

# Notice of Meeting

## CITY COUNCIL WORK SESSION

Tuesday, January 4, 2022

*at or about 6:00 p.m. at City Hall –  
Council Chambers – 6131 Taylorsville Road*

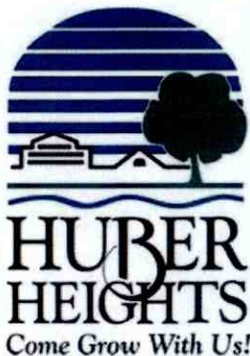
### Huber Heights Mayor Jeff Gore has scheduled a City Council Work Session to discuss:

- City Manager Report/Water Infrastructure Update
- Bottled Water Collection, Storage, and Distribution
- Not To Exceed Amount Increase – Landscape Structures – Parks and Recreation
- Purchase of Aerial Truck – Fire Division
- ZC 21-47 – Campbell Berling – Rezoning/Basic Development Plan – East Side Of Bellefontaine Road South Of Chambersburg Road
- Huber Road - Vacation
- Contract Modification – The Aero-Mark Company
- Water Survey – Phase II – Award Contract
- Request For Proposals – Water Distribution Integrity Study
- Huber Heights Comprehensive Plan – Award Contract
- Planning Services – Award Contract
- Ordinance Modification – Huber Heights City Code – Section 509.08(b)(10) – Disturbing The Peace
- Brandt Pike Revitalization Project
- Huber Heights Polling Locations
- 2022 Vice Mayor
- Board and Commission Appointments
- 2022 Rules of Council
- City Council – Public Records Training Designee
- City Code – Supplement 8 – Adopting Ordinance

#### Please Note:

The meeting will be viewable by the public on live stream available at [www.hhoh.org](http://www.hhoh.org)

Distributed – December 28, 2021



For more information, visit [www.hhoh.org](http://www.hhoh.org)



**HUBER  
HEIGHTS**  
*Come Grow With Us!*

**CITY OF HUBER HEIGHTS  
STATE OF OHIO**

**City Council Work Session**

January 4, 2022

6:00 P.M.

City Hall – Council Chambers – 6131 Taylorsville Road

1. **Call Meeting To Order/Roll Call**

2. **Approval of Minutes**

A. December 7, 2021

3. **Work Session Topics Of Discussion**

A. City Manager Report/Water Infrastructure Update

B. Bottled Water Collection, Storage and Distribution

C. Not To Exceed Amount Increase - Landscape Structures - Parks and Recreation

D. Purchase of Aerial Truck - Fire Division

E. ZC 21-47 - Campbell Berling - Rezoning/Basic Development Plan - East Side Of Bellefontaine Road South Of Chambersburg Road

F. Huber Road - Vacation

- G. Contract Modification - The Aero-Mark Company
- H. Water Survey - Phase II - Award Contract
- I. Request For Proposals - Water Distribution System Integrity Study
- J. Huber Heights Comprehensive Plan - Award Contract
- K. Planning Services - Award Contract
- L. Ordinance Modification - Huber Heights City Code - Section 509.08(b)(10) - Disturbing The Peace
- M. Brandt Pike Revitalization Project
- N. Huber Heights Polling Locations
- O. 2022 Vice Mayor
- P. Board and Commission Appointments
  - \* Military and Veterans Commission - Appointment
- Q. 2022 Rules of Council
- R. City Council - Public Records Training Designee
- S. City Code - Supplement 8 - Adopting Ordinance

4. **Adjournment**

**CITY OF HUBER HEIGHTS  
STATE OF OHIO**

**Council Work Session Meeting Minutes**

**Name of Body:** Council Work Session

**Date:** January 4, 2022

**Time:** 6:00 P.M.

**Place:** City Hall – 6131 Taylorsville Road – Council Chambers

**Members Present:**

Kathleen Baker, Councilmember  
Nancy Byrge, Councilmember  
Mark Campbell, Councilmember  
Anita Kitchen, Councilmember  
Ed Lyons, Councilmember  
Glenn Otto, Councilmember  
Richard Shaw, Councilmember  
Jeff Gore, Mayor

**Guests Present:**

City Staff Present: Keith Knisley, John Russell, Mike Muhl, Russ Bergman, Bryan Chodkowski, Gerald McDonald, and Anthony Rodgers.

**Topics of Discussion:**

- City Manager Report/Water Infrastructure Update
- Bottled Water Collection, Storage, and Distribution
- Not To Exceed Amount Increase – Landscape Structures – Parks and Recreation
- Purchase of Aerial Truck – Fire Division



- ZC 21-47 – Campbell Berling – East Side Of Bellefontaine Road  
Road South Of Chambersburg Road – Rezoning/Basic  
Development Plan
- Huber Road – Vacation
- Contract Modification – The Aero-Mark Company
- Water Survey – Phase II – Award Contract
- Request For Proposals – Water Distribution Integrity Study
- Huber Heights Comprehensive Plan – Award Contract
- Planning Services – Award Contract
- Ordinance Modification – Huber Heights City Code – Section  
509.08(b)(10) – Disturbing The Peace
- Brandt Pike Revitalization Project
- Huber Heights Polling Locations
- 2022 Vice Mayor
- Board and Commission Appointments
- 2022 Rules of Council
- City Council – Public Records Training Designee
- City Code – Supplement 8 – Adopting Ordinance

1. **Call Meeting To Order/Roll Call**

Mayor Jeff Gore convened the Council Work Session at 6:08 P.M. The Council Work Session started late due to technical difficulties.

Anthony Rodgers took Roll Call.

2. **Approval of Minutes**

The following minutes were approved unanimously at the beginning of this meeting:

- December 7, 2021

There were no changes or corrections to these minutes as submitted. This Council Work Session was recorded by the City and the recording of this meeting will be posted to the City's website and will also be maintained by the City consistent with the City's records retention schedule.

3. **Work Session Topics Of Discussion**

City Manager Report/Water Infrastructure Update

Bryan Chodkowski said the Request For Proposals (RFP) for the Water Main Replacement Project has been distributed and provided to several engineering firms for the engineering design work. He said proposals are due by January 10, 2022. He said once the contracts for the engineering design work are awarded, the work will be completed by late March, 2022 or early, April, 2022. He said once the engineering design work is completed then the Water Main Replacement Project will go out to bid. He said these efforts have resulted in a reduction in the normal time for these processes by thirty days. Bryan Chodkowski said the Request For Proposals (RFP) for the Water Distribution Integrity Study is on the agenda for discussion at tonight's meeting. He said he is hazy on the projected schedule for the completion of this study due to the many unknowns.

Bottled Water Collection, Storage, and Distribution

Bryan Chodkowski said in the process of email traffic with a resident, City Staff had arrived at an idea for the utilization of vouchers for residents for use at local vendors for the purchase of bottled water when residents experience a water main break with a boil advisory. He said the vouchers could be distributed by Suez Water along with the notification door hangars to residents when water main breaks occur. He said this program would require the City Council to adopt legislation to declare this program as a public purpose.

Anita Kitchen said elderly or disabled residents would still need assistance in loading and unloading bottled water.

Ed Lyons inquired as to how long it would take to implement this program.

Bryan Chodkowski said implementation of the program would be dependent on several factors including City staffing issues and working through setting up the accounts and processes with the vendors.

Ed Lyons asked about storing bottled water at the Police Division for residents to pick up as previously discussed.

Bryan Chodkowski said using the Police Division would be a City Council policy decision. He said this approach would have some degree of risk and liability.

Ed Lyons said he would like to see the City Council establish a bottled water distribution point at the City until the voucher system could be put in place.

Russ Bergman explained the processes involved for handling water main breaks and notification of boil advisories.

Anita Kitchen said some volunteers are currently using a local food pantry for bottled water storage and distribution.

Kathleen Baker said the City could pay to replenish the bottled water supply at the food pantry and utilize volunteers to distribute the bottled water.

The City Council agreed that this arrangement would be suitable until the voucher system could be put in place.

Richard Shaw asked Bryan Chodkowski about the status of the payment for the CIPP water lining work that had been completed, but had failed in several locations.

Bryan Chodkowski said the vendor that did the CIPP water lining work has tendered a bond for liability to the City. He said payment for the work has not been made yet.

Richard Shaw said he wants the City to withhold payment for legitimate reasons due to the water main breaks.

Bryan Chodkowski said that City Staff will work with the Law Director to address that situation.

Mark Campbell asked Bryan Chodkowski to review the information again related to the water infrastructure projects from the City Manager Report.

After discussion, the City Council recommended that City Staff prepare the necessary legislation to declare the program to distribute bottled water to residents affected by water main breaks as a public purpose for Council consideration at the appropriate upcoming City Council Meeting.

#### Not To Exceed Amount Increase – Landscape Structures – Parks and Recreation

Bryan Chodkowski distributed information and proposed legislation to authorize an increase in the not to exceed amount for Landscape Structures for the purchase of playground equipment for the Parks and Recreation Department (see attached). He said the playground equipment at Community Park was burned down, and the City received money to replace it in 2021. He said the Eichelberger Amphitheater has been getting a lot of use and there is nothing for small children to do during an event, and the Parks and Recreation Board voted to install a small playground when the budget allowed. He said funds for both of these items were available in the 2021 City Budget.

Mayor Jeff Gore raised the issue of providing the reward that was discussed previously for persons who provided information regarding the suspects involved in the arson of the playground equipment at Community Park. He said several students at Wayne High School had provided information leading to the identification of suspects.



There was a discussion on various items related to the reward including the amount of the award, seeking restitution from the parents of the arson suspects, and confidentiality for the informants.

Kathleen Baker asked if City Staff are taking actions to protect other City assets with security cameras or other measures.

Bryan Chodkowski said City Staff are working on those issues and those issues will be brought up in future discussions.

After discussion, the City Council agreed to recommend approval of the proposed legislation to authorize an increase in the not to exceed amount for Landscape Structures for the purchase of playground equipment for the Parks and Recreation Department and requested that the proposed legislation be placed on the agenda at the January 10, 2022 City Council Meeting for a first reading as non-emergency legislation and adoption of the legislation at the January 10, 2022 City Council Meeting. The City Council also agreed to address the reward for the informants in the arson investigation in a manner and time as appropriate and determined by the Law Director.

#### Purchase of Aerial Truck – Fire Division

Fire Chief Keith Knisley distributed information and proposed legislation to authorize the purchase of a new aerial truck for the Fire Division (see attached). He said the Fire Division is requesting the purchase of a new aerial truck. He said the replacement of the existing ladder truck is a planned replacement having been part of the Fire Division's Capital Improvement Plan. He said this vehicle will be placed into a front-line status allowing the existing ladder truck to be transitioned into a reserve apparatus role. He said the existing ladder truck has accumulated over 95,900 miles and over 9,130 hours of runtime. He said the new aerial truck will be equipped with a greater array of ground ladders to better facilitate reaching windows three to four stories above ground level. He said the new truck will include over 600 cubic feet of storage. Fire Chief Kinsley said this aerial truck will return a tractor drawn aerial device back to the City of Huber Heights providing firefighters better vehicle maneuverability to travel down narrow roads, corners, and cul-de-sacs, along with congested parking areas. He said over fifteen Fire Division personnel have exhausted many hours into this project and based on a

review of other manufacturers, the Fire Division is requesting to purchase this new truck utilizing the City's already established Sourcewell Purchasing Cooperative account to award the purchase contract to Sutphen Fire Apparatus. He said Sutphen Fire Apparatus is a family-owned, Ohio-based company, that has been a provider of fire apparatus to the Huber Heights Fire Division since 2006. Due to current supply chain conditions and raw material cost increases as well as pending annual pricing increases, he said City Staff are asking City Council to pass the resolution and waive the competitive bidding requirements for Sutphen Fire Apparatus to supply the Fire Division with a tractor drawn aerial fire truck for a cost to not exceed \$1,500,000 to facilitate the purchase prior to January 31, 2022.

After discussion, the City Council agreed to recommend approval of the proposed legislation to authorize the purchase of a new aerial truck for the Fire Division and requested that the proposed legislation be placed on the agenda at the January 10, 2022 City Council Meeting for a first reading as non-emergency legislation and adoption of the legislation at the January 10, 2022 City Council Meeting.

ZC 21-47 – Campbell Berling – Rezoning/Basic Development Plan – East Side of Bellefontaine Road South of Chambersburg Road

Bryan Chodkowski distributed information and proposed legislation to approve a Rezoning and a Basic Development Plan for Campbell Berling for property on the east side of Bellefontaine Road south of Chambersburg Road in ZC 21-47 (see attached). He gave a PowerPoint presentation on ZC 21-47 (see attached). He said the applicant, Campbell Berling, is requesting approval of a Rezoning to Planned Residential and a Basic Development Plan for 22.968 acres on Bellefontaine Road for a residential subdivision.

Mayor Jeff Gore said the City Council had received all of the correspondence from residents regarding ZC 21-47. He said residents who wished to speak on concerns about ZC 21-47 would be given the opportunity to do so at the public hearing on ZC 21-47 at the January 10, 2022 City Council Meeting.

Bob Krohngold from Campbell Berling spoke on the application for ZC 21-47 and answered questions from the City Council.

There was a lengthy discussion on ZC 21-47 related to the public hearing on ZC 21-47, resident concerns about the development, and other issues.

After discussion, the City Council requested that the proposed legislation to approve a Rezoning and a Basic Development Plan for Campbell Berling for property on the east side of Bellefontaine Road south of Chambersburg Road in ZC 21-47 be placed on the agenda for a first reading as non-emergency legislation at the January 10, 2022 City Council Meeting with two readings of the legislation pending the public hearing on ZC 21-47 on this matter.

#### Huber Road – Vacation

Bryan Chodkowski distributed information and proposed legislation to authorize the vacation of Huber Road (see attached). He distributed revised, proposed legislation to authorize the vacation of Huber Road (see attached). He said Broad Reach Retail Strategies has acquired eighteen acres at the northeast corner of Taylorsville Road and Old Troy Pike extending north to Huber Road. He said Broad Reach intends to develop this acreage into a \$35,000,000 mixed-use development. He said Broad Reach and the City have agreed to partner on improvements to the northbound lanes of Old Troy Pike for improved traffic management. He said the vacation of Huber Road is a key element of the proposed road improvements and the City has received a written request to vacate Huber Road.

After discussion, the City Council agreed to recommend approval of the proposed legislation to authorize the vacation of Huber Road and requested that the revised, proposed legislation be placed on the agenda at the January 10, 2022 City Council Meeting for a first reading as emergency legislation with the waiving of the second reading and adoption of the legislation at the January 10, 2022 City Council Meeting.

#### Contract Modification – The Aero-Mark Company

Russ Bergman distributed information and proposed legislation to authorize a contract modification with The Aero-Mark Company for pavement markings at different locations (see attached). He said this legislation will authorize the City Manager to enter into contract

modification to increase The Aero-Mark Company's contract by \$313.70 to a new total of \$25,312.70. He said this cost was for the installation of new pavement markings on numerous streets within the City. He said the Street Capital Fund will be utilized for this contract modification.

After discussion, the City Council agreed to recommend approval of the proposed legislation to authorize a contract modification with The Aero-Mark Company for pavement markings at different locations and requested that the proposed legislation be placed on the agenda at the January 10, 2022 City Council Meeting for a first reading as non-emergency legislation and adoption of the legislation at the January 10, 2022 City Council Meeting.

#### Water Survey – Phase II – Award Contract

Russ Bergman distributed information and proposed legislation to award a contract to RA Consultants, LLC for the Water Survey – Phase II (see attached). He said this legislation will authorize the City Manager to enter into a contract with RA Consultants, LLC and waive the competitive bidding requirements for the Water Survey Project - Phase II. He said the scope of this water asset inventory is to survey fire hydrants and valves and pinpoint the permanent geographic locations. He said the Water Fund will be utilized for this project at a cost not to exceed \$40,000.

After discussion, the City Council agreed to recommend approval of the proposed legislation to award a contract to RA Consultants, LLC for the Water Survey – Phase II and requested that the proposed legislation be placed on the agenda at the January 10, 2022 City Council Meeting for a first reading as non-emergency legislation and adoption of the legislation at the January 10, 2022 City Council Meeting.

#### Request For Proposals – Water Distribution Integrity Study

Russ Bergman distributed information and proposed legislation to solicit a Request For Proposals (RFP) from qualified consulting engineering firms to provide a water distribution system integrity study (see attached). He said this legislation allows the City Manager to solicit a Requests For Proposals from qualified consulting firms to study the



integrity of the City's water distribution system as discussed in the City Manager Report.

After lengthy discussion, the City Council agreed to recommend approval of the proposed legislation to solicit a Request For Proposals (RFP) from qualified consulting engineering firms to provide a water distribution system integrity study and requested that the proposed legislation be placed on the agenda at the January 10, 2022 City Council Meeting for a first reading as non-emergency legislation and adoption of the legislation at the January 10, 2022 City Council Meeting.

#### Huber Heights Comprehensive Plan – Award Contract

Bryan Chodkowski distributed information regarding authorizing an agreement with Yard & Company to update the City's Comprehensive Development Plan (see attached). He said in May, 2021, the City received five proposals for the completion of the City's new Comprehensive Development Plan with a final product to be presented in late 2021 or early 2022. Throughout the review process, he said several key City Staff members departed the City pushing the proposal review further into 2021. Coming out of the review process, he said two proposals stood out among the submittals. Of the two standouts, he said one firm remained committed to its submitted proposal. As a result, he said City Staff recommends City Council award the Comprehensive Development Plan contract to Yard & Company.

After discussion, the City Council agreed to recommend approval of the proposed legislation to authorize an agreement with Yard & Company to update the City's Comprehensive Development Plan and requested that the necessary legislation be prepared and placed on the agenda at the January 10, 2022 City Council Meeting for a first reading as non-emergency legislation and adoption of the legislation at the January 10, 2022 City Council Meeting.

#### Planning Services – Award Contract

Bryan Chodkowski distributed information and proposed legislation to authorize an agreement with Community Planning Insights, LLC to provide temporary planning services to the City (see attached). He said due to the transitioning of City Staff, the City needs to provide for

professional planning capabilities until a full-time City Planner can be hired. He said this legislation would allow the City Manager to engage Community Planning Insights, LLC to provide a turn-key solution to the City's professional planning needs until a permanent City Planner can be hired later in 2022.

