1. Call The Meeting To Order - Mayor Jeff Gore

The Huber Heights City Council met in a Regular Session on April 25, 2022. Mayor Jeff Gore called the meeting to order at 6:02 p.m.

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

3. Flag Ceremony - Wayne High School Junior ROTC Honor Guard

4. Pledge Of Allegiance

5. Roll Call

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

6. Approval Of Minutes

A. City Council Meeting Minutes – March 28, 2022

B. City Council Meeting Minutes – April 11, 2022

7. Special Presentations/Announcements

A. Wayne High School Men's And Women's Bowling Teams Recognition And Proclamation Presentation - Mayor Jeff Gore

Mayor Jeff Gore said there are a lot of dedicated students and coaches involved with the Wayne High School bowling teams. He said the bowling teams do not get enough recognition. He read the proclamation and presented individual proclamations to the Wayne High School Men's and Women's Bowling Teams.

8. Citizens Comments

There were no Citizens Comments.

9. Citizens Registered to Speak on Agenda Items

Clerk of Council Anthony Rodgers said three citizens were registered to speak on Item 12-N. He said a public hearing is scheduled on the agenda related to Item 12-N. He said the citizens are free to speak at the public hearing on Item 12-N instead of later in the agenda under that item.

10. City Manager Report

Interim City Manager Bryan Chodkowski said the Chippingdon Drive water main repair was completed and back in full service without any issues. He said the City will be a featured community in the Dayton Business Journal in May 2022 and the articles will focus on housing, infrastructure, and The Meadows Project. He said the CR Dayton facade renovation work is currently out to bid, and that bid award will be before the City Council in May 2022. He said the City had an Earth Day event on April 23, 2022, at the Huber Heights Community Center. He said 45 volunteers showed up and collected 100 pounds of trash and planted 75 trees and 40 flower bulbs.

Mrs. Byrge said the City also held a successful Styrofoam recycling event on April 23, 2022, at the Rose Music Center. She said there was a large turnout, and

people came from as far away as Columbus, Ohio and Loveland, Ohio. She said there will be quarterly Styrofoam recycling events held throughout Montgomery County.

11. Pending Business

There was no Pending Business.

12. New Business

CITY COUNCIL
Anthony Rodgers, Clerk of Council

A. A Motion To Appoint Matthew Shomper, Ronald Deak, Jen Sirucek, Scott Davidson, And Jeffrey Held To The 2022 Comprehensive Development Plan Steering Committee.

Clerk of Council Anthony Rodgers said these appointments are the last five appointments to the 2022 Comprehensive Development Plan Steering Committee. He said all of the background checks have been completed.

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

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

B. A Motion To Appoint Bayram Gulalieu To The Culture And Diversity Citizens Action Commission For A Term Ending December 31, 2023.

Mr. Rodgers said the recommendation is to appoint Bayram Gulalieu to the remaining vacancy on the Culture and Diversity Citizen Action Commission. He said the background check on Mr. Gulalieu has been completed.

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

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

C. A Motion To Direct The Clerk Of Council To Respond To The Ohio Division Of Liquor Control With No Objections In Reference To New Liquor Permit #0055605 For Action Palace At 5605 Old Troy Pike, Huber Heights, Ohio 45424.

Mr. Rodgers said this new liquor permit for Action Palace was reviewed by Police and Fire Divisions, and there were no objections to granting this new liquor permit. He said Action Palace is a billiards hall and game room.

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

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

D. A Resolution Authorizing The Law Director To Register An Objection To A Liquor Permit Renewal And Request A Hearing.
(first reading)

Law Director Gerald McDonald said this item is regarding the Marathon gas station discussed at the last City Council Meeting. He said the City is objecting to the renewal of this liquor permit on two grounds. He said the objection has to be filed by May 2, 2022.

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

Mr. Shaw asked if this is an objection to the renewal or to the liquor permit itself, or is that one and the same?

Mr. McDonald said the City has the opportunity to object once a year or when there is a transfer of a liquor permit or a new liquor permit.

Mr. Shaw asked what does Council have in the form of opportunities to put this liquor permit in front of the voters as far as a local option or to padlock this establishment as a nuisance, or is that additional information that would need to come back at a Council Work Session?

Mr. McDonald said he would have to come back with that information.

Mr. Shaw requested that the Mayor add this item on the next Council Work Session agenda for further discussion. He said these objections are very untimely and take too long. He said the community needs to put an option on the November 2022 ballot to have the residents speak up and to withhold that liquor license or padlock the building as a nuisance. He said he has shared the communications he has had with the City's State Representative and the Ohio Division of Liquor Control agent with the City Manager, so there is open communication on that issue. He said he will continue moving that information forward as it becomes available, but hopefully the Law Director can bring back more research at the next Council Work Session. He said he would like to request that when this objection is filed that Council is notified about the hearing date as well.

Mr. Otto asked Mr. McDonald if it would be worth mentioning in the objection that a D-5 license is inappropriate for that establishment.

Mr. McDonald said just the statutory grounds are in this resolution. He said there will be an affidavit from the Law Director that clarifies the reasons, and that point is one of the reasons.

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. A Public Hearing Scheduled For April 25, 2022 By The Huber Heights City Council For Zoning Case 21-45. The Applicant Is Kirmon Khalilov. The Applicant Is Requesting Approval Of A Major Change To The Basic And Detailed Development Plan In A PC (Planned Commercial) District For The Property Located At 5840 Old Troy Pike And Further Described As Parcel ID P70 01923 0004 On The Montgomery County Auditor's Map (Zoning Case 21-45).

Mr. Aaron Sorrell gave a presentation. He said this property is 2 1/2 acres which previously was an auto detailing establishment. He said this case was heard by the Planning Commission in December 2021 and was tabled. He said there was a revision to the site plan in February 2022 and the case was tabled again so he could work with the applicant on the design. He said the second revision was heard by the Planning Commission on March 15, 2022, and the Planning Commission recommended denial 3-1. He said a third revision was submitted by the applicant on April 7, 2022. He said the Planning Commission's concern was the original site plan submitted made the site even less conforming to the Planned Commercial District. He said there were also concerns about auto sales along Old Troy Pike

changing the character of that corridor and the density of parking that was being proposed. He said the Planning Commission is also sympathetic to the neighbor's concerns about potential noise disrupting funeral services as part of the auto service repairs. He showed the first site plan with three rows of cars in the front. He said City Staff worked with the applicant to make the display area more like a traditional parking lot, and there were still concerns about the 15-foot buffer to the north being cut in half. He said the subsequent revision has significantly reduced the amount of the parking display up front. He said this site plan is much more in compliance with the Planned Commercial zoning. He said it keeps the 15-foot side buffer and moves the front parking setback to 30 feet from 25 feet. He said vehicle sales and services are permitted in this zoning district if it is approved through the Basic Development Plan. He said the revised site plan conforms to the yard standards within the Zoning Code, and the site plan is now in conformance with most of the parking regulations in Section 1185. He said the applicant has started making improvements to the area and the applicant informed him today the repaving that took place is consistent with what is displayed on the revised site plan.

Mayor Gore asked if any representatives for Kirmon Khalilov had any comments.

Osman Khalilov said, as Council is aware, they have started the paving, and he would like to clarify why they started. He said he contacted many companies to get started, and the companies were full with scheduling. He said he found one company who said he has to do it right now because he also has a full schedule. He said the condition of the asphalt was very bad and it will get much worse. He said they decided to get started with the front area as well. He said they did not know they had to go through the City as well for permits because his contractor and realtor told him he was allowed to start work without getting approved for the dealership.

Mayor Gore said the heartburn that Council may have is that the City has specific processes to go through for the zoning change. He said that particular piece is on the plan and that is why there is a Public Hearing tonight to determine whether the plan is approved and can go forward. He said everyone deals with issues with scheduling and construction, but that cannot get in the way of the process. He said there is concern as to whether this is going to be it and if the applicant is going to be compliant if this project moves forward.

Mr. Khalilov said they thought if they did not get approved for the dealership then they wanted to get started with the service company and he said they still needed parking in the front. He said they bought the property over a year ago and still have not started and are paying bills and taxes. He said that is why they hurried, and it was their mistake for not getting permission first. He said they are open to taking the asphalt back out and filling it back in with dirt.

Mayor Gore said it says something that they are willing to fix what they have done if the plan is not approved.

Mrs. Byrge asked why the applicant did not asphalt the entire front and why there were some intermittent spots.

Mr. Khalilov said the contractor ran out of asphalt and could not finish that day and the contractor flew out of town and was returning the next day, but he asked the contractor to stop the work.

