

RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

www.pfpettibone.com FORM NO. 10148

In Council Chambers
Held 6131 Taylorsville Road July 25, 20 22

1. Call The Meeting To Order - Mayor Jeff Gore

The Huber Heights City Council met in a Regular Session on July 25, 2022. Mayor Jeff Gore called the meeting to order at 6:00 p.m.

2. Invocation - Pastor Jon Strifler Of The First Christian Church At 6114 Fishburg Road, Huber Heights, Ohio

3. Pledge Of Allegiance

4. Roll Call

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

Absent: Richard Shaw

Mr. Otto said Mr. Shaw is attending a National League of Cities conference in Atlanta, Georgia. He made a motion to excuse Mr. Shaw's absence; Anita Kitchen seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, and Mr. Webb voted yea; Ms. Baker voted nay. The motion passes 6-1.

5. Approval Of Minutes

A. City Council Meeting Minutes - July 11, 2022

6. Special Presentations/Announcements

There were no Special Presentations.

7. Citizens Comments

Mr. David Gompers said he and his wife moved to this area in December, 1972. He shared stories of meetings with Charles Monita and Ed Hart which started his 15-year history as a coach, a supervisor, and his involvement in other activities. He said he does not understand what the City is trying to do on State Route 202 at Taylorsville Road. He said that area should have been turned into a park and that the City has enough businesses. He read a list of people he has had relations with over the years, including Charles Huber, and he said Huber Heights has the nicest Fire Division and Police Division employees.

8. Citizens Registered to Speak on Agenda Items

There were no citizens registered to speak on agenda items.

9. City Manager Report

Interim City Manager Bryan Chodkowski said the City received the first distribution from the opioid settlement, the first of eighteen payments, which was approximately \$10,200. He said the City received a federal grant to assist with the 9-1-1 software upgrade. He said the original cost of the upgrade was \$85,200 and the grant was approximately \$51,100. He said he met with staff from LWC last week. He said regarding the CR Dayton property, LWC made some value engineering adjustments and have presented nearly complete plans and he is looking forward to a more detailed briefing with Council on that project in a few weeks. He said regarding the new Senior Center and City Council space in that area, a building footprint has been identified and LWC will begin putting together some preliminary internal spacing and

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layouts and bring them in for members of the Senior Center Board, City Council, and the Clerk of Council's Office to look at layouts and see if any changes are needed.

Mayor Gore reminded Council to make sure the microphones are on and that Councilmembers are clearly speaking into the microphones so everyone can hear over the live stream.

Mrs. Byrge asked Clerk of Council Anthony Rodgers if he received feedback on the City shredding event. He said he does not yet know the amount, but it was a very successful event. He said at the Rose Music Center site there was a significant amount of backup, up to 75 cars in line at one time. He said Council Staff are looking at reworking some of the setup for next year's event.

Mrs. Byrge said it might have been easier if there had been two trucks there. She said the line was continuous and people had large loads. She thanked everyone for coming out and said it truly was a successful event.

10. Pending Business

- A. An Ordinance To Approve A Rezoning From Agricultural (A) To Planned Industrial (PI) And A Lot Split For The Property Located At 9416 Taylorsville Road And Further Identified As Parcel Number P70 03902 0018 On The Montgomery County Auditor's Map And To Not Accept The Recommendation Of The Planning Commission (Case RZ 22-17).
(second reading)

Mr. Chodkowski said at the last Council Work Session, it was noted this item should be tabled until the August 16, 2022 Council Work Session pending action at the August 22, 2022 City Council Meeting and pending the dissemination of a comparison of the options available to address the situation at this property and that comparison is to be prepared by Mr. Aaron Sorrell.

Mayor Gore said the recommendation at the Council Work Session was to table this item until September, so it would be at the first Council Work Session in September 2022 where it would show up on that agenda.

Mr. Rodgers said this action would require a motion to postpone action on Item 10-A to a third reading at the September 12, 2022 City Council Meeting.

Mr. Campbell moved to postpone action on Item 10-A to a third reading at the September 12, 2022 City Council Meeting; Mrs. Kitchen seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, Mr. Webb, and Ms. Baker voted yea; none voted nay. The motion passes 7-0.

11. New Business

CITY COUNCIL

Anthony Rodgers, Clerk of Council

- A. A Motion To Restart The City Manager Search Process Commencing In February 2023 Pursuant To The Baker Tilly Executive Recoupment Guaranty Whereby Baker Tilly Will Undertake The Process Charging Only For Project-Related Expenses But No Additional Professional Fees.

Clerk of Council Anthony Rodgers said this item was discussed at last week's Council Work Session and this motion will put a pause on the City Manager search process until February, 2023. He said if Council had a change of plans leading up to February, it could always be changed by a motion. He said this

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pause allows some period of stability at the City and there would not be a penalty from Baker-Tilly as stated in the motion.

