

Huber Heights City Council

Meeting

GOVERNMENT FORMS & SUPPLIES 844-241-3338 FORM NO. 10-2

May 9, 2022

- He said Melissa Lewis became a Huber Heights Communications Officer on June 3, 2019, and prior to that was a vet assistant for eight years. He said she enjoys being a part of the first responder team. She grew up in the City of Huber Heights and attended Wayne High School. She has a Bachelor of Science degree in Biological Sciences from Wright State University.

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He said Jessica Price became a Huber Heights Communications Officer on August 19, 2019. He said she graduated from the Dayton Regional Stem School in 2013.

He said Heather Flora became a Huber Heights Communications Officer on November 25, 2019. He said she graduated from Greenon High School in 2014. He said she received an Associates Degree in Criminal Justice from Clark State Community College. He said she started her career as a dispatcher in Clark County in July, 2014 and worked there for three and a half years. He said for a short time she was a police officer and decided she would rather be a dispatcher.

He said Amber Schutte became a Huber Heights Communications Officer on June 21, 2021. He said she graduated from Anna High School in 2015 and received her Associates Degree in Arts from Edison State Community College at the same time. He said she went to Bowling Green State University and double majored in Criminal Justice and Psychology. He said she began working at the Bellefontaine Police Division in 2018.

He said Brandon Ingalls became a Huber Heights Communications Officer on June 28, 2022. He said he has been in public safety since he accepted a position with the Montgomery County Sheriff's Office on March 16, 2019, where he was entrusted with training new employees. He said he understands the dire importance of the position of dispatchers and law enforcement to the communities they serve and protect. He said he has been taking courses in civilian training opportunities in the field since he graduated from the Miami Valley Career Technology Center in 2009.

C. National Public Safety Telecommunicators Week Mayoral Proclamation Presentation - Mayor Jeff Gore

Mayor Gore thanked the Communications Officers for their service and thanked their families. He read the proclamation for National Public Safety Telecommunicators Week and presented the proclamation to Deborah Wiley, Communications/Records Manager.

Deborah Wiley thanked the City Council and the community for always supporting the Dispatch Center. She said this job is a very stressful job. She said many people do not realize that not only are they answering 9-1-1 calls and non-emergency calls, but they are doing that while multitasking and doing many other things. She thanked the Communications Officers.

D. Wayne High School Wrestling Champion Joshua Padilla Recognition And Proclamation Presentation - Mayor Jeff Gore

Mayor Gore said Joshua Padilla is a junior and he will be graduating early in January, 2023. He said Joshua Padilla will be attending Ohio State University and has committed to playing football for the Buckeyes. Mayor Gore said he had the opportunity to coach Joshua's dad, Mike, for the Huber Heights youth football team from 1995-1996 and that year the seventh grade team went to Florida for the National Championship. He said when looking at the strength of Wayne High School athletics, those roots run very deep. He read the proclamation and presented it to Joshua Padilla.

E. Suez Water/Veolia Water 2021 Annual Report Presentation - Ms. Pam Whited, Operations Manager, Veolia Water

Ms. Pam Whited provided a PowerPoint presentation of the Suez Water/Veolia Water 2022 Annual Report to the City Council. She discussed Suez Water's sponsorships and community involvement with organizations. She said 2021 was the second year of water softening, and it has been a great boon to the community. Ms. Whited introduced the employees present at the meeting and discussed the other new employees and their roles. She discussed the Water Main Replacement

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Program and presented a map. She presented the 2022 Combined Water and Sewer Rate Survey done by the City of Piqua. She said the City of Huber Heights has the lowest sewer rate of 64 communities, and as far as sewer and water rates combined, the City of Huber Heights has the second lowest combined rates.

Mrs. Byrge welcomed the new staff, and she said they are joining a group that does a fantastic job for the City.

Ms. Baker said at one point there were delinquencies when the pandemic first started and asked where Suez Water was with that issue.

Ms. Whited said the delinquencies are completely caught up.

Mr. Webb said, regarding the Piqua studies, that it is great news and he congratulated the entire crew. He said it was a testament to the excellent job done by Ms. Whited and her staff.

