

RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

GOVERNMENT FORMS & SUPPLIES 84-254-1228 FORM NC-151-3

Held 6131 Taylorsville Road March 14, 20 22

1. Call The Meeting To Order - Mayor Jeff Gore

The Huber Heights City Council met in a Regular Session on March 14, 2022. Mayor Jeff Gore called the meeting to order at 6:00 p.m.

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

3. Pledge Of Allegiance

4. Roll Call

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

Absent: Richard Shaw, Anita Kitchen

Mayor Jeff Gore asked for a motion to excuse the absences of Mr. Shaw and Mrs. Kitchen.

Mr. Campbell made a motion to excuse the absences of Mr. Shaw and Mrs. Kitchen; Mrs. Byrge seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, and Mr. Webb voted yea; none voted nay. The motion passes 6-0.

5. Approval Of Minutes

- A. City Council Meeting Minutes - February 28, 2022
- B. City Council Special Meeting Minutes - March 8, 2022

6. Special Presentations/Announcements

There were no Special Presentations or Announcements.

7. Citizens Comments

There were three citizens wishing to speak on an item to be addressed in the City Manager's Report.

Mayor Gore said the City Manager has some information on the development the citizens wanted to speak about. He said after that information is provided by the City Manager, the citizens would be given time to speak on this matter.

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 City received confirmation from the Miami Valley Regional Planning Commission (MVRPC) that the City is the recipient of \$2.17 million for the reconstruction of west Chambersburg Road from Old Troy Pike down to the City limit. He said, in the name of MVRPC, City Staff will be submitting the Age Friendly Communities Grant tomorrow. He said LWC Incorporated has been authorized to bid the CR Dayton renovation project, and City Staff will be having a follow-up conversation with LWC regarding the specifics of the City's process. He said he had an opportunity last week to speak to the developer associated with Heathermere Subdivision - Phase II at the intersection of Bellefontaine Road and Kittridge Road. He said the developer plans on making dramatically noticeable improvements to the property later this year. He said dirt is being moved at the former Marian Meadows site which is

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remediation of some PCE and TCE contaminated soils associated with the dry cleaner that was there previously.

Mr. Chodkowski said the discussion at hand is The Reserves at Needmore, which came upon Council's radar late last week through a petition submitted to the Clerk of Council's Office on March 9, 2022. He said on November 2, 2021, the City received a concept drawing from the developer's engineer regarding the potential project. He said he spoke with the developer and obtained a copy of the conceptual plan. He gave a presentation regarding the development. He said one parcel is in the City of Riverside and one parcel is in the City of Dayton. He said he communicated with Jeff Green from the Dayton Planner's Office on November 3, 2021 and he said the City of Huber Heights would not be taking a position at that point in time as the project had not gone through the process for rezoning for the Dayton parcel or the conventional plan review for the Riverside parcel. He said on November 10, 2021, the Dayton Planner's Office emailed the City to confirm a meeting with the developer in what is equivalent to a Council Work Session. He said at that presentation, no issues were reported from City of Huber Heights residents, which would not be uncommon because that notice would not have been a posted meeting. He continued with a timeline of events with communications from Dayton and Riverside. He said he met with the Riverside City Manager on December 8, 2021. He said the discussion included a plan proposed where the developer plans to deed a segment of the development to the City of Huber Heights for an expansion of Thomas Cloud Park. He said on December 16, 2021, the Dayton Planner's Office emailed to advise that notices for the rezoning consideration of the Dayton parcel would be going out to property owners within 250 feet advising them of the upcoming consideration of this plan at the January Planning Board meeting by the City of Dayton. He said following that meeting, he had a conversation with the Dayton Planner's Office and he was advised that no resident of Huber Heights attended the meeting and spoke in opposition to the plan. He said on March 3, 2022, he spoke with the Dayton Planner's Office and he was advised that a Huber Heights resident reached out to them and expressed concern about this particular project. He said at that time, City Staff became aware there was some dissatisfaction from Huber Heights residents. He said on March 10, 2022, he received the petition from the Clerk of Council's Office and he emailed the Dayton Planner's Office and he advised that at Lehar Place, the City of Huber Heights would require a crash gate. He said that the City of Huber Heights had offered no opinion and allowed the developer to present an open through plan at this particular location originally, the City emailed the Dayton Planner's Office and he advised the crash gate would be required for public safety access only. He said he followed up with communication to the City of Riverside that at this point in time, the City of Huber Heights had no opinion on the particular connection for thirteen lots on the cul-de-sac. He said he advised that if the developer tried to modify connection points, the City would demand a crash gate at that location also. He said on March 11, 2022, the City acknowledged the condition and he asked it to be provided on City letterhead. He said this afternoon he received a forwarded email through the Dayton Planner's Office from a Riverside resident requesting additional information with respect to traffic studies and environmental impact assessments. He said that is where this matter stands currently.