After discussion, the City Council agreed to recommend approval of the proposed legislation to authorize an agreement with Community Planning Insights, LLC to provide temporary planning services to the City and requested that the proposed legislation be placed on the agenda at the January 10, 2022 City Council Meeting for a first reading as non-emergency legislation and adoption of the legislation at the January 10, 2022 City Council Meeting.

#### Ordinance Modification – Huber Heights City Code – Section 509.08(b)(10) – Disturbing The Peace

Russ Bergman distributed information and proposed legislation to modify Section 509.08 – Disturbing The Peace of the Huber Heights City Code related to construction noise (see attached).

Mayor Jeff Gore said this issue needs to be addressed in a different manner than previously discussed. He noted the differences between construction work and a homeowner doing a DIY project. He also said that consistent enforcement is key to any ordinance on this subject.

There was a lengthy discussion among the City Council and City Staff as to the best means for addressing these issues.

After discussion, the City Council agreed to recommend that the Law Director prepare a revised version of the proposed legislation to modify Section 509.08 – Disturbing The Peace of the Huber Heights City Code related to construction noise for review and discussion by the City Council at the next Council Work Session.

#### Brandt Pike Revitalization Project

Bryan Chodkowski distributed information regarding the Brandt Pike Revitalization Project (see attached). He said the Dayton Metro Library plans to finalize the sale of land for the Huber Heights Library in the next

two weeks. He said the demolition of the former furniture store and the back building of the CR Dayton property at the former Marian Meadows property is underway. He said the demolition will allow for the Dogtown project to initiate construction on the site. He said LWC has estimated it will take \$2 million and fourteen months for the proposed renovations and improvements to the façade of the CR Dayton property.

### Huber Heights Polling Locations

Anthony Rodgers distributed information regarding Huber Heights polling locations (see attached). He said the City has been engaged in discussions with the Montgomery County Board of Elections and the Miami County Board of Elections to address polling locations for Huber Heights residents that are located outside of the City of Huber Heights. He said the Montgomery County Board of Elections has committed to working to relocate its polling locations outside of the City to within the City. He said the Miami County Board of Elections responded with an email regarding its plans for polling locations in Miami County outside of the City to continue as is in 2022 without any modifications until 2023.

After discussion, the City Council agreed to recommend that the Law Director contact the Miami County Board of Elections and the Miami County Prosecutor to discuss the legal opinion obtained that would prohibit placing polling locations in Montgomery County for Huber Heights residents in Miami County and requested that the Law Director provide an update on this matter at the next Council Work Session.

### 2022 Vice Mayor

Anthony Rodgers distributed information regarding the 2022 Vice Mayor (see attached). He said the City Council elects a new Vice Mayor at the first City Council Meeting of each year.

Mayor Jeff Gore asked if there were any nominations for the 2022 Vice Mayor from the City Council.

Kathleen Baker said she would like to nominate Mark Campbell for consideration by the City Council as the 2022 Vice Mayor.

Richard Shaw said he would like to nominate Glenn Otto for consideration by the City Council as the 2022 Vice Mayor.

Mayor Jeff Gore said the City Council would consider the nominations and hold votes on the election of the 2022 Vice Mayor at the January 10, 2022 City Council Meeting.

#### Board and Commission Appointments

Anthony Rodgers distributed information regarding an appointment to the Military and Veterans Commission (see attached). He said it was the recommendation of City's interview panel to appoint Anthony Windsor to the Military and Veterans Commission for a term ending on December 31, 2024. He said a background check on Mr. Windsor was completed by Human Resources.

After discussion, the City Council agreed to recommend approval of the appointment of Anthony Windsor to the Military and Veterans Commission for a term ending on December 31, 2024 and requested that the necessary motion be prepared and placed on the agenda for approval at the January 10, 2022 City Council Meeting.

#### 2022 Rules of Council

Anthony Rodgers distributed information regarding the 2022 Rules of Council (see attached). He said he had identified one edit to change the time of the City Council Meetings from 7:00 P.M. to 6:00 P.M. in the 2022 Rules of Council. He said the change in the meeting time had been previously approved by the City Council.

After discussion, the City Council agreed to recommend approval of the 2022 Rules of Council with the suggested edit regarding the time of the City Council Meetings and requested that the necessary motion be prepared and placed on the agenda for approval at the January 10, 2022 City Council Meeting.

#### City Council – Public Records Training Designee

Anthony Rodgers distributed information and proposed legislation to appoint a public records training designee for City Council (see



attached). He said under Ohio law (ORC 149.43(E)(1)), all appointed or elected officials have to attend a public records training seminar or appoint a designee to do so on their behalf for each term. He said Mayor Jeff Gore and Councilmembers Mark Campbell, Nancy Byrge, Kathleen Baker, and Anita Kitchen began new terms on January 1, 2022 and need to designate Clerk of Council Anthony Rodgers to attend this required training on their behalf. He said Councilmembers may still opt to attend the public records training personally; however, this designation ensures that the training requirement is met in the event a Councilmember is unable to attend the training.

After discussion, City Council agreed to recommend approval of the proposed legislation to appoint a public records training designee for City Council and requested that the proposed legislation be placed on the agenda at the January 10, 2022 City Council Meeting for a first reading as non-emergency legislation and adoption of the legislation at the January 10, 2022 City Council Meeting.

#### City Code – Supplement 8 – Adopting Ordinance

Anthony Rodgers distributed information and proposed legislation to adopt Supplement 8 to the City Code for the period of April 1, 2021 to September 30, 2021 (see attached). He said appropriate legal notice of the update to the City Code has been advertised as required. He said this legislation could have two readings prior to the adoption of the legislation.

After discussion, the City Council agreed to recommend approval of the proposed legislation to adopt Supplement 8 to the City Code for the period of April 1, 2021 to September 30, 2021 and requested that the proposed legislation be placed on the agenda at the January 10, 2022 City Council Meeting for a first reading as non-emergency legislation with a second reading of the legislation and adoption of the legislation at the January 24, 2022 City Council Meeting.

#### Other Business

There was no other business conducted at the Council Work Session.

4. **Adjournment**

Mayor Jeff Gore adjourned the Council Work Session at 9:12 P.M.

AI-8106

Topics of Discussion B.

**Council Work Session**

**Meeting Date:** 01/04/2022

Bottled Water Collection, Storage and Distribution

**Submitted By:** Anthony Rodgers

**Department:** City Council

**Council Committee Review?:** Council Work Session **Date(s) of Committee Review:** 01/04/2022

**Audio-Visual Needs:** None **Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

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**Agenda Item Description or Legislation Title**

Bottled Water Collection, Storage and Distribution

**Purpose and Background**

This agenda item was requested by Councilmember Ed Lyons for discussion.

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**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

**Recurring Cost? (Yes/No):** N/A

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

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**Attachments**

*No file(s) attached.*

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AI-8102

Topics of Discussion C.

**Council Work Session**

**Meeting Date:** 01/04/2022

Not To Exceed Amount Increase - Landscape Structures - Parks and Recreation

**Submitted By:** Josh King

**Department:** Planning

**Division:**

Parks and Recreation

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 01/04/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

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**Agenda Item Description or Legislation Title**

Not To Exceed Amount Increase - Landscape Structures - Parks and Recreation

**Purpose and Background**

The playground equipment at Community Park was burned down, and the City received money to replace it in 2021. The Eichelberger Amphitheater has been getting a lot of use and there is nothing for small children to do during an event, and the Parks and Recreation Board voted to install a small playground when the budget allowed. Funds for both of these items were available in the 2021 City Budget; but time to approve these items passed quickly with only one City Council Meeting in December, 2021.

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**Fiscal Impact**

**Source of Funds:**

Parks and Recreation Fund/Insurance Claim

**Cost:**

\$160,000

**Recurring Cost? (Yes/No):**

No

**Funds Available in Current Budget? (Yes/No):** Yes

**Financial Implications:**

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**Attachments**

Resolution

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE 2021 SPENDING LIMITS WITH VENDOR LANDSCAPE STRUCTURES FOR THE PURPOSE OF PURCHASING AND INSTALLING PLAYGROUND EQUIPMENT FOR THE CITY OF HUBER HEIGHTS.

WHEREAS, the playground equipment at Community Park was vandalized and needs replacement and playground equipment is also needed at the Eichelberger Amphitheater in the City of Huber Heights; and

WHEREAS, funds were available in the Parks and Recreation Fund budget in 2021 but could not be purchased until 2022; and

WHEREAS, the City Charter requires that City Council approve all work performed by a single vendor in excess of \$25,000.00 in any given year; and

WHEREAS, due to having only one meeting in December of 2021, approval of work could not be done in 2021, even though the work is to be paid from funds budgeted in 2021.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City of Huber Heights is authorized to purchase playground equipment, including installation, from Landscape Structures in 2021 at a cost not to exceed \$160,000.00.

Section 2. Consistent with provisions of the City Charter of Huber Heights and the Huber Heights Codified Ordinances, Section 171.12(a)(4), the competitive bidding requirements are hereby waived.

Section 3. The Council hereby authorizes the Director of Finance to expend funds from the Parks and Recreation Fund, and approves expenditures, including monies already spent and costs for services previously incurred, pursuant to the 2021 City Budget as may be amended from time to time by Council.

Section 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

AI-8103

Topics of Discussion D.

**Council Work Session**

**Meeting Date:** 01/04/2022

Purchase of Aerial Truck - Fire Division

**Submitted By:** Keith Knisley

**Department:** Fire

**Council Committee Review?:** Council Work Session **Date(s) of Committee Review:** 01/04/2022

**Audio-Visual Needs:** None **Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

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**Agenda Item Description or Legislation Title**

Purchase of Aerial Truck - Fire Division

**Purpose and Background**

The Fire Division is requesting the purchase of a new aerial truck. The replacement of the existing ladder truck is a planned replacement having been part of the Fire Division's Capital Improvement Plan. This vehicle will be placed into a front-line status allowing the existing ladder truck to be transitioned into a reserve apparatus role. The existing ladder truck has accumulated over 95,900 miles and over 9,130 hours of runtime. The new aerial truck will be equipped with a greater array of ground ladders to better facilitate reaching windows 3 to 4 stories above ground level. The new truck will include over 600 cubic feet of storage. This aerial truck will return a tractor drawn aerial (TDA aka Tiller) device back to the City of Huber Heights providing firefighters better vehicle maneuverability to travel down narrow roads, corners, and cul-de-sacs, along with congested parking areas.

Over 15 Fire Division personnel have exhausted many hours into this project and based on a review of other manufacturers the Fire Division is requesting to purchase this new truck utilizing the City's already established Sourcewell Purchasing Cooperative account to award the purchase contract to Sutphen Fire Apparatus. Sutphen, a family owned, Ohio based company, has been a provider of fire apparatus to the Huber Heights Fire Division since 2006.

Due to current supply chain conditions and raw material cost increases as well as pending annual pricing increases, City Staff are asking City Council to pass the resolution and waive the competitive bidding requirement for Sutphen Fire Apparatus to supply the Fire Division with a tractor drawn aerial fire truck for a cost to not exceed \$1,500,000 to facilitate the purchase prior to January 31, 2022.

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**Fiscal Impact**

**Source of Funds:** Fire Capital  
**Cost:** \$1,500,000.00  
**Recurring Cost? (Yes/No):** No  
**Funds Available in Current Budget? (Yes/No):** Yes

**Financial Implications:**

The purchase of this apparatus will reduce required maintenance of frontline apparatus and improve reliability and efficiencies when compared to our current aerial truck which was purchased in 2007.

---

**Attachments**

Proposal  
Drawing  
Resolution

---





# SUTPHEN

## PROPOSAL

**TO THE:**

City of Huber Heights – Fire Department  
7008 Brandt Pike  
Huber Heights, Ohio 45424

**DATE:** November 19, 2021

We hereby propose and agree to furnish the following firefighting equipment upon your acceptance of this proposal with pricing from the Sourcewell Purchasing Cooperative:

**One (1) Sutphen Custom Tractor Drawn Aerial Ladder Complete and Delivered for  
the Total Sum of .....\$1,498,526.69**

The unit shall be manufactured completely in accordance with the following proposal and delivered in approximately **21-23** months from the date of the contract signing or purchase order, subject to delays from all causes beyond our control.

This proposal shall be valid until January 31<sup>th</sup>, 2022. As a result of global shortages and increased costs in both labor and materials the above price will not be held after this date. If the contract or purchase order is not received within this proposed duration, we reserve the right to extend, withdraw, or modify our proposal, including pricing, delivery times, and prepayment discounts as applicable.

Respectfully submitted,

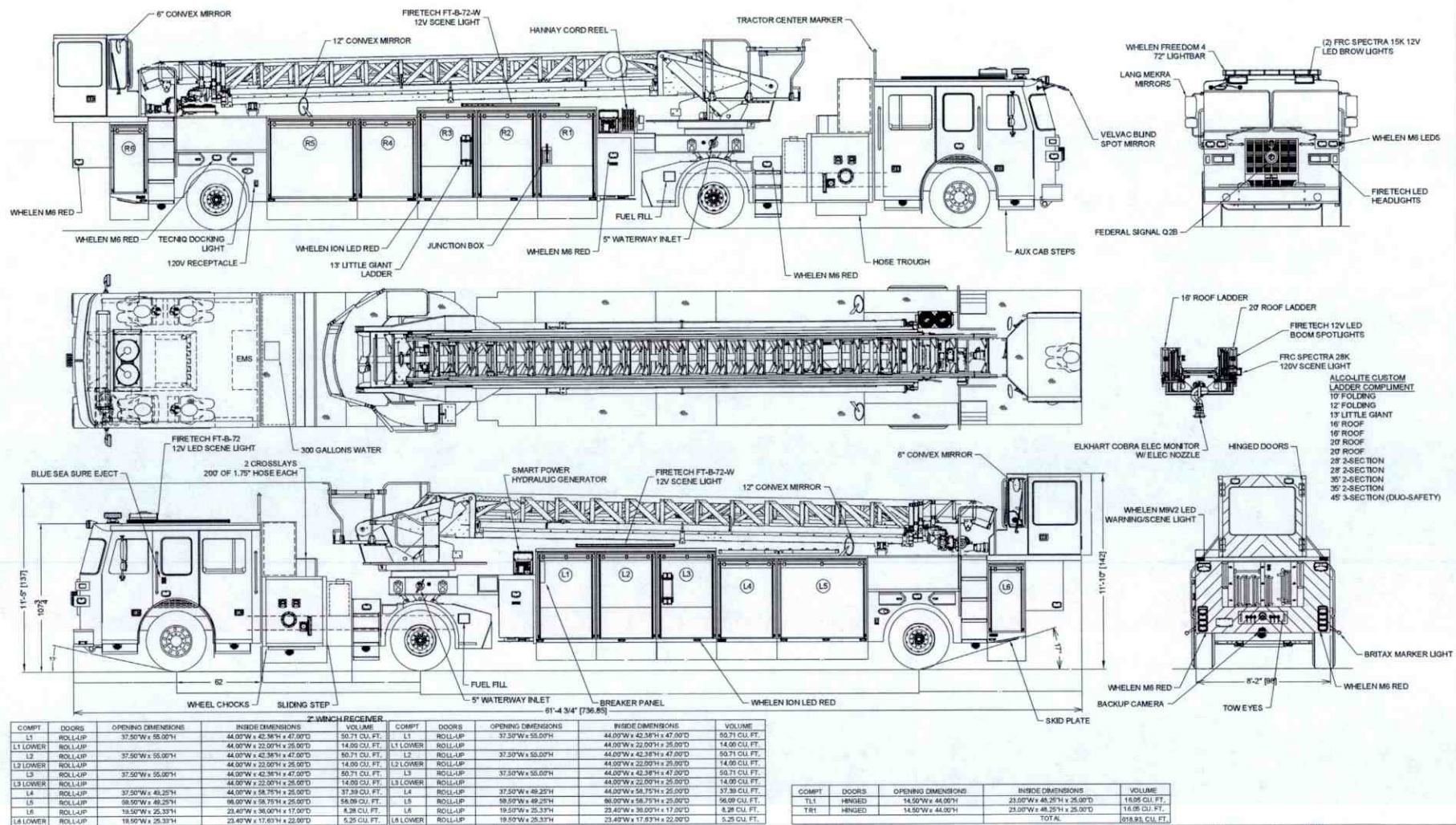


Jason Frankle  
Heritage Fire Equipment  
Authorized Representative for Sutphen Corporation  
844-730-5100



**FIRE EQUIPMENT**  
**SALES • SERVICE • PARTS • EQUIPMENT**  
[www.heritagefireequipment.com](http://www.heritagefireequipment.com)  
**844-730-5100**  
Instagram Facebook Twitter YouTube

**SUTPHEN CORPORATION**  
6450 Eiterman Road | Dublin, OH 43016 | 1-800-848-5860



DIMENSIONS SHOWN ON THIS DRAWING ARE APPROXIMATE AND ARE SUBJECT TO MINOR DEVIATIONS DURING CONSTRUCTION.  
 IN THE EVENT OF A DISCREPANCY BETWEEN THE SUPPHEN SPECIFICATIONS AND DRAWING, THE SUPPHEN SPECIFICATIONS SHALL PREVAIL.  
 DRAWING IS FOR REFERENCE ONLY. SOME ITEMS PROPOSED MAY NOT BE SHOWN OR NOTED.

CUSTOMER APPROVAL  
 NAME: \_\_\_\_\_  
 TITLE: \_\_\_\_\_  
 DATE: \_\_\_\_\_

REV. \_\_\_\_\_  
 DESCRIPTION: \_\_\_\_\_  
 BY: \_\_\_\_\_ DATE: \_\_\_\_\_

SUPPHEN  
 HUBER HEIGHTS FIRE DEPARTMENT  
 HUBER HEIGHTS, OH  
 SLTDAIRE  
 H8-XXXX



CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE CITY MANAGER TO AWARD THE PURCHASE OF AN AERIAL TRUCK WITH SUTPHEN TOWERS AND WAIVING THE COMPETITIVE BIDDING REQUIREMENTS.