8. Citizens Comments

Rhonda Sumlin said she wanted to speak to the City Manager search. She expressed her concerns and said as a resident who is an African American woman, she appreciates the City Council giving an opportunity to one of the candidates and making him one of the final four. She said she wants to make sure the City is not extending any unfair advantages to some candidates while creating some unconscious bias or creating barriers to others. She said that was her ask. She said she does not see people who look like her on the dais and no City leaders that look like her. She said every opportunity the City has to give a minority an opportunity, whether they are a person of color, a veteran, a woman, disabled, gay, transgendered, etc., the City should make them a priority. She said these are marginalized groups, and they do not have the same access to opportunities as others do. She said one of the four candidates does not have the educational requirements requested. She said when she thinks of giving \$175,000 to a potential candidate who has not gotten a Bachelor's degree or a Masters' degree, is that realistic? She said when people pursue college degrees, it says they have taken the time and energy and invested finances to get the skills needed to do a job. She further discussed her thoughts on requirements for the candidates and discussed halo and affinity bias. She asked the City Council to be mindful of biases and make the best decision for the community.

9. Citizens Registered to Speak on Agenda Items

Clerk of Council Anthony Rodgers said there are two citizens registered to speak on Item 11-C and one citizen registered to speak on Item 11-D..

10. City Manager Report

Interim City Manager Bryan Chodkowski said the work on the Jonetta Street lift station starts tomorrow. He said this Friday the City will be bidding the annual Water Main Replacement Project and the City can expect those bid results in about 45 days. He said the Ohio EPA has approved the permit for the East Water Main Extension Project and City Staff will be preparing the appropriate documentation to authorize the bid. He said Council can expect that bid at the next round of meetings. He said the first Huber Heights Farmer's Market of the season was well attended over the weekend with approximately 300 visitors.

Mrs. Kitchen asked if there is follow up on the Community Park situation, and she asked if there would be anything refunded to the City through insurance.

Mr. Chodkowski said this claim has been processed through insurance and the City has received a partial reimbursement, and once the final installation occurs,

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the labor will be submitted to the insurance company. He said he would pull out the information and send it back out so everyone has that information.

Mrs. Kitchen asked if City Staff reached out to the court to see if the individuals involved were required to do community service.

Mr. Chodkowski said the Juvenile Court fined each individual \$500 for that incident. He said he is not aware if additional community service was ordered but he will check and send that information out with the insurance information.

11. Pending Business

- A. 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).
(second reading)

Mr. Chodkowski said this item is for a proposed used car lot and limited auto service center. He said this matter was before the Planning Commission on March 15, 2022.

Mayor Gore said there was no specific recommendation at the Council Work Session. He asked for a motion.

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

Mr. Otto said the drawing in the meeting packet still shows the bunch of cars in the front of the lot. He said there have been additional updated drawings, but he did not see those in the packet.

Mr. Chodkowski said it was his understanding this meeting packet is just a forward of the plans that came through initially, and that the modified plan is associated with the Detailed Development Plan that goes back through the Planning Commission for final approval.

Mr. Lyons asked for clarification as to whether this motion is rejecting the recommendation of the Planning Commission, and that by voting yes, the City Council is overriding the decision of the Planning Commission.

Mr. Campbell, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, and Mr. Shaw voted yea; Ms. Baker, Mr. Lyons, and Mr. Webb voted nay. The motion passes 5-3.

Law Director Gerald McDonald said that the vote was approved by a regular majority and he asked if a super majority vote for approval was needed.

Mr. Rodgers said he had discussed that issue with Mr. McDonald when the legislation was first being drafted. He said he may have had a different interpretation of what was discussed.

Mr. Shaw requested a short recess, so Mr. McDonald and Mr. Rodgers could figure the issue out. He said the applicant is here, and he would like to get this matter handled tonight.

Mayor Gore recessed the City Council Meeting at 7:03 p.m.

Mayor Gore reconvened the City Council Meeting at 7:14 p.m. He said there was misunderstanding from some Councilmembers as to what it would take in terms of approval. He asked if anyone who voted no would like to make a motion to reconsider.

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Mr. Webb said he would like to make a motion to reconsider Item 11-A. Mr. Shaw seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, Mr. Webb, and Mr. Shaw voted yea; Mr. Lyons and Ms. Baker voted nay. The motion passes 6-2.

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

Mr. Shaw requested, in light of the confusion, a brief explanation of what the next steps in the process are and what the vote meant.

Mr. Rodgers said it means that the ordinance and the Major Change to the Basic and Detailed Development Plan was approved overturning the decision of the Planning Commission, and this ordinance will go into effect thirty days from today's date. He said the applicant should seek guidance from Mr. Sorrell or Mr. Chodkowski as to the next steps.