Mrs. Byrge said she received several phone calls from residents regarding the potential for traffic to come out on Harshmanville Road. She said she called Dayton City Commissioner Matt Joseph and she asked if Dayton could reconsider another egress without pouring all of that traffic into Huber Heights. She said the Huber Heights residents feel that they had been given insufficient notice of the potential impact to them. She said residents received a notice in January, 2022 which was a postcard regarding the meeting with no drawings or information. She

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said prior to the Dayton City Commissioners' meeting, another postcard went out to the residents within 250 feet of the development which had the names of Mr. Otto, Mrs. Byrge, and Mr. Campbell on it advising residents of the Dayton City Commissioners meeting which occurred this past Monday. She said she is put out that this process has been going on with Dayton for over a year. She said as a Councilmember, she would have liked to have been given a heads-up earlier to keep an eye on how the process was going and to get feedback from the residents. She said she hopes in the future if the City faces something like this one, that the Council will be given a heads-up to keep the residents advised. She said the Dayton City Commissioners and the Riverside Planning Commission approved this project, and the Riverside City Council still has to approve it. She said a traffic study assessing the impact of all that traffic coming onto Harshmanville Road will be done, according to Commissioner Joseph. She said that there is more information than Mr. Chodkowski reported.

Mr. Chodkowski said the Harshmanville Road connection is for thirteen lots only, and all other traffic will exit onto Needmore Road.

Mrs. Byrge said that is not the way it was explained to her. She said it also will have a way for people from that development to feed onto Harshman Road. She said this is exactly why Council needs to be involved so these discussions can be had.

Mr. Chodkowski reviewed the plan with Mrs. Byrge and pointed out the thirteen lots that would exit onto Harshmanville Road. He said based on Mrs. Byrge's comments, that leads him to believe the entirety of the subdivision has an opportunity to access the connection, which is not the conversations he has had with Dayton or Riverside.

Mrs. Byrge said she talked to Jeff Green and that is what led her to believe it was more than those thirteen houses. She said she wants to make sure everyone is on the same page. She said Mr. Green sent her all of the drawings, and she was embarrassed about having to ask him to send this information.

Mr. Chodkowski encouraged Mrs. Byrge to contact his office in the future as City Staff had these drawings.

Mrs. Byrge said Council did not know as there had been no discussions about this development until tonight.

Mr. Chodkowski said he heard Mrs. Byrge's call for improved communication, and City Staff will do so. He encouraged her to, in the future, rather than calling others outside the organization, to call City Staff first. He said City Staff may have the information, although it may not have been shared with Council.

Mrs. Byrge said when she found out, it was the weekend before the meeting to approve it, so she had to act quickly in the interest of the citizens.

Mr. Chodkowski said he is here and available anytime Mrs. Byrge needed him, and he encouraged her to reach out with any questions or concerns. He clarified the donation of annexed property.

Mrs. Byrge asked for clarification on Mr. Chodkowski's statements on the Heathermere Subdivision.

Mr. Chodkowski said the City had not seen a lot of activity at that location, and he reached out to the developer about the schedule to develop that site. He said information City Staff had led him to believe the developer would not be

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constructing anything onsite until 2023. He said the developers indicated they would be pouring foundation this year.

Mrs. Byrge asked if the developer needs to go back through the Planning Commission if they are upgrading the plans.

Mr. Chodkowski said they are not making changes to the Heathermere Subdivision - Phase II other than what was approved previously by the Planning Commission.

Mr. Jimmy Scarpelli said he lives on Lehar Place and this development will affect the road, and there will be a lot of foot traffic and everything else coming into the neighborhood. He said regarding the Harshmanville Road entrance, who would be paying the taxes for all the street maintenance coming through from Riverside and Dayton. He asked if Riverside would be paying for snow removal. He said there should be a separation of the plat from the existing neighborhood.