Mrs. Byrge moved to adopt; Ms. Baker seconded the motion.

Mr. Otto said he does not feel a restart is a bad idea. He said he does not feel waiting six months is appropriate. He said he will vote in favor of this motion, but he feels it would be best for the City to move forward and secure a full-time City Manager and backfill the open positions at the City.

On a call of the vote, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, Mr. Webb, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 7-0.

- B. A Public Hearing Scheduled For July 25, 2022 By The Huber Heights City Council For Case BDP 22-13. The Applicant Is Hartman I, LLC. The Applicant Is Requesting Approval Of A Basic Development Plan And Rezoning To Planned Office (PO) For Property Located At 7611 Old Troy Pike And Further Described As Parcel Number P70 04005 0140 On The Montgomery County Auditor's Map.

Mayor Gore called a brief recess at 6:24 p.m. due to audio problems with the live stream.

Mayor Gore reconvened the meeting at 6:43 p.m. He apologized for the inconvenience with the live stream issues. He opened the public hearing for Case BDP 22-13.

Interim City Planner Aaron Sorrell said this public hearing is for approval of a Basic Development Plan and rezoning from Planned Commercial to Planned Office. He said the site's existing land use is retail and is marginal for parking, outdoor storage, and display. He said the applicant is requesting rezoning to Planned Office to construct a 10,800 square foot emergency outpatient medical facility. He gave a PowerPoint presentation and provided the case history. He said project updates have addressed the concerns and include relocation of a larger ground sign and the applicant has worked with Rural King to utilize the existing curb cut on Taylorsville Road, which would eliminate the need for a third curb cut. He said at closing, Rural King will record a blanket covenant granting unobstructed vehicular and pedestrian access to the right of way and drive aisles. He said other issues were dealing with the outdoor sales and storage at Rural King that had grown over the years since the original Planning Commission approval. He said Rural King is slowly making progress with complying with the outdoor storage requirements. He said this case also triggered enforcement action on other properties throughout the City, including Kroger, which will be coming to the Planning Commission in the next week to have its outdoor storage and sales reviewed. Mr. Sorrell reviewed the revised site plan. He said the rezoning and site plan largely meet the requirements of the Zoning Code. He said the proposed use is principally permitted in a Planned Office district. He said the site plan meets Chapter 1181 requirements. He said this site plan meets the zoning and parking requirements. He reviewed the conditions for Planning Commission approval, and he said the vote was 3-2 to approve this case by the Planning Commission.

Mayor Gore asked if any representatives from Hartman I, LLC had any comments. Mr. Brian Deam said he had no comments, but he was available for questions.

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Seeing none, Mayor Gore asked if Acting Law Director David Montgomery had 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 asked if Rural King leases the property.

Mr. Sorrell said Rural King owns that property. He said the sales agreement for this site is between the applicant and Rural King.

Mr. Webb asked if the street trees on Taylorsville Road would extend down the Rural King property.

Mr. Sorrell said it is just in front of the applicant's site. He said the applicant had exceeded the City's requirement, with 25-foot trees on center rather than 40-foot trees on center.

Mr. Webb said, for aesthetic reasons, it would be more acceptable to have the trees stretched out to the entrance.

Mr. Sorrell said this portion is not Rural King's property. He said his concern is if Rural King is not a partner to this development and, through benign neglect, the trees are not maintained.

Mr. Campbell asked if Rural King plans on closing or if they intend on staying in business.

Mr. Sorrell said his conversations with the attorney led him to believe that Rural King intends to stay in business. He said there has been significant turnover in staffing and local management which has led to some of the issues and delays in making full compliance. He said he had no indication that Rural King was looking to leave.

Mr. Campbell said when he looks at the aerial map, all the goods outside are going to encumber the parking once the office is built.

Mr. Sorrell said Rural King will have to significantly condense its outside displays. He said he does not see any issue with parking absent on Christmas Eve. He said by selling the land, the Rural King would be forced to condense these areas.

Mr. Campbell confirmed with Mr. Chodkowski that Zoning Staff is working with Rural King and has every intention of continuing to follow up.

Mr. Chodkowski said the City Staff is looking into whether the sale gives an opportunity to redefine the outdoor storage, and will continue to look into all options available.

Mrs. Kitchen asked if Rural King could use the side lot for storage.

Mr. Sorrell said that conversation about the side lot will be a natural progression. He said Rural King has moved some items there.

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Mrs. Byrge asked Mr. Sorrell to make sure the line of sight on Taylorsville Road is maintained and does not get blocked by trees.

Mr. Webb confirmed with Mr. Sorrell that Rural King will have parking that meets the City Code and that it will not impact IHOP's overflow parking at all.