- B. 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).
(second reading)

Mr. Chodkowski said this legislation is for a proposed development of 74 owner occupied condominiums immediately north of the Fairways development on Brandt Pike. He said the Planning Commission recommended adoption by a 4-0 vote on March 15, 2022.

Mr. Campbell moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; Mr. Otto, Mr. Lyons, Mrs. Kitchen, and Mr. Shaw voted nay. The motion tied at 4-4. Mayor Gore cast a tie-breaking vote, voting yea. The motion passes 5-4.

- C. 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).
(second reading)

Mr. Chodkowski said this legislation represents a proposed development of 29 single family homes and 34 owner-occupied townhomes. He said the Planning Commission recommended approval of this project 5-0 on March 29, 2022.

He said the Council Work Session recommendation was to amend this legislation and move the Basic Development Plan approval forward and to separate the Basic Development Plan from the Detailed Development Plan to make sure the Detailed Development Plan went back to the Planning Commission for any of the further details. He said the recommendation from the Council Work Session was to approve only the Basic Development Plan.

Mr. Rodgers said the applicant requested separation of the Basic Development Plan and the Detailed Development Plan by email to City Staff. He said the amended ordinance was advertised as part of the meeting packet and properly noticed. He said the first legislative action would be to amend the ordinance to replace it with the amended ordinance.

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Ronald Deak thanked the developer for continuing to engage the residents. He said from the first plan to this plan, stormwater retention grew five-fold and he asked why, when the density was decreased. He said the calculations are close to accurate, but he does not think the calculations capture the mitigating issues due to the design or have the capability to catch the water in the lower part of the property. He said he thinks the City needs a full stormwater study of the area and he explained his reasons. He said traffic flow needs a full study. He said the development needs two access points and he said approval from the Fire Chief is fine, but he said the industry standards are two access points. He said this matter should be tabled or shelved. He said no homeowners in the area are in favor of this development.

Cindy Smith said City Code Section 1170.06 states no approval shall be given unless the Planning Commission finds that such PUD is consistent with the Comprehensive Development Plan, and page 19 states it should be single family detached homes on medium to large lots. She continued reading portions of the City Code and certain specifications. She said this development only meets one requirement in the Comprehensive Development Plan, a 25-foot front yard, and asks for a variance on every other one. She said between Fishburg Road and Chambersburg Road just west of The Oaks, there are hundreds of acres and hundreds of homes that all follow the Comprehensive Development Plan. She said there are not supposed to be duplexes there and it is not an urban area.

Mayor Gore said there was a recommendation to amend the item separating the Basic Development Plan from the Detailed Development Plan. He asked for a motion to amend the ordinance to separate the two.

Mr. Shaw moved to amend the existing ordinance to replace it with the amended ordinance as stated; Mr. Otto seconded the motion.

Mrs. Byrge said in a previous discussion the City indicated there would be a stormwater study and a more comprehensive traffic study for that area and she asked if the study had been initiated and when the results would be available. She said to her, that issue determines whether this is combined or separated. She asked Mr. Chodkowski if the City had initiated any action on those studies.

Mr. Chodkowski said no because the developer had subsequently completed the stormwater calculations and submitted the calculations for review. He said based on that information, the City did not move forward with additional studies based on the direction that Council had wanted to see the detailed stormwater information from this particular project. He said at the time he did not recall if a traffic study had been completed, and subsequent to Council's initial look at the project, a complete traffic study had been submitted for City Staff to review.

Mrs. Byrge said at the last meeting she attended, the developer presented information that in the morning commute hours only 61 cars would be traveling on the street. She said for that big area, that certainly could not have encompassed all the cars coming out of The Oaks, Silver Oaks, and the proposed development going in at Bellefontaine Road and Fishburg Road. She said she thought the City was going to do a more comprehensive traffic study to determine if the street needs widening or a turn lane was needed. She said those calculations did not seem to be right. She said even if the Planning Commission is to see this item again, she does not know how the Planning Commission would pass this approval forward without having additional information on the stormwater and the traffic. She said the stormwater was primarily done to address the size of the retention pond, and she does not remember it encompassing surrounding properties. She said there is more rain than usual, and with the stream being down there, that property is subject to flooding. She said she sees nothing in the study that addresses that issue or if there are any wetlands. She said her hesitation in voting yes is that she does not feel

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there is enough information and once approved there is no going back. She said the studies so far are lacking information.