Mr. Chodkowski said a stop work order was issued, so regardless of what happens next, the applicant will have to work with the City to have some kind of documented PUD. He said if Council approves the plan presented tonight, that would be a modification to the existing PUD. He said, assuming everything the applicant has said tonight is true and can be validated through the Planning

Department and the Zoning Division, the applicant would be compliant with the new PUD and would have permission to make modifications and the stop work order would come off. He said if Council does not approve it, City Staff would have to work with the applicant to come up with some other solution and then Council would have to approve that plan at another date.

Mr. Khalilov said he took the parking lot back 35 feet instead of 30 feet.

Mrs. Byrge asked what was being done about the buffer between the property and the funeral home.

Mr. Sorrell said what is listed on the site plan is a 48-inch-tall hedge that covers most of that parking lot area. He said that hedge is what the applicant is proposing and it is compliant with the zoning requirements, and the Planning Commission had no problem with that buffer. He said the Planning Commission asked the applicant to increase the landscaping along Old Troy Pike. He said the applicant said they would, it just did not make it to the revised site plan he received on April 7, 2022.

Ms. Baker said Council received objections from the neighbors and she asked what the applicant is going to do to work with the neighbors in that area.

Mr. Khalilov said it depends. He said if it is a service place, then they cannot control the noise that comes out of it. He said down the street there are many service areas that make noise as well. He said it is all closed up, and the noise is not going to be outside the doors. He said they would keep the service bay doors closed while working on cars.

Ms. Baker asked if the applicant was agreeable to a taller barrier.

Mr. Khalilov said he thought they would start with a 4-foot hedge and it would grow.

Mr. Sorrell said the trees grow to 20 plus feet. He said there is a utility easement that runs along that area, so he would want to work with the utility company as far as tree placement. He said that hedge would be a low-cost, high value buffering option.

Mr. Shaw asked if there is a buffer currently in that area between the funeral home and the showroom location.

Mr. Sorrell said there is some existing planting that spans from the middle of the parking lot to the rear. He said there is no vegetation in the front of the parking lot. He agreed with Mr. Shaw that the landscaping being proposed would be an improvement to the site. He said the current landscaping is compliant, but needs maintenance, and the Planning Commission will work with the applicant on that issue.

Mr. Shaw asked if the plan in front of Council tonight makes improvements to the building and the asphalt.

Mr. Sorrell said the plan makes improvements to the site, but he has not discussed building improvements with the applicant. Mr. Sorrell confirmed to Mr. Shaw that there are a number of automotive service uses up and down Old Troy Pike. He said in this section, there are no automotive sales uses. He said the concern originally was that this density of display would change the character of Old Troy Pike. He said with each refinement, the density has been reduced and makes it look much more like a traditional parking lot as is found up and down Old Troy Pike.

Mr. Shaw said this revision is a drastic change from the first revision, and the applicant has been working with the Planning Commission to make those changes with no issues.

Mr. Campbell asked if the applicant would possibly be interested in the automotive service and not the car sales.

Mr. Khalilov said that is a backup plan if they do not get approved for the dealership. He said they still wanted that front parking lot for more space in front to park the cars for customers that come in because the front section with three spaces would not be enough. He said they originally bought the property to start a dealership because it is a great location and a great building with great space. He said there is a lot of potential. He said that is why they bought the property, mainly for the dealership.

Mr. Campbell said, based on a comment the applicant made, if the approval was just for the service work, the applicant would be okay with that condition. He asked Mr. Sorrell how that would work if that is what the decision would be.

Mr. Sorrell said the amended Basic Development Plan would allow auto service rather than specialty detailing as currently laid out in the ordinance. He said the applicant would apply for a zoning permit with a revised site plan that would likely eliminate this display area and use that area as a normal parking lot. He said in the future if sales were to occur, then it would become an enforcement issue with the Zoning Division. He confirmed for Mr. Campbell that automotive repair services are typical in that area, and he stated he counted three or four establishments in close proximity. He said what he did not see in the area were auto sales. He said his concern about sales and the discussion with the Planning Commission came from the fact there is a lot of sign creep with auto sales. He said those who voted no at the Planning Commission had twofold concerns, one being introducing sales because of the change of character and the concerns of the funeral home to the north.

Mr. Campbell asked if there is any area nearby either in or out of the City of Huber Heights where there has been sprawl where car lots might be.

Mr. Sorrell said he suggested the applicant design the display area more like what White Allen is doing with Honda and take less cue from what is going on along Dixie Drive.

Mr. Campbell said his concern is four or five years from now, Council might say it is okay to put another used car lot in because there are three or four car lots already.

Mr. Sorrell said the market will bear what the market bears and it is appropriate for Council to look at the existing uses and ask if this commercial corridor has the right mix or is it oversaturated with a particular use. He said the Zoning Code gives Council that authority.

Mr. Shaw asked what the hours of operation would be for the auto sales.

Mr. Sorrell said the applicant said the car sales would keep a normal 8 a.m. to 5 p.m. or 7 p.m. Monday through Saturday schedule. He said it was recommended by the Planning Commission that the applicant work with the neighbor to cause the least amount of distraction when services are occurring.

Mr. Shaw said, according to the folks who used to work at this location, that level of communication had occurred there before and the applicants are willing to continue that dialogue. He said as far as sales of vehicles, it was brought to his attention that a proposed trailer sales business was looking to buy in that area a few short years ago. He said the market is looking for that type of business. He said the

applicant has made a serious concession to revise the plan. He said he is for small business and entrepreneurship.

Mr. Sorrell said if it is the will of the Council to move forward with this change, the Planning Commission will work with the applicant to ensure they are well aware of the sign regulations and development constraints that will follow.

Mayor Gore asked if there is anything that can be done to add specific rules or stipulations to signage so the applicant knows it is taken seriously and to expect Zoning Code violations. He said that issue is a very serious concern.

Mr. Sorrell said if the applicant follows the sign code, it will be fine.

Mayor Gore said car sales will not add a lot of noise. He said the building has been doing service work over the years. He said he thinks aesthetics is more the issue than the noise, and it looks like the applicant has tried to address these issues.

Mr. Shaw said working with this applicant to make sure they follow the sign code is very important.

Mr. Webb said there are 14 cars presented at the front. He asked what the City's options are when 14 cars become 20 cars or whatever they can cram in the front of the building. He said he does not see limitations in what is going to keep the display out front to just the 14 cars.

Mr. Sorrell said there are natural travel aisles that will limit that amount of creep. He said there is a utility box that keeps it from occurring. He said the City will need to make sure it is enforcing the conditions.

Mr. Webb said he is concerned that the applicant moved ahead with the additional parking lot after having been through the initial stages of application and coming before Council. He said having done that, he is concerned that the applicant will just line cars up in the empty spaces. He said he has no issue with the project as it appears and the applicant has stated there will be higher end vehicles, but the applicant needs to listen to the City and honor its codes.

Mr. Chodkowski said that would be a violation of the approved PUD if the stacking of the vehicles were to move outside of the plan. He said if that PUD was modified, the City would issue a stop work order. He said that action would be the recourse.

Ms. Baker said City Staff and the Planning Commission have denied this project and she is also opposed to this plan.

Mayor Gore asked if the Law Director had any comments or further information.

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

Mr. Otto said when he worked there, there were air guns and people working on cars. He said he would love to see this property revitalized and he appreciates that the applicant has come back and given Council what it wanted.

Mayor Gore asked if there were any people present to speak in favor of approval of the issue.

Mayor Gore asked if there were any people present to speak against the approval of the issue.

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

Mayor Gore asked one last time if there is any person(s) present 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 21-45 is hereby closed.

F. A Public Hearing Scheduled For April 25, 2022 By The Huber Heights City Council For Zoning Case BDP 22-07. The Applicant Is Charles Simms Development. The Applicant Is Requesting Approval Of A Basic Development Plan For Property Located At Brandt Pike North Of The Reserves At The Fairways (Zoning Case BDP 22-07).

Mr. Sorrell presented a map showing the site of the development on Brandt Pike across from the Carriage Hill MetroPark and north of The Reserves. He said this is a 16-acre site currently zoned Planned Mixed Use. He said there are 74 for sale units in 11 buildings with an average density of 4.6 units per acre. He said 64 percent of this site is open space. He showed the original Basic Development Plan which was approved for the second phase of The Reserves. He showed the site plan with one main entrance off Brandt Pike. He showed the buffering along the south perimeter from The Reserves to the development. He showed renderings of the proposed development, and he said this plan conforms to the zoning regulations. He said there are 334 parking spaces, and only 222 parking spaces are required. He said driveways count as parking spaces. He said there is a 6-foot-high landscaping mound to buffer the open space area from the existing development to the south. He discussed exterior lighting and masonry. He said the Planning Commission agreed overall that this project is a good product. He said there were concerns from residents of The Reserves about the emergency access point and making sure there would not be cut through traffic through the development. He said there were concerns about the buffering along Monte Carlo Way and why that mound was not extended. He said basically there was no room. He said left-hand turn lanes will be developed as a part of this project. He said he felt the plan meets the requirements of the Planned Mixed Use District and general standards. He said the Planning Commission unanimously recommended approval with conditions, and the applicant has addressed all of those conditions and is ready to submit a Detailed Development Plan.