Mayor Gore asked if there were any other members of the 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 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 July 25, 2022 By The Huber Heights City Council For Case MJC 22-21. The Applicant Is Skilken Gold Real Estate Development. The Applicant Is Requesting Approval Of A Major Change To The Basic Development Plan To Construct A 6,138 Square Foot Convenience Store With Fueling Pumps And Carwash For Property Located At The Northeast Corner Of Old Troy Pike And Taylorsville Road And Further Described As Parcel Numbers P70 04005 0015 And P70 04005 0043 On The Montgomery County Auditor's Map.

Mayor Gore opened the public hearing for Case MJC 22-21.

Mr. Sorrell said this case is for approval of a Major Change to the Basic Development Plan. He said the site in question is 2.82 acres and is currently zoned Planned Mixed Use. He said the adjacent zoning is Planned Mixed Use to the north, R6 zoning for apartment buildings to the east, single family housing zoned R4 to the south, and then Planned Commercial zoning to the west. He said the original Basic Development Plan was approved on May 11, 2021. He said the applicant intends to construct an approximately 6,000 square foot convenience store with fueling pumps and a 1,600 square foot car wash. He said the Major Change application was requested by the Planning Commission to allow City Council to review this development. He said in addition to the uses established in the Basic Development Plan, there were two multi-tenant signs approved as well as a general community sign and he showed the locations. He said the Major Change is for two proposed additional ground signs. He talked about the conditions of the Basic Development Plan. He said the developer will make significant transportation improvements to the site, including widening of the north side of Taylorsville Road to extend the right-hand turn lane, and the east side of Old Troy Pike will be widened to add a sixth lane. He said there will be a new signalized intersection on Old Troy Pike and access easements are being granted to facilitate the vacation of Huber Road. He further described the widening of Taylorsville Road and Old Troy Pike and the signalized intersection in front of Burger King. He said this intersection would be a full movement, signalized intersection. He said these improvements will extend just past Huber Road, and the City will take it up to Merily Way, where north of Merily Way is already a six-lane section. He reiterated the applicants' intent and he said the only real change that is needed is the ground sign for Sheetz. He said the uses are permitted under the existing Basic Development Plan. He reviewed the proposed site plan. He said the applicant revised the sign plan from a 30-foot pylon sign to a six-foot 10-inch ground mounted sign. He said landscaping will be addressed in the Detailed Development Plan. He said under the City Code, the development requires 49 parking spaces and at least five stacking spaces for the drive-thru. He said the initial site plan indicates

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53 spaces, including shared spaces by the vacuums, and 10 spaces to stack. He said the applicant was asked to update the traffic study based on change of use to the convenience store rather than what was originally envisioned, which was the bank, medical office, and vacant lot. He said the study shows no material change to the level of service. He said the applicant would make all the requested Fire Division changes. He said the City Engineer expressed concerns about the east parking and having to back into a drive aisle and drive-thru customers going from ordering boards across the drive aisle to the pickup window. He discussed the traffic study in depth. He addressed the City Engineer's concerns. He said City Staff feels the Major Change requested by the applicant meets standards outlined in Chapter 1171.06 and he recommends approval based on listed recommendations.

Mayor Gore asked if any representatives from Skilken Gold Real Estate Development had any comments.

Seeing none, Mayor Gore asked if the Acting Law Director had 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 asked how wide the sidewalks would be on Taylorsville Road.

Mr. Sorrell replied five feet.

Mr. Webb asked Mr. Sorrell's opinion on traffic.

Mr. Sorrell said he does not think there will be a material impact from traffic based on this use. He said, as the study showed, 76 percent of those cars are already there. He said with an office use down the road, there would be more traffic impacts on Taylorsville Road or Old Troy Pike than would be caused by this use.

Mr. Webb asked the applicant to review the level of service in the drive-thru.

The applicant said the drive-thru sales percentage is 10 percent and it is serviced by a touch screen kiosk and allows orders from the restaurant or the store.

Mrs. Kitchen said she had asked Bryan Chodkowski to provide numbers on how many gas stations are needed for the City's population. She asked before another gas station came before Council, could he provide that number?

Mr. Chodkowski said he would be happy to make that information available.

Mr. Campbell said at the last meeting, Council talked about the elimination of the car wash. He asked the applicant if she had done any more research on eliminating the car wash.

The applicant said Sheetz is willing to eliminate the car wash, but would like the consideration to bring it back to Council if the need arises in a couple of years.

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Mr. Sorrell said City Staff would want flexibility to make adjustments on the parking side, and work with the applicant and the Planning Commission on reconfiguring that parking area next to the car wash.

Mayor Gore confirmed with Mr. Rodgers that this item is going to a second reading, and he said there is time to amend the legislation to remove the car wash. He asked Mr. Campbell if that is the recommendation he is making.

Mr. Campbell confirmed his recommendation, and he confirmed the land would have a finished grade and not be left unfinished.