Mayor Gore said the traffic study showed an additional 61 cars, not only 61 cars.

Mr. Sorrell confirmed that point and he said the traffic study takes into account the current traffic volume along with projected traffic. He explained the study. He said the total value during peak hour is 281 vehicles passing through the intersection. He said that was the peak morning time and 61 trips would be added between the 7 a.m. to 8 a.m. period and roughly equivalent between 5:30 p.m. and 6:30 p.m. He said the engineers forecasted out for the natural traffic growth, but it does not always take into account potentially developable land. He said on the issue of stormwater, what was discussed was having a larger study done that looks at some of the other flooding issues neighbors were experiencing on the fronts of their yards. He said he and Russ Bergman briefly chatted about that issue this afternoon and will talk more tomorrow to see what that scope really entails. He said while this development should not add to that issue because of the stormwater retention restrictions, he said they do want to address the concerns raised by the property owner due south who was concerned about having a significantly wet front yard all the time.

Mayor Gore asked if there was an additional study, would that issue be addressed in the Detailed Development Plan back with the Planning Commission on stormwater retention?

Mr. Sorrell said technically no, but he said he would talk with the developers because there are more inputs of stormwater coming from surrounding properties and he does not know what the drainage profile is for the surrounding areas. He said there are other contributing factors and probably not this site that is contributing to the flooding of that individual's property. He said as far as the Detailed Development Plan, the Planning Commission would make sure all the stormwater runoff meets the requirements that this site captures.

Mayor Gore said Mrs. Byrge raises a valid point to make sure in separating this matter, that the City is not in a situation where additional issues have been caused with this property without the opportunity to correct it. He confirmed with Mr. Sorrell that he and Russ Bergman have a handle on this issue; and if it was found there is an issue, how would the Council find out about it and how would they make sure on the back end that the problem was addressed and fixed prior to anything else. He said that is the point Mrs. Byrge makes, and he wants to make that is crystal clear to everybody.

Mr. Sorrell said he does not think this site will contribute to flooding to the south and he thinks that flooding is caused by another issue. He said City Staff needs to take a separate look at that issue. He said separating this issue out from the approval for the plans and having two separate processes is the way to go.

Mayor Gore said for this Council to understand what it is voting on, he wants to make sure if it is determined this is a problem contrary to what Mr. Sorrell's belief or opinion is, that the City has a step in the process to fix that prior to any construction. He said if this is separated, the Council will not see it again. He said he is looking for assurance that if that matter comes back contrary to what Mr. Sorrell's belief is that there is a way to make sure the stormwater issue is fixed.

Mr. Sorrell said they can quickly determine whether this development would adversely affect the areas that are currently flooding. He said he does not think they can or should hold the developer's development timeline to a situation that has nothing to do with this property. He said they can determine pretty quickly if this development will impact or worsen the current situation versus whether this

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flooding is caused by something else. He said that something else may be an expensive solution, and he cannot say, "yes, we are going to solve it". He said they can at least figure out if this development is making it worse or is neutral.

Mayor Gore asked if Council could amend any legislation to be contingent upon understanding this development does not cause any issues with stormwater retention outside of what has been proposed.

Mr. Chodkowski said he and the Law Director were just having a conversation. He said provision number two, "the applicant shall comply with all stormwater requirements", if it is determined by the engineer and the planner that the flooding at the southern property is caused from runoff from this location or would be exacerbated by runoff in this location, it would be a requirement to be resolved prior to final permit approval and issuance as it goes through the Detailed Development Plan process.

Mrs. Byrge said Council heard from the homeowners to the north of the property where the stream is that when there is excessive rain there is flooding there. She asked if installing more impervious surfaces would exacerbate the problem. She said she was hoping the study would look at all sides, not just to the south.

Mr. Sorrell said the stormwater study looks at where the outflow will be and if that is worse or better or neutral. He further explained stormwater requirements.

Mayor Gore discussed the new Ohio EPA restrictions and he asked if that helped.

Mr. Sorrell said the new Ohio EPA rules are you have to capture a larger amount for a heavier storm period and release it at a slower rate. He said this development falls under those new rules. He said it should have significantly better flooding protection than something developed 15 years ago.