WHEREAS, the maintenance, repair and general upkeep of the Fire Division's fire apparatus fleet is necessary for the immediate preservation of the public peace, health, safety and welfare; and

WHEREAS, pricing for Sutphen Fire Apparatus has met all requirements of the Fire Division and is available through the Sourcewell Purchasing Cooperative Contract No. 022818-SUT; and

WHEREAS, as a recognized vendor with the Sourcewell Purchasing Cooperative, a bidding process has already been conducted assuring that pricing is as competitive of a price as is practical.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized to contract with Sutphen Fire Apparatus for the purchase of a Fire Division aerial truck at a cost not to exceed \$1,500,000.00.

Section 2. Consistent with the provisions of the City Charter and the Huber Heights Codified Ordinances, the competitive bidding requirements are hereby waived.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

AI-8087

Topics of Discussion E.

**Council Work Session**

**Meeting Date:** 01/04/2022

ZC 21-47 - Campbell Berling - Rezoning/Basic Development Plan - East Side Of Bellefontaine Road South Of Chambersburg Road

**Submitted By:** Geri Hoskins

**Department:** Planning

**Division:**

Planning

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 01/04/2022

**Audio-Visual Needs:** SmartBoard

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

---

**Agenda Item Description or Legislation Title**

ZC 21-47 - Campbell Berling - Rezoning/Basic Development Plan - East Side Of Bellefontaine Road South Of Chambersburg Road

**Purpose and Background**

The applicant, Campbell Berling, requests approval of a Rezoning to Planned Residential and a Basic Development Plan for 22.968 acres on Bellefontaine Road for a residential subdivision.

---

**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

**Recurring Cost? (Yes/No):** N/A

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

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**Attachments**

Drawing

Pictures

Staff Report

Fire Assessment

Resident Letters

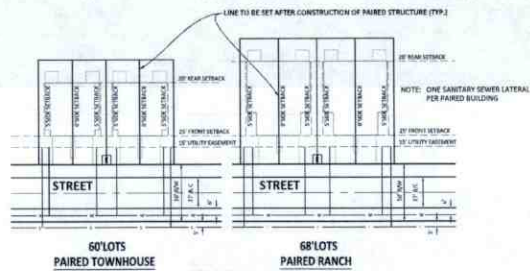
Decision Record

Ordinance

---



**STORCK PROPERTY  
HUBER HEIGHTS, OHIO**



PROPOSED ZONE:	PLANNED RESIDENTIAL
PROPOSED USE:	PAIRED RANCH/TOWNHOUSE
MIN LOT AREA:	5,000 SF (2 UNITS)
MIN LOT WIDTH:	60 FT (2 UNITS)
NUMBER OF 60' LOTS:	31
NUMBER OF 68' LOTS:	35
NUMBER OF UNITS:	132
CENTERLINE LENGTH OF STREET:	3,564 FT

**OHIO**  
**Utilities Protection**  
**SERVICE**  
Call & live You Dig  
**1-800-362-2764**  
CALL TUESDAY-THURSDAY BEFORE YOU DIG  
(NON MEMBERS MUST BE CALLED DIRECT)

Sheet Title

### CONCEPT PLAN 2

Project Number	20632.00
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Drawing Scale: 1" = 100'

Sheet Number 1/1  
File Number 20632





# THE WEMBLEY



**COASTAL COTTAGE**



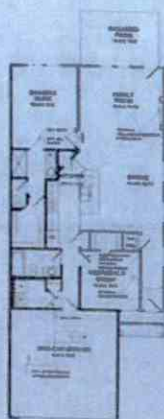
**COASTAL COTTAGE  
WITH OPTIONAL LOFT**



**WESTERN CRAFTSMAN**



**WESTERN CRAFTSMAN  
WITH OPTIONAL LOFT**



**FIRST FLOOR DESIGN**  
(INCLUDES 9 FT FIRST FLOOR  
CEILING HEIGHT)



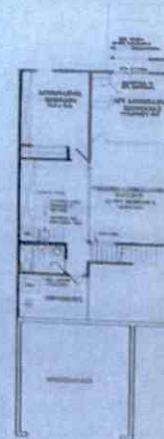
**FIRST FLOOR DESIGN  
WITH OPTIONAL LOFT**  
(INCLUDES 9 FT FIRST FLOOR CEILING  
HEIGHT; NOT AVAILABLE WITH OPTIONAL  
LOWER LEVEL)



**OPTIONAL LOFT**  
(INCLUDES 8 FT CEILING HEIGHT)



**FIRST FLOOR DESIGN  
WITH OPTIONAL FINISHED LOWER LEVEL**  
(INCLUDES 9 FT FIRST FLOOR CEILING HEIGHT;  
NOT AVAILABLE WITH OPTIONAL LOFT)



**OPTIONAL FINISHED  
LOWER LEVEL DESIGN**



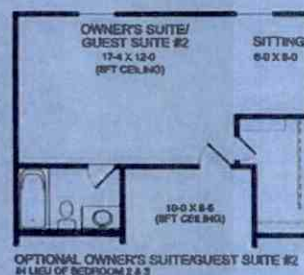
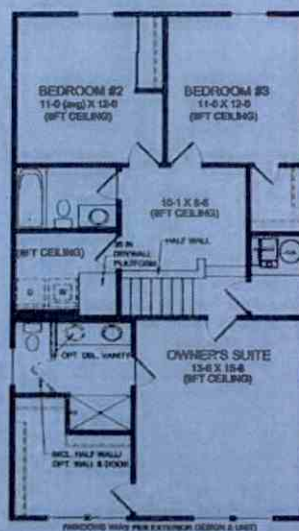
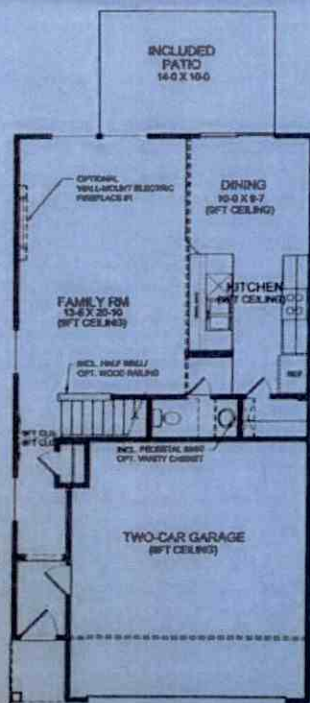
# THE HUDSON



COASTAL COTTAGE



WESTERN CRAFTSMAN



FIRST FLOOR DESIGN  
(INCLUDES 9 FT FIRST FLOOR CEILING HEIGHT)

SECOND FLOOR DESIGN

# Memorandum

Staff Report for Meeting of December 14, 2021

To: Huber Heights City Planning Commission

From: Jason Foster, Economic Development Coordinator

Date: 12/1/2021

Subject: ZC 21-47 (Rezoning of a total of 22.968 acres to PR-Planned Residential and approval of a Basic Development Plan)

Application dated November 16, 2021

Department of Planning and Zoning

City of Huber Heights

**APPLICANT/OWNER:** Campbell Berling – Applicant  
Richard Stork - Owner

**DEVELOPMENT NAME:** Addington Place

**ADDRESS/LOCATION:** East side of Bellefontaine Road and South of Chambersburg Road

**ZONING/ACREAGE:** A / 22.968 acres

**EXISTING LAND USE:** Agricultural

**ZONING  
ADJACENT LAND:** Agricultural and Planned Residential

**REQUEST:** The applicant requests approval of a Rezoning and Basic Development Plan for 22.968 acres at East side of Bellefontaine Road and South of Chambersburg Road

**PREVIOUS APPROVAL:**

**APPLICABLE HHCC:**

**CORRESPONDENCE:** In Favor – None Received  
In Opposition – None Received



### **STATEMENT OF FACT:**

The applicant requests approval of a Rezoning to Planned Residential and Basic Development Plan for 22.968 acres on Bellefontaine Road for a residential subdivision.

### **STAFF ANALYSIS AND RECOMMENDATION:**

#### **Overview**

The applicant, Campbell Berling, is looking to develop 22.968 acres on the east side of Bellefontaine Road. The applicant did appear for a pre-application conference several weeks ago. The intent is to build 132 residential lots. The request is to re-zone to Planned Residential for this development.

The Zoning Code is as follows:

#### **Chapter 1172 – (PR) Planned Residential District**

##### **1172.01 - Principal permitted uses.**

The following principal uses are permitted, provided that they are approved as provided for in this chapter:

- (a) All residential uses permitted in all other chapters of the Zoning Ordinance such as: one family dwellings, two family dwellings, multiple family dwellings, including garden apartments, row houses, quadraminiums and condominiums;
- (b) Churches and other places of worship;
- (c) Colleges, primary and secondary schools under School Board or Parochial supervision, and public libraries;
- (d) Public recreation buildings, parks, playgrounds and athletic fields under School Board, Parochial, other governmental supervision or "homeowners association" supervision; and
- (e) Uses designed solely to serve in a complimentary way the needs of this District above.

(Ord. 89-O-339, Passed 2-6-89)

1172.02 - Accessory uses.

The following accessory uses are permitted:

- (a) Uses customarily incidental to all permitted uses; and
- (b) Temporary structures and uses required during construction in this District.

(Ord. 89-O-339, Passed 2-6-89; Ord. No. 2019-O-2398 , § 1, 10-14-19)

1172.03 - Development standards.

Except when specifically modified herein, the provisions of Chapter 1181, "General Provisions", shall govern. In addition, the following development standards apply:

(a) Minimum "PR" Land Area Requirement.

- (1) A minimum of one acre shall be required.

(b) Dwelling Unit Density—Five Dwelling Units.

- (1) The average dwelling unit density for the entire district shall not exceed five dwelling units (DU) per acre.
- (2) Minimum area standards such as individual lot size, frontage, setbacks, side, and rear yards shall be those prescribed in the City approved detailed final development plans, except that: A. Lots for detached single family dwellings shall meet each of the standards set forth in Section 1147.04.

(c) Dwelling Unit Density—Eight Dwelling Units.

- (1) Dwelling unit density for the entire district shall not exceed eight dwelling units per acre of land on which dwellings are constructed. For example, if the entire district is three acres but dwellings are constructed on two acres only, dwelling unit density for the entire district shall not exceed 16 dwellings.
- (2) Minimum area standards such as individual lot size, frontage, setbacks, side, and rear yards shall be those prescribed in the City approved detailed final development plans, except that: A. Lots for detached single family dwellings shall meet each of the standards set forth in Section 1147.04.

(d) Dwelling Unit Density—Twelve Dwelling Units.

- (1) Dwelling unit density for the entire district shall not exceed 12 dwelling units per acre of land on which dwellings are constructed. For example, if the entire district is three acres but dwellings are constructed on two acres only, dwelling unit density for the entire district shall not exceed 24 dwellings. (2) Minimum area standards such as individual lot size, frontage, setbacks, side and rear yards shall be those prescribed in the City approved



detailed final development plans, except that: A. Lots for detached single family dwellings shall meet each of the standards set forth in Section 1147.04.

(e) Character of Neighborhood. Use of the Planned Residential Zoning District for developments with a proposed dwelling unit density greater than five dwelling units per acre shall be considered only when the district is bounded at least on one side by R-5, R-6, R-7, O-1, B, I, or Planned Development Districts.

(Case 378, 6-17-76; Case 235, 7-11-94; Ord. 94-O-711, Passed 7-11-94; Ord. 2006-O-1664, Passed 10-23-06)

#### 1172.04 - Parking and loading.

(a) The provisions of Chapter 1185, "Parking and Loading", shall apply, except that at least two permanently maintained parking spaces shall be provided for each family unit, except for detached single family dwellings.

(b) Required parking spaces shall not be part of public thoroughfares, private roads leading to and serving the sites of the various uses in this district.

(Ord. 89-O-339, Passed 2-6-89)

#### 1172.05 - Utilities.

The distribution systems for utilities are required to be underground.

(Ord. 89-O-339, Passed 2-6-89)

The request is for the following:

The City's Comprehensive Plan calls for this area to be single family residential. The proposed density is 5.7 units per acre.

Sanitary Sewer and water will connect into the City's public, main system. Water and sanitary are located along Bellefontaine Road. A pump station will be installed to move waste to the sanitary sewer system. Drainage will be handled through a public storm sewer system including a detention basin, following the City's code for storm water drainage. Bellefontaine Road has already been improved; however, staff recommends a drop lane for right hand turns into the development and a short acceleration lane out of the development. The interior street network of the development will be public with curb and sidewalk throughout.

This subdivision is proposing attached, patio homes on two styles of lots, 60 foot and 68 foot. Of the 132 total lots, 62 are proposed to be 60-foot lots and 70 are proposed to be 68-foot lots. All lots are proposed to have a minimum lot depth of one hundred ten (110) feet, twenty-five (25) foot front yard setback, a minimum of twenty-five (25) foot rear yard setbacks, and six (6) foot side yard setbacks. The proposal also calls for forty (40%) percent masonry on the front facades of each unit. This is significantly higher than the typical recommendation of twenty-five (25%) percent.

#### 1171.05 - Contents of basic development plan.

- (a) The basic development plan shall consist of at least the following information together with such other data and materials as may be required by the City:
  - (1) Site plan showing the actual shape and dimensions of the lot to be built upon or to be changed in its use together with the location of the existing and proposed structures with approximate square footages, number of stories including heights of structures;
  - (2) Typical elevation views of the front and side of each type of building;
  - (3) Planning location and dimensions of all proposed drives, service access road, sidewalks, and curb openings;
  - (4) Parking lot areas (show dimensions of a typical parking space), unloading areas, fire lanes and handicapped parking;
  - (5) Landscaping plan, walls and fences;
  - (6) Storm water detention and surface drainage;
  - (7) Exterior lighting plan;
  - (8) Vehicular circulation pattern;
  - (9) Location and square footage of signs;
  - (10) Topographic survey; and
  - (11) Listing of proposed uses taken from the list of permitted and special uses of the PUD zoning district to which rezoning is being sought.
- (b) The Planning Commission shall schedule both the proposed rezoning and the issue of approval of the basic development plan for a combined public hearing, following which it shall make its recommendation indicating approval, approval with modification or disapproval.

(Ord. 2006-O-1655, Passed 9-25-05)



1171.06 - General standards for approval.

The Planning Commission shall review the application, prepared development plan and the facts presented at the hearing. The applicant shall have the burden of proof. No approval shall be given unless the Commission shall find by a preponderance of the evidence that such PUD on the proposed locations:

- (a) Is consistent with official thoroughfare plan, comprehensive development plan and other applicable plans and policies;
- (b) Could be substantially completed within the period of time specified in the schedule of development submitted by the developer;
- (c) Is accessible from public roads that are adequate to carry the traffic that shall be imposed upon them by the proposed development. Further, the streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development;
- (d) Shall not impose an undue burden on public services such as utilities, fire, and police protection, and schools;
- (e) Contains such proposed covenants, easements and other provisions relating to the proposed development standards as may reasonably be required for the public health, safety and welfare;
- (f) Shall be landscaped or otherwise improved and the location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the existing intended uses, and any part of a PUD not used for structures, parking and loading areas, or accessways;
- (g) Shall preserve natural features such as water courses, trees and rock outcrops, to the degree possible, so that they can enhance the overall design of the PUD;
- (h) Is designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable building lots and to facilitate the provision of proposed services;
- (i) Shall place underground all electric and telephone facilities, street light wiring and other wiring conduits and similar facilities in any development which is primarily designed for or occupied by dwellings, unless waived by the Commission because of technical reasons;
- (j) Shall not create excessive additional requirements at public cost of public facilities and services and shall not be detrimental to the economic welfare of the community;
- (k) Shall not involve uses, activities, processes, materials, equipment, and conditions of operation that shall be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors; and

- (l) Rezoning of the land to the PUD District and approval of the development plan shall not adversely affect the public peace, health, morals, safety, or welfare.

(Ord. 93-O-602, Passed 3-22-93)

*1171.07 - Review and recommendations by planning commission.*

*The Planning Commission shall review the proposed PUD as presented in the application and basic development plan in terms of the standards in Section 1171.06 and the specific requirements as outlined in all Planned Unit Developments. The Commission shall hold a public hearing on the proposed PUD. At least ten days in advance of such hearing, notice of time and place of such hearing shall be published in a newspaper of general circulation in the City. Written notice of such hearing shall be mailed at least ten days before the public hearing to the owners of property located within 200 feet of the property proposed for the PUD. The Planning Commission shall make its recommendation, indicating approval, approval with modifications, or disapproval. If the Commission recommends approving rezoning of land to a PUD District and also approves a basic development plan for the area to be rezoned, it may impose upon that plan any additional requirements or conditions deemed appropriate by the Commission to ensure that the development shall meet the standards described in Section 1171.06 and shall comply with the intention and objectives of this Zoning Ordinance.*

*If the owner chooses to submit a combined development plan, the Planning Commission shall review the aspects of it constituting the basic development plan pursuant to the standards set out in Section 1171.06. The detailed development plan aspects shall be reviewed in the same manner as provided herein for review of detailed development plans.*

(Ord. 93-O-602, Passed 3-22-93)

*1171.08 - Action by council.*

*Council shall hold a public hearing for application for rezoning and approval of the basic development plan (or combined development plan) after receiving the proposal from the Planning Commission. At least 15 days' notice of the time and place of such public hearing shall be placed in a newspaper of general circulation in the City. Written notice of such hearing shall be mailed at least ten days before the public hearing to the owners of property located within 200 feet of the property proposed for the PUD. Council shall approve, reject or approve with modifications the rezoning and basic development plan in the same manner as other rezoning requests. If the applicant has chosen to submit a combined development plan, Council shall review the aspects of it constituting the basic development plan pursuant to the standards set out in Section 1171.06. If Council*



*approves the basic development plan aspects of a combined development plan, the detailed development plan shall be deemed to be approved and no further action shall be required for the area covered by the combined development plan. If the basic development plan aspects of a combined development plan are modified, the combined development plan shall be changed in all aspects to meet that modification. The City staff in charge of plan review shall determine when the basic development plan or combined plan meets the modification required by Council.*

*(Ord. 93-O-602, Passed 3-22-93)*

*1171.11 - Changes in the basic and detailed development plans.*

*A PUD shall be developed only according to the approved and recorded detailed development plan and supporting data together with all recorded amendments and shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the use of premises (including the internal use of buildings and structures) and location of structures in the PUD as set forth therein.*

- (a) Major Changes. Changes which alter the concept, uses or intent of the PUD including increases in the number of units per acre, change in location or amount of nonresidential land uses, more than 15 percent modification in proportion of housing types, significant redesign of roadways, utilities or drainage, may be approved only by submission of a new basic plan and supporting data in accordance with Sections 1171.03, 1171.04 and 1171.05.*
- (b) Minor Changes. The Zoning Officer recommends to the Planning Commission approval or disapproval of the minor changes in the PUD. Minor changes are defined as any change not defined as a major change.*

*(Ord. 89-O-339, Passed 2-6-89)*



# Huber Heights Fire Division

**Inspections require two business days advance notice! (OAC)1301:7-7-09(A)(5)**

Occupancy Name:	Addington Place		
Occupancy Address:	Bellefontaine Road		
Type of Permit:	HHP&D Site Plan		
Additional Permits:	Choose an item.		
Additional Permits:	Choose an item.		
MCBR BLD:	Not Yet Assigned	HH P&D:	
MCBR MEC:	Not Yet Assigned	HHFD Plan:	21-262
MCBR ELE:	Not Yet Assigned	HHFD Box:	
REVIEWER:	Susong	DATE:	12/8/2021

## **Fire Department Comments:**

**The Huber Heights City Code Part 15 Refers to Fire Code Requirements and has adopted by reference OFC and IFC Appendices**

**Approved per Review of Ohio Fire Code and adopted Life Safety Standards based on the following:**

- One- or two-family residential projects having more than 30 dwelling units shall be equipped with two separate and approved fire apparatus access roads in accordance with Ohio Fire Code D106.1. A secondary access is shown connecting Bellefontaine Road and new road. This access shall comply with the following:
  - Be a minimum 20 feet wide (Ohio Fire Code 503.2.1)
  - Constructed of materials capable of handling 75,000 pounds (Ohio Fire Code D102.1.)
- The turning radius for fire department access roads shall meet requirements for Huber Heights Fire Division (HHFD) vehicles. Contact HHFD to obtain information. OFC 503.2.4 and Appendix D103.3.
- Site utility plan showing fire hydrants has not been provided.
- Hydrants in single-family residential districts shall be placed not more than 500 feet apart, measured on the main, and no more than 400 feet from any opening in any building. Review Huber Heights Codified Ordinance 1521.06(b) for additional requirements.
- All new water mains and any existing water mains that are replaced shall be eight inches in diameter or greater in all one-, two- and three-family dwelling areas and in multi-family areas or commercial areas. All water



mains shall be sectionalized and looped when reasonably feasible and achievable. Dead end water mains shall only be permitted upon written approval from the Fire Official and City Engineer. Huber Heights Codified Ordinance 1519.01 - Water mains.