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 case.

Seeing none, Mayor Gore said, barring further comments, this public hearing of the City Council for Case MJC 22-21 is hereby closed.

- D. A Public Hearing Scheduled For July 25, 2022 By The Huber Heights City Council For Case BDP 22-25. The Applicant Is Homestead Development. The Applicant Is Requesting Approval Of A Basic Development Plan For 15.56 Acres For Property Located At 6209 Brandt Pike And Further Described As Parcel Number P70 03912 0140 On The Montgomery County Auditor's Map.

Mayor Gore opened the public hearing for Case BDP 22-25.

Mr. Sorrell said this case is for approval of a Basic Development Plan for a 135-unit senior community and a 192-unit market rate community. He said the site is 15.56 acres and is currently zoned Planned Mixed Use and has the Brandt Pike Revitalization Overlay District. He said the land has been vacant for quite some time. He said adjacent is R4 zoning to the west, Planned Commercial zoning to the north, Planned Mixed Use zoning to the east, and to the south is Planned Public Use and B3 zoning. He gave the background on the Brandt Pike Target Redevelopment Plan and he reviewed the site plan. He said the closest edge of the apartment end unit to the back of the house is approximately 150 feet and ranges from 150 feet to upwards of 200 feet. He said the facade is well screened. He said the senior facility is built in a U shape and only the end cap unit can be seen, which is 180 feet from the backyards. He said the developer has revised the site plan since the Planning Commission meeting, and there are 5-foot walks along the right of way. He discussed the additional screening and the height of buildings. He said the residential uses are principally permitted in the Planned Mixed Use District and there is approximately 40 percent of open space. He said signage, landscaping, and lighting details will come forward in the Detailed Development Plan. He said rather than mounding, clusters of landscaping will be used to show off the quality of the development. He said the City Code requires two spaces per unit. He said the non-senior facility has 1.67 spaces per unit and the senior facility has 1.1 spaces per unit. He said there have been recent developments approved that have less than two spaces per unit-- Parkview Apartments has 1.72 spaces per unit and Hayden Apartments has 1.45 spaces per unit. He said City Staff may want to discuss Zoning Code changes to residential parking as the City requires more than what is necessary. He said the Brandt Pike Overlay District has a height limit of three stories at 35 feet. He said City Staff recommended the Planning Commission waive the requirement as this district is the only district that has a height requirement. He said the three storied units are appropriate. He said City

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Staff would like to see density and the land generate as much economic value as possible considering the amount of public resources that went into purchasing this property. He said the sidewalk width will be increased to five feet. He said the standards for approval can be met and he listed the conditions. He said two residents spoke at the meeting regarding concerns about flooding. He said residents to the west said their land floods quite a bit. He said 70 percent of the existing site flows toward the houses. He said when the final grading is done for this project, this development will greatly reduce or possibly eliminate any flooding issues. He said there were concerns about noise. He said the Planning Commission voted 5-0 to approve this development.

Mayor Gore asked if any representatives from Homestead Development had any comments.

Seeing none, Mayor Gore asked if the Acting 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.

Ms. Stanley said her concern is the number of apartments in general that are coming into the community. She said there is a definite need for apartments, but tenants tend to be more transient. She said there would be less community involvement. She said school levies are hard to pass and she does not see motivation for a tenant who is transient by nature to vote for a school levy. She said there are so many apartments being planned instead of single-family homes.

Ms. Christine Durr said she lives on Ansbury Drive and her house is at the side of the bend. She asked if there was going to be anything behind the houses, such as a fence.

Mr. Sorrell explained the drawing of the mound and the sight lines. He said there will be a six-foot fence up to the property lines, and the developer is planning to meet with the residents to see if they want to keep their existing fence or have it replaced with a uniform fence along the site. He described the mound and trees.

Ms. Durr said her yard does not flood as badly as the others, but she is worried about the flooding. She said the three stories surprised her as all the homes around there are one-story on Ansbury Drive except for one house. She confirmed this development is senior living and market rate apartments.

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.

Ms. Byrge asked Mr. Sorrell if the number of units is 192 or 184.

Mr. Sorrell said the number of units is 192, not 184 as in the original set of plans that listed that number in error.

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Mr. Otto said this presentation has changed from the original plans. He asked for a description of the center area.

Mr. Chodkowski described the green spaces and he talked about the proposed Senior Center and Council building at this location. He pointed out the shape of the building. He discussed the public space which was a component of the original 2017 plan and is a component of concern for several members of Council. He talked about the possible extension of the CR Dayton strip mall. He reviewed the conceptual layout. He said he had directed City Staff to begin working with the owners of the parcels to the north of the project site in an effort to continue the redevelopment efforts along the corridor. He said there was concern that this location was lacking some retail or commercial elements at this location. He said there is a greater emphasis on commercial uses than retail uses in this area.