Mr. Campbell said at the last City Council Meeting, he thought it was agreed to broaden the scope and the size of the study for this project to see if it was affecting beyond where the engineers have looked. He said Council also talked about Bellefontaine Road and looking at that issue to go beyond the traffic study to determine if City Staff felt the City needed to add a lane and that the project was going to generate money to use to spend on those projects. He said he left the meeting thinking the stormwater issue would be addressed based on Mrs. Byrge's comments and the traffic would be looked at and City Staff would go beyond the study if they felt it necessary to make improvements to take the doubt out of what effect the additional traffic would have.

Mr. Chodkowski said he does recall they had talked about bringing additional resources to address the concerns. He said he does recall conversations about the traffic and that issue is an added note to the amended ordinance. He said he did not understand the directive with respect to stormwater and he said City Staff is happy to broaden that look.

Mr. Campbell gave his impression from the last meeting and he said the studies should encompass a larger area to mitigate any runoff or traffic issues this development might cause.

Mr. Sorrell said he took it differently. He confirmed City Staff would look at a greater area to see if there are currently areas to improve flooding situations beyond this development. He said there are two studies, the study for this development, and a larger look that City Staff can take to see what improvements need to be made outside the scope of the area that would not be the responsibility of the developer.

Mr. Campbell asked Mr. Chodkowski to ensure the legislation speaks to that matter.

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

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Mr. Campbell moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; Mrs. Kitchen, Mr. Shaw, and Mr. Otto nay. Mr. Lyons said he was protesting and left the room without voting. The motion fails 4-3.

Mr. Rodgers notified Mr. Lyons that the vote was over, and Mr. Lyons returned to the dais.

Mayor Gore apologized to the developers and he said at some point maybe this Council will stop acting like they are in junior high school and will show up to vote the way they are supposed to.

- D. 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).
(second reading)

Mr. Chodkowski said this legislation is related to a proposed development of 197 single-story multi-family units with 9.7 acres of commercial space. He said the Planning Commission recommended approval by a vote of 4-1 on March 29, 2022.

Mayor Gore said there was no recommendation from the Council Work Session.

Patricia Dyer said her property is close to where the development is going in. She said this development does not look good, and she asked if anyone had looked at the Redwood development two miles up the road. She said it is really ugly with houses all jammed together with no space. She said she cannot see how this development is going to benefit the area along Executive Boulevard with the same thing up the road that they want to do again. She said this space was for retail and restaurants, not for this situation, and she implored the Council not to rezone this property.

Mr. Shaw asked if there is any further action needed by City Staff on this item or if City Staff would be satisfied with a vote on this item.

Mr. Chodkowski said City Staff is satisfied with this plan. He said City Staff worked with the developer extensively to bring this matter before Council.

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

- E. 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. (second reading)

Mr. Chodkowski said this legislation is regarding funding for additional firefighters and the legislation would make \$237,000 available by July 1, 2022 for the purposes of hiring four additional firefighter/paramedics.

Mayor Gore said there was no specific Council Work Session recommendation.

Mr. Otto moved to adopt; Mr. Shaw seconded the motion. On a call of the vote, Mr. Shaw, Mr. Otto, Mr. Lyons, and Mr. Webb voted yea; Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mrs. Kitchen voted nay. Mayor Gore said based on the

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Mr. Otto left the room at approximately 8:04 p.m.

New Business

Anthony Rodgers, Clerk of Council

- Mr. Otto returned at approximately 8:06 p.m.

- Mr. Sorrell said there was significant discussion at the Council Work Session on this item. He said the site is the back lot of the existing Rural King, and it is currently 1.1 acres. He said the existing uses are retail, parking, outdoor storage and display. He said the applicant is requesting a rezoning to Planned Office (PO) to construct an almost 11,000 square foot emergency outpatient medical facility with ten exam rooms and approximately 15 employees. He exhibited an outline of the site. He said this plan is the third iteration of the site plans and he discussed the progression. He said medical uses are primarily permitted in the Planned Office District, and the revised site plan does comply with the requirements of the buffer yard. He said the use requires 45 parking spaces, 61 spaces are illustrated, and only 38 spaces are on site. He said the applicant continues to work with Rural King on shared parking and making sure the access aligns with the existing travel lanes of the parking lot. He said the applicant is asking for more signage than permitted; essentially, 150 square feet of corporate signage and 150 square feet of emergency directional signage is proposed. He said there have been conversations about a large shopping center sign on Old Troy Pike, but the applicant has not decided if

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Mr. Sorrell said after the Council Work Session, almost immediately enforcement activity began to occur on that site. He said he has been copied in on numerous emails from Don Millard in the Zoning Division to the corporate counsel at Rural

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King letting them know about the violations of the PUD and the variances that have been granted. He said the Zoning Staff are trying to get the local store manager involved.