Mayor Gore said it would be the City of Riverside's responsibility for that cul-de-sac. He said the only access into Huber Heights was for the thirteen lots. He said there is nothing that can be done regarding the foot traffic. He said the crash gate would go up at Lehar Place to make sure none of the traffic from Dayton would come into Huber Heights. He said Council and City Staff feel much better knowing all that traffic is not going to have a place to go into Huber Heights.

Mr. Otto said he felt the same way as Mrs. Byrge did. He said he got communication from a resident and by the time he was into researching what was going on, it was pretty deep in the process. He said he would have appreciated it as well if Council had even known back in November, 2021 what was going on.

Ms. Baker asked Mr. Chodkowski if the thirteen lots or any of the subdivision will have access to Thomas Cloud Park.

Mr. Chodkowski said, to the best of his knowledge, none of the lots will have access directly into Thomas Cloud Park. He said there has been discussion about accessibility to the park through a portion of the project with a pedestrian foot bridge. He said that access was part of the conversation he had with the Riverside City Manager, and if there is a potential boundary adjustment to bring all of this area into the City of Huber Heights, since it would be for recreational purposes, nontaxable, and a non-developable interest.

Mr. Campbell asked regarding the thirteen lots, if, as a City, Huber Heights is required to grant access onto a city road.

Mr. McDonald said it is not a settled area of the law being a public road. He said, generally speaking, if it is a single family trying to get a curb cut, yes, the City would do that. He said if it is a subdivision, historically, the City has the right to block it and say no. He said the law is not exactly clear, but the way it has been in the past is to simply not allow a subdivision to enter into another city. He said case law says the public road should be accessed by others, but the practicality of what most communities do is the opposite.

Mr. Campbell confirmed with Mr. Chodkowski that the developer is donating the land adjacent to the park. He asked Mr. Chodkowski if this donation was a compromise for allowing the developer access to the street.

Mr. Chodkowski said it was part of the initial proposal and has not been altered.

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point of access for the majority of the subdivision on Needmore Road provided public safety access would be allowed off of Lehar Place and/or Northern Circle. He said based on that initial conversation, the City's position was to allow the process to go forward and wait and determine whether residents of Huber Heights objected to this particular project. He said the notification requirements on the Dayton side are 250 feet to the property. He said regarding the Riverside parcel, it did not require rezoning and it may be why the residents in that area did not receive notification. He said the configuration of the project as he presented earlier has not changed. He said there is no connection to bridge the creek. He said in an email sent out, City Staff specifically advised that in the event the developer attempted to bridge the creek and reconfigure the lots, access to Harshmanville Road would be shut down for public safety access only.

Mr. Campbell asked if City Staff had been authorized or had given any authorization for a curb cut or access to Harshmanville Road or any other street in Huber Heights.

Mr. Chodkowski said the City has not offered an objection to the connection as proposed, not that City Staff will not or cannot change its mind, but based on the information, there is no reason to object at this point in time.

Mr. Campbell confirmed with Mr. Chodkowski that City Staff does not have the authority to approve it, and it is ultimately a decision City Council could make. He also confirmed that Mr. Chodkowski is not prepared to give Council a City Staff recommendation to access Harshmanville Road. He confirmed with Gerald McDonald that the City could deny the access to Harshmanville Road. Mr. Campbell said he represents this ward, and he is opposed to this connection, and he asked his colleagues to oppose it as well.

Mr. Chodkowski said he is happy to communicate based on the information and points that were brought up this evening, that the City does now have concerns with respect to the thirteen houses. He said in these types of situations, municipalities will often mutually agree to swap service areas.

Mr. Campbell said no promises have been made to anyone, so this information should not come as a surprise to anyone. He said he is shocked that someone would spend that type of money on engineering and drawings before knowing they had access to Harshmanville Road.

Mr. Webb said it is obvious why those lots are laid out the way the lots are and why the developer is requesting access to Harshmanville Road as opposed to installing a bridge. He agreed with Mr. Campbell and he said he would not be in favor of any connection of any type for those thirteen lots.

Mr. Otto agreed with Mr. Campbell. He said he finds it bizarre to leave the city of residence to go to another city and then to go back to the city of residence. He said that connection is not an appropriate connection.

Mrs. Byrge agreed with Mr. Campbell and she asked when Dayton does the traffic and stormwater studies if that portion of Huber Heights could be included in the studies and she asked Mr. Chodkowski to pass that message on.

Ms. Baker asked if someone could look into why that portion of Harshmanville Road is not being maintained and she asked if the police patrols could pass through that area.

Mayor Gore asked if there is any formal action to be taken or if Mr. Chodkowski can handle this matter with conversations with Riverside and Dayton.