- The minimum fire-flow and flow duration requirements for one- and two-family dwellings shall comply with Ohio Fire Code B105.1. Documentation shall be provided.

Plans reviewed by the Huber Heights Fire Division are reviewed with the intent they comply in ALL respects to this code, as prescribed in SECTION (D) 104.1 of the 2017 Ohio Fire Code. Any omissions or errors on the plans or in this review do not relieve the applicant of complying with ALL applicable requirements of this code. These plans have been reviewed for compliance with the Ohio Fire Code adopted by this jurisdiction. There may be other regulations applicable under local, state, or federal statutes and codes, which this department has no authority to enforce and therefore have not been evaluated as part of this plan review.

## Hoskins, GERALYN

---

**From:** Foster, Jason  
**Sent:** Monday, December 13, 2021 12:50 PM  
**To:** Hoskins, GERALYN  
**Subject:** FW: Opposition to ZC 21-47

*Jason Foster*

Economic Development Coordinator  
City of Huber Heights  
937-237-5818  
[jfoster@hhoh.org](mailto:jfoster@hhoh.org)

**From:** Debbie Barbee <dsbarbee@live.com>  
**Sent:** Monday, December 13, 2021 12:48 PM  
**To:** Foster, Jason <JFoster@hhoh.org>  
**Cc:** Lyons, Ed <ELyons@hhoh.org>; Byrge, Nancy <NByrge@hhoh.org>  
**Subject:** Opposition to ZC 21-47

**CAUTION EXTERNAL EMAIL:** This message originated from a non Huber Heights email server. DO NOT CLICK ANY LINKS or OPEN ANY ATTACHMENTS unless you have contacted the sender to verify its legitimacy or confirmed you were expecting it. Contact the IT Department if you need assistance.

Good Afternoon!

As a resident of the Oaks of Huber, my husband and I are writing today in opposition to ZC 21-47 for the rezoning of the property across from the Oaks to build patio homes and duplexes. As with the other property adjacent to the Oaks, the proposed properties are not the same standards as the Oaks requires and we feel it will not only lower our property values but will also create too much traffic congestion at the entrance to the oaks. At times, it is very hard to get out turning left towards Chambersburg because of the volume of traffic, adding this many properties will further increase the issue. Houses on that plot of land should be in comparison to the Oaks properties as to maintain the integrity of the area. Thank you for the chance to voice our opinions.

## Hoskins, GERALYN

---

**From:** Foster, Jason  
**Sent:** Monday, December 13, 2021 3:04 PM  
**To:** Hoskins, GERALYN  
**Subject:** FW: Opposition to ZC 21-47

*Jason Foster*

Economic Development Coordinator  
City of Huber Heights  
937-237-5818  
[jfoster@hhoh.org](mailto:jfoster@hhoh.org)

**From:** Brad Smith <BTGeek@aol.com>  
**Sent:** Monday, December 13, 2021 2:52 PM  
**To:** Foster, Jason <JFoster@hhoh.org>; Lyons, Ed <ELyons@hhoh.org>; Byrge, Nancy <NByrge@hhoh.org>  
**Subject:** Opposition to ZC 21-47

**CAUTION EXTERNAL EMAIL:** This message originated from a non Huber Heights email server. DO NOT CLICK ANY LINKS or OPEN ANY ATTACHMENTS unless you have contacted the sender to verify its legitimacy or confirmed you were expecting it. Contact the IT Department if you need assistance.

Dear Mr. Foster,

Please add our opposition letter to the packet for the Planning Commission meeting on December 14th.

Thank you.

### OPPOSITION TO ZC 21-47

We are opposed to the application for rezoning the property east of Bellefontaine and south of Chambersburg (ZC 21-47).

The City's Comprehensive Plan clearly states that future development of this land be single family detached homes on medium to large lots. This proposal does not meet the City's Comprehensive Plan and should be denied on that basis.

Additionally, the abutting land is all either agricultural or residential lots with a minimum of 3 acres each. This application does not conform with existing surrounding property uses. This application seeks to place houses 20 feet from agricultural uses (including farm animals), from agricultural and excavation equipment, farm ponds and from land that has been hunted on for over four generations.

Also, the high density of this application will cause significant traffic issues, especially with the entrance being placed directly opposite the entrance to The Oaks. The applicant is requesting to place 132 homes on 22.9 acres; by comparison, The Oaks has 202 homes on 116.9 acres.

Please deny the application to rezone this property.

Cindy and Brad Smith



## Hoskins, GERALYN

---

**From:** Foster, Jason  
**Sent:** Monday, December 13, 2021 9:56 AM  
**To:** Hoskins, GERALYN  
**Subject:** FW: Opposition to ZC 21-47

*Jason Foster*

Economic Development Coordinator  
City of Huber Heights  
937-237-5818  
[jfoster@hhoh.org](mailto:jfoster@hhoh.org)

**From:** Frederick Aikens <fredaikens@sbcglobal.net>  
**Sent:** Monday, December 13, 2021 12:02 AM  
**To:** Byrge, Nancy <NByrge@hhoh.org>; Lyons, Ed <ELyons@hhoh.org>; Foster, Jason <JFoster@hhoh.org>  
**Cc:** William Clark <williamclark80@yahoo.com>; Lynn Tengsdahl <mommateng@gmail.com>  
**Subject:** Opposition to ZC 21-47

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Good evening all,

I hope this email finds you all well. My name is Fred Aikens. I am a homeowner in the Oaks of Huber Heights and I am sending this email to express my opposition to the rezoning of the cornfield directly across Bellefontaine Road. For the purpose of clarity, this is the exact information from the agenda for the meeting on Tuesday:

*"REZONING - The applicant, Campbell Berling, is requesting approval of a Rezoning and Basic Development Plan to PR (Planned Residential) for property located on the East side of Bellefontaine and South of Chambersburg Road (ZC 21-47)."*

I am writing for the same reasons expressed by many of my neighbors in regard to density and the number of units in such a small area. This proposed development will negatively affect the aesthetics of the neighborhood as well as adversely affect the property values of those who decided to invest in our development (The Oaks of Huber Heights). After speaking to a few neighbors, I learned that adding such large numbers of new residents may also have a negative effect on already overcrowded primary schools in the area.

I believe in the Huber Heights Motto, "Come grow with us". I also believe that we need to be strategic about the growth of our city. As homeowners, we cannot afford to allow developers to come into the city and cause irreparable damage to our neighborhoods. When my wife and I decided to build here, we did so because of the neighborhood and the people who live here. Hopefully, our elected officials will help us in keeping it the way it was when we made that decision. I trust that the voices of concerned citizens will assist you in your deliberations. Your decision to protect our neighborhood is greatly appreciated.

Thank you for taking the time to hear and read about our concerns.

Dr. Fred A. Aikens  
HOA Board Member  
The Oaks of Huber Heights

## Hoskins, GERALYN

---

**From:** Foster, Jason  
**Sent:** Sunday, December 12, 2021 8:20 PM  
**To:** Hoskins, GERALYN  
**Subject:** Fwd: Opposition to ZC 21-47.

Sent from my iPhone

Begin forwarded message:

**From:** Roger Zambile <rogerzambile@email.com>  
**Date:** December 12, 2021 at 7:14:18 PM EST  
**To:** "Foster, Jason" <JFoster@hhoh.org>  
**Cc:** "Lyons, Ed" <ELyons@hhoh.org>, "Byrge, Nancy" <NByrge@hhoh.org>  
**Subject:** **Opposition to ZC 21-47.**

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I oppose the rezoning for the New Development going in across from The Oaks on Bellefontaine Rd. This property is mostly bordered by single family residences on at least 3 acres of land, which would have a maximum density of 0.33. The Oaks is across the street, adjacent to the property and our density is 2.05. This project does not fit the aesthetics of our overall neighborhood and we believe it will adversely affect our property values.

Thank You  
Roger Zambile



## Hoskins, GERALYN

---

**From:** Foster, Jason  
**Sent:** Sunday, December 12, 2021 8:20 PM  
**To:** Hoskins, GERALYN  
**Subject:** Fwd: Opposition to ZC 21-47

Sent from my iPhone

Begin forwarded message:

**From:** tadrjd@woh.rr.com  
**Date:** December 12, 2021 at 8:07:23 PM EST  
**To:** "Foster, Jason" <JFoster@hhoh.org>, "Lyons, Ed" <ELyons@hhoh.org>, "Byrge, Nancy" <NByrge@hhoh.org>, btgeek@aol.com  
**Subject:** Opposition to ZC 21-47

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Ms Foster, Mr Lyons, Ms Byrge

I am writing this is opposition to the planned development the developer has proposed. I will keep it OBJECTIVE as I did the last time the old church property adjacent to the Oaks using my license as a professional comprehensive planner.

- 1) The current Huber Heights plan is for single family units and would be a great development if done right not duplex patio homes.
- 2) Size and density do not complement the surrounding area. from third acre to acre in the Oaks to 3 to 5 in the area where Mr Lyons has his home just beyond the tree line.
- 3) You have a stream on the north end of the property that is wetlands under the Ohio and National guidelines and must be protected. The retention pond is required for this area and at this density you are penalized for a new development as you have over 40% impermeable surfaces. The developer has not provided his calculations.
- 4) based on this design you would need a stop sign for the cross intersection under traffic guidelines and density. A T intersection is much better just as you have in many areas along Bellefontaine.
- 5) Need a buffer a proper setbacks at the substation and primary high voltage lines.
- 6) Only one entrance where you require two just as council voted for the old church property. Remember the church property is 32 units with two entrances. This is 132 Units with one. Fire codes emergency response, police etc. This is basically a zero lotline scenario and as a previous fire marshal and chief seven time the ability to respond to emergency's put an extreme risk to the responders much less the neighborhood.
- 7) This design is not ready for prime time except for the dollars the developer and their investors will make. They need to take into account traffic, response, density, compatibility to surrounding homes and development.
- 8) the Oaks was a master planned community nearly four times as large with slightly more than the 132 unit. The city approved this and surrounding areas to be single family and should be maintained with similar size, brick, basements, 2-3 car garages, adequate setback and area between each unit.

9) The items above are just a small sample of the inequities of this proposal based on my expertise as a comprehensive planner during my 25 years in the Air Force. I urge you to take note of this items and ensure the development is done correctly in conduction with the surrounding area, adequate fire and emergency response, and meeting all necessary environmental guidelines from the Ohio and Federal EPA statutes.

I plan on attending the planning meeting and hope for good interchange with the developer and planning board.

Questions please email me or call as tony has my number. Thanks in advance for your time.

Warmest Regards Ron Deak

## Hoskins, GERALYN

---

**From:** Foster, Jason  
**Sent:** Sunday, December 12, 2021 1:26 PM  
**To:** Hoskins, GERALYN  
**Subject:** Fwd: Opposition to ZC 21-47

Sent from my iPhone

Begin forwarded message:

**From:** Warren Taldo <wtaldo@gmail.com>  
**Date:** December 12, 2021 at 1:24:07 PM EST  
**To:** "Foster, Jason" <JFoster@hhoh.org>  
**Cc:** "Lyons, Ed" <ELyons@hhoh.org>, "Byrge, Nancy" <NByrge@hhoh.org>, btgeek@aol.com  
**Subject:** Opposition to ZC 21-47

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Dean Planning Commission Officer, I am opposed to the following development plan for the reasons stated below.

This development is planned on 22.968 acres and has 66 duplexes for a total of 132 units. They are one and two story patio homes which means no basement.

Their lots are a minimum of 2500sf and 5 feet to the lot line, 25 foot setback for the front and 20 feet for the back. The lots in The Oaks are a minimum of 12,000sf, 10 feet to the lot line, 25 foot setback in front and 40 feet for the back. Huge difference!

The density of that project is 5.7 units per acre; while the density of The Oaks is 2.05. This will increase traffic dramatically. Their entrance will be directly across from ours which will cause difficulty especially during commuting hours.

The City has a Comprehensive Plan which calls for this property to be single-family, detached homes. This property is mostly bordered by single family residences on at least 3 acres of land, which would have a maximum density of 0.33. The Oaks is across the street, adjacent to the property and our density is 2.05. This project does not fit the aesthetics of our overall neighborhood and we believe it will adversely affect our property values.

Thank You for your mindful consideration for those of us that live in the OAKS .

Sincerely Yours,  
Warren & Catherine Taldo  
5921 Oak Creek Trail,  
Huber Heights, Oh. 45424



## Hoskins, GERALYN

---

**From:** Foster, Jason  
**Sent:** Sunday, December 12, 2021 11:32 AM  
**To:** Hoskins, GERALYN  
**Subject:** Fwd: Opposition to ZC 21-47

Sent from my iPhone

Begin forwarded message:

**From:** Jason Williams <jasonwilliams39@icloud.com>  
**Date:** December 12, 2021 at 11:10:01 AM EST  
**To:** "Foster, Jason" <JFoster@hhoh.org>, "Lyons, Ed" <ELyons@hhoh.org>, nbyrge@hhog.org  
**Subject:** **Opposition to ZC 21-47**

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Hello,

We've heard about the proposed development across from the Oaks Subdivision on Bellefontaine Road. If it is true that it is going to be patio homes (duplexes) then I am against this happening. I've heard this is zoned for single family homes and should stay that way. It would be best if the properties are similar to the Oaks and the DR Horton Development on Silver Oak. I plan to attend the meeting this week.

Thanks,  
Jason Williams  
Lot 135 Oaks Subdivision  
6040 White Oak Way

Sent from my iPhone

## Hoskins, GERALYN

---

**From:** Foster, Jason  
**Sent:** Friday, December 10, 2021 9:31 PM  
**To:** Hoskins, GERALYN  
**Subject:** Fwd: Opposition to ZC 21-47

Sent from my iPhone

Begin forwarded message:

**From:** Michael Harman <mjharman1@gmail.com>  
**Date:** December 10, 2021 at 9:07:15 PM EST  
**To:** "Lyons, Ed" <ELyons@hhoh.org>, "Byrge, Nancy" <NByrge@hhoh.org>, "Foster, Jason" <JFoster@hhoh.org>  
**Cc:** Harman Michael <mjharman1@gmail.com>, Harman Tracy <harman.tracy@yahoo.com>  
**Subject:** **Opposition to ZC 21-47**

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Regarding property ZC 21-47 on bellefontaine rd:

I own the property immediately to the north of this area. I bought here for space and privacy. My home is oriented so my windows face away from my only neighbor to my north. The plans call for many homes to back up to my southern property line where all my windows face, which would completely remove any privacy I have.

Visual barriers that currently exist along the common property line would be insufficient, especially during winter when leaves are gone and they will not stop noise.

Traffic along bellefontaine road is fairly high right now. Some people consider it a drag strip which is annoying and noisy. Adding many more houses will increase this traffic and the noise.

Thank you for the opportunity to express my opposition. I look forward to hearing what decisions are made.

Michael J. Harman  
937-768-9561

## Hoskins, GERALYN

---

**From:** Foster, Jason  
**Sent:** Friday, December 10, 2021 9:55 AM  
**To:** Hoskins, GERALYN  
**Subject:** Fwd: Opposing ZC 21-47 Bellefontaine across from Oaks entrance

Sent from my iPhone

Begin forwarded message:

**From:** Tracy Harman <harman.tracy@yahoo.com>  
**Date:** December 10, 2021 at 9:51:41 AM EST  
**To:** "Foster, Jason" <JFoster@hhoh.org>  
**Cc:** "Lyons, Ed" <ELyons@hhoh.org>, "Byrge, Nancy" <NByrge@hhoh.org>  
**Subject:** Opposing ZC 21-47 Bellefontaine across from Oaks entrance

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Mr. Foster,

My name is Tracy Harman and I live at 6480 Bellefontaine Road. I am contacting you to tell you of my opposition to the planned building of a huge number of duplex homes to the south of my property on Bellefontaine Road.

