehensive Development Plan should be followed. He said because a developer has an option to purchase or own property, does not give the developer the right or authority to do whatever it wants. He said he encourages development, he just wants it to follow the rules.



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Mayor Gore stated Mr. Deak's five minutes had ended.

Mr. Lyons said he is not aware of any time limitations in a public hearing. He said Citizens Comments have a five-minute limit. He asked Mayor Gore to cite where the time restriction is defined.

Mr. McDonald confirmed for Mayor Gore that as the Presiding Officer, he can set a time limit as long as it is reasonable.

Mr. Otto asked Mr. Deak what plans or policies are not being followed.

Mr. Deak said two vehicular entrances are required based on the density. He said this development has one entrance for 130 plus units.

Mr. Chodkowski said the Fire Division reviewed the plan, and it is acceptable for public safety purposes.

Mr. Deak said the Comprehensive Development Plan dictates it should be commensurate with the area. He said the City adopted a Comprehensive Development Plan which should be followed. He said in his calculations, the retention pond has to hold 100 percent due to the density and impervious surfaces based on a ten-year storm.

Mr. Shaw said he reviewed Mr. Deak's email sent to Council on January 2, 2022 listing twelve items of concern. He asked what questions Mr. Deak has not received any answers to.

Mr. Deak replied to arbitrarily change the setbacks from 25 feet to 20 feet, a real traffic study, emergency response, two entrances, lift station location, the open space requirements, and the brick requirement in the ordinance which is 25 percent of the unit not just the front. He also discussed where the cluster mailboxes will go.

Mrs. Byrge said a lot of those answers and studies will be presented before the developer can go back to the Planning Commission. She said from the standpoint of Council, the developer has acknowledged what the questions and challenges are, and it is incumbent upon the developer that it provide those answers before it can get approval. She said the Planning Commission needs to know what the concerns are that everyone has and task them before anything is approved to make sure those concerns have been addressed.

Mr. Deak asked how do the residents ensure that if the Council approves this zoning change that their questions are answered.

Mayor Gore said Mr. Walton is the Chair of the Planning Commission. He said there is a large list of things that need to be accomplished prior to any

Detailed Development Plan approval and before any type of construction. He said Council will work to make sure the questions are answered by the developer and the Planning Commission.

Mr. Michael Harmon said he owns a property just north of the property in question along Bellefontaine Road. He said he opposes the development as proposed. He said when the Planning Commission met, there was no question as to why the change was happening from the Comprehensive Development Plan flavor of housing to the more dense development. He said he wondered himself why that did not occur. He said the minutes reflected there was no correspondence against, and yet there was a lot of discussion against the property. He said it was not clear to him why the minutes do not reflect the homeowners' opinions. He said he sent an email to Council, and he



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bought his property for the view it has knowing there could be some houses there, but he does not want to look at a wall of backyards. He said the land slopes and a privacy fence would do nothing. He said the development would destroy the view he moved from Beavercreek to here to get.

Mrs. Byrge said it is a normal practice when a new development comes in that the developer put in a natural buffer. She said a buffer is something that she hopes Campbell Berling considers.

Mr. Berling said he would be willing to commit to doing a buffer, and he has no problem putting that buffer as a condition.

Mrs. Cindy Smith said this new project does not fit in the area. She said to the north, east, and south all homes are on 3 to 11 acres. She said to the west is The Oaks. She said the density of the adjoining property at maximum is 0.33. She said the density of this project is 5.7. She said it is more than 17 times the density of the adjoining project. She said the Planning Commission exceeded its authority by approving this development. She said Section 1171.06 clearly states no approval shall be given unless it is consistent with the Comprehensive Development Plan. She said the Comprehensive Development Plan calls for single family detached homes on medium to large lots and this development does not comply. She said she is surprised this product left the Planning Commission with no mitigation for the impact on the surrounding acreages. She said there are no buffer zones, no building restrictions on the homes that abut the surrounding homes, and no intention or plan to try to alleviate trespassing that occurs when an urban project is put next to a rural project. She said this is an urban design in a rural setting. She said she asked why, and the answer was it is an available piece of land that has been for sale for a long time. She said big cities have defined plans for growth and follow generally accepted planning philosophies and one is to taper growth from urban to suburban to semi rural to rural. She said urban living is generally along major corridors. She said as this development does not fit or follow the Comprehensive Development Plan, she asked Council to modify the project to comply with the Comprehensive Development Plan and require mitigations to respect the lifestyles of the surrounding residents; or please vote no on this application.