Mr. Otto said he appreciates City Staff working with the developers and what has been done.

Ms. Baker confirmed with Mr. Sorrell the senior apartments will be market rate also.

Ms. Kitchen said she liked the plan and she said she is a no vote because Ward 4 residents do not want this development.

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

Seeing none, Mayor Gore said, barring further comments, this public hearing of the City Council for Case BDP 22-25 is hereby closed.

- E. A Public Hearing Scheduled For July 25, 2022 By The Huber Heights City Council For Case MJC 22-27. The Applicant Is Ruetschle Architects. The Applicant Is Requesting Approval Of A Major Change To The Basic And Detailed Development Plans For An 11,623 Square Foot Addition For Property Located At 5400 Chambersburg Road And Further Described As Parcel Number P70 04004 0032 On The Montgomery County Auditor's Map.

Mayor Gore said his employer is Wayne High School. He recused himself from the discussion and asked Vice Mayor Mark Campbell to conduct the public hearing.

Mr. Campbell opened the public hearing for Case MJC 22-27.

Mr. Sorrell said this case is for approval of a Major Change to the Combined Basic and Detailed Development Plans for a nearly 12,000 foot addition to Wayne High School. He said the site is 47.8 acres and is zoned Planned Public and Private Buildings and Grounds. He said the original Combined Basic and Detailed Development Plans were approved in 2009, and the applicant is requesting a Major Change to add the Career Technology addition to the existing auditorium facility and a 26 parking space reduction. He presented the original and proposed development plans. He said there was bus staging as well as an existing parking lot. He said over time this area has morphed into parking and a marching band practice area. He said there are three classrooms in the addition for welding, HVAC, and a construction tech lab. He said the proposed use conforms to Chapter 1174. He said the site has 1,175 parking spaces, which is based on the stadium needs. He said the school use requires only 460 spaces. He said the standards of approval outlined can be met. He said the Planning Commission voted 5-0 to approve the Major Change.

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Vice Mayor Campbell asked if any representatives from Ruetschle Architects.had any comments.

Mr. Mike Ruetschle said this is an exciting opportunity for the students of Wayne High School. He said looking for a contractor or HVAC tech is difficult. He said for Wayne High School to offer the students this opportunity is exciting and is in partnership with Miami Valley Career Technology Center. He said he was available for questions.

Vice Mayor Campbell asked if Acting Law Director David Montgomery had any comments.

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

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

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

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

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

Seeing none, Vice Mayor Campbell said, barring further comments, this public hearing of the City Council for Case MJC 22-27 is hereby closed.

ADMINISTRATION

Bryan Chodkowski, Interim City Manager

- F. An Ordinance To Approve A Basic Development Plan And Rezoning To Planned Office (PO) For The Property Located At 7611 Old Troy Pike And Further Identified As Parcel Number P70 04005 0140 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Case BDP 22-13).
(first reading)

Mr. Chodkowski said, as discussed at the Council Work Session, the applicant requests that Council waive the second reading as approval is a condition of closing, and the applicant would like to close on the property and expedite the advancement of this project.

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

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

Mr. Lyons said he is intending to vote no to waiving the second reading and on this ordinance. He said the issue for him is the lack of funding for three additional firefighters as he has stated in previous meetings, and he wants to continue that dedication.

On a call of the vote, Mr. Otto, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; Mr. Lyons and Mrs. Kitchen voted nay. The motion fails 5-2.

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

- G. An Ordinance To Approve A Major Change To The Basic Development Plan For The Property Located At The Northeast Corner Of Old Troy Pike And Taylorsville Road And Further Identified As Parcel Number P70 04005 0015 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Case MJC 22-21).
(first reading)

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

- H. An Ordinance To Approve A Basic Development Plan For The Property Located At 6209 Brandt Pike And Further Identified As Parcel Number P70 03912 0140 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Case BDP 22-25).
(first reading)

Mr. Chodkowski said this item is related to the public hearing tonight for the 135 senior apartment units and the 192 market rate apartment units located at the former Marian Meadows site.

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

- I. An Ordinance To Approve A Major Change To The Combined Basic And Detailed Development Plan For The Property Located At 5400 Chambersburg Road And Further Identified As Parcel Number P70 04004 0032 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Case MJC 22-27).
(first reading)

Mr. Chodkowski said this item relates to the addition to the high school. He said it was the recommendation at the Council Work Session to waive the second reading to advance this project in a timely manner.

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

Mr. Campbell moved to waive the second reading; Ms. Baker seconded the motion. On a call of the vote, Mrs. Kitchen, Mr. Webb, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto, and Mr. Lyons voted yea; Mr. Lyons voted nay. The motion passes 6-1.