We purchased this property in July of 2019. We loved the privacy of the lot, yet the close proximity of all Huber Heights has to offer.

We just went through the mess of Bellefontaine Rd being worked on & raising the dip in the road that caused dangerous lack of visibility. As a result of that road work, we have lost all of the privacy we had along Bellefontaine Road, as well as adding obstruction for leaving our driveway (heading north).

The number of planned houses that would be built on the 22 acres south of our property is insane. The documents on the Huber Heights website show that any planned building on that property was to be single family homes. That was what we saw when we purchased our property here.

Please let me know if there is anything else I need to do to make my voice heard. My husband & I will be at the meeting on 14 December at 6 pm.

Thank you for all you do for our community,

Tracy Harman  
6480 Bellefontaine Road  
Harman.tracy@yahoo.com

Sent from my iPhone



## Hoskins, GERALYN

---

**From:** Foster, Jason  
**Sent:** Thursday, December 9, 2021 8:44 PM  
**To:** Hoskins, GERALYN  
**Subject:** Fwd: The Oaks - Opposition to ZC 21-47

Sent from my iPhone

Begin forwarded message:

**From:** William <skimarks@hotmail.com>  
**Date:** December 9, 2021 at 7:24:41 PM EST  
**To:** "Foster, Jason" <JFoster@hhoh.org>  
**Cc:** "Byrge, Nancy" <NByrge@hhoh.org>, "Lyons, Ed" <ELyons@hhoh.org>, Cindy Smith <BTGeek@aol.com>  
**Subject:** Fw: The Oaks - Opposition to ZC 21-47

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In response to Brad and Cindy Smith's email below, I am providing this email for your attention and action as appropriate.

I strongly oppose subject construction plan/rezoning as it continues to degrade the Oaks of Huber Heights neighborhood concept. When my wife and I were deciding where to build our retirement home 9 years ago we liked the Oaks development as well as the Callamere Farms neighborhood. They were upscale from the normal small brick homes that Huber Heights is famous for and where I owned my first, "starter" home 40 years ago. The Oaks neighborhood has plenty of space, a great blend of country and city and neighbors who take pride in their homes and neighborhood. In the last five years, it appears that the city of Huber Heights has reversed course by building smaller lots/homes on the northeast section of Chambersburg and Bellefontaine Rds. And this past year a new builder tried to complete the remaining section of the Oaks with small rental properties which is diametrically opposed to the Oaks concept. I'm very thankful and appreciative that the City Council did not allow this to happen. Ask yourself, why can't Huber Heights have a decent size section of town with mid to upscale homes and lot sizes like nearly every other suburb of Dayton? Is population density the centerpiece of the Huber Heights' "Come grow with us" economic development strategy? If so, then please write it in the city charter so people will know this up front and can choose a different suburb to live. Hopefully Huber Heights City Council will continue to fight for our neighborhood and proudly expand on one of the best neighborhood concepts in this part of Ohio. Thanks for your continued support.

William Marks  
5776 Oak Creek Trail

**From:** Brad Smith <BTGeek@aol.com>  
**Sent:** Thursday, December 9, 2021 10:57 AM

To: Cindy Smith <btgeek@aol.com>  
Subject: The Oaks - Opposition to ZC 21-47

Dear Neighbors,

Hopefully by now everyone has been notified of the application for rezoning for the cornfield directly across from the entry to The Oaks. We are writing in the hope that our neighborhood will rise together yet again to oppose any development that will adversely affect us.

This development is planned on 22.968 acres and has 66 duplexes for a total of 132 units. They are one and two story patio homes which means no basement.

Their lots are a minimum of 2500sf and 5 feet to the lot line, 25 foot setback for the front and 20 feet for the back. The lots in The Oaks are a minimum of 12,000sf, 10 feet to the lot line, 25 foot setback in front and 40 feet for the back. Huge difference!

The density of that project is 5.7 units per acre; while the density of The Oaks is 2.05. This will increase traffic dramatically. Their entrance will be directly across from ours which will cause difficulty especially during commuting hours.

The City has a Comprehensive Plan which calls for this property to be single-family, detached homes. This property is mostly bordered by single family residences on at least 3 acres of land, which would have a maximum density of 0.33. The Oaks is across the street, adjacent to the property and our density is 2.05. This project does not fit the aesthetics of our overall neighborhood and we believe it will adversely affect our property values.

Information on this project is available on the City Website under the Planning Commission.

There are things that need to be done:

Please talk with your immediate neighbors and make sure everyone is aware of this.

Please send an email no later than Monday opposing this project to: [jfoster@hhoh.org](mailto:jfoster@hhoh.org),  
cc: [elyons@hhoh.org](mailto:elyons@hhoh.org), [nbyrge@hhoh.org](mailto:nbyrge@hhoh.org). Please put in subject line: Opposition to ZC 21-47.

Please attend the Planning Commission on December 14th at 6pm at City Hall. The quickest way for us to stop this project is at the Planning Commission stage.

We are so happy to live in this neighborhood with all of our wonderful neighbors!

Brad and Cindy Smith



## Hoskins, GERALYN

---

**From:** Foster, Jason  
**Sent:** Thursday, December 9, 2021 1:47 PM  
**To:** Hoskins, GERALYN  
**Subject:** FW: Opposition to ZC 21-47

*Jason Foster*

Economic Development Coordinator  
City of Huber Heights  
937-237-5818  
[jfoster@hhoh.org](mailto:jfoster@hhoh.org)

**From:** Mellanie Toles <tolesm@clarkstate.edu>  
**Sent:** Thursday, December 9, 2021 1:43 PM  
**To:** Foster, Jason <JFoster@hhoh.org>  
**Cc:** Lyons, Ed <ELyons@hhoh.org>; Byrge, Nancy <NByrge@hhoh.org>  
**Subject:** Opposition to ZC 21-47

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Hello! We are writing in opposition to ZC 21-47 because this project does not fit the aesthetics of our overall neighborhood (The Oaks of Huber Heights), and we believe it will adversely affect our property values. This development is planned on 22.968 acres and has 66 duplexes for a total of 132 units. They are one and two story patio homes which means no basement.

Their plans call for lots that are a minimum of 2500sf and 5 feet to the lot line, 25 foot setback for the front and 20 feet for the back. The lots in The Oaks are a minimum of 12,000sf, 10 feet to the lot line, 25 foot setback in front and 40 feet for the back. This is a huge difference.

Also, the density of that project is 5.7 units per acre; while the density of The Oaks is 2.05. This will increase traffic dramatically, and they are planning an entrance directly across from ours, which will cause difficulty especially during commuting hours.

The City has a Comprehensive Plan which calls for this property to be single-family, detached homes. This property is mostly bordered by single family residences on at least three acres of land, which would have a maximum density of 0.33. The Oaks is across the street, adjacent to the property and our density is 2.05.

We respectfully ask that you help us protect our property values by not approving this project and sticking with the City's Comprehensive Plan as referenced above. We and our neighbors have worked hard to build and maintain a wonderful neighborhood, and we feel that this project would adversely impact it. Thank you for your consideration!

Gene Bell and Mellanie Toles  
6131 Oak Ridge Drive  
Dayton, OH 45424



**Mellanie Toles**

*Executive Assistant to the President and Coordinator of Special Projects*

Clark State College | [www.clarkstate.edu](http://www.clarkstate.edu)

937.328.6002 | [tolesm@clarkstate.edu](mailto:tolesm@clarkstate.edu)

## Hoskins, GERALYN

---

**From:** Foster, Jason  
**Sent:** Thursday, December 9, 2021 11:13 AM  
**To:** Hoskins, GERALYN  
**Subject:** FW: Opposition to ZC 21-47.

*Jason Foster*

Economic Development Coordinator  
City of Huber Heights  
937-237-5818  
[jfoster@hhoh.org](mailto:jfoster@hhoh.org)

**From:** Ron Hinds <ronshinds@aol.com>  
**Sent:** Thursday, December 9, 2021 11:11 AM  
**To:** Foster, Jason <JFoster@hhoh.org>  
**Cc:** Lyons, Ed <ELyons@hhoh.org>; Byrge, Nancy <NByrge@hhoh.org>  
**Subject:** Opposition to ZC 21-47.

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As a resident of THE OAKS I am writing to oppose this development that will adversely affect our property values.

This development is planned on 22.968 acres and has 66 duplexes for a total of 132 units. They are one and two story patio homes which means no basement.

Their lots are a minimum of 2500sf and 5 feet to the lot line, 25 foot setback for the front and 20 feet for the back. The lots in The Oaks are a minimum of 12,000sf, 10 feet to the lot line, 25 foot setback in front and 40 feet for the back. Huge difference!

The density of that project is 5.7 units per acre; while the density of The Oaks is 2.05. This will increase traffic dramatically. Their entrance will be directly across from ours which will cause difficulty especially during commuting hours.

**The City has a Comprehensive Plan which calls for this property to be single-family, detached homes.** This property is mostly bordered by single family residences on at least 3 acres of land, which would have a maximum density of 0.33. The Oaks is across the street, adjacent to the property and our density is 2.05. This project does not fit the aesthetics of our overall neighborhood and we believe it will adversely affect our property values.

*Thanks for considering our concerns.  
Sincerely,  
Ron*

Ron Hinds



Realtor/Senior Associate Partner  
Berkshire Hathaway HomeServices  
Professional Realty  
937-776-2225  
[ronshinds@aol.com](mailto:ronshinds@aol.com)  
[www.ronhinds.com](http://www.ronhinds.com)

## Hoskins, GERALYN

---

**From:** Foster, Jason  
**Sent:** Thursday, December 9, 2021 11:11 AM  
**To:** Hoskins, GERALYN  
**Subject:** FW: Resining of cornfield

Jason Foster  
Economic Development Coordinator  
City of Huber Heights  
937-237-5818  
jfooster@hhoh.org

-----Original Message-----

From: Nancy Higgins <nertnybingo@aol.com>  
Sent: Thursday, December 9, 2021 11:10 AM  
To: Foster, Jason <JFoster@hhoh.org>  
Subject: Resining of cornfield

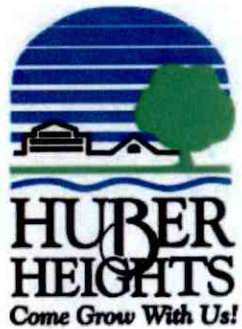
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Hello,

We strongly oppose the refining of the cornfield directly across from the entrance to the Oaks of Huber. We hope you would vote this down.

Thanks,  
Richard & Nancy Higgins

Sent from my iPhone



## **Planning Commission Decision Record**

WHEREAS, on November 16, 2021, the applicant, Campbell Berling, requested approval of a Rezoning from AG Agricultural to Planned Residential and a Basic Development Plan for 22.968 acres for property located on the East side of Bellefontaine Road and South of Chambersburg Road, further identified as Parcel Number P70 03908 0126 of the Montgomery County, Ohio Recorder's Office (Zoning Case 21-47), and;

WHEREAS, on December 14, 2021, the Planning Commission did meet and fully discuss the details of the request.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommended approval of the request.

Ms. Thomas moved to recommend approval of the application by Campbell Berling, requested approval of a Rezoning from AG Agricultural to Planned Residential and a Basic Development Plan for property located on the East side of Bellefontaine Road and South of Chambersburg Road, further identified as Parcel Number P70 03908 0126 of the Montgomery County, Ohio Recorder's Office (Zoning Case 21-47), in accordance with the recommendation of Staff's Memorandum dated December 01, 2021, with the following conditions:

1. The Basic Development Plan shall be the plans stamped received by the City of Huber Heights Planning Department on November 16, 2021 unless specifically modified below.
2. The minimum setbacks shall be as follows: 25-foot front yard, minimum 25-foot rear yard with a maximum of 15 lots having 20-foot rear setback, and 6-foot side yard.
3. An average of 40% of the surface area of the front façade shall be finished with brick or stone masonry products.



4. A drop lane for northbound traffic shall be installed and an acceleration lane to northbound Bellefontaine Road shall be installed; pending the results of a traffic impact study and approval by the City Engineer.
5. The applicant shall meet all petroleum company easement requirements
6. Prior to the issuance of a zoning permit, the applicant shall submit and receive approval of a Detailed Development Plan through the Planning Commission.

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Opp, Ms. Thomas, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to recommend approval carried 5-0.

---

Terry Walton, Chair  
Planning Commission

---

Date

## **Chodkowski, Bryan**

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**From:** Ron Hinds <ronshinds@aol.com>  
**Sent:** Friday, December 31, 2021 8:04 AM  
**To:** Chodkowski, Bryan  
**Subject:** ZC 21-47 the development being proposed for the cornfield across from The Oaks entrance.

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To All Concerned,

It is my belief that the development being proposed will adversely affect our property values (The Oaks) as well as not fit in with our overall neighborhood aesthetic. The City's Comprehensive Plan specifically states that the use for this land be single family detached homes on medium to large lots. It does not follow the Comprehensive Plan. They are duplexes, not detached homes and the lot size is not medium to large. Their minimum lot size is 2500sf. The Oaks minimum lot size is 12,000sf.

It is bordered by residential properties with a minimum of 3 acres, with a density of 0.33. The density of the proposed development is 5.7. By comparison, The Oaks is 2.05. This dramatic increase in density will cause many issues, primarily traffic-related.

Because of these and other reasons, I and residents of The Oaks are opposed to this development and request that the City Council deny the application.

As residents of The Oaks we are so grateful to live in this neighborhood and want to continue to enjoy it. We want our home values to remain and of course continue to appreciate. This proposed development will drag down our property values as any licensed appraiser will tell you.

Please vote an emphatic NO to this application.

Thanks for your consideration!

Sincerely,  
Ron

Ron Hinds  
6265 White Oak Way  
Huber Heights, Ohio  
**Realtor/Senior Associate Partner**  
Berkshire Hathaway HomeServices  
Professional Realty  
937-776-2225  
ronshinds@aol.com  
[www.ronhinds.com](http://www.ronhinds.com)



## Chodkowski, Bryan

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**From:** William <skimarks@hotmail.com>  
**Sent:** Friday, December 31, 2021 10:16 AM  
**To:** Chodkowski, Bryan  
**Subject:** FW: Another Email Please - Opposing ZC 21-47

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Resending to you since I had an error in your email address below.

**From:** William  
**Sent:** Friday, December 31, 2021 10:14 AM  
**To:** publicmeeting@hhoh.org  
**Cc:** elyons@hhoh.org; nbyrge@hhoh.org; gotto@hhoh.org; rshaw@hhoh.org; dewebb@hhoh.org; kbaker@hhoh.org; akitchen@hhoh.org; mcampbell@hhoh.org; jgore@hhoh.org; bchodkowski@hhoh.org; Cindy Smith  
**Subject:** Another Email Please - Opposing ZC 21-47

Huber Heights City Leaders:

I respectfully provide this email for your attention and action as appropriate.

I continue to oppose the ZC 21-47 construction plan/rezoning as it degrades the Oaks of Huber Heights neighborhood concept. As I understand, it falls short of the original concept for this area of town. This area of town was meant to have larger lot sizes and homes that blend into the country homes and multi-acre lots and farms that surround it. When my wife and I were deciding where to build our retirement home 9 years ago we liked the Oaks development and the Callamere Farms neighborhood. They were upscale from the normal small brick homes that Huber Heights is famous for and where I owned my first, "starter" home 40 years ago. The Oaks neighborhood has plenty of space, a great blend of country and city and neighbors who take pride in their homes and neighborhood. In the last five years, it appears that the city of Huber Heights has returned to its roots by building smaller, starter lots/homes on the northeast section of Chambersburg and Bellefontaine Rds. And this past year a new builder tried to complete the remaining section of the Oaks neighborhood with small rental properties which is diametrically opposed to the Oaks concept. I'm very thankful and appreciative that the City Council did not allow this to happen. I understand Huber Heights' "Come grow with us" motto, but let's do it smartly and not let population density be our primary economic objective. The Huber Heights residents who live along the Bellefontaine Rd corridor chose this area because it is less dense, safer, and less expensive than comparable neighborhoods in other suburbs around Dayton. I request the Huber Heights City leaders continue to fight for us and smartly expand on one of the best neighborhood concepts in this part of Ohio. Thanks for your continued support.

William Marks  
5776 Oak Creek Trail



## **Chodkowski, Bryan**

---

**From:** Warren Taldo <wtaldo@gmail.com>  
**Sent:** Saturday, January 1, 2022 12:42 PM  
**To:** Lyons, Ed; Byrge, Nancy; Otto, Glenn; Shaw, Richard; Webb, Don; Baker, Kathleen; Kitchen, Anita; Campbell, Mark; Gore, Jeff; Chodkowski, Bryan  
**Subject:** Proposed Land Development

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Dear Mayor and City Council Members,

As a long time resident of the Oaks of Huber Heights, I would like you all to know that the vast majority of the people living in the Oaks are vehemently opposed to the recent application that has moved from the Planning Commission and now resides with you the City Council for the following reasons:

It is our belief that the development being proposed will adversely affect our property values as well as not fit in with our overall neighborhood aesthetic. The City's Comprehensive Plan specifically states that the use for this land be single family detached homes on medium to large lots. It does not follow the Comprehensive Plan. They are duplexes, not detached homes and the lot size is not medium to large. Their minimum lot size is 2500sf. The Oaks minimum lot size is 12,000sf.

It is bordered by residential properties with a minimum of 3 acres, with a density of 0.33. The density of the proposed development is 5.7. By comparison, The Oaks is 2.05. This dramatic increase in density will cause many issues, primarily traffic-related.

We here in the Oaks are hoping that the City Council will use common sense when they make decision that truly affect other residents in the said area, and deny this application.