Mr. Lyons said Mrs. Smith brought up Section 1171.06 regarding comprehensive development. He said the original plan had single-family homes and this one has duplexes. He said he sent an email to Gerald McDonald, and he responded, and he asked Mr. McDonald to comment on the issue.

Mr. McDonald said this development is in a PUD and the PUD section does provide, inherent in the PUD regulations, an opportunity for property owners to develop sites without regard to strict compliance with all zoning regulations. He said when you are dealing with a PUD, the whole aspect is you do not have a strict following of the rules. He said it is his understanding the Comprehensive Development Plan says single family or family detached houses. He said it is not clear to him, and he has not reviewed the plan. He said the Comprehensive Development Plan is a planning tool, it is not the law. He said Council makes the law. He said the Planning Commission is supposed to interpret the plan and whether this is consistent with the plan, and actually what is consistent with the plan? He said consistent with the plan is, is it single family or is it single family detached homes. He said there is an argument made this development is still consistent with the plan, especially given that it is a PUD where there are supposed to be deviations. He said the Comprehensive Development Plan is ten years old and someone commented it



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is being looked at again. He said there has been talk that at least one development has deviated from the Comprehensive Development Plan which suggests the plan is ripe for change. He said it is hard to say that definitively this project is contrary to the Comprehensive Development Plan. He said the argument could be made either way.

Mr. Lyons said he was in a conversation earlier today, trying to explain that information, and as he was listening to what he said it was nebulous. He said there is no violation from what the Planning Commission did. He said the rules the City is following are broad and there is no definitive negative decision that anything has been wrong. He said that is difficult to articulate to residents. He asked if that is correct that nothing was definitively done wrong or inappropriate because what was said here sounds like it was not done correctly. He said if a single family home is not that much different than a duplex, it is in that gray area.

Mr. McDonald said that is fair. He said ideally it would be nice if the Planning Commission had gone into more detail than it did. He said in his review of the minutes there were two lines. Mr. McDonald said his interpretation is going to be that things were done correctly. He said there is a presumption that the Planning Commission knows what it is doing and knows what the rules are when it acts. He said based on what he saw, he did not see anything that stood out as a blatant violation. He said as he mentioned to Mr. Lyons, if there was a violation, there is no mechanism to go back to the Planning Commission. Under this case, Council needs to take the action.

Mr. Lyons said to Mrs. Smith, with the strict reading, he tends to agree with her. He said when the Law Director speaks, that is going to be what Council follows. He said that does not mean that is the way he is going to vote on this particular issue.

Mrs. Smith said the applicant is using a 5-0 approval from the Planning Commission and asked would it have been 5-0 if it had been applied strictly and had there been more discussion allowed at the Planning Commission.

Mr. Lyons thanked Mrs. Smith for the way she handles herself, the questions she asks, and for bringing this issue to his attention.

The board representative of The Oaks said she agrees with her peers in terms of the technical concerns. She said she has been a resident of Huber Heights for twenty years but only in The Oaks for two and a half years. She said if the development is looking at young families and young professionals, her only concern is a safety one. She said with Cottonwood Park being on Fishburg Road, there are no sidewalks and that is a huge safety issue. She said the development within The Oaks is full of children riding their bikes to and from Cottonwood Park. She said new homes are being built there now, and it is complicated to get to and from across the street. She said there are kids riding their bikes to and from school all the way down Chambersburg Road and Fishburg Road to Weisenborn Junior High School and Wayne High School. She said her serious concern is the safety aspect. She said while she is opposed to the new development which is high traffic for the residents, she would say the lack of sidewalks is more of a safety issue.

Mayor Gore said Councilmembers are aware of that issue. He deferred to Mrs. Byrge.

Mrs. Byrge said she has been pushing for sidewalks there and on Bellefontaine Road on the west side. She said she requested a solar flashing



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pedestrian crossing sign be placed there because of the children going back and forth to Cottonwood Park. She said when Council goes forward with the sidewalk budget, those projects will be in the budget.