Mayor Gore asked if any representatives from Charles Simms Development had any comments.

Robi Simms said they were excited to get started with the project, and he was available for questions.

Mayor Gore asked if the Law Director had any comments.

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

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

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

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

Mr. Shaw asked why the decision was made to have one exit and entrance only with the number of units compared to the City Code.

Mr. Sorrell said there are technically two exit/entrance points. He said there is a main entrance off Brandt Pike, and at the end of a cul-de-sac is an emergency entrance separated by three bollards. He said if there were an issue blocking the entrance, then emergency vehicles have the option to cut through.

Mr. Shaw asked Mr. Sorrell if the proposed curb cut entrance is considered a boulevard entrance.

Mr. Sorrell said it would be a loose boulevard. He said there is landscaping proposed and the Fire Division has asked that there be no trees. He said a traffic study was completed and it warranted a left-hand turn lane into the development. He said it is in the Detailed Development Plan. He said the existing median will need to be cut back to provide the turn lane. He said the study showed that in the mix of northbound versus southbound traffic, southbound traffic was significantly higher with regard to exiting the development.

Mayor Gore asked if there were any other members of City Council to make comments or provide additional information.

Mrs. Byrge said this is a very attractive community, and it is nice to see the brick.

Mayor Gore asked what the price points are and what the target market is.

Mr. Simms said the target market is in the mid $300,000 range. He said there are no age parameters.

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

Seeing none, Mayor Gore said, barring further comments, this Public Hearing of the City Council for Planning Commission Case ZC BDP 22-07 is hereby closed.

G. A Public Hearing Scheduled For April 25, 2022 By The Huber Heights City Council For Zoning Case BDP 22-08. The Applicant Is Amarjit Takhar. The Applicant Is Requesting Approval Of A Basic Development Plan And A Rezoning To PC (Planned Commercial) For Property Located At State Route 235 and Center Point 70 Boulevard And Further Identified As Parcel Numbers P70 03903 0005 And P70 03903 0079 On The Montgomery County Auditor's Map.

Mr. Sorrell showed the site, which is 35 acres on State Route 235 north of I-70. He said it is currently zoned I-1 (Light Industrial) and is vacant and is an agricultural use now. He said the case was tabled to allow for a revised site plan. He said the applicant is proposing a fueling center, convenience store, restaurant, small truck stop and diesel repair facility on approximately 9 acres. He said there are two buildings of about 6,500 square feet each, two five-pump fueling islands, and approximately 76 parking spaces, 10 for semi-trucks, which is the limit in the Zoning Code. He said there is a significant grade change between State Route 235 and this site. He said it also aligns with Centerpoint 70, which is the reason for the revision. He said in the original site plan, the entrance into the parking area was aligned with Centerpoint 70. He said the Planning Commission asked the applicant to change that entrance to not block the ability to expand Centerpoint 70 to the east. He said the applicant has been fantastic to work with. He said the applicant created a small road or long driveway so in the future it will open up that area. He said this extension is not on the thoroughfare plan and he anticipates it will be as the process continues. He said the City does not have the ability to do a roadway take, but if it does in the future, this plan limits any kind of impact on the business. He reviewed a closeup view of the proposed site plan. He said the applicant is proposing a mix of EIFS and a brick water course on both the convenience store and the diesel repair facilities. He said as far as conformance with the zoning regulations, the convenience store is the reason it needs to be zoned Planned Commercial. He said

the applicant is providing a 15-foot perimeter yard as is required. He said the applicant has not submitted a detailed landscaping plan, but that will come. He said they are showing in the Basic Development Plan that they understand the City's landscaping code. He said as far as parking and loading, the revised plans meet Chapter 1185. He said there are 67 required parking spaces, and there are 76 parking spaces being provided. He said the proposal meets the maximum ten semi-truck parking spaces. He said the Comprehensive Development Plan indicates this area is for Industrial Use. He said you can argue this type of use is a complementary use for the logistics of facilities along Centerpoint 70. He said the applicants have made all the revisions asked by the City, and the revised plan allows better traffic flow. He said the Planning Commission unanimously recommended approval of the rezoning and Basic Development Plan.

Mayor Gore asked if any representatives from Amarjit Takhar had any comments.

Chris Besecker said he is there to represent Mr. Takhar.

Mayor Gore asked if the Law Director had any comments.

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

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

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

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

Mrs. Kitchen said this type of business is needed as there are so many semi-truck drivers in the Huber Heights area. She said she is glad the drivers will have a place to get serviced.

Mr. Otto asked if there was a secondary in/out or right only in/out to the south.

Mr. Sorrell said there is a proposed right in/right out and then a full-service entrance in the back.

Mrs. Byrge asked if that is Centerpoint 70 on the left?

Mr. Sorrell said it would be a possible future extension of it, but it is an onsite driveway. He said if, in the future, there was a desire to expand Centerpoint 70, this layout would cause the least amount of impact to the business.

Mrs. Byrge said her concern is with the trees and if someone wanted to turn right, if their vision would be blocked.

Mr. Sorrell said this area has a healthy setback and the applicant will work on the Detailed Development Plan for the exact location, but he did want to get the applicant thinking about softening up the site as this is a gateway area into the community.

Mr. Shaw confirmed with Mr. Sorrell that the City's Zoning Code limits the amount of onsite semi-truck parking spaces and that number is ten. He asked Mr. McDonald if the City is able to provide a variance to that number, and if so, would that number be at the will of Council.

Mr. McDonald said yes, if it conforms with the site, the City is allowed to make variances with the PUD.

Mr. Shaw asked Mr. Besecker how a semi-truck will be able to get to the parking spaces following the arrows on the plan?

Mr. Besecker said the general idea of the arrows was to utilize the traffic patterns for the pumps and the actual maintenance building itself. He said it is no indication of the parking. He said they have done an overlay with the turning radius of the semi-trucks, and there is ample room there.

Mr. Shaw said a driver would have to back the truck into the spot and he proposed the applicant expand the amount of truck parking and have a loop around to pull into the spot and just pull out of the spot. He said this current plan seems cumbersome for the drivers.

Mr. Besecker said he agrees, but they are governed by the limited number of spots per the Zoning Code.

Mr. Shaw said he would like to propose a variance of ten additional spots and have the loop around put in.

Mayor Gore said he agrees.

Mr. Webb said when he saw this plan, he thought ten spaces were somewhat limiting. He said he agrees with Mr. Shaw. He said if it is the desire of the developer to add additional spaces, he would be in favor of seeing that proposal as well.

Mrs. Byrge said she does not have a problem with a variance for additional spaces, but she does not think ten more will fit in. She asked that the applicant come back and tell Council how many more spaces they would like.

Mr. Sorrell said that issue can come back to Council if Council wants to table this case, or it can be worked out in the Detailed Development Plan as the applicant would need to come back to the Planning Commission for final approval. He said if Council wants to give the Planning Commission a range, like up to 20 spaces, that would be helpful. He asked that Council specify the top number of spaces. He said the applicant has 35 acres and is able to add to this site plan.

Mr. Shaw said he thinks they can get an excess of 20 spots, and he has no problem setting the variance with a not to exceed of 20 additional spots, allowing City Staff and the applicant to work that out.

Mayor Gore said he thinks an additional 20 spaces in terms of the variance would be okay, but it is obviously up to the developer to design what fits and what makes sense to present back to the Planning Commission.

Mr. Shaw said once the word gets out to truckers along I-70 that there is a really nice truck stop that just opened up that is easy in and easy out, the word will travel very fast.

Mayor Gore said the recommendation at the Council Work Session was to waive the second reading and pass this item. He asked Mr. Shaw if the applicant comes back with a Detailed Development Plan and if it is approved for up to an additional 20 spaces but the applicant comes back with an additional five, does that change his decision on how he looks at the project?

Mr. Shaw said it is his opinion that once it opens up and the applicant sees the business they have, the applicant will want to add more spaces. He said this change gives them the variance up front.

Mr. Webb asked Mr. Sorrell to show Council the full parcel in relation to the amount that is being developed.

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

Seeing none, Mayor Gore said, barring further comments, this Public Hearing of the City Council for Planning Commission Case ZC BDP 22-08 is hereby closed.

H. A Public Hearing Scheduled For April 25, 2022 By The Huber Heights City Council For Zoning Case CBDP 22-11. The Applicant Is Campbell Berling Huber Heights, LLC. The Applicant Is Requesting Approval Of A Combined Basic And Detailed Development Plan For 22.38 Acres And A Rezoning To Planned Residential (PR) On The East Side Of Bellefontaine Road And South Of Chambersburg Road And Further Described As Parcel Number P70 03908 0126 On The Montgomery County Auditor's Map.