Thank You,  
Warren & Catherine Taldo  
5921 Oak Creek Trail,  
Huber Heights, Ohio 45424

## Chodkowski, Bryan

---

**From:** Kathi Davis <darandkat@gmail.com>  
**Sent:** Saturday, January 1, 2022 6:56 PM  
**To:** Publicmeeting; eloyns@hhoh.org; Byrge, Nancy; Otto, Glenn; Shaw, Richard; Webb, Don; Baker, Kathleen; Kitchen, Anita; Campbell, Mark; Gore, Jeff; Chodkowski, Bryan  
**Cc:** BTGeek@aol.com  
**Subject:** Opposition to ZC 21-47

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Members of City Council,

Thank you for taking the time to read my email. I am writing in opposition to proposal ZC 21-47. I live in the Oaks Of Huber Heights neighborhood, across from the location of the proposed new development. This proposal will adversely affect the property values of the homes in my neighborhood. Additionally, the developer's proposal is not in line with the City's Comprehensive Plan that requires the land to be used for single family dwellings. I love my neighborhood and want to keep my home-investment growing. Developing single-family homes in line with the already approved mandates would be welcome.

Respectfully,

Kathi Davis  
6224 Oak Ridge Drive  
443-306-4535  
darandkat@gmail.com

## **Chodkowski, Bryan**

---

**From:** Michael Harman <mjharman1@gmail.com>  
**Sent:** Saturday, January 1, 2022 9:24 PM  
**To:** Publicmeeting  
**Cc:** Byrge, Nancy; Otto, Glenn; Shaw, Richard; Webb, Don; Baker, Kathleen; Kitchen, Anita; Campbell, Mark; Gore, Jeff; Chodkowski, Bryan; Lyons, Ed  
**Subject:** City Council meeting opposition to ZC 21-47

CAUTION EXTERNAL EMAIL: This message originated from a non Huber Heights email server. DO NOT CLICK ANY LINKS or OPEN ANY ATTACHMENTS unless you have contacted the sender to verify its legitimacy or confirmed you were expecting it. Contact the IT Department if you need assistance.

HH City Council,

My name is Michael Harman and I own the property immediately along the NW border of the property in question.

I oppose this development, as proposed.

When I purchased my home I was told that single family homes "might" get built on this property. This proposal is not in line with the 2011 Huber Heights Comprehensive Plan which calls for "Single Family Residential" homes. Why did this usage change not come up in the discussions with the planning council. Was there a predetermined guarantee that this change in use would be approved?

I knew of the 2011 plan when we moved here in 2019. We own 4 acres and chose this area for more space. My house is oriented so the windows face away from Bellefontaine road and my single neighbor to the north. This plan will place 20 homes within 25 feet of my southern property line and completely removes the privacy I purchased my home for. Currently we see trees, greenery, and fields south and east of my home but these trees are not sufficient to block out homes from my eyelines. I expected to eventually see 2 or 3 homes, not 20.

If you add 132 homes, traffic and related noise will increase. Bellefontaine is already a drag strip and this will increase traffic. A light will be needed at Fishburg and at the development entrance and I expect we will eventually need speed bumps in this area as well.

I chose this area for its lack of traffic and distractions, so I am asking you to oppose this development.

Sincerely,  
Michael Harman  
6480 Bellefontaine



## Chodkowski, Bryan

---

**From:** tadrjd@woh.rr.com  
**Sent:** Sunday, January 2, 2022 2:56 AM  
**To:** Lyons, Ed; Byrge, Nancy; Otto, Glenn; Shaw, Richard; Webb, Don; Baker, Kathleen; Kitchen, Anita; Campbell, Mark; Gore, Jeff; Chodkowski, Bryan  
**Cc:** 'btgeek@aol.com'  
**Subject:** ZC 21-47 Concerns

CAUTION EXTERNAL EMAIL: This message originated from a non Huber Heights email server. DO NOT CLICK ANY LINKS or OPEN ANY ATTACHMENTS unless you have contacted the sender to verify its legitimacy or confirmed you were expecting it. Contact the IT Department if you need assistance.

I am sure I am not the only one that has concerns with the planned development adjacent to the Oaks on Bellefontaine Rd. While many are subjective I will keep it objective.

1) I attended the planning meeting and I encourage each one of you to listen and watch it. How different the planning board was to our concerns and facts on this one versus the Jen Realty with the other plot of land I call the church property. It seemed that while they listened to our questions everything was on deaf ear and as I said when I spoke it was rubber stamping what the developer proposed. Mr. Jefferies took exception to my comment after I ended but did not enter into any questions and answers with anyone that showed up. His only comment that concerned my dialog was later that there is a market for that type of unit but I was not allowed to rebut. Mr. Stewart got up and asked is there anyway to stop it in its tracks, the comment from the board no. Why is my questions when the proposed development is wrong on many fronts. I plan on attending like many others to the upcoming meeting and hope there will be dialog with property owners and developer with council. Ms. Vargo also during the planning meeting said that he is the property owner and can submit what he wants to do and get it approved. While I agree with her statements the developer also needs to develop in a comprehensive manner satisfying all the laws ordnances etc. where it complements the surrounding areas. Since I had a license as a professional comprehensive planner everything I say will be in an objective state.

1) The area zoned is for single family with agriculture. I asked what basis the developer has to change the zoning? still waiting for an answer other than he/she is the owner.

2) The developed area exceeds the minimum EPA requirements for the catch pond. I have asked for the calculations from the planning board and nothing has been received. With a development of over 40% impermeable land the acre feet of water goes up exponentially and with my rough calculation would have to be at least 5 times larger than proposed in the neighborhood of 30acre feet of water. The pond is near not the size of that. Still waiting for the calculations. This is important why ...you have two streams that also include wetlands under the EPA definition that will be altered. The area in question in the stream near Bath road and the wetlands adjacent to Mr. Lyons property and others down stream. A complete analysis is required as this amount of storm water flow affects the surrounding areas and the associated wetlands on the properties that are near it.

3) Setback why was the setback to the road changed from 25 feet to 20 feet? I can only say it was to accommodate the design of the developer

4) With more units than the Oaks with a density that goes up to almost six units per acre from a little over 2 per acre in the Oaks and 1 unit per 3-5 acres on the other sides of the development. No justification given to the benefits of this during the planning meeting other than he owns the property. Huber Heights was built on what I term suburban sprawl. This means there is no structure and flow to the city as there is no identifiable downtown. What do I mean by this. It is nearly impossible it not impossible to correct the past developments. The city is trying to have a downtown on the Brandt Pike corridor but only so much can be done without buyouts etc. to correct what is incorrect. It would be astronomically expensive. This type of density is made for areas that are directly adjacent to commercial property ie gas, restaurants and shopping.

5) Traffic study was asked for! where is it when you add over 500 more vehicles to that residential area. There is only one entrance for vehicular traffic. It requires two.



6) Emergency Response. While there is two entrances for emergency responses maneuvering through the development will be nearly impossible. The front of each unit with two car garage, creates space for two cars. Any overage parks on the street as these units do not have storage out side the garage and the developer indicates that there will be no sheds. I believe that is against the law. The average house has 3.1 vehicles. You will have very little parking on the street since most of the area will be consumed by concrete drive ways. Take response of fire trucks and snow plows and you can see there is not enough room to safely respond and do their jobs.

7) No sidewalks or boulevard entrance on to Bellefontaine.

8) Lift station what is the location and how will it tie into the main system. Since there is a lot of grade change, if it is located in the front of the development the sewer system would be down in excess of 40 feet. Not reasonable. Need the developer address this with a clear answer which he has not done including the size, back up power requirements and tie ins into the main system.

9) No brick at least 25 percent of the home as others are required to have. This is a simple one, the developer is cutting costs to raise his profit margins.

10) The gas right of way! where is the approval from the gas line owner to have it just paved over? none provided. You just cannot pave over a right of way

11) Open space require! where is it? While the developer would say the area adjacent to the substation would be it. First it is dangerous to have a open space play area right next to a major substation and with an area this big needs to be more centralized at least two to three areas.

12) Mail pick delivery cluster boxes! Where will they be since all the property is developed other than the area next to the substation. Imagine putting all those mail boxes there and having lines of vehicles trying to get their mail and it would be right at the entrance off Bellefontaine creating hazardous conditions on Bellefontaine.

I can continue on and on but just wanted to hit the high points. Every developer has a right to develop any piece of property and make a profit but it needs to be done correctly with the surrounding area and not create more problems for a lifetime and beyond for the home owners there and the city of Huber Heights.

Should any of you have any additional questions or want clarification you can do so by emailing me and or calling me at 7816989177.

Thanks in advance for allowing to me address many issues in an objective way and to make Huber Heights the place to be to live work and play. It just needs to be done in a sound, harmonious completing way for all. If there is something you do not understand or does not make sense please advise

Regards and Happy Year to all.

Ron Deak

**From:** [Publicmeeting](#)  
**To:** [Rodgers, Anthony](#)  
**Subject:** FW: City Council meeting opposition to ZC 21-47  
**Date:** Monday, January 3, 2022 11:28:23 AM

---

**From:** Michael Harman <mjharman1@gmail.com>  
**Sent:** Saturday, January 1, 2022 9:24 PM  
**To:** Publicmeeting <Publicmeeting@hhoh.org>  
**Cc:** Byrge, Nancy <NByrge@hhoh.org>; Otto, Glenn <GOtto@hhoh.org>; Shaw, Richard <RShaw@hhoh.org>; Webb, Don <DEWebb@hhoh.org>; Baker, Kathleen <KBaker@hhoh.org>; Kitchen, Anita <AKitchen@hhoh.org>; Campbell, Mark <MCampbell@hhoh.org>; Gore, Jeff <JGore@hhoh.org>; Chodkowski, Bryan <BChodkowski@hhoh.org>; Lyons, Ed <ELyons@hhoh.org>  
**Subject:** City Council meeting opposition to ZC 21-47

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HH City Council,

My name is Michael Harman and I own the property immediately along the NW border of the property in question.

I oppose this development, as proposed.

When I purchased my home I was told that single family homes "might" get built on this property. This proposal is not in line with the 2011 Huber Heights Comprehensive Plan which calls for "Single Family Residential" homes. Why did this usage change not come up in the discussions with the planning council. Was there a predetermined guarantee that this change in use would be approved?

I knew of the 2011 plan when we moved here in 2019. We own 4 acres and chose this area for more space. My house is oriented so the windows face away from Bellefontaine road and my single neighbor to the north. This plan will place 20 homes within 25 feet of my southern property line and completely removes the privacy I purchased my home for. Currently we see trees, greenery, and fields south and east of my home but these trees are not sufficient to block out homes from my eyelines. I expected to eventually see 2 or 3 homes, not 20.

If you add 132 homes, traffic and related noise will increase. Bellefontaine is already a drag strip and this will increase traffic. A light will be needed at Fishburg and at the development entrance and I expect we will eventually need speed bumps in this area as well.

I chose this area for its lack of traffic and distractions, so I am asking you to oppose this development.

Sincerely,  
Michael Harman  
6480 Bellefontaine



**From:** [Publicmeeting](#)  
**To:** [Rodgers, Anthony](#)  
**Subject:** FW: Opposition to ZC 21-47  
**Date:** Monday, January 3, 2022 11:27:49 AM

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-----Original Message-----

From: Kathi Davis <darandkat@gmail.com>  
Sent: Saturday, January 1, 2022 6:56 PM  
To: Publicmeeting <Publicmeeting@hhoh.org>; eloyns@hhoh.org; Byrge, Nancy <NByrge@hhoh.org>; Otto, Glenn <GOtto@hhoh.org>; Shaw, Richard <RShaw@hhoh.org>; Webb, Don <DEWebb@hhoh.org>; Baker, Kathleen <KBaker@hhoh.org>; Kitchen, Anita <AKitchen@hhoh.org>; Campbell, Mark <MCampbell@hhoh.org>; Gore, Jeff <JGore@hhoh.org>; Chodkowski, Bryan <BChodkowski@hhoh.org>  
Cc: BTGeek@aol.com  
Subject: Opposition to ZC 21-47

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Members of City Council,

Thank you for taking the time to read my email. I am writing in opposition to proposal ZC 21-47. I live in the Oaks Of Huber Heights neighborhood, across from the location of the proposed new development. This proposal will adversely affect the property values of the homes in my neighborhood. Additionally, the developer's proposal is not in line with the City's Comprehensive Plan that requires the land to be used for single family dwellings. I love my neighborhood and want to keep my home-investment growing. Developing single-family homes in line with the already approved mandates would be welcome.

Respectfully,

Kathi Davis  
6224 Oak Ridge Drive  
443-306-4535  
darandkat@gmail.com

**From:** [Publicmeeting](#)  
**To:** [Rodgers, Anthony](#)  
**Subject:** FW: Another Email Please - Opposing ZC 21-47  
**Date:** Monday, January 3, 2022 11:27:07 AM

---

**From:** William <skimarks@hotmail.com>  
**Sent:** Friday, December 31, 2021 10:14 AM  
**To:** Publicmeeting <Publicmeeting@hhoh.org>  
**Cc:** Lyons, Ed <ELyons@hhoh.org>; Byrge, Nancy <NByrge@hhoh.org>; Otto, Glenn <GOtto@hhoh.org>; Shaw, Richard <RShaw@hhoh.org>; Webb, Don <DEWebb@hhoh.org>; Baker, Kathleen <KBaker@hhoh.org>; Kitchen, Anita <AKitchen@hhoh.org>; Campbell, Mark <MCampbell@hhoh.org>; Gore, Jeff <JGore@hhoh.org>; bchodkowski@hhoh.org; Cindy Smith <BTGeek@aol.com>  
**Subject:** Another Email Please - Opposing ZC 21-47

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Huber Heights City Leaders:

I respectfully provide this email for your attention and action as appropriate.

I continue to oppose the ZC 21-47 construction plan/rezoning as it degrades the Oaks of Huber Heights neighborhood concept. As I understand, it falls short of the original concept for this area of town. This area of town was meant to have larger lot sizes and homes that blend into the country homes and multi-acre lots and farms that surround it. When my wife and I were deciding where to build our retirement home 9 years ago we liked the Oaks development and the Callamere Farms neighborhood. They were upscale from the normal small brick homes that Huber Heights is famous for and where I owned my first, "starter" home 40 years ago. The Oaks neighborhood has plenty of space, a great blend of country and city and neighbors who take pride in their homes and neighborhood. In the last five years, it appears that the city of Huber Heights has returned to its roots by building smaller, starter lots/homes on the northeast section of Chambersburg and Bellefontaine Rds. And this past year a new builder tried to complete the remaining section of the Oaks neighborhood with small rental properties which is diametrically opposed to the Oaks concept. I'm very thankful and appreciative that the City Council did not allow this to happen. I understand Huber Heights' "Come grow with us" motto, but let's do it smartly and not let population density be our primary economic objective. The Huber Heights residents who live along the Bellefontaine Rd corridor chose this area because it is less dense, safer, and less expensive than comparable neighborhoods in other suburbs around Dayton. I request the Huber Heights City leaders continue to fight for us and smartly expand on one of the best neighborhood concepts in this part of Ohio. Thanks for your continued support.

William Marks  
5776 Oak Creek Trail



**From:** [Publicmeeting](#)  
**To:** [Rodgers, Anthony](#)  
**Subject:** FW: ZC 21-47 the development being proposed for the cornfield across from The Oaks entrance.  
**Date:** Monday, January 3, 2022 11:26:46 AM

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**From:** Ron Hinds <ronshinds@aol.com>  
**Sent:** Friday, December 31, 2021 8:00 AM  
**To:** Publicmeeting <Publicmeeting@hhoh.org>  
**Cc:** Lyons, Ed <ELyons@hhoh.org>; Byrge, Nancy <NByrge@hhoh.org>; Otto, Glenn <GOtto@hhoh.org>; Shaw, Richard <RShaw@hhoh.org>; Webb, Don <DEWebb@hhoh.org>; Baker, Kathleen <KBaker@hhoh.org>; Kitchen, Anita <AKitchen@hhoh.org>; Campbell, Mark <MCampbell@hhoh.org>; Gore, Jeff <JGore@hhoh.org>; bchodkowski@hhoh.orgit  
**Subject:** ZC 21-47 the development being proposed for the cornfield across from The Oaks entrance.

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To All Concerned,

It is my belief that the development being proposed will adversely affect our property values (The Oaks) as well as not fit in with our overall neighborhood aesthetic. The City's Comprehensive Plan specifically states that the use for this land be single family detached homes on medium to large lots. It does not follow the Comprehensive Plan. They are duplexes, not detached homes and the lot size is not medium to large. Their minimum lot size is 2500sf. The Oaks minimum lot size is 12,000sf.

It is bordered by residential properties with a minimum of 3 acres, with a density of 0.33. The density of the proposed development is 5.7. By comparison, The Oaks is 2.05. This dramatic increase in density will cause many issues, primarily traffic-related.

Because of these and other reasons, I and residents of The Oaks are opposed to this development and request that the City Council deny the application.

As residents of The Oaks we are so grateful to live in this neighborhood and want to continue to enjoy it. We want our home values to remain and of course continue to appreciate. This proposed development will drag down our property values as any licensed appraiser will tell you.

Please vote an emphatic NO to this application.

Thanks for your consideration!

Sincerely,

Ron

**Ron Hinds**  
**6265 White Oak Way**  
**Huber Heights, Ohio**  
**Realtor/Senior Associate Partner**  
**Berkshire Hathaway HomeServices**  
**Professional Realty**



937-776-2225  
[ronshinds@aol.com](mailto:ronshinds@aol.com)  
[www.ronhinds.com](http://www.ronhinds.com)

**From:** [Publicmeeting](#)  
**To:** [Rodgers, Anthony](#)  
**Subject:** FW: Opposing ZC 21-47  
**Date:** Monday, January 3, 2022 12:04:01 PM

---

**From:** Ron & Joyce D'Allessandris <rjdallessandris@gmail.com>  
**Sent:** Monday, January 3, 2022 11:57 AM  
**To:** Publicmeeting <Publicmeeting@hhoh.org>  
**Cc:** Lyons, Ed <ELyons@hhoh.org>; Byrge, Nancy <NByrge@hhoh.org>; Otto, Glenn <GOtto@hhoh.org>; Shaw, Richard <RShaw@hhoh.org>; Webb, Don <DEWebb@hhoh.org>; Baker, Kathleen <KBaker@hhoh.org>; Kitchen, Anita <AKitchen@hhoh.org>; Campbell, Mark <MCampbell@hhoh.org>; Gore, Jeff <JGore@hhoh.org>; bchodkowski@hhoh.orgit  
**Subject:** Opposing ZC 21-47

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### ***Council members***

***We stand opposed to ZC 21-47, major concern is the effect on property values if this plan is approved. It is also our understanding that the City's Comprehensive Plan is not being adhered to, If the proposed ZC21-47 does not reflect the Comprehensive plan, how did it ever leave the Planning Commission? With lot size reduction and the construction of duplexes instead of single homes this proposal does not meet the standards that Comprehensive plan lays out.***

***Thanks for your time***

***Ron & Joyce D'Allessandris  
[rjdallessandris@gmail.com](mailto:rjdallessandris@gmail.com) with  
Home Phone 937-254-0005  
Ron Cell Phone 937-681-3492  
Joyce Cell Phone 937-681-3498***



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## Chodkowski, Bryan

---

**From:** Mellanie Toles <tolesm@clarkstate.edu>  
**Sent:** Tuesday, January 4, 2022 10:04 AM  
**To:** Publicmeeting  
**Cc:** Lyons, Ed; Byrge, Nancy; Otto, Glenn; Shaw, Richard; Webb, Don; Baker, Kathleen; Kitchen, Anita; Campbell, Mark; Gore, Jeff; Chodkowski, Bryan  
**Subject:** Opposition to ZC 21-47  
**Importance:** High

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Dear City Council Members:

We are writing in opposition to the proposed development ZC 21-47, which would be located directly across from The Oaks of Huber Heights entrance and specifically, our home.