Mr. Otto moved to adopt; Mr. Campbell seconded the motion. On a call of the vote, Mrs. Kitchen, Mr. Webb, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; Mr. Lyons voted nay. The motion passes 6-1.

- J. A Resolution Authorizing The City Manager To Enter Into A Community Reinvestment Area Agreement With Hayden Properties, LLC Under Certain Terms And Conditions.
(first reading)

Mr. Chodkowski said this item enables the master developer, Broad Reach, LLC to work with the City to make improvements to Taylorsville Road and Old Troy Pike as outlined earlier at the public hearing.

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

Mr. Webb moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Webb, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, and Mrs. Kitchen voted yea; Mr. Lyons voted nay. The motion passes 6-1.

- K. 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 item is to move funds to appropriate accounts so the City can continue to operate effectively and efficiently. He said it was the recommendation at the Council Work Session that this item be passed tonight by waiving the second reading.

Mrs. Byrge moved to waive the second reading; Mr. Campbell seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, and Mr. Webb voted yea; none voted nay. The motion passes 7-0.

Mr. Webb 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, and Ms. Baker voted yea; none voted nay. The motion passes 7-0.

- L. An Ordinance To Levy Special Assessments For The Repair And Reconstruction Of Sidewalks, Curbs And Gutters, Driveway Approaches And Appurtenances Thereto On Parts Or All Of Certain Streets In The City Of Huber Heights Referred To As The 2022 Sidewalk Program, And Declaring An Emergency.
(first reading)

Mr. Chodkowski said this legislation empowers the City to levy expenses not previously paid by property owners for the sidewalk improvement program. He asked that Council waive the second reading and adopt this item so this matter can be filed in a timely manner with the county.

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

Mrs. Byrge moved to waive the second reading; Ms. Baker seconded the motion.

On a call of the vote, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, Mr. Webb, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 7-0.

Mrs. Kitchen moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mr. Otto, Mr. Lyons, Mrs. Kitchen, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; none voted nay. The motion passes 7-0.

- M. 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)

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Mr. Chodkowski said this resolution establishes specifically the position of an Assistant to the City Manager as was discussed at the Council Work Session.

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

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

Mr. Otto says this position feels like a band-aid and right now the City needs to do some serious repairs. He said there are several unfilled positions, including the City Manager and the Economic Development Director. He said the City needs to fill those other positions and go into a more permanent situation moving forward.

Mr. Chodkowski said offers have been extended to fill the Economic Development Director position and those offers were respectfully declined by those solicited. He said an offer has been made with regard to the Director of Planning and Community Development, and he is waiting to hear back with respect to that offer. He said this position would help City Staff stay on top of work and he explained the necessity of this position. He confirmed to Mayor Gore that Council has done everything it can possibly do to make this organization function.

Mr. Lyons asked when Council decided to change the organizational chart to add three additional firefighters and paramedics, and were these three recent positions funded?

Mr. Chodkowski said those positions were not funded. He said he was not aware the amendment passed to add those three positions.

Mr. Lyons confirmed with Mr. Rodgers that the Table of Organization was amended then, but the supplemental appropriations to fund the positions was voted down. He said for that reason, he said he would be voting no on this item.

Mayor Gore said the reason the funding was voted down is because the Fire Chief on multiple occasions has come to this Council and said he did not want to add firefighters until January, 2023, when he had a better pool of applicants.

Mr. Campbell asked Mr. Otto if he thinks the City should have an Assistant City Manager and not an Assistant to the City Manager.

Mr. Otto said there are multiple positions going unfilled and the City Staff is creating more positions without filling the already authorized positions. He said those positions would better serve the City than an Assistant to the City Manager.

Mr. Campbell asked Mr. Lyons, if this item was amended to include the three firefighters, would he start voting yes on projects he has been voting no on?

Mr. Lyons asked Mr. Campbell if he is serious and he said it has always been his position to obtain funding for three additional firefighters. He asked if those firefighters would be hired once the funding is in place.

Mr. Campbell said sure.

Mr. Lyons asked Mr. Campbell if he gives him his word.

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Mr. Campbell asked if this item was amended to include funding for three firefighters and then the hiring, would Mr. Lyons start voting yes for the projects he has been voting no on.

Mr. Lyons said yes, but if it is understood that he has Mr. Campbell's support on the hiring. He said he wants to make it clear that the City would fund and hire those firefighters as quickly as possible, no tricks, nothing else, just straightforward. He asked if he had Mr. Campbell's word on that matter.

Mr. Campbell said he is not giving his word on it, he is just asking the question. He asked Mr. Chodkowski when City Staff plans on funding and then researching and recruiting three additional firefighters.

Mr. Chodkowski said the idea would be that once the City budget for 2023 is prepared, which will be in August, 2022, there will be an eligibility list created for the Fire Division provided that funding is available in 2023, and the hires would be made from the eligibility list as funds are available.