Mr. Sorrell said the site is just under 23 acres and is currently zoned Agricultural, and the area surrounding it is zoned Planned Residential, Agricultural, and R1 (Residential). He said the applicant is proposing a 97-unit residential development consisting of 29 single family lots and 34 attached single-family townhomes. He said the average density is 4.3 units per acre. He said the original application submitted and withdrawn contained 132 units. He said there is a large petroleum pipeline that bisects the site, and he said to the west on the map are the single-family lots and to the east are the attached single-family townhomes. He said significant landscaping is being proposed along Bellefontaine Road and along the easement for the pipeline. He said along the rear where the retention pond is, there is proposed landscaping. He said screening along Bellefontaine Road is a 6-foot mound with planting material. He said the idea is to screen the rear of these properties from The Oaks development to the west. He showed photos of the product. He said as far as conformance to the zoning regulations, the average density shall not exceed 5 units an acre, and this site is 4.3 units per acre. He said one of the challenges is that the lots must meet Section 1147 of the City Code. He said Council may want to look at this issue in the future. He said the Zoning Code in a Planned Residential District wants to develop everything as an R4 District. He said there are a variety of lot types proposed: 60-foot lots, 64-foot lots on the townhouses, and 72-foot lots on the attached single-family homes. He showed the code requirements of lot sizes and the applicants proposed lot sizes. He said as far as meeting the standard, the lots are 20 feet shallower than required. He said the 64-foot lot is significantly smaller in area, but in his view is it provides a product for those who do not want a large yard and do not like mowing grass. He said each unit contains a two-car garage with a driveway and meets the parking requirements. He said while no landscaping or screening is required in the Planned Residential District, the applicant is proposing significant screening along Bellefontaine Road. He said the issue of screening to the north came up at a Council Work Session, and there is an existing tree line and the applicant is proposing to keep that tree line there to provide that buffer to the house to the north. He said the applicant proposed turn lanes based on the recent traffic study that suggests restriping is all that is warranted to provide the left-hand turn lanes. He discussed the traffic study. He said there was concern about a potential stream that flows through the property. He said the wetland survey indicates that this is a nonjurisdictional erosion feature and is not subject to any oversight or controls. He said City Staff recommended approval that the proposal meets the standards outlined in the Zoning Code, and the Planning Commission unanimously approved the rezoning as well as the Basic and Detailed Development Plans.

Mayor Gore asked if any representatives from Campbell Berling Huber Heights, LLC had any comments.

Mr. Greg Berling said with discussions with the neighbors and City Staff, they decided to take the front western half of the property to 27 single family detached

homes which is a similar product that Fisher Homes is building elsewhere in Huber Heights. He said the buffer was refined. He said along lots 6-12, he will provide a buffer against the Harmon property of evergreen trees and shrubs every 15 feet on center to allow the trees to grow and get bigger. He said there have been comments about a boulevard entry. He said typically if there is one entry into the subdivision, they look at boulevard entry or fire access, and they went with the fire access road. He said they would be willing to provide a boulevard entry. He said one of the reasons they did not initially is that they use a boulevard entry when it is a straight in entry when the tree lawn breaks up the road coming in. He said here the road veers to the left so the view is actually at landscaping and trees. He said this project is two different home types. He said the homes on the west will be part of the HOA, but no services are provided. He said fences will be allowed, and typically they do not allow sheds in that area. He said for the homes on the eastern side, landscape and maintenance is included. He said fences are not allowed for those homeowners. He said they have submitted example community restrictions to City Staff. He said this language is standard language across their developments. He said Fisher Homes has a high impact landscaping that they apply to the side of the house.

Mayor Gore asked if the Law Director had any comments.

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

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

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

Carolyn Roarke said she lives in The Oaks. She said they were subjected to many rules and regulations by the builder. She said one rule was the amount of brick required and the lot size and spacing was enforced by the City. She said they built an all brick home. She asked Council why these rules are no longer followed. She said following the rules made their subdivision what it is today. She said she understands 97 homes are being considered to be built on the small amount of acreage opposite their development on Bellefontaine Road. She said Bellefontaine Road is already heavily used with many people exceeding the speed limit. She said with both entrances facing each other, this could be a catastrophe. She said leveling the road was a big improvement. She said the proposed homes do not conform to The Oaks, and 68 duplexes can only devalue their homes and take away the aesthetic look of The Oaks development and Callamere Farms. She asked Council to vote no on the proposal.

Tracy Harmon provided a handout for Council which included a map and corresponding letters from homeowners. She said they chose to live in a rural setting to enjoy the peace that comes with it and the proposed development does not follow the Comprehensive Development Plan which calls for single family detached homes on medium to large size lots. She said they have concerns with the lifestyles they live, the rapid increase in density, and security. She said they are concerned about chemicals used on lawns in the new development. She mentioned various other concerns, and said she wants any development to fit in with the existing land.

Cindy Smith said while the developer has made some change from the prior proposal, the development is still unacceptable to those who reside in the area. She said there are still duplexes and the development does not follow the Comprehensive Development Plan and does not follow any transition of City planning philosophy. She said it is an urban design in a rural area. She said it will

reduce property values. She discussed her objections to this project. She reviewed the proposed ordinance for this zoning change and said she has never seen such a brief ordinance for a PUD, and she read a statement regarding issues she has with the ordinance. She asked Council to please apply general City planning principles outlined in the Comprehensive Development Plan.

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

Mrs. Byrge asked Mr. Sorrell how comprehensive the traffic study was and said she would have liked to have seen the findings along with the stormwater analysis.

Mr. Sorrell said the engineers did a traffic study in January 2022. He said the peak hour is 7:30 a.m. to 8:30 a.m. and said there were 61 total trips. He said they considered the traffic coming out of The Oaks as well as the traffic on Bellefontaine Road.

Mrs. Byrge asked if the study factored in the number of homes being built on Silver Oaks plus what was projected for the development going in on Fishburg Road and Bellefontaine Road.

Mr. Sorrell said the study looks at the current conditions, what the conditions will be once fully built out, and then estimated conditions in 2032 as far as a ten-year projection on traffic. He said the study indicated that changing the pavement markings meets ODOT's traffic manual standards.

Mrs. Byrge asked about the stormwater analysis and asked how far out the engineers went. She said she has expressed before that they may not be working on a wide enough region on how the neighboring properties are affected by runoff or any other number of issues related to stormwater.

Mr. Sorrell said in general, as far as storm water detention, the idea is to do no harm and that is to not have more water running off the property than currently. He said the City Engineer will verify those calculations when final plans are submitted, and no permits are issued until he is satisfied. He said there are no delineated wetlands, and there are two erosion features so the runoff has created two erosion areas but they are nonjurisdictional and not subject to oversight.

Mrs. Byrge asked if a boulevard changes the signage projected which is higher than for other developments.

Mr. Berling said regarding stormwater, Russ Bergman does the review on these plans. He discussed a narrative from his engineer on how he does stormwater analysis and said he has sent that analysis to City Staff.

Mrs. Byrge said those are the minimum requirements and she has never gotten a straight answer on how far out is looked at for a stormwater analysis. She said you can always do more than you are asked to do, but the State of Ohio or municipal guidelines are the minimum requirements you can meet. She said she has never seen in writing how far out it reaches to see how you affect neighboring properties.

Mr. Berling said he can help Mrs. Byrge understand this issue, and he explained the procedure. He said the water management basins versus when The Oaks were developed are more regulated and larger, and release water at a slower rate. He said regarding traffic, the City Engineer gave the scope to the traffic engineer, ChoiceOne. He said the analysis is set by the Ohio Department of Transportation. He said regarding the monument signs, the signs are based on what he has done in the past. He said the monument sign is similar to what is in his development on Chambersburg Road, Quail Ridge.

Mrs. Byrge said she is concerned about approving a Detailed Development Plan and going on blind faith. She said Council has not seen any real drawings of the houses, the dimensions, if there are trees or if there are lights. She said if Council is being asked to approve it, they do not have a lot of detail to do so. She said she has a concern about fencing. She said the development is abutting a rural area and asked how the residents will protect their pets or kids from predatory animals in the area.

Mr. Berling said in the attached single-family homes, if fences were up, the ability for the contractor to maintain all those yards would be very difficult.

Mrs. Byrge said this is a challenge of the transition from the urban to the rural. She said pets and children are at risk. She asked City Staff why the City keeps compromising on rear yard setbacks and building materials. She said the City keeps moving away from its standards and making exceptions for everything. She said aside from The Gables, the City is moving away from a brick city. She said the City is giving up an awful lot here.