It is our belief that the development being proposed will adversely affect our property values and it will not fit in with our overall neighborhood aesthetic. The City's Comprehensive Plan specifically states that the use for this land be single family detached homes on medium to large lots. This proposed development does not follow the Comprehensive Plan. They are duplexes, not detached homes, and the lot size is not medium to large. Their minimum lot size is 2,500 sf, while The Oaks' minimum lot size is 12,000 sf.

The property is bordered by residential properties with a minimum of 3 acres, with a density of 0.33. The density of the proposed development is 5.7. By comparison, The Oaks is 2.05. This dramatic increase in density will cause many issues, primarily traffic-related.

Because of these and other reasons, we are opposed to this development and request that the City Council deny the application. We respectfully ask that you act to protect the property values we have worked hard to maintain by voting down this proposed development.

Thank you for your time and consideration!

Gene Bell and Mellanie Toles  
6131 Oak Ridge Drive  
Dayton, OH 45424



### Mellanie Toles

*Executive Assistant to the President and Coordinator of Special Projects*  
Clark State College | [www.clarkstate.edu](http://www.clarkstate.edu)  
937.328.6002 | [tolesm@clarkstate.edu](mailto:tolesm@clarkstate.edu)



## **Chodkowski, Bryan**

---

**From:** FORD, JOEL P GS-12 USAF AFMC 711 HPW/OMZ <joel.ford.3@us.af.mil>  
**Sent:** Monday, January 3, 2022 5:11 PM  
**To:** Publicmeeting  
**Cc:** Lyons, Ed; Byrge, Nancy; Otto, Glenn; Shaw, Richard; Webb, Don; Baker, Kathleen; Kitchen, Anita; Campbell, Mark; Gore, Jeff; Chodkowski, Bryan  
**Subject:** Opposed to ZC 21-47

My name is Joel Ford. I live in The Oaks. My wife and I are both vehemently opposed to the diversion from the city's original comprehensive plan. The variation from the city plan will undoubtedly have an adverse effect on our property values as population density will increase and traffic issues will surely follow. This community has worked hard to keep a safe and clean environment to raise our family's and have a quiet place to retire. Please deny the application as it does not adhere to the city's overall comprehensive plan of single family homes.

Joel P. Ford  
Facility Operations Specialist  
711 HPW/OMZ  
Room: W344.14  
Office: (937)938-2629  
Cell: (937)716-4524

## Chodkowski, Bryan

---

**From:** Tressa Kneer <treskneer@aol.com>  
**Sent:** Monday, January 3, 2022 5:00 PM  
**To:** Publicmeeting  
**Cc:** Lyons, Ed; Byrge, Nancy; Otto, Glenn; Shaw, Richard; Webb, Don; Baker, Kathleen; Kitchen, Anita; Campbell, Mark; Gore, Jeff; Chodkowski, Bryan  
**Subject:** ZC 21-47

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To members of Huber Heights City Council:

It is our belief that the development being proposed on Bellefontaine Road across from Oak Ridge Drive will adversely affect our property values and will not fit in with our overall neighborhood aesthetic. The City's Comprehensive Plan specifically states that the use for this land be single family detached homes on medium to large lots. This proposal does not follow the Comprehensive Plan. The buildings are duplexes, not detached homes, and the lot size is not medium-to-large. The proposed minimum lot size is 2500sf. The Oaks' minimum lot size is 12,000sf.

This land is bordered by residential properties with a minimum of 3 acres, with a density of 0.33. The density of the proposed development is 5.7. By comparison, The Oaks is 2.05. This dramatic increase in density will cause many issues, primarily traffic-related.

Because of these and other reasons, we are opposed to this development and request that the City Council deny the application. We insist that the city stick with the Comprehensive Plan. Why is the City always bending to the wants of the developers and not the citizens? The density does not need to match that of the Oaks exactly, but putting A) duplexes and B) buildings so close together does not at all fit the LOOK and PLAN of the area!

The Planning Commission, after hearing from multiple residents opposed to the development, still voted unanimously to NOT follow the Comprehensive Plan and recommended the development be allowed. A member of the Planning Commission, during the meeting last month to discuss this topic, said that if a resident didn't like what was proposed, he/she could always buy the land him/herself. Really, that is the City's solution??! The answer should be that the City is following the Comprehensive Plan, especially given that the people who it will affect are opposed.

Thank you for your attention to this matter and Happy New Year.

Sincerely,

Jon and Tressa Kneer

## **Chodkowski, Bryan**

---

**From:** gallahad@aol.com  
**Sent:** Monday, January 3, 2022 12:31 PM  
**To:** Publicmeeting  
**Cc:** Lyons, Ed; Byrge, Nancy; Otto, Glenn; Baker, Kathleen; Shaw, Richard; dewbb@hhoh.org; Kitchen, Anita; Campbell, Mark; Gore, Jeff; Chodkowski, Bryan  
**Subject:** I Oppose 21-47

CAUTION EXTERNAL EMAIL: This message originated from a non Huber Heights email server. DO NOT CLICK ANY LINKS or OPEN ANY ATTACHMENTS unless you have contacted the sender to verify its legitimacy or confirmed you were expecting it. Contact the IT Department if you need assistance.

I oppose ZC 21-47.

David Lee  
5872 Oak Creek Trail  
Huber Heights, OH 45424



## Chodkowski, Bryan

---

**From:** Brad Smith <BTGeek@aol.com>  
**Sent:** Monday, January 3, 2022 1:39 PM  
**To:** publichearing@hhoh.org  
**Cc:** Gore, Jeff; Lyons, Ed; Byrge, Nancy; Otto, Glenn; Shaw, Richard; Webb, Don; Baker, Kathleen; Kitchen, Anita; Campbell, Mark; Chodkowski, Bryan  
**Subject:** Opposition to Zoning Case 21-47

CAUTION EXTERNAL EMAIL: This message originated from a non Huber Heights email server. DO NOT CLICK ANY LINKS or OPEN ANY ATTACHMENTS unless you have contacted the sender to verify its legitimacy or confirmed you were expecting it. Contact the IT Department if you need assistance.

Dear Mr. Mayor and Members of Council,

We are writing to voice our opposition to Zoning Case 21-47 for the following reasons:

ZC 21-47 Does Not Comply with the City's Comprehensive Plan - They are not Single Family Detached Homes on Medium to Large Lots

The Future Land Use Map on page 18 of the Comprehensive Plan references that this property is to be Single-Family Residential based on the Legend at the bottom of the page. Page 19 further defines "Single Family- Residential" as single-family detached homes on medium to large lots. While the Staff Report states that the project complies with the Comprehensive Plan as being Single Family Residential; Mr. Foster read the full Page 19 definition to the Planning Commission during the meeting on December 14th. Clearly the project does NOT comply with the full definition. The Staff Report has not been amended.

The Planning Commission did NOT comply with Ordinance 1171.06 - General standards for approval

This information was provided as part of the Staff Report. The bolding is my addition.

*1171.06 - General standards for approval.*

*The Planning Commission shall review the application, prepared development plan and the facts presented at the hearing. The applicant shall have the burden of proof. **No approval shall be given unless the Commission shall find by a preponderance of the evidence that such PUD on the proposed locations:***

***(a) is consistent with official thoroughfare plan, comprehensive development plan and other applicable plans and policies;***

As this application is NOT consistent with the comprehensive development plan, it should not have been approved by the Planning Commission.

ZC 21-47 does NOT match the densities of the bordering properties

The residential properties that border this project are all homes on a minimum of 3 acres, with a maximum density of 0.33. This project has a density of 5.7, or 17 times the bordering density. The Oaks does not border the property; it is on the opposite side of Bellefontaine. For comparison, the density of The Oaks is 2.05. This proposal is more than 2 and 1/2 times

the density of The Oaks. This dramatic increase in density will cause problems, many traffic related. Their density will cause parking issues within their own community. With lots as narrow as 30 feet and driveways being approximately 18 feet, that only leaves 12 feet of street available. Taking into account fire hydrants and centralized mailboxes, the parking issues that more traditional neighborhoods experience and discussed at length during the City's Town Hall meeting a few months ago, will be exacerbated by this design. It will also cause a loss of the overall neighborhood aesthetic, the area on the east side of Bellefontaine is all rural homes on significant acreage.

ZC 21-47 will incur a significant increase of impervious surface, creating water issues for the surrounding properties

We would like to point out the higher percentage of impervious surfaces resulting from this plan. The land previously was all agricultural, all pervious surfaces; the ground and the plants absorbing water. Now with minimum 2500sf lots, ranch houses of approximately 1250sf with a 2 car garage of 360 sf and a 25 foot long two car driveway of 450 sf that makes 2060 sf of impervious surface not including any porch, patio or sidewalks. There is not a lot of ground left to absorb water. Will this cause issues for the amount of water running down to the creeks on neighboring properties? Also, just from a general Climate Change discussion, this is a huge percentage of impervious surface.

ZC 21-47 does not fit the masonry standards of the area

The Staff Report on Page 5 states *"The proposal also calls for forty (40%) masonry on the front facades of each unit. This is significantly higher than the typical recommendation of twenty-five (25%) percent. At the December 14th Planning Commission Meeting, I pointed out to Mr. Foster that Ordinance 1405 from 2003 calls for homes in The Oaks to have a minimum of 25% of the entire exterior be brick or stone unless they back up to Bellefontaine or Fishburg, in which case they have a 50% requirement. And that is of the entire exterior, not just the front facade. The majority of the homes in The Oaks have a brick front and also brick wrapping to the sides. The majority of the homes that abut this property have full brick wraps.*

Also, I would like to point out the many "masonry" discussions before the City Council and that in the Ordinances passed while the masonry requirement has been under review, Mr. Falkowski amended Ordinances to state brick or stone, not "masonry."

In summary, this project does not fit with the bordering properties. We believe this will have a negative effect on our property values. We are not opposed to development on that property. However, any development should fit the City's Comprehensive Plan and be aligned with the homes already in existence.

There are several families that have recently purchased rural homes bordering this property. They bought because they wanted the space, peace and lifestyle that goes with rural living. There are some that have lived there for four generations. They run farm equipment, have animals and hunt on their own land. Now put houses 20 feet from their property line. Will it cause problems because this is not a good place to put 132 houses? We believe it will and that is why the City's Comprehensive Plan outlined specific requirements for this property for any future use — and this development does not meet those requirements.

Please vote no on Zoning Case 21-47.

Thank you for your time and consideration.

Respectfully,

Cindy and Brad Smith



CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2022-O-

TO APPROVE A REZONING FROM AGRICULTURAL TO PLANNED RESIDENTIAL AND A BASIC DEVELOPMENT PLAN FOR THE PROPERTY LOCATED ON THE EAST SIDE OF BELLEFONTAINE ROAD AND SOUTH OF CHAMBERSBURG ROAD AND FURTHER IDENTIFIED AS PARCEL NUMBER P70-03908-0126 OF THE MONTGOMERY COUNTY, OHIO RECORDER'S OFFICE AND ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION (ZONING CASE 21-47).

WHEREAS, the citizens of Huber Heights require the efficient and orderly planning of land uses within the City; and

WHEREAS, the City Planning Commission has reviewed Zoning Case 21-47 and on December 14, 2021, recommended approval by a vote of 5-0 of the Rezoning and the Basic Development Plan; and

WHEREAS, the City Council has considered the issue.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. The application requesting approval of a Rezoning and the Basic Development Plan (Zoning Case 21-47) is hereby approved in accordance with the Planning Commission's recommendation and following conditions:

1. The Basic Development Plan site plans shall be the plans stamped received by the City of Huber Heights Planning Department on November 16, 2021, unless specifically modified below.
2. The minimum setbacks shall be as follows: 25-foot front yard, minimum 25-foot rear yard with a maximum of 15 lots having a 20-foot rear yard setback and 6-foot side yard.
3. An average of 40 percent of the surface area of the front façade shall be finished with brick or stone masonry products.
4. A drop lane for northbound traffic shall be installed and an acceleration lane to northbound Bellefontaine Road shall be installed pending the results of a traffic impact study and approval by the City Engineer.
5. The applicant shall meet all petroleum company easement requirements.
6. Prior to the issuance of a zoning permit, the applicant shall submit and receive approval of a Detailed Development Plan through the Planning Commission.
7. Prior to the issuance of a zoning permit, the applicant shall enter into a PUD Agreement with the City for the purpose, but not the sole purpose, of establishing the development obligations of the applicant and requiring the submittal of a performance bond, cash bond, or letter of credit to insure the installation of landscaping as approved. The bond or letter of credit shall be in an amount equal to the applicant's estimate of the cost of installation as approved by the Planning Department and shall remain in effect until such time as the landscaping has been completed as determined by the Planning Department. Upon completion of the installation of landscaping as required by the approved landscape plan, the applicant may request release of the performance bond or letter of credit. Following an inspection by the Planning Department and upon determination by the department that the landscaping has been completed in accordance with the approved landscaping plan, 80 percent of the performance bond or letter of credit may be released. However, the performance bond or letter of credit will not be released until a maintenance bond lasting three growing seasons or letter of credit equal to 20 percent of



Section 3. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

The background of the slide features a series of horizontal stripes in dark blue and black. On the right side, there is a large, stylized green tree silhouette with a dark green trunk and a lighter green canopy.

# **City of Huber Heights Planning Commission December 14, 2021**

A solid orange horizontal bar is located at the bottom of the slide, below the text.



**Basic Development Plan  
and Rezoning  
East Side of Bellefontaine  
Road and South of  
Chambersburg Road**

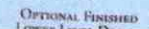
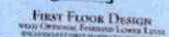
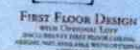
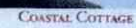




PROPOSED ZONE: PLANNED RESIDENTIAL  
 PROPOSED USE: PAIRED RANCH/TOWNHOUSE  
 MIN LOT AREA: 5,000 SF (2 UNITS)  
 MIN LOT WIDTH: 64 FT (2 UNITS)  
 NUMBER OF 64' LOTS: 32  
 NUMBER OF 72' LOTS: 30  
 NUMBER OF UNITS: 124  
 CENTERLINE LENGTH OF STREET: 3064 FT

Ohio  
 Utilities Protection  
 SERVICE  
 1-800-362-2764  
CALL FOR A FREE UTILITY LOCATION REPORT. THIS SERVICE IS PROVIDED BY THE OHIO UTILITY SERVICE.











AI-8092

Topics of Discussion F.

**Council Work Session**

**Meeting Date:** 01/04/2022

Huber Road - Vacation

**Submitted By:** Jason Foster

**Department:** Economic Development

**Council Committee Review?:** Council Work Session **Date(s) of Committee Review:** 01/04/2022

**Audio-Visual Needs:** SmartBoard **Emergency Legislation?:** Yes

**Motion/Ordinance/  
Resolution No.:**

---

**Agenda Item Description or Legislation Title**

Huber Road - Vacation

**Purpose and Background**

Broad Reach Retail Strategies has acquired eighteen (18) acres at the northeast corner of Taylorsville Road and Old Troy Pike extending north to Huber Road. Broad Reach intends to develop this acreage into a \$35,000,000 mixed-use development. Broad Reach and the City have agreed to partner on improvements to the northbound lanes of Old Troy Pike for improved traffic management. The vacation of Huber Road is a key element of the proposed road improvements. The City has received a written request to vacate Huber Road.

---

**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

**Recurring Cost? (Yes/No):** N/A

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

---

**Attachments**

Ordinance/Exhibit A

Exhibit B

---

CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2022-O-

AUTHORIZING THE VACATION OF HUBER ROAD, AND DECLARING AN EMERGENCY.

WHEREAS, Broad Reach Retail Strategies ("Broad Reach") has acquired 18 acres east of Old Troy Pike and north of Taylorsville Road extending to the vicinity of Huber Road, Parcel Numbers P70 04005 0015 and P70 04005 0043; and

WHEREAS, Broad Reach intends to develop said acreage into a \$35,000,000.00 commercial, retail, and multi-family project; and

WHEREAS, Broad Reach and the City have agreed to partner on improvements to Old Troy Pike for improved traffic management; and

WHEREAS, the vacation of Huber Road is a key element of the proposed improvements to Old Troy Pike; and

WHEREAS, the City has received a written request to vacate a portion of Huber Road; and

WHEREAS, the City has been provided an executed easement agreement between Broad Reach and Huntington Bank, attached as Exhibit B demonstrating Huntington Bank's agreement to vacate Huber Road in favor of Broad Reach.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. The City of Huber Heights, in accordance with the provisions of Title VII of the Ohio Revised Code, hereby vacates that portion of Huber Road as described in Exhibit A and visually represented in Exhibit B, both attached hereto as if incorporated herein.

Section 2. By agreement of the parties, those portions of Huber Road subject to vacation by this Ordinance are hereby wholly incorporated into Parcel Numbers P70 04005 0015 and P70 04005 0043.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety or welfare of the inhabitants of the City, and for the further reason that this Ordinance is required to be immediately effective to facilitate the construction of additional public infrastructure improvements which will benefit the City; therefore, this Ordinance shall take full force and effect immediately upon its adoption by Council.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

## **EXHIBIT A**

### Description of Huber Road Vacation Area

That portion of Huber Road commencing 380 linear feet from the intersection of the centerline of Old Troy Pike and Huber Road, and perpendicular to the centerline of Huber Road for the entire width of the public right-of-way, extending east to a point 199 feet west of the easterly property line of Parcel Number P70 04005 0043.