Mayor Gore said Mr. Chodkowski had mentioned there are some other zoning issues with some other businesses doing the same thing. He said the overall Zoning Code regarding this matter might be a Council Work Session topic soon. He said one of the things talked about was being able to use that as leverage for the hospital facility to purchase more property in the parking lot because Rural King will not be able to use that space as its storage facility any longer. He said regarding the broader picture of how some businesses are violating the Zoning Code, Council needs to have a specific Council Work Session topic about that issue.

Mr. Shaw said the access road was a topic of conversation, and he hopes there is additional conversation with City Staff going on as well. He said one of his concerns was the directional signage for the ambulatory in and out. He said around Christmas there will be people all up and down there, and he hopes the developers use a different site plan.

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 Case BDP 22-13 is hereby closed.

- C. A Public Hearing Scheduled For May 9, 2022 By The Huber Heights City Council For Zoning Case MJC 22-14. The Applicant Is Parveen Wadhwa. The Applicant Is Requesting Approval Of A Major Change To The Basic Development Plan And Approval Of A Detailed Development Plan For Property Located At 6025 Taylorsville Road And Further Described As Parcel ID P70 04005 0006 On The Montgomery County Auditor's Map.

Mr. Sorrell said this is a Major Change to the Basic Development Plan to add additional uses to this commercial structure. He said when it was approved by the Planning Commission, it was limited to two uses - a convenience store and a laundromat. He said there was some interpretation confusion as to how this matter would play out. He said the applicant is asking for a Major Change to broaden the permitted uses with this development. He presented the site and development details. He said this plan is the most detailed Detailed Development Plan he has seen so far. He said the applicant did everything correctly as far as landscaping, site planning, etc. He said the standards the applicant designed the parking lot to were based on specialty retail commercial, specialty food store, personal service and commercial center, and shopping center uses. He said City Staff feels there is little impact on the surrounding property by broadening the uses. He said City Staff recommended that a broader spectrum of permitted uses is appropriate. He said the aggregate of the two or three uses within there cannot exceed the amount of parking required. He said the Planning Commission unanimously recommended approval with a list of conditions, including limiting the hours of operation from 5 a.m. to midnight. He said the applicant was amenable to the hours of operation limitation.

Mayor Gore asked if any representatives of Parveen Wadhwa had any comments.

Seeing none, 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.

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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.

Ms. Baker asked about the height of the shrubbery around the back of the property.

Mr. Sorrell said it is a mix of evergreen and deciduous trees that help block that property from the north. He said at planting, the plants will be six feet high.

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

Mr. Shaw asked what type of light pollution would come from the building?

Mr. Sorrell said there would be very little. He said the applicant submitted photometric plans and on the west side there was half a footcandle spillover into the street area. He said there was no trespass to the north or to the east, and it fully complies with the City Code.

Mr. Shaw said it looks like the applicant has not submitted a complete sign package, but it looks like there will be a small sign at Mount Hood and Taylorsville Road. He said now that the use is potentially expanding, if there are additional businesses to go in there, would the sign package include those types of readouts or will it just be one sign.

Mr. Sorrell said he had not seen it yet, but he would be hard-pressed to think that a small ground-mounted sign would have all two or three tenants since the building is 30 feet off the road. He said there will be signs above each tenant space, but the way the sign code reads, as long as the tenancy changes, they can change out the name and the face of the sign, but the actual structure will have to conform to the City Code.

Ms. Baker asked what would go along Taylorsville Road because the drive through would aim at the houses.

Mr. Sorrell said there is a landscaping buffer along the perimeter of the parking lot and street trees along Taylorsville Road.

Mayor Gore asked what Mr. Wadhwa's timeframe was to begin the project. He confirmed with Mr. Wadhwa that he is ready for permits now. 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 Case MJC 22-14 is hereby closed.