Mr. Lyons asked if this development fits the Comprehensive Development Plan or if Mrs. Smith was correct?

Mr. Sorrell said the Comprehensive Development Plan for this area is a guideline and it specifically states detached single family houses. He said it also says density should be less than 5 units per acre which this plan meets. He said this plan is half-and-half. He said there are other developments recently approved which are not consistent with the Comprehensive Development Plan in this area, specifically the assisted living facility down the street. He said in Ohio, Comprehensive Development Plans are guidelines and should provide a pathway or direction. He said times change, so the City needs to be flexible. He said as the policy makers, it is up to Council as to whether or not they feel this development meets the standard and intent of the Comprehensive Development Plan.

Mr. Lyons said this plan is not only the Basic Development Plan but also the Detailed Development Plan. He said the vote will just be one vote for Council and it would not come back to Council. He asked to clarify, when public hearings are held and Council votes, does the Detailed Development Plan go back to the Planning Commission normally and they vote on it? He asked if that plan ever comes back to Council.

Mr. Sorrell said Mr. Lyons is correct. He said typically Council approves a Basic Development Plan and the Detailed Development Plan then only goes to the Planning Commission and is a review to make sure the Detailed Development Plan meets what was outlined in the Basic Development Plan. He said the Planning Commission gets involved in the details of grading, lighting, that type of thing when zoning permits are issued. He said some plans are more detailed than others, but the review and what the Planning Commission votes on at the detailed phase is whether that plan meets the intent of what was outlined in the ordinance and the Basic Development Plan.

Mr. Lyons said if Council passes eventually both the Basic and Detailed Development Plans, it would then be at a City Staff level and the detail would not go back to the Planning Commission. He asked if he understands that correctly.

Mr. Sorrell said that is correct unless Council directs otherwise. He said the applicant will need to make some revisions to the detailed plan anyway. He said the fire lane secondary access width is not wide enough, and that is something that can be handled at the City Staff level once approved. He said the final plans will meet the intent by the Planning Commission and Council.

Mr. Lyons confirmed that the Planning Commission voted to approve this case unanimously.

Mr. Campbell asked Mr. Sorrell to review how this project differs from the Comprehensive Development Plan.

Mr. Sorrell restated the only way it differs is there are attached family units rather than detached units.

Mr. Campbell asked if how Council is handling this case is different from how it is typically done.

Mr. Sorrell said Council has approved Combined Basic and Detailed Development Plans before, and the library was the last one he was involved in. He said typically the plans are split up, and usually because the developer does not have everything finalized. He said in this case, the developer does. He said it depends on what stage the applicant is in the development. He explained for Mr. Campbell the reason why Council would want to break that up and how it could.

Mr. Campbell asked Mr. Berling if he is okay with breaking it up.

Mayor Gore explained if it is separated, Council would approve the Basic Development Plan and the zoning change, and then once the final detailed drawings are done, it would go back to the Planning Commission.

Mr. Berling said if the comfort level of Council is to take it back through, he does not have a problem with that course. He said his company has not purchased the property yet but have put quite a bit of time, effort, and money into this project to try to get everyone comfortable with this plan.

Mr. Campbell confirmed with Mr. Sorrell and Mr. Chodkowski that if the City decided it wanted to build a center turn lane and does now want to simply remark Bellefontaine Road, the City can do that and the project would generate sufficient funds if providing a TIF overlay. He asked if the City wanted to broaden the stormwater research. He said maybe the engineers are looking at affecting a half mile radius around this project but Council wants a study 3/4 mile around this project, and he asked if that is something the City could complete.

Mr. Sorrell said the City could do that and if the City wanted to commission a study of that nature, the City would want to know what this developer is planning to do because that could impact the study. He said the City cannot compel the developer to do that for the City. He said the City would want to take an overview look at what are the issues affecting the current residents and are there undersized retention ponds now.

Mr. Campbell asked Mr. Chodkowski if there is a way to pay for enhanced comprehensive stormwater management review.

Mr. Chodkowski said the TIF statutes would allow that to be paid for with TIF revenue.

Mr. Campbell asked if the boulevard entrance and signage has been resolved to everyone's satisfaction.

Mr. Sorrell said the developer is amenable to a boulevard entrance, and he is hearing the signage is fine.

Mr. Campbell confirmed with Mr. Berling that the berm is at least equal in dimension and size to the berm across the street. He asked Mr. Chodkowski if this project could generate funds that would help supplement the endeavor after the analysis is complete on the stormwater.

Mr. Chodkowski said tap in fees and user fees would be generated from this project. He said additionally, if the City were to TIF this project, the TIF could be used to work on the infrastructure in close proximity that directly relates to this project. He said the tax proceeds from this project could be used to help support the infrastructure concerns in this area.

Mayor Gore asked if there were any other members 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.

Tracy Harmon said there is a creek that runs in the property where they raised the road and winds through the houses and kisses the edge of the property where the retention pond is going to be.

Kathy Davis asked what the average price of these homes will be.

Mr. Berling said the single-family homes will be $350,000 to $400,000 and the attached single-family homes will be from high $200,000 to $300,000. He said the square footage for the detached single-family homes would range from 1,900 to 3,500 square feet, and the attached homes would range from 1,400 to 1,800 square feet. He said the ranch models have a basement and he does not count that square footage. He said there is an optional finished basement that adds 800 square feet for the attached homes.

Mayor Gore said, barring further comments, this Public Hearing of the City Council for Planning Commission Case ZC CBDP 22-11 is hereby closed.

Mayor Gore recessed the meeting at 8:35 p.m. Mayor Gore reconvened the meeting at 8:44 p.m.

I. A Public Hearing Scheduled For April 25, 2022 By The Huber Heights City Council For Zoning Case BDP 22-12. The Applicant Is Horizon Line Development. The Applicant Is Requesting Approval Of A Basic Development Plan And A Rezoning To Planned Mixed (PM) For Property Located At 7125 Executive Boulevard And Further Described As Parcel ID P70-03910-0005 On The Montgomery County Auditor's Map.

Mr. Sorrell said this is a 43-acre site currently zoned Planned Employment Park. He said the existing land is being farmed, and the surrounding zoning is Agricultural, Planned Mixed Use, R-7, and Planned Employment Park. He said the applicant is proposing a 197 residential townhome unit development including five commercial out lots. He said 46.6 percent is open space, just half of the land is dedicated to residential use, and almost 41 percent of the land is dedicated to commercial use. He said there was discussion during the last case about stormwater management. He said the site basically flows west to east. He presented and reviewed the current site plan. He said there are three wet retention basins. He said there are two main entrances off Executive Boulevard. He said the perimeter of the development has walking trails that line the perimeter. He said the applicant is aware the upcoming legislation will require sidewalks along Executive Boulevard as commercial lots are developed. He reviewed the landscape screening and buffering. He said the Planning Commission is suggesting the developer leave the tree line that was along the north property line. He reviewed the boulevard entrance and monument signs. He said the developer has submitted a set of covenants and restrictions as part of the PUD, and these documents are development standards consistent with the zoning regulations. He said one item added is that the garage openings will be set back 20 feet from the back of the sidewalk. He said the developer wanted to make sure that, to the greatest extent

possible, the sidewalks would stay usable and passable and have room for a vehicle between the sidewalk and garage face. He said as far as site planning goes, the site is a long, well-traveled thoroughfare surrounded by residential uses to the north and the west, commercial uses to the south, and the Carriage Hill MetroPark to the east. He said the City Code requires a 6-foot landscaping mound along the north property line. He said City Staff does not think that it is warranted and that it is better to maintain the existing tree line that is there. He said the gentleman said there is consistent flooding from this field to his property. He said putting in a 6-foot-high mound would exasperate that issue, so the Planning Commission is recommending it not be necessary or warranted. He said the way the site travels, you can see the water dumping behind his barn. He said a third of the site drains northerly. He said when this is developed, a lot of these issues will be addressed in the grading plan, but the Planning Commission thinks adding a 6-foot-high mound will cause more problems than it will solve. He said there is a significant amount of landscaping along the west property line. He said no mounding or fencing is proposed or required. He said the commercial lots will be reviewed in the Detailed Development Plan phase, but the restrictive covenants indicate the plan will comply with the Zoning Code. He said there are street trees throughout the development, and street trees and sidewalks will be required along Executive Boulevard. He said those will be built out as those lots are developed. He said City Staff recommended approval of the rezoning and Basic Development Plan, and the Planning Commission voted 3-1 to recommend approval of the rezoning and the Basic Development Plan. He said the dissenting vote was tied to traffic issues along Executive Boulevard and concerns about turn lanes and how this development would impact traffic patterns from the Rose development.

Mayor Gore asked if any representatives from Horizon Line Development had any comments.