\_\_\_\_\_  
Russell Bergman, P.E.  
City Engineer  
City of Huber Heights, Ohio

\_\_\_\_\_  
Date



12/27/21, 11:02 AM

# EXHIBIT B

Zoning GIS Application



Huber Printing

Huber Printing



CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2022-O-

AN ORDINANCE AUTHORIZING THE VACATION OF HUBER ROAD AND DECLARING AN EMERGENCY

WHEREAS, Broad Reach Retail Strategies ("Broad Reach") has acquired 18 acres east of Old Troy Pike and north of Taylorsville Road extending to the vicinity of Huber Road, parcel numbers P70 04005 0015 and P70 04005 0043; and

WHEREAS, Broad Reach intends to develop said acreage into a \$35,000,000 commercial, retail, and multi-family project; and

WHEREAS, Broad Reach and the City have agreed to partner on improvements to Old Troy Pike for improved traffic management; and

WHEREAS, the vacation of Huber Road is a key element of the proposed improvements to Old Troy Pike;

WHEREAS, the City has received a written request to vacate a portion of Huber Rd.;

WHEREAS, the City has been provided a ~~draft a-executed~~ easement agreement between Broad Reach and Huntington Bank, attached as "Exhibit B" and ~~other documentation~~ demonstrating Huntington Bank's agreement to vacate Huber Road in favor of Broad Reach;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. The City of Huber Heights, in accordance with the provisions of Title VII of the Ohio Revised Code, hereby vacates that portion of Huber Road as described in "Exhibit A" and visually represented in Exhibit C; as both attached hereto as if incorporated herein.

~~Section 2. That by agreement of the parties, those portions of Huber Road subject to vacation by this ordinance are hereby wholly incorporated into parcels P70 04005 0015 and P70 04005 0043.~~

Section 23. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 34. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety or welfare of the inhabitants of the City, and for the further reason that this Ordinance is required to be immediately effective to facilitate the construction of additional public infrastructure improvements which will benefit the City wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



## EXHIBIT A

### Description of Huber Road Vacation Area

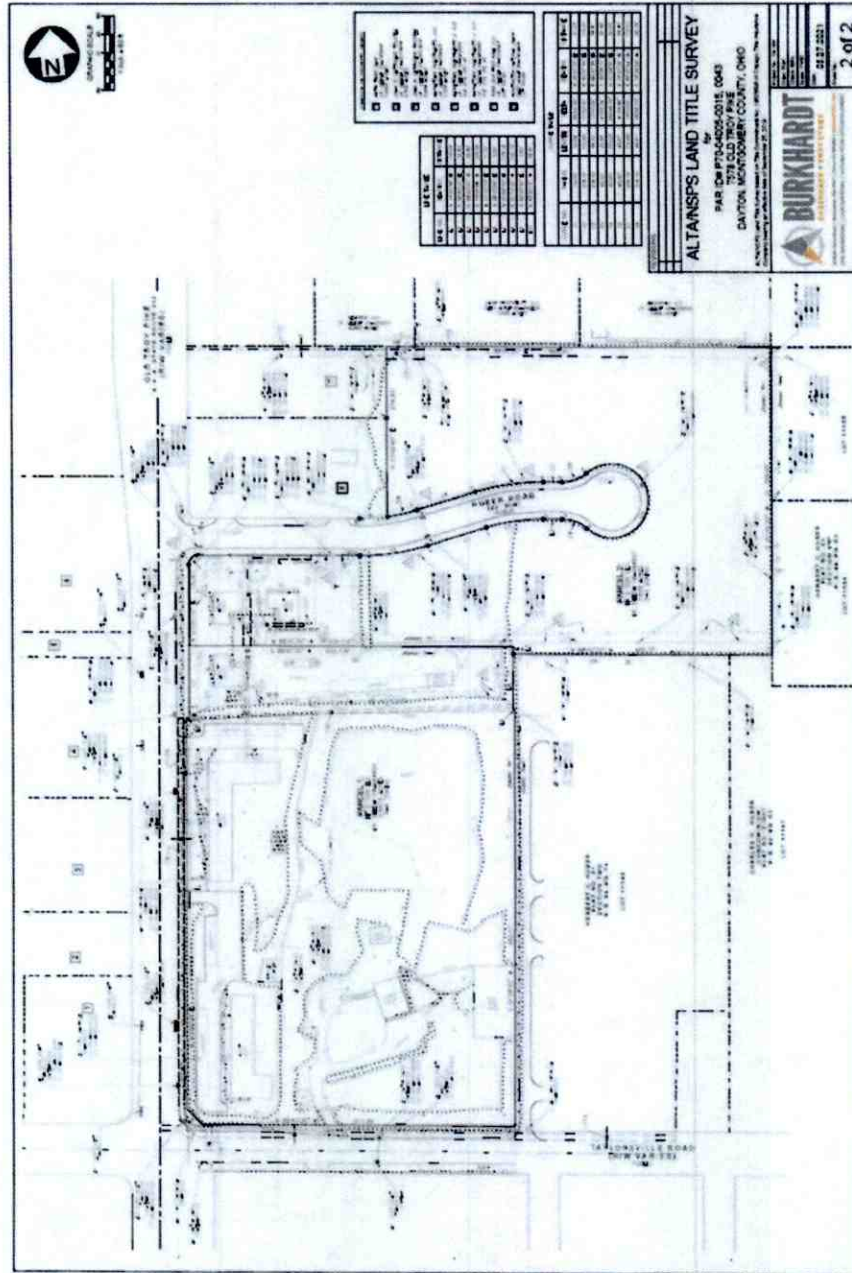
That portion of Huber Road commencing ~~52380~~ linear feet from the intersection of the centerline of Old Troy Pike and Huber Road, and perpendicular to the centerline of Huber Road, for the entire width of the public right-of-way, extending east to a point 199 feet west of the easterly property line of parcel P70 04005 0043.

\_\_\_\_\_  
Russell Bergman, P.E.  
City Engineer  
City of Huber Heights, Ohio

\_\_\_\_\_  
Date



# Exhibit A





December 23, 2021

Bryan RH Chodkowski, ICMA-CM  
Assistant City Manager of  
Administrative Services  
City of Huber Heights

Jason Foster  
Economic Development Coordinator  
City of Huber Heights

RE: Huber Heights Commons – Huber Road Vacation

To Whom it may Concern:

This letter is to serve as notice that the owner of the northeast corner of Taylorsville Road and Old Troy Pike, Parcel P70 04005 0015 of the Montgomery County, Ohio Recorder's Office (the "Subject Property") will willingly accept the vacation of what is Huber Road as shown on the attached Exhibit A.

Sincerely,

Mike Castellitto

1-3-2022

  
Mike Castellitto  
Chief Operating Officer  
On behalf of Huber Heights Commons LLC





EXHIBIT B

**ACCESS EASEMENT AGREEMENT**

**THIS ACCESS EASEMENT AGREEMENT** (this "Agreement") is made as of this \_\_\_\_ day of \_\_\_\_\_, 2022, by **Huber Heights Commons LLC**, a Delaware limited liability company, whose address is 1111 Benfield Boulevard, Suite 100, Millersville, MD 21108 ("Grantor"), to and for the benefit of **The Huntington National Bank**, a national banking association, whose address is 5555 Cleveland Avenue, GW 1097, Columbus, Ohio 4323, Attn: Lease Administration ("Grantee").

**WITNESSETH:**

**WHEREAS**, Grantor is the owner of the real property legally described in Exhibit A attached hereto (the "Grantor Property"); and

**WHEREAS**, Grantee is the owner of the real property that is commonly known as 7690 Old Troy Pike, Huber Heights, Ohio 45424 (Montgomery County Parcel No. P70 01926 0001) and is legally described in Exhibit B attached hereto (the "Grantee Property"); and

**WHEREAS**, in connection with the vacation of Huber Road, the City of Huber Heights has requested that Grantor provide an access easement for the benefit of the Grantee Property; and

**WHEREAS**, Grantor has agreed to provide such access easement on the terms set forth herein.

**NOW, THEREFORE**, in consideration of the sum of One Dollar (\$1.00) and the mutual promises and covenants contained herein, the parties covenant and agree for themselves, their heirs, successors, and assigns, as follows:

1. **Grant of Easements.**

(a) Subject to the terms and conditions of this Agreement, Grantor hereby grants to Grantee and Grantee's customers, tenants, licensees, employees, agents, and invitees a perpetual non-exclusive easement for vehicular and pedestrian access over the driveway areas of the Grantor Property in the location shown on Exhibit C attached hereto (the "Access Easements") for the purposes of providing access from Old Troy Pike to the Grantee Property.

(b) Subject to the terms of this Agreement, Grantor shall be solely responsible for the cost of installing, constructing, maintaining and repairing the driveway areas within the Access Easements and Access Easements in a good and workmanlike manner and in accordance with all applicable laws, ordinances, administrative regulations and building codes. Upon completion of any construction, maintenance, repair and/or replacement of the Access Easements and/or



(d) The Temporary Construction Easement shall expire and be void and of no further effect as of the earlier of (i) the date such construction of the Driveway Work is completed, and (ii) eighteen (18) months from the date of this Agreement. The foregoing sentence shall be self-operative and there shall be no need for any release or modification of this instrument to effectuate the same.

3. **Maintenance and Maintenance Easement.**

(a) In addition to the obligations set forth in Section 2(a) above with respect to the initial Driveway Work improvements, Grantor, at its cost, shall be responsible for maintaining and repairing the driveway areas within the Access Easements and Access Easements in a good and workmanlike manner, including the removal of snow and ice from the Access Easements area, in accordance with all applicable laws, ordinances, administrative regulations and building codes. The removal of snow and ice shall consist of the following: (i) Grantor shall begin cleaning/removing when snow reached a two inch (2") accumulation or when freezing rain has frozen and created a slippery condition; (ii) snow removal/deicing shall be done on a 24/7 basis (including weekends and holidays) as necessary to maintain safe, continuous access to Grantee's ATM and night depository usage; and (iii) excessive snow piles that interfere with access to the Access Easements and/or Grantee Property shall be removed offsite.

(b) Grantee hereby grants to Grantor a non-exclusive perpetual easement over a limited portion of the Grantee Property extending thirty (30) feet from the southern property line of the Grantee Property for purposes related to Grantor's performance of its maintenance and repair obligations hereunder.

(c) If Grantor shall fail to remove snow or ice from the Easement Areas, Grantee may provide notice to Grantor of the same. If Grantor does not perform any removal within a reasonable amount of time following receipt of notice from Grantee, then Grantee may enter the Grantor Property (but not any building on the Grantor Property) for such purpose and Grantor shall reimburse Grantee for all out of pocket costs associated with such snow and ice removal plus ten percent (10%) within thirty (30) days of receipt of an invoice for such costs from Grantee.

(d) If Grantee reasonably asserts that Grantor has failed to maintain the Access Easements in good condition and repair in accordance with the terms of this Agreement such that Grantee's ability to use the Access Easements has been materially and adversely affected, Grantee shall have the right to notify Grantor of the same, and the parties shall work to resolve the maintenance concern. If Grantee has participated in discussions with Grantor to solve such maintenance concern, but such maintenance concern has not been remedied within forty-five (45) days after written notice was provided to Grantor, then after such 45<sup>th</sup> day, Grantee may enter the Grantor Property (but not any building on the Grantor Property) for the purpose of remedying the maintenance concern identified in Grantee's written notice, and Grantor shall reimburse Grantee for all out of pocket costs associated with such maintenance plus ten percent (10%) within thirty (30) days after receipt of an invoice for such costs from Grantee.

4. **Insurance.**

(a) Grantor shall carry: (a) commercial general liability insurance with respect to all of its activities in, on or about the Grantee Property, with limits for bodily injury and property damage of not less than One Million and 00/100 Dollars (\$1,000,000) per occurrence and in the aggregate; and (b) worker's compensation insurance with respect to any employees of Grantor, in

11. **Amendment.** This Agreement may be amended only by a written instrument executed by Grantor and Grantee and recorded in the real estate records of Montgomery County Register of Deeds.

12. **Transfer.** If Grantor should transfer its interest in the Grantor Property, then Grantor, as transferor, shall be relieved of any and all obligations on the part of Grantor accruing under this Agreement from and after the date of such transfer and Grantor's successor in interest shall assume such obligations from and after such date.

13. **Notices.** Notices required under this Agreement shall be given at the address indicated in the introductory paragraph of this Agreement, or at such future addresses as a party may designate to the other party from time to time by written notice.

14. **Counterparts.** This Agreement may be executed in one or more counterpart copies, all of which together shall constitute and be deemed an original, but all of which together shall constitute one and the same instrument binding on all parties.

*[Signature Pages Follow]*



**THE HUNTINGTON NATIONAL BANK,**  
a national banking association

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss

Notary Public  
My Commission Expires: \_\_\_\_\_



EXHIBIT B

LEGAL DESCRIPTION OF GRANTEE PROPERTY

[Attached]

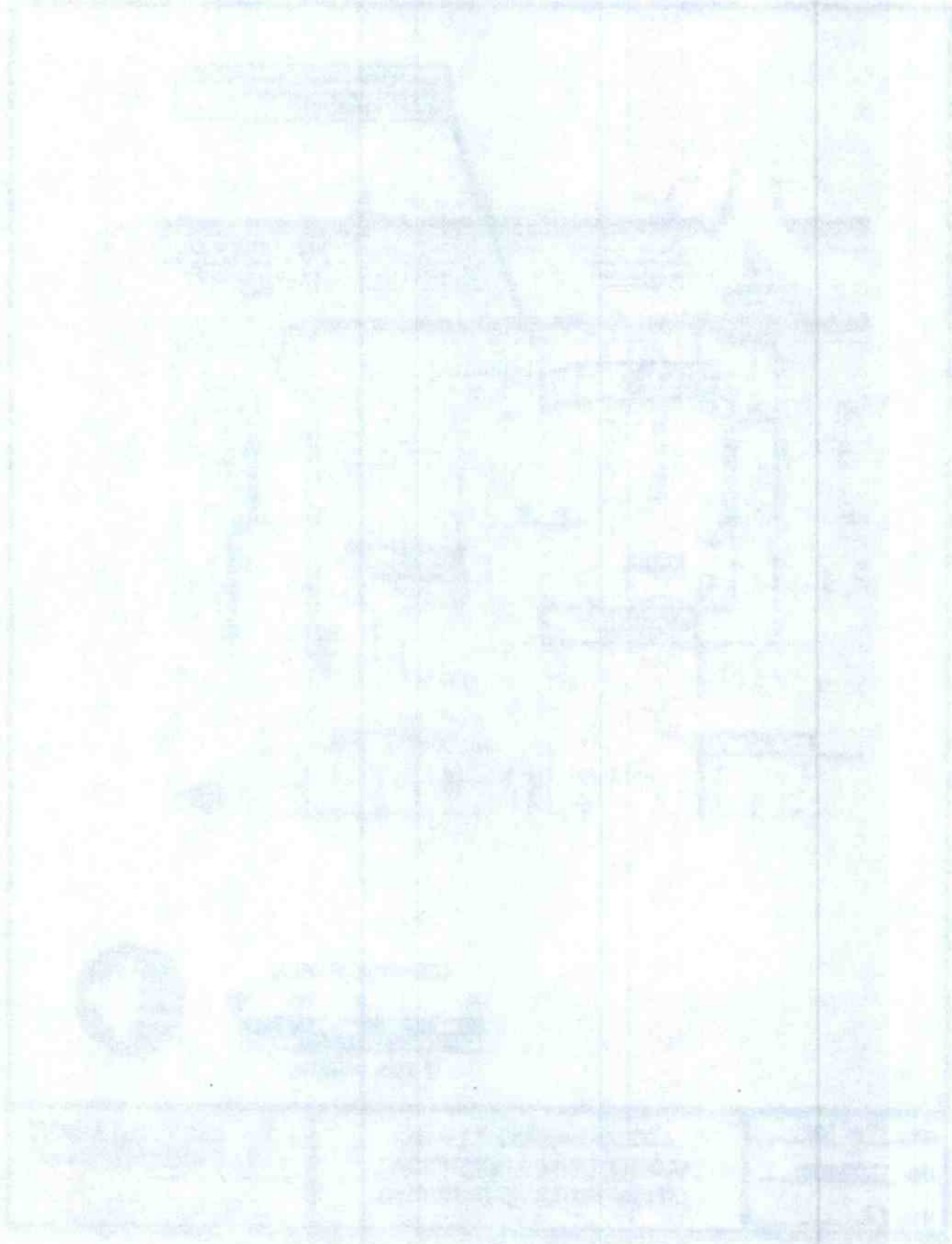


EXHIBIT D  
DRIVEWAY WORK

(see attached)

EXHIBIT C





AI-8094

Topics of Discussion G.

**Council Work Session**

**Meeting Date:** 01/04/2022

Contract Modification - The Aero-Mark Company

**Submitted By:** Hanane Eisentraut

**Department:** Engineering

**Division:**

Engineering

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 01/04/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

---

**Agenda Item Description or Legislation Title**

Contract Modification - The Aero-Mark Company

**Purpose and Background**

This legislation will authorize the City Manager to enter into contract modification to increase The Aero-Mark Company's contract by \$313.70 to a new total of \$25,312.70. This cost was for the installation of new pavement markings on numerous streets within the City. The Street Capital Fund will be utilized for this modification.

---

**Fiscal Impact**

**Source of Funds:**

Street Capital Fund

**Cost:**

\$313.70

**Recurring Cost? (Yes/No):**

No

**Funds Available in Current Budget? (Yes/No):** Yes

**Financial Implications:**

---

**Attachments**

Resolution

---

CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT  
MODIFICATION WITH THE AERO-MARK COMPANY FOR THE PAVEMENT  
MARKINGS AT DIFFERENT LOCATIONS.

WHEREAS, it is necessary to increase the contract amount with The Aero-Mark  
Company to reflect the installation of pavement markings on certain streets after the  
paving operation of the 2