Mr. Harold Collier said he bought the property to the east of this development. He said looking at the map, he does not know how recent a view of the creek it is and where the waterway runs. He said he does not know if what Council is looking at is accurate. He said he recently moved out of Dayton to Chambersburg Road to get away from neighbors. He said he understands development, and it sounds like a good idea because it has been for sale for a long time. He said the 14 acres he bought was for sale for a long time, and he does not plan on developing it. He said because it is available, does not mean it is the right thing to do. He said his concern would be for the neighbor to the north as far as privacy. He said there was a comment that duplexes are not much different from single family homes. He said probably not a lot of the people in the room live in a duplex, so it has to be a little different. He said that area is zoned Agricultural and shooting of firearms is common. He asked if there will be a residential area directly behind what is zoned Agricultural, and now it is a safety concern.

Mrs. Byrge asked if there is active hunting on that property?

Mr. Collier said there is active hunting and tree stands.

Mrs. Byrge asked Mr. Berling how when he can avoid going beyond the plat due to the issues the two gentlemen brought up regarding the neighboring properties.

Mr. Berling said when referring to looking beyond the borders of the property, the engineers when doing the stormwater analysis are determining how much water is entering the property and how much needs to leave. He said as Mr. Chodkowski said it has to retain 100 percent of the water and release it at a rate consistent with requirements of the City and the State of Ohio. He said he trusts the engineers and the municipalities for the reviews.

Mr. Webb said in the meeting packet there was a more detailed topographical layout that showed the stream. He said it appears the engineers have placed that shaped placeholder retention pond based on that layout. He said typically in the Planning Commission, you see that pond as a placeholder, but it may or may not reflect what comes into play with a real retention pond there once it is sized correctly. He said it looks like the plan has room for more expansion. He said his question goes back to that resident who said it does not appear that the stream is going through the overlay the way he sees it from his property. He asked how much consideration was given to the 100-year flood plain going through there.

Mr. Berling said the aerial is from GIS, and he does not know the date. He said when they do a full detailed topographical study it will identify if the stream course has changed, and then they have to stay out of it. He said with a hundred-year flood plain when it is identified on a FEMA map, they stay away from those areas. He said that is why they have all the consultants and engineers. He said the engineers size the detention basin based off of the hard surface proposed. He said it could be bigger or smaller.

A gentleman asked the price range of these units, and he said these units are multi-family units because the units are attached homes.



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Mr. Berling said there are four products, and the base price starts at \$230,000. He said there are also finish levels to choose from with the products. He said this is a product Fisher Homes developed six or seven years ago. He said Fisher Homes will be the only builder here. He said Fisher Homes has a good reputation of finishing products.

Mayor Gore asked who is the target market.

Mr. Berling said the townhomes would be targeted for young professionals and young families and are geared toward the millennial buyer. He said the patio product is first floor living, so that is someone moving from a bigger house that do not need or do not want the second floor anymore.

Ms. Melanie Toles asked if these are attached homes and there is an HOA, are these condos? She said someone said this development would help to retain people, but at a price point of \$230,000 and above who will be buying those homes? She also asked who would be paying for the acceleration/deceleration lanes. She said the City already spent a million dollars and the road was blocked off for months. She asked would the City or developer pay for that work. She said The Oaks' residents are worried about their property values. She said Fisher Homes took over from Inverness. She said she was one of the last people to build, and with Fisher Homes it was a back and forth, and it was difficult to get them to finish anything.

Mr. Berling said these are not condos, the units are individually platted lots. He said with a condo you would have multiple units on one lot. He confirmed for the Mayor that the HOA is responsible for the outside maintenance of the property to include siding, gutters, etc. He said Campbell Berling pays for the acceleration/deceleration lanes. He said Fisher Homes has a good reputation with Campbell Berling. He said Fisher Homes does a detailed market analysis before entering into a contract with the developer, and Fisher Homes feels this site will be successful.

A resident asked who is paying for the road if it needs to be widened?

Mr. Berling said if the traffic study determines road improvements or upgrades are needed, Campbell Berling pays for that construction.

Mayor Gore asked members of the Huber Heights City Council to make or provide any additional information.

Seeing none, Mayor Gore asked one last time if there is anyone who wishes to speak in favor of or against the approval of the issue.

Mayor Gore said barring further comments, the Public Hearing by the City Council for Planning Commission Case ZC 21-47 is hereby closed.