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Mr. Chodkowski said there is enough commentary here that no formal direction is necessary to pass on to Riverside and the developer that there is a concern from the City's perspective with respect to this connection and that Council would like the developer to look at an alternative access plan or an alternative development arrangement to allow for no connection. He said he would also make mention of the particular storm water issues and look into some of the other matters internally.

Mr. Webb asked if Mr. Chodkowski could explain what a crash gate does and why.

Mr. Chodkowski said a crash gate is designed to break away under the force of fire apparatus or emergency apparatus. He said the City also has keys to access those gates.

Mrs. Byrge said the next Riverside City Council Meeting is March 17, 2022 and she asked if it would not be prudent to pass the objections on to Riverside.

Mr. Chodkowski said it is his intent to do so tomorrow morning.

10. Pending Business

- A. An Ordinance Decreasing The Sewer Rates In Section 934.03 Of The Codified Ordinances Of Huber Heights And Increasing The Water Rates In Section 934.02 Of The Codified Ordinances Of Huber Heights.
(second reading)

Mr. Chodkowski said this legislation would increase the water rates and decrease the sewer rates, affecting a net zero impact to users, so the City can transition some of the recurring surplus from the Sewer Fund to the Water Fund, and the City can use the surplus to expand the water main replacement program.

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

Mr. Webb moved to adopt; Mr. Campbell seconded the motion. Mr. Otto said he knows what this legislation is designed to do, but he said correspondence has been received from Mr. Chodkowski concerning upcoming increases and costs through the water company and the necessity to have a small increase as well. He asked if both items could be packaged into one piece rather than two separate pieces of legislation.

Mr. Chodkowski said the legislation affecting the water rate increase is legislation already adopted by Council and that legislation empowers the City Manager to do so pursuant to the consumer price index without further legislation.

Mr. Lyons reconfirmed with Mr. Chodkowski the reason for this legislation. He mentioned the email

Mr. Chodkowski sent regarding a three percent consumer price index increase and he asked what the balance is in the Water Fund and if the balance is still around \$7 million as in 2021.

Mr. Chodkowski said he would have to look that information up.

Mr. Lyons asked Mr. Rodgers to send him the current balance of the Water Fund and he said if the balance of the Water Fund is close to that amount of money, he cannot support the three percent increase at this time.

On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Webb, and Ms. Baker voted yea; none voted nay. The motion passes 6-0.

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- B. An Ordinance Amending Chapter 738 – Massage Therapy Establishments, Sections 738.01, 738.02, And 738.03 Of The Huber Heights Codified Ordinances To Permit Certain Certified Massage Practitioners.
(second reading)

Mr. Chodkowski said this ordinance is to allow for non-medical legitimate massage operations to occur within the City of Huber Heights provided there are necessary limitations and restrictions to preclude illicit or improper activities.

Mr. Campbell moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Webb, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 6-0.

- C. 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).
(sixth reading)

Mr. Chodkowski said he has had an opportunity to talk with the development team associated with this project. He said City Staff has advised the developers that if there is not a clearly defined, articulated, and documented path forward for Council as of the March 28, 2022 City Council Meeting, then City Staff will recommend Council table this particular matter indefinitely.

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

11. New Business
CITY COUNCIL
Anthony Rodgers, Clerk of Council

- A. A Motion To Reappoint Dennis Snider, Glenn Pottenger, Christopher Hall, And Ron Eifert (Special Liaison) To The Parks And Recreation Board For A Term Ending March 31, 2025.

Clerk of Council Anthony Rodgers said background checks have been conducted where appropriate, and these reappointments are the recommendation of City Staff.

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

Mr. Otto moved to adopt; Mr. Webb seconded the motion. On a call of the vote, Mr. Otto, Mr. Lyons, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; none voted nay. The motion passes 6-0.

- B. A Motion To Reappoint Jeff Schweinfurth To The Personnel Appeals Board For A Term Ending March 31, 2025.

Mr. Rodgers said Mr. Schweinfurth was appointed last year to an unexpired term, and he said this reappointment is to a full term.

Mayor Gore said the Council Work Session recommendation was to adopt this item. Mr. Otto moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mr. Lyons, Mr. Webb, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; none voted nay. The motion passes 6-0.

- C. A Motion To Appoint Jeffrey Held As An Ex Officio Member To The Military And Veterans Commission For A Term Ending December 31, 2024.