Mr. Campbell asked if that funding was done in concert with this agenda item, could that timetable be moved up.

Mr. Chodkowski said most likely no. He said there are already constraints with positions that are moving in the Police Division and the Finance Department, as well as trying to work with the Economic Development Director and Director of Planning and Community Engagement positions. He said there are already positions effectively in the queue ahead of those positions as well.

Mr. Campbell asked if this item was amended to include the funding and the hiring of three firefighters, could Mr. Chodkowski begin to move things out of the way necessary to proceed forward with hiring not only the Assistant to the City Manager, but also the firefighters.

Mr. Chodkowski said, provided there was a supplemental appropriation that provided for those funds, those positions could be hired when qualified personnel became available.

Mayor Gore said to not hire a City Manager permanently and then withhold personnel to help the one entrusted to do the job seems really counterproductive. He confirmed with Mr. Chodkowski that economic development generates money into the City's coffers and he said Mr. Lyons is voting no on projects that could generate funds for the three firefighters. He said Mr. Lyons is holding economic development projects that generate money hostage over these three mythical firefighters that were added to the organizational chart in 2018 from 36 to 39. He said where these three additional firefighters have come up is beyond him.

Mrs. Kitchen asked how much money has been saved by not filling the vacant positions.

Mr. Chodkowski said approximately \$350,000.00 of budgeted salaries have gone unspent.

Mr. Lyons said to Mr. Campbell, funding of the three additional firefighters sooner as opposed to later would be something he would entertain and it would cause him to go back to where he was before he started this initiative. He said certainly he and Mr. Campbell can talk, and he has a flexible schedule.

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Mayor Gore asked Mr. Lyons to confirm that if the funding were approved but the firefighters were not hired until 2023, he would be okay with that arrangement.

Mr. Lyons said there would be no reason to fund the positions now if the City is not going to hire them until next year. He explained his position.

Ms. Baker held up her phone and showed Mr. Lyons a Facebook post from July 14, 2022 about a probationary firefighter and she said the City has been hiring.

Mr. Campbell said his new issue is he cannot get anything passed. He said he would like to get some projects passed. He said the first one he would like to see passed is the development at Marian Meadows. He said he knows Mrs. Kitchen is a no vote, and this item needs at least five votes. He said he is all for working with Mr. Lyons, if it is amending the legislation, so Mr. Chodkowski can get an Assistant to the City Manager position and Council can get the City moving.

Mayor Gore said there would need to be separate legislation for supplemental appropriation and this item would have to go to a Council Work Session. He said until there is a resolution, he suggests moving this item to a second reading.

Mr. Campbell said the reason is Council does not have the votes to pass this item.

Mrs. Kitchen confirmed with Mr. Rodgers that this item needs five votes to pass. She said she thinks Mr. Rodgers can call the vote.

Mr. Otto said there has been a lot of talk about this one person, and this one person, and it does not take eight, seven, or six people to pass something in most cases, it takes five. He said there were some big misrepresentations about sides and control. He said at least four Councilmembers are not grouped in any particular way and vote on their own.

Mr. Campbell said he guaranteed Mr. Otto will vote no on this item.

On a call of the vote, Mrs. Kitchen, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; Mr. Lyons and Mr. Otto voted nay. The motion passes 5-2.

- N. 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 resolution will ensure the Assistant to the City Manager is paid a fair and reasonable salary.

Mr. Webb moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mrs. Kitchen, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; Mr. Otto and Mr. Lyons voted nay. The motion passes 5-2.

- O. A Resolution Authorizing The City Manager To Enter Into A Contract For Preparation Of Engineering Plans And Specifications For The Design Of Chambersburg Road West Improvements Project.
(first reading)

Mr. Chodkowski said this resolution authorizes the hiring of an engineering firm to begin the design of the Chambersburg Road West Project.

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

Mr. Webb moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Webb, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, and Mrs. Kitchen voted yea; Mr. Lyons voted nay. The motion passes 6-1.

- P. A Resolution To Increase The Not To Exceed Maintenance Contract Amount And Authorizing The City Manager To Enter Into A Contract Modification With Veolia Environment.
(first reading)

Mr. Chodkowski said this resolution is to empower the City to work with Veolia Water to continue to maintain the effective and efficient components of the water system.

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

Mrs. Byrge moved to adopt; Mr. Otto seconded the motion. Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, and Mr. Webb voted yea; none voted nay. The motion passes 7-0.

Mr. Otto asked how many water mains have been replaced this year?

Mr. Chodkowski said none have been done, but four of the five water main projects have been authorized to proceed for construction. He said the contract has been awarded for work on three of the four, and the fourth will be awarded at the next meeting when legislation is prepared and all of the appropriate materials have been ordered for those water mains. He said pipe should be delivered in November 2022 with construction beginning in December, 2022.