Mayor Gore said the change of meeting start times from 7:00 p.m. to 6:00 p.m. caused a little confusion with the new Pastor for invocation. He said before moving on to the administrative items on the agenda, he invited Pastor Louise Wilson to the podium for the invocation. Pastor Louise Wilson gave the invocation originally scheduled for the beginning of the meeting

### ADMINISTRATION

**Bryan Chodkowski, Interim City Manager**

- G. An Ordinance To Approve A Rezoning From Agricultural To Planned Residential And A Basic Development Plan For The Property Located On The East Side Of Bellefontaine Road And South Of Chambersburg Road And



# RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

## In Council Chambers

GOVERNMENT FORMS & SUPPLIES 644-224-3336 FORM NO. 15-16

Held 6131 Taylorsville Road January 10, 20 22

Further Identified As Parcel Number P70-03908-0126 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Zoning Case 21-47).  
(first reading)

Mr. Chodkowski had no additional comments.

Mayor Gore said at the end of the Council Work Session, moving this item to a second reading was discussed. He said with all the questions that were raised tonight and further discussions, he said it is appropriate to move this item on to a second reading. He asked if there were any objections. Seeing none, Mayor Gore said this item will be moved to a second reading and Council will discuss it at the next Council Work Session as well. He thanked The Oaks' residents for their attendance and interest.

- H. A Resolution Authorizing The City Manager To Execute An Agreement With Yard & Company To Update The City's Comprehensive Development Plan.  
(first reading)

Mr. Chodkowski said this resolution authorizes an agreement with the Yard Group. He said it is incumbent upon the City to update its Comprehensive Development Plan approximately every ten years to account accurately for how the City is growing and developing. He said this agreement is a regularly scheduled update to the Comprehensive Development Plan.

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

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

- I. A Resolution Authorizing The City Manager To Execute An Agreement With Community Planning Insights, LLC.  
(first reading)

Mr. Chodkowski said this resolution would provide the opportunity to contract for professional planning services until such time as the City can appropriately fill in its leadership positions and bring that function back in house.

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

Mr. Campbell moved to adopt; Mrs. Byrge 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.

- J. An Ordinance Authorizing The Vacation Of Huber Road, And Declaring An Emergency.  
(first reading)

Mr. Chodkowski said this ordinance empowers the City to fulfill its partnership obligation with Broad Reach for the development of the northeast corner of Taylorsville Road and Old Troy Pike. He said there are portions of this site that are ready to develop immediately and passage of this legislation



## Meeting

13







# RECORD OF PROCEEDINGS

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Huber Heights City Council

Meeting

## In Council Chambers

GOVERNMENT FORMS & SUPPLIES 644-224-336 FORM NO. 16-10

6131 Taylorsville Road

January 10, 2022

Held

Mr. Rodgers said if it was amended to remove the emergency clause and then waived, it would allow it to be adopted but without the emergency clause. He said it could be reconsidered.

Mr. McDonald and Mr. Rodgers said someone who voted against it would have to make the motion to reconsider and then it would have to be amended to strip the emergency clause from the title and the section dealing with an emergency, and then it could be adopted. He said there would also have to be a motion to waive the second reading.

Mr. Shaw moved to reconsider Item 11-J, the ordinance regarding the vacation of Huber Road; Mr. Otto seconded the motion.

Mr. Webb asked Mr. Shaw to clarify the reason to reconsider the ordinance.

Mr. Shaw said it can be passed here tonight and shorten the time period until it is effective. He said he did object to the emergency clause at the Council Work Session; it is his reasoning to have this item move forward just without the emergency clause.

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.

Mr. Shaw made a motion to amend the ordinance in Item 11-J to remove the emergency clause from the title and to remove Section 3 and to add a restated Section 3 with standard language for non-emergency legislation; Mr. Lyons seconded the motion.

Mr. Campbell asked if this delay negatively affects the project.

Mr. Chodkowski said this scenario was reviewed with the developer who was aware this action might be a potential outcome.

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.

Mr. Campbell moved to waive the second reading on Item 11-J; Mr. Lyons seconded the motion. On a call of the vote, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, and Mr. Webb voted yea; Mrs. Kitchen voted nay. The motion passes 7-1.

Mr. Otto moved to adopt the amended and reconsidered Item 11-J - An Ordinance Authorizing The Vacation Of Huber Road; Mr. Shaw 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.

There were no other City Official Reports And Comments.

### 13. Executive Session

There was no need for an Executive Session.

### 14. Adjournment

Mayor Gore adjourned the Regular Session City Council Meeting at 8:45 p.m.



# RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

GOVERNMENT FORMS & SUPPLIES 14-2000-0000-0000  
In Council Chambers

Held 6131 Taylorsville Road

January 10, 20 22

Anthony C. Rush  
Clerk of Council

1-26-22  
Date

Kipp Hae  
Mayor

1/26/22  
Date