Mr. Rodgers said an ex-officio member is a non-voting member of the commission. He said Mr. Held is an active duty member of the military, and he applied to serve

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provides guidance to City Staff, Council, and the community with respect to how the City should develop in the future based on current wants and past trends.

Mayor Gore said the Council Work Session recommendation was to adopt this item. He said the notice had gone out seeking applicants and the deadline was the end of this week. He asked anyone listening who would like to be on the Steering Committee to please apply.

Mr. Campbell moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Webb, and Ms. Baker voted yea; none voted nay. The motion passes 6-0.

- G. An Ordinance Authorizing Advances and Transfers Between Various Funds Of The City Of Huber Heights, Ohio And Amending Ordinance No. 2021-O-2511 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2022 And Ending December 31, 2022. (first reading)

Mr. Chodkowski said this resolution was brought forth to address a couple of different issues within the budget. He said notably among them are the improvements to the CR Dayton property as well as cost increases associated with the street and sidewalk program and addressing some issues at the water plant with respect to pumps and one of the wells. He said additionally, City Staff request that Council amend and increase these appropriations by \$150,000. He said the reason for that increase is there was an issue with water on the surface of Chippingdon Drive on and off over the last several months. He said exploratory work was done to try to find the issue. He said if it was not leaking before, after all of the jackhammering and pounding, it is leaking now. He said it is time for the water main to be replaced as it is an older section of concrete pipe and it is no longer serviceable. He said it will take several days to make the repairs, and a temporary line needs to be installed for the residents in that area to have potable water.

Mayor Gore asked for a motion to amend the legislation as provided in the amended ordinance.

Mr. Campbell moved to amend; Ms. Baker seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Webb, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 6-0.

Mr. Webb moved to waive the second reading; Ms. Baker seconded the motion. On a call of the vote, Mr. Otto, Mr. Lyons, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; none voted nay. The motion passes 6-0.

Mrs. Byrge moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mr. Lyons, Mr. Webb, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; none voted nay. The motion passes 6-0.

- H. A Resolution Authorizing The City Manager To Increase The Not To Exceed Amount For The Maintenance And Supply Of Parts To Atlantic Emergency Solutions For Calendar Year 2022 And Waiving The Competitive Bidding Requirements. (first reading)

Mr. Chodkowski said this legislation is to allow for service and maintenance work to the ladder truck for the Fire Division.

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

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Mr. Webb moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mr. Webb, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, and voted yea; none voted nay. The motion passes 6-0.

- I. A Resolution Authorizing The City Manager To Increase The Not To Exceed Amount For SHI International For The Calendar Year 2022 And Waiving The Competitive Bidding Requirements.
(first reading)

Mr. Chodkowski said this item is to increase the spending limit with SHI

International. He said the price for Microsoft licenses had increased and City Staff were not aware of that at the time of the budget presentations.

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, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, and Mr. Webb voted yea; none voted nay. The motion passes 6-0.

- J. A Resolution Authorizing The City Manager To Increase The Not To Exceed Maintenance Contract Amount And Authorizing The City Manager To Enter Into A Contract Modification With Suez Water Environmental Services, Inc.
(first reading)

Mr. Chodkowski said this legislation was brought forth to address the pumps and one of the wells on Rip Rap Road. He said this item was briefed to Council at the last Council Work Session. He said City Staff would like Council to adopt this item so the City has the resources to repair the pumps and make sure the pumps and wells are functioning properly.

Mrs. Byrge moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Webb, and Ms. Baker voted yea; none voted nay. The motion passes 6-0.

- K. A Resolution Authorizing The City Manager To Enter Into Contracts For The 2022 Sidewalk Program And The Concrete Portion Of The 2022 Street Program.
(first reading)

Mr. Chodkowski said this legislation authorizes City Staff to award the concrete work associated with the annual maintenance programs.

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

Mr. Otto moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Webb, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 6-0.

12. City Official Reports and Comments

Mayor Gore said Mr. Rodgers, at Council's direction, has been working with Council and the Bethel Township Trustees to come up with a date for the proposed joint meeting. He said the joint meeting is scheduled for April 7, 2022 at 6:00 p.m. at the Huber Heights City Hall in the Council Chambers. He said anyone wanting to attend can, and this meeting will also be live streamed.

13. Executive Session

There was no need for an Executive Session.

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Mayor Gore adjourned the Regular Session City Council Meeting at 7:25 p.m.

3-30-22

Date

4-5-22
Date