ADMINISTRATION

Bryan Chodkowski, Interim City Manager

- D. An Ordinance To Approve A Major Change To The Basic Development Plan And Approval Of A Detailed Development Plan For The Property Located At 6025 Taylorsville Road And Further Identified As Parcel Number P70 04005 0006 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Case MJC 22-14).
(first reading)

Mr. Chodkowski said the Planning Commission recommended approval of this proposed change by a vote of 4-0 on April 12, 2022.

RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

GOVERNMENT FORMS & SUPPLIES 8-02-2015 10:00 AM C:\Users\jchambers\Documents\Huber Heights City Council\Minutes\Minutes of City Council Meetings\Minutes of City Council Meetings

In Council Chambers

Held 6131 Taylorsville Road

May 9, 20 22

Mayor Gore said there was no recommendation for waiving the second reading or passing this item to a second reading.

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

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

- E. A Resolution Approving Participation In Region 8 Governance Structure Under The OneOhio Memorandum Of Understanding.
(first reading)

Mr. Chodkowski said this legislation is to approve the City's membership in a Council of Governments to oversee the funding distribution of OhioOne funds in Region 8 which is Montgomery County.

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

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

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

Mr. Chodkowski said this legislation is to ensure the City is able to provide competitive wages to the employees at the Rose Music Center.

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

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

- G. A Resolution Authorizing The City Manager To Participate In The Ohio Association Of Public Treasurers 2023 Workers' Compensation Group Experience Rating Program Administered By CompManagement Inc.
(first reading).

Mr. Chodkowski said the City's participation in this program will save the City approximately \$83,600.00 on its premium for workers' compensation costs.

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

Ms. Baker moved to adopt; Mrs. Kitchen 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.

- H. A Resolution Authorizing The City Manager To Enter Into An Agreement To Provide Insurance Coverage For General Liability, Property, Boiler And Machinery, Inland Marine, Automobile, Crime, Law Enforcement Liability, Public Officials Liability, And Other Necessary Insurance Coverage For The City Of

Huber Heights City Council

Meeting

PL 86-360, 84-224, 3-228, FORM NC-101-115

In Council Chambers

6131 Taylorsville Road

May 9,

20 22

Mr. Chodkowski said he thinks it was a combination of things: the availability of workers to put together multiple crews to respond to this element, the timing as the City may have been a little late into the marketplace for this kind of work; and the idea being now that the City is going back out to bid, those people who have contracted for this work earlier in the year, schedules are better and well-known, so more people would be able to respond and now can schedule this work.

RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

GOVERNMENT FORMS & SUPPLIES 8410024-3338 FORM NO. 10148

In Council Chambers

Held 6131 Taylorsville Road

May 9, 20 22

Mr. Shaw requested that this Request For Proposals (RFP) be sent out to the Huber Heights Chamber of Commerce, the Dayton Chamber of Commerce, and the Northern Chamber Alliance to allow those organizations to spread the word.

Mr. Chodkowski said he will make sure those parties receive the materials.

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.

- J. A Resolution Authorizing The City Manager To Solicit Bids To Repair And Replace Roadway Guardrail Of Specified City Properties.
(first reading)

Mr. Chodkowski said this item is for work that the City bids occasionally from time to time.

Mrs. Kitchen 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.

13. City Official Reports and Comments

Mr. Otto said the 73rd National Day of Prayer just took place and he gave a big thanks to Pastor Jerrie Bell-Brion and Anthony Rodgers for putting everything together.

Mr. Shaw said at the last Council Work Session, he thinks it went unnoticed, and he thanked Mrs. Kitchen for bringing up a future and hopeful partnership with FOA and some other organizations to bring resources and education to the City.

Mr. Lyons said he wanted to remind Mayor Gore about decorum and he said when he took over after the last Mayor, that was a big issue for Mayor Gore and talking negatively about a Councilmember when he is representing his ward is disrespectful, and he wanted to remind him about decorum.

Mayor Gore thanked Mr. Lyons and said it is disrespectful to not stay on the dais and place a vote as he was elected to do. He said they would have to have a difference of opinion there.


Mr. Lyons said he voted by walking because that was his protest. He said we live in a great country that allows peaceful protest, and he asked the Mayor to respect his opinion.

14. Executive Session

There was no need for an Executive Session.

15. Adjournment

Mayor Gore adjourned the Regular Session City Council Meeting at 8:46 p.m.


Clerk of Council


Mayor

5-31-22
Date

6/14/22
Date