Mrs. Kitchen asked if City Staff could look at the two-thirds of the salaries saved to see if the fifth water main project can be added this year.

Mr. Chodkowski said that would be a policy directive of Council, and the total value of the Tomberg Street project is in excess of \$600,000.00.

Mrs. Kitchen asked if the sixth, seventh, eighth, or ninth streets that might be planned for next year could be moved up to this year.

Mr. Chodkowski said the issue would be if those streets have not been engineered, moving those streets to this year does nothing but empower City Staff to have the engineering work done. He said by the time the engineering work is done, it would be in construction year 2023.

Mrs. Kitchen asked Mr. Chodkowski to check to see if the sixth, seventh, eighth, and ninth streets can stay within that budget and still get the work completed this year.

Mr. Chodkowski said he would be happy to ask the City Engineer if that is possible.

- Q. A Resolution Increasing The Not To Exceed Amount And Authorizing The City Manager To Enter Into A Contract For The East Water Main Extension Project.
(first reading)

Mr. Chodkowski said this legislation is to authorize the City to enter into a

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contract for the East Water Main Extension Project. He asked Council to adopt this legislation, which was the recommendation at the Council Work Session.

Mrs. Byrge moved to adopt; Ms. Baker seconded the motion.

Mr. Otto said this project could potentially bring a lot of good development. He said he does not want to see new development take over money that could be used to maintain the current City infrastructure.

Mayor Gore said he agrees with Mr. Otto on this matter, and the reason the majority of Council is in favor of that project is because of the commercial and industrial development it would bring that would generate the revenue that would help fund future infrastructure replacement. He said he publicly agrees with Mr. Otto on this matter.

Mr. Campbell asked Mr. Chodkowski what the price tag is for this project and if this project is being done for economic development and jobs.

Mr. Chodkowski said this project is over \$3 million and the principal reason the City is doing this work is relative to the City's service agreement with Clark County, and that was the main driving force and Council was briefed on that matter in August, 2021. He said subsequently, there has been some economic development interest in the area of this project. He said the principal purpose was to address the current agreement with Clark County for water and sewer services.

Mr. Campbell asked how this project pays off and in what ways for the citizens of Huber Heights?

Mr. Chodkowski said Clark County was demanding significantly detrimental terms from the City with respect to future annexation and Joint Economic Development District (JEDD) conditions in exchange for providing utility services to Old Dominion. He said the City's response in trying to negotiate and address the demands was unsuccessful. He said at the time those negotiations were stalling was the time the American Rescue Plan Act (ARPA) funds were announced and made available to the City. He said in an effort to protect the City's long-term best interest, City Staff recommended these ARPA funds be made available to address the East Water Main and Sewer Main Projects.

Mr. Campbell asked when this investment would pay off and to what level?

Mr. Chodkowski said this investment pays off immediately and puts the City in a position to negotiate with future developers in the City's best interest, which has a higher intrinsic value than any specific intermediate payoff to the City with a direct project. He said the services that the City is gaining through this extension are revenues currently being paid to Clark County. He said by making this connection, the City will be providing all of the water service to the northeast part of the City, so the City will be receiving payments from customers when the connections are made.

Mr. Campbell discussed the costs and benefits of this project and the other projects from this evening's meeting. He asked Mr. Chodkowski when he thinks the City will see a benefit from this project.

Mr. Chodkowski said within five years.

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On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, Mr. Webb, and Ms. Baker voted yea; Mr. Lyons voted nay. The motion passes 6-1.

- R. A Resolution Amending Resolution No. 2022-R-7141 To Modify The Contract With M & T Excavating, LLC For The 2022 Water Main Replacement Program.
(first reading)

Mr. Chodkowski said this resolution adds the fourth water main replacement project to the list for 2022.

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

Mr. Campbell moved to approve; Mrs. Kitchen seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, Mr. Webb, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 7-0.

12. City Official Reports and Comments

Mayor Gore asked Mr. Rodgers to add to the agenda a special presentation at the August 8, 2022 City Council Meeting. He said the new Huber Heights City Schools superintendent, Jason Enix, asked if he could speak to Council as an introduction. He said he thinks this introduction will pave the way for the next joint meeting with the City Council and the Huber Heights School Board.

Mrs. Kitchen asked for clarification about the date of the next Council Work Session.

Mr. Rodgers said the next regularly scheduled Council Work Session is on Monday, August 1, 2022 as National Night Out is Tuesday, August 2, 2022. He reminded Council there is also a Council Work Session on August 4, 2022 for a joint meeting with the Culture and Diversity Citizen Action Commission.

13. Executive Session

There was no need for an Executive Session.

14. Adjournment

Mayor Gore adjourned the Regular Session City Council Meeting at 9:04 p.m.


Clerk of Council


Date


Mayor


Date