Erick Allen said he is from Pride One Construction, which is the construction arm of Horizon Line Development. He said he and his team were there to answer any questions.

Mayor Gore asked if the Law Director had any comments.

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

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

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

Patricia Dyer said she lives in that area and she knew the area would be zoned retail. She asked about the pricing of the homes, and she said after Parktowne Apartments were built the traffic has been ridiculous, and this development will make it even worse. She asked what this development will do to the property values of the single-family homes backed up to that area? She said City Staff said there would be filling stations in the out lots, but according to the newspaper, that is one of the things that cannot be built in those out lots. She read the list which also included sweepstakes cafes, convenience stores, self-storage facilities, and car washes. She said all of those uses were supposed to be prohibited.

Mr. Allen said the units are all apartment units for rental. He said there are two basic floor plans with 1,200 and 1,400 square feet. He said the average rental would be $1,700 per month for each unit.

Greg from Horizon Line Development said they have built over 12,000 of these units and 75 percent of the tenants are aged 55 or older and the typical occupancy is 1.2 people per unit. He said the units are private, and there are no City services besides fire services and water.

Mayor Gore said in terms of restrictions on the out lots, he said there is a Meijer gas station and a Marathon gas station already in the area. He said regarding another gas station, he does not know if that increases revenue or if it is splitting up the number of people to one more place where they are buying gas.

Mr. Sorrell said he does not know if users have been identified. He said when working with the developer, the Planning Commission wanted some of the heavy auto-oriented uses eliminated in this development. He said the developer came back with a compromise of allowing those heavier auto-oriented uses on the two eastern lots that are up against Brandt Pike, and he said the Planning Commission thought that was an okay compromise. He said that is what was agreed to. He said he is not aware if any users have been identified for those commercial out lots yet.

Mayor Gore said when he thinks about this area and the desire this City has been asking for so long, when he thinks of auto uses anywhere in that space, it does not give him a warm and fuzzy feeling.

Mr. Sorrell said that was the original reason for peeling them out of the City Code, so this area would be more of an entertainment focused area rather than another drive-through and another gas station. He said the location is right near I-70 and Brandt Pike is heavily traveled, and there are market forces at play as well.

Mayor Gore asked if there was anyone else present to speak against the approval of this issue.

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

Mr. Shaw said this is a development that he will not be able to support. He said he wanted this area to be more business oriented with jobs and income, something that would bring some value to the community. He said when the Ohio General Assembly passed the opportunity for the City of Huber Heights to have an entertainment district, this was a key component of this area. He said the City is going to talk and hopefully see additional plans for a proposal for TruckPro. He said that is a step forward in the entertainment district. He said adding rental units in the heart of an area owned by the City, he thinks the City can definitely do better for the residents and visitors to the community. He said putting primary rental property where the age is 55 or older in what has been designated as an entertainment district in this community can cause some issues, especially not knowing what the commercial components are on the outskirts as well. He says he also has the same traffic concerns with this development. He said there should be fewer curb cuts there. He said there is one large curb cut at the boulevard entrance to Meijer. He said the cut at the top near Brandt Pike needs to be eliminated. He said the City is cutting itself off by using an entire parcel for water retainment. He said the policy can definitely be set by this Council on what can be put in there and, with engineering, can make that parcel a usable parcel that can benefit the community and not just hold water.

Mayor Gore asked if there were any other members 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.

Seeing none, Mayor Gore said, barring further comments, this Public Hearing of the City Council for Planning Commission Case ZC BDP 22-12 is hereby closed.

J. A Public Hearing Scheduled For April 25, 2022 By The Huber Heights City Council For Zoning Case ORD 22-16. The Applicant Is The City Of Huber Heights. The Applicant Is Requesting Approval Of Proposed Changes To Sidewalks Requirements.

Interim City Manager Bryan Chodkowski said this proposed ordinance change was brought forth at the request of City Council and has been reviewed by the Planning Commission. He said this measure is to clarify the City's expectations with respect to the installation of public sidewalks in subdivisions throughout the City to alleviate some concerns recently seen in projects from a few years back. He said this matter came from the Planning Commission on a unanimous vote and it is being requested that Council adopt this matter later this evening.

Mayor Gore asked if any representatives not on City Council had any comments.

Mayor Gore asked if the Law Director had any comments.

Mr. McDonald said he is all for this one.

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

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

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

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

Mrs. Byrge said she is happy to see this item on the agenda. She said this change is needed to make the City more connected and allow people to move more freely. She said she hopes it is approved.

Mayor Gore asked if there were any other members 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.

Seeing none, Mayor Gore said, barring further comments, this Public Hearing of the City Council for Planning Commission Case ORD 22-16 hereby closed.

ADMINISTRATION
Bryan Chodkowski, Interim City Manager

K. An Ordinance To Approve A Major Change To The Basic And Detailed Development Plan For The Property Located At 5840 Old Troy Pike And Further Identified As Parcel Number P70-01923-0004 On The Montgomery County Auditor's Map And Rejecting The Recommendation Of The Planning Commission (Zoning Case 21-45).
(first reading)

Mr. Chodkowski said the Public Hearing for this item was held earlier, and it was City Staff's recommendation that Council hold the first reading of this legislation and move the legislation to a second reading.

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

L. An Ordinance To Approve A Basic Development Plan For The Property Located On Brandt Pike North Of The Reserves At The Fairways And Further Identified As Parcel Number P70-03910-0057 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Zoning Case BDP 22-07).
(first reading)

Mr. Chodkowski said this matter was before Council tonight for a Public Hearing, and it is City Staff's recommendation that this item be adopted.

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

Mr. Campbell moved to waive the second reading; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; Mr. Lyons, Mrs. Kitchen, Mr. Shaw, and Mr. Otto voted no. The motion to waive the second reading fails 4-4.

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

M. An Ordinance To Approve A Basic Development Plan And Rezoning To Planned Commercial (PC) For A 35 Acre Parcel Of Property Located On The East Side Of The Intersection Of State Route 235 And Center Point 70 Boulevard And Further Identified As Parcel Numbers P70-03903-0079 And P70-03903-0005 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Zoning Case BDP 22-08).
(first reading)

Mr. Chodkowski said a Public Hearing was held on this matter earlier, and it was the Council Work Session recommendation to waive the second reading and adopt this item.

Mayor Gore asked for a motion to waive the second reading.

Mr. Campbell moved to waive the second reading; Ms. Baker seconded the motion. On a call of the vote, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; Mr. Lyons, and Mrs. Kitchen voted nay. The motion passes 6-2.

Mr. Campbell moved to amend the ordinance to state up to thirty (30) semi-truck parking spaces are permitted; Ms. Baker seconded the motion. On a call of the vote, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, and Mr. Webb voted yea; Mr. Lyons voted nay. The motion passes 7-1.

Mrs. Byrge moved to adopt; Mr. Shaw seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, Mr. Webb, and Mr. Shaw voted yea; Mr. Lyons voted nay. The motion passes 8-0.

N. An Ordinance To Approve A Combined Basic And Detailed Development Plan And Rezoning To Planned Residential (PR) For 22.968 Acres For The 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 And Accepting The Recommendation Of The Planning Commission (Zoning Case CBDP 22-11).
(first reading)

Mr. Chodkowski said Council held a Public Hearing on this matter earlier, and it was the Council Work Session recommendation to pass this item to a second reading.

Mayor Gore said the Council Work Session recommendation was to pass this item to a second reading. Mayor Gore said Council had discussed splitting this item up into a Basic Development Plan and a Detailed Development Plan. He asked if now is the procedurally right time to split this item up.

Mr. Rodgers said the cleanest way is to pass this item to a second reading and allow City Staff to draft an amended ordinance. He said if Council does not want to allow the time to lapse, the second reading could be waived and the ordinance be amended on the fly. He said City Staff could bring back an amended ordinance for the next meeting, and it could be amended at the second reading.

Mayor Gore asked if there were any objections to passing this item on to a second reading.

Mr. Shaw said he has no objections, but he requested this item be placed on the next Council Work Session agenda for further discussion.

Mayor Gore said item 12-N will be moved to a second reading with further discussion at the next Council Work Session.

O. An Ordinance To Approve A Basic Development Plan And Rezoning To Planned Mixed Use (PM) For The Property Located At 7125 Executive Boulevard And Further Identified As Parcel Number P70-03910-0005 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Zoning Case BDP 22-12).
(first reading)

Mr. Chodkowski said Council held a Public Hearing on this matter as required and it was the Council Work Session recommendation to pass this item to a second reading.

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

P. An Ordinance Amending Part Eleven – Planning And Zoning Code, Title One – Subdivision Regulations; Chapter 1109 – Subdivision Design Standards; Section 1109.15 – Sidewalks; 1109.08 – Official Thoroughfare Design Standards; And Table 4 Of The Codified Ordinances Of The City Of Huber Heights (Zoning Case ORD 22-16).
(first reading)

Mr. Chodkowski said a Public Hearing was held earlier by Council on this item, and it was the Council Work Session recommendation that this item be passed to a second reading.

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

Mr. Lyons said since the Public Hearing was held and there were no objections, he is fine with waiving the second reading and voting on this item tonight.

Mr. Lyons moved to waive the second reading; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Shaw, and Ms. Baker voted yea; Mrs. Kitchen and Mr. Webb voted nay. The motion passes 6-2.

Mrs. Byrge moved to adopt; Mr. Campbell 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.

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 pursuant to City Council's discussion at the last Council Work Session with respect to fire staffing, this resolution is brought forward, and it was the Council Work Session recommendation to adopt this item.

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

Mr. Campbell said he has talked to several colleagues in the last week in regard to some comments made by the Fire Chief and by Mr. Chodkowski. He asked for clarification on the comments regarding firefighter/EMS fatigue. He said the comments were quite alarming to him and the statements caused him to work with Mr. Shaw to get this item on the agenda.

Mr. Chodkowski said there was no good way to describe it and perhaps City Staff described it in a poor way. He said there are two types. He said first is the number of calls a firefighter takes in a shift. He said the number of calls a firefighter might take in a shift or over the duration of a year is high. He gave an example of taking numerous calls with very short periods of rest at the fire station because the calls are higher. He said it is not an issue of physical fatigue with a lack of energy, and the firefighters are unable to perform their job in a way that meets expectations. He said that is one component. He said the other component the Fire Chief mentioned was compassion fatigue which happens when firefighters respond to serious calls in subsequent fashion and, not having had a chance to be back at the station to recharge their batteries, they are called out for a fall and sprained ankle and perhaps the compassion of care that might go to that citizen based on the nature of the calls the firefighters have been responding to can sometimes have an effect on the compassion of care that is provided. He said the issues of concern are not related to the quality of work being done, they are more related to ensuring the firefighters have the appropriate time they need to stay focused and concentrated on their work as well as making sure they are able to provide the compassionate care the citizens deserve. He said that is what they are trying to encompass in the terminology. He said, based on the current staffing they have, if they can look at the data and see trends developing that might impact that, now would be the time to respond to that and prepare to make appropriate changes in the future to avoid that decrease in service expectations. He said that was the nature of what that was meant to entail and, unfortunately, City Staff did not do a very good job of describing it during the presentation.

Mr. Campbell asked if he understood the Fire Chief may have indicated that the City could wait until 2023 to hire additional firefighters.

Mr. Chodkowski said that the recommendation the Fire Chief had made was that these are not immediate hires that are needed and the hires can be incorporated into a phased-in plan over two budget cycles.

Mr. Campbell asked if Mr. Chodkowski understands how confusing that information is for those sitting on the dais trying to make decisions on personnel.

Mr. Chodkowski said he did, and he said in trying to take that data and present it in a way that was understandable, City Staff did not do a very good job.

Mr. Campbell asked Mr. Lyons if he was able to find out historical facts on the hiring of firefighters.

Mr. Lyons said he received an email from Anthony Rodgers from Bryan Chodkowski. He said the email was not easy with all the information. He said in reading the packet in preparation for tonight, he did see the Fire Division is anticipating hiring at least three firefighters and the expected date is July 1, 2022, which is much sooner than the Fire Chief said. He said he was happy to see that, meaning the research on how long it takes to hire a firefighter is 2 1/2 months with the current process. He said he was going to clarify that information from Mr. Chodkowski tonight. He asked Bryan Chodkowski to clarify the anticipated hiring date of July 1, 2022. He asked if that was sooner than anticipated due to a process of replacing firefighters that is already ongoing.

Mr. Chodkowski said the July 1, 2022, date is referenced because that is the halfway point for the fiscal year. He said to the conversation Council had at the Council Work Session which was if it costs X to hire a firefighter and the City only hires them for half the year, which costs Y, it would be easier to fund Y and worry about X during the next budget cycle. He said City Staff only put in the half year value, which is why the July 1, 2022, number is what is referenced in the legislation. He said the actual ability to hire a firefighter would be similar to the timeline or data provided to Mr. Lyons through his request. He said the information sent to Mr. Lyons with respect to the two most recent hires start to finish is the timeframe City Staff would need. He said firefighters could not be hired within two months, it would be closer to 160 to 180 days.

Mr. Lyons said in answering Mr. Campbell's question, the information he received from City Staff was not discernable and he could not make heads or tails about how long it was because it was just a bunch of dates.

Mr. Campbell confirmed with Mr. Chodkowski that it takes about five months to hire a firefighter. He said he is in no way moving around on his position at all, but he was bothered by the comments about firefighter/EMS fatigue and the explanation of what that means, with the cherry on top being what the Fire Chief said at the end of the presentation that the hires can wait until 2023. He asked if there is a value in taking this item to the next Council Work Session to get clarification.

Mr. Shaw said another component that was discussed at the Council Work Session which was one of his red flags was the mental health component. He said the union representative was there with the Battalion Chief, and that was made very clear. He said, as the City Manager stated, the seriousness of calls, the compassionate care, but the overall mental health of our firefighters was the largest trigger for him. He said that was made very clear by the person in charge of the best Fire Division in the State of Ohio, and that was agreed to and echoed by the union representative. He said that is what had put him in a fast and furious motion to get this done. He said Council needs to help the first responders when the Fire Chief uses words like "mental health" and the fact that the City needs more firefighters. He further discussed the importance of this matter.

Mr. Campbell said he totally agrees. He then confirmed with Mr. Chodkowski that during all that discussion, including the piece that Mr. Shaw reminded them of, the Fire Chief then ended by saying the new hires can wait until 2023. He asked Mr. Shaw if Council approves four firefighters tonight and they are not hired until 2023 or whenever the Fire Chief deems appropriate, then Council should be able to rest their heads on the pillow.

Mr. Shaw said in his opinion, as a policymaker, Council provided the policy, and that now lies in the state of the City Manager as he is the Public Safety Director as assigned by City Council, and that is now on him and the Fire Chief.

Mr. Campbell asked if the legislation calls out a date for the new hires?

Mayor Gore said he does not want to speak for the Fire Chief, but he feels part of the reason for waiting until 2023 was okay was because there was going to be a much bigger pool of qualified applicants in December 2022 versus what is available currently. He said it is ridiculous to think the firefighters are the only emergency responders suffering fatigue and call fatigue and compassion fatigue. He said the Police Division and the dispatchers are probably suffering from the same thing and Council has not heard this presentation yet. He said Council is the policy maker and none are fire experts, but the last thing the Fire Chief said, and Council had enough confidence in the Fire Chief to appoint him the Fire Chief, is that Council can wait until 2023 and he thinks there will be 16 additional people added to the candidate pool in December, 2022, and Council has not heard presentations from the Police Division.

Ms. Baker said she took away from the meeting that it was a graduation/state boards requirement that they had to complete and that credentialing was the hold up.

Mrs. Byrge said the reason she did not want to move forward is Council has not heard yet from either the Police Division or the Public Works Division and Council needs to know these needs. She said she would like to hear from Mike Gray about how much overtime the employees work. She said the only reason he has not asked for more hires is because he does not have any place to put them. She said Council need to be smart about making policy and Council needs to know all the needs before moving forward.

Mrs. Kitchen said during her tour of the Fire Division, City Staff said there is extensive mental health therapy that gets brought in.

Mr. Chodkowski said there are mental health services the City provides for all emergency personnel. He said following critical incidents there is always a debriefing and an opportunity and option made available to personnel to meet with professionals and address the situation they have been presented with to make sure they are in an appropriate place. He further explained the process. He said if Council would like more information, City Staff would be happy to get that information and bring it to Council's attention so everyone can feel comfortable and confident that the City is taking care of its employees in the best way possible with the best resources. He said City Staff takes great pride in making sure people are taken care of. He said he wants to make that clear to everyone. He re-explained the message that they were trying to send through the Fire Chief's presentation.

Mrs. Kitchen said she thinks Council needs to listen to everybody, and she puts the Police Division, the Fire Division, and the Public Works Division in high esteem, and Council needs to look at everyone's presentations.

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

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 correlating to the discussion on staffing for the firefighters, the salary ranges needed to be established in particular for the Captain position which is being recommended by the Fire Chief.

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

Mr. Campbell moved to adopt; Mr. Lyons seconded the motion.

Mr. Campbell said there has been confusion in the past about firefighters. He asked Mr. McDonald if there has been enough discussion on the dais tonight that it is going to be Fire Chief Knisley's decision working with City Manager Bryan Chodkowski on when these firefighters are hired and it could be 2023, or does Council need to amend something or add something to tonight's discussion.

Mr. McDonald said there is nothing in the current legislation other than approving the positions, pay, and things like that in this calendar year. He said there is nothing that says when. He said it would be within the purview of the Fire Chief and the City Manager to get this done.

Mr. Campbell asked if the answer to his question is yes, enough has been said on the dais, and that if Fire Chief Knisley decided not to hire additional firefighters and wait until 2023 in concert with the City Manager, then Council has made that clear or is there something that needs to be said in addition to clear it up.

Mr. McDonald said it is clear.

Mr. Campbell confirmed with Mr. McDonald that in a month or two months from now, if the issue is raised that Council promised to hire four firefighters and have not yet, then Council can point back to this discussion.

Mrs. Byrge asked where the money is coming from. She said if Council is going to talk about establishing a salary range, it would be different for 2022 than for 2023.

Mr. Chodkowski said the salary ranges are set by the Table of Organization. He said the firefighters are in collective bargaining units and those wages are set by the union. He said the Captain position is exempt, so it is not in the union but it can be paid within the pay range.

Mr. Rodgers said the only change in this piece of legislation is to add the salary range for the Captain position because it did not exist before.

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.

S. An Ordinance Amending Ordinance No. 2021-O-2511 By Making Supplemental Appropriations For Expenses Of The Fire Division 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 item is the legislation necessary to fund the positions for when the Fire Chief is ready to hire.

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

Mr. Campbell moved to waive the second reading; Mr. Shaw seconded the motion.

Mr. Campbell asked Mr. McDonald if the date ranges are ambiguous enough that someone could start arguing the fact that the City had to hire the additional firefighters in 2022.

Mr. McDonald said the budget is being amended for this year.

Mr. Campbell asked if, because of that, could someone argue that the City should have hired in 2022 and not 2023, if that is when the Fire Chief so chooses to hire is 2023.

Mr. McDonald said that argument could come, but he feels there has been enough dialogue from the dais to clear that up.

Mrs. Byrge asked where the money is coming from.

Mr. Chodkowski said at present this is a draw from the General Fund balance, but the City Budget is still early in the year. He said, depending upon how receipts come in from taxes, that may not be necessary. He said, for the purposes of today's action by Council, this appropriation would be a withdrawal from the General Fund balance.

Mrs. Byrge said what Council is doing is committing the City to hiring four firefighters without knowing what the needs are for the Police Division or the Public Works Division. She asked if each one comes back and says four more people are needed, will there be enough in the same fund to cover all those people.

Mr. Chodkowski said each department/division is paid from a different fund. He said harkening back to the Council Work Session where this matter was discussed, he believes both the Mayor and Mr. Campbell had referenced the utilization of service payments as a way to provide funds to help pay for these positions. He said his comment at that time was that yes that might be an option, but City Staff had yet to complete the due diligence to ensure that could be sustainable funding. He said the funding that would be appropriated here would not be in conflict with any of the other proposals that may or may not come from Police Chief Lightner or Mr. Gray, but City Staff has not had sufficient time to vet this value over time to ensure a consistent new stream is available.

Mrs. Byrge asked if this legislation needs to be moved to another reading to get this information. She asked if the Public Works Division is funded from the General Fund.

Mr. Chodkowski said the Public Works Division is funded through the local street tax. He said if Council would like a definitive answer, then moving this to another reading would be necessary, but if Council has the confidence that City Staff will find a way, then that would be Council's prerogative.

Mrs. Byrge said the citizens have a right to know where the funding is coming from. She said she has a problem moving this item forward without having the funding source defined. She said it has nothing to do with a lack of confidence in City Staff, it has to do with transparency.

Mr. Campbell asked what percentage of public safety salaries are paid out of the General Fund.

Mr. Chodkowski said each fund receives a subsidy from the General Fund, but he would have to look that up. He confirmed for Mr. Campbell that there is a dedicated revenue stream from a defined income tax of 0.25% and if that dips, the shortage comes from a subsidy from the General Fund. He said the money from tonight's discussion would come from the General Fund. He said the amount is approximately $400,000 annually and would come from the General Fund.

Mr. Campbell said Mr. Lyons had conveyed two sources of revenue, one for hiring firefighters and one for hiring police officers and he asked Mr. Chodkowski to speak to that point.

Mr. Chodkowski said Mr. Lyons had referenced the difference in revenue brought in today compared to the first-year funds that were brought in from those levies back in 2015. He said the difference was approximately half a million dollars. He explained the levies and the costs associated with operating the departments. He said there is not a surplus of revenue available from those millage rates, and both

funds continue to receive subsidies annually from the General Fund. because expenses have outpaced the revenues brought in specific to those levies.

Mr. Campbell asked if a portion of the money Mr. Lyons talked about was realistic.

Mr. Chodkowski said no portion of the value Mr. Lyons spoke of could be applied to new wages because the differences are applied to increased costs from 2015 to 2020. Mr. Chodkowski said stuff got more expensive between 2015 and 2020.

On a call of the vote, Mr. Shaw, Ms. Baker, Mr. Campbell, Mr. Otto, and Mr. Lyons voted yea; Mrs. Kitchen, Mr. Webb, and Mrs. Byrge voted nay. The motion fails 5-3.

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

T. A Resolution Authorizing The Execution Of A Termination Of The Land Use Restriction Agreement In Connection With The City's Multifamily Housing Mortgage Revenue Bonds (Alcore Huber LLC Project) Series 2012A.
(first reading)

Mr. Chodkowski said this resolution is related to The Landings on Bellefontaine Road. He said in 2012, the City sponsored a bond on behalf of the organization. He said as a requirement of that bond, the land use restriction was that the facility could only be used for senior purposes. He said the bond has subsequently been paid off and there is new ownership, and that ownership is asking the City to release that restriction to clear the title so it can continue to own the property and manage the property in an appropriate way at this time.

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

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

U. A Resolution Authorizing The City Manager To Enter Into A Community Reinvestment Area Agreement With Flyer Red Properties II, LLC Under Certain Terms And Conditions.
(first reading)

Mr. Chodkowski said Flyer Red Properties has an interest in acquiring the TruckPro facility on Executive Boulevard and converting it to a tap room, smokery, and brewhouse for Warped Wing Brewery. He said a term and condition for closing on the property is the City agreeing to grant a CRA as a condition, and this matter has been presented to Council for that purpose.

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

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

V. 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 matter was brought forth to transfer various funds to empower the City to perform its day-to-day operations.

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

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

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

W. An Ordinance Approving Individual Assessments Amounts And Directing The Director Of Finance Or His/Her Designee To Certify The Amounts To The Applicable County Auditor For Collection, And Declaring An Emergency. (first reading)

Mr. Chodkowski said this legislation is recurring legislation empowering the City to levy assessments for unpaid bills. He said this item is for delinquent water bills and storm sewer fees. He asked that the Council to waive the second reading and adopt this item to make the assessment deadline at the County Auditor's Office.

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

Mrs. Byrge moved to waive the second reading; Ms. Baker seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Lyons, Mr. Webb, Mr. Shaw, Ms. Baker, and Mr. Campbell voted yea; Mr. Otto and Mrs. Kitchen voted nay. The motion passes 6-2.

Mrs. Byrge moved to adopt; Ms. Baker 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.

X. A Resolution Authorizing The Acceptance Of State Of Ohio Funding And Establishing The OneOhio Opioid Settlement Fund. (first reading)

Mr. Chodkowski said this resolution is necessary to establish the fund to receive the opioid settlement distribution that will be coming to the City in the next few weeks.

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

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

Mrs. Byrge said the definitive list of how the money can be used has not been released yet. She asked if there is any idea when it would be released.

Mr. Chodkowski said City Staff will try to get that information to Council.

Mr. Lyons asked how much money the City was expecting.

Mr. Chodkowski said he will verify that amount for Council.

Mrs. Kitchen said she would like the City to be creative about how this money is used to serve the community.

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.

Y. A Resolution Authorizing The City Manager To Enter Into A Contract For The 2022 Rehabilitation Of Sewer Lines Project.
(first reading)

Mr. Chodkowski said this item is annual recurring legislation, and it was recommended that Council adopt this item.

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. 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.

Z. A Resolution Authorizing The City Manager To Solicit, Advertise, And Receive Bids From Qualified Firms For The 2022 Water Main Replacement Program.
(first reading)

Mr. Chodkowski said this item is annual recurring legislation.

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

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

13. City Official Reports and Comments

There were no City Official Reports and Comments.

14. Executive Session

There was no need for an Executive Session.

15. Adjournment

Mayor Gore adjourned the Regular Session City Council Meeting at 10:07 p.m.

Anthony C. Rodgers — Clerk of Council — 5-10-22 — Date

Mayor — 5/11/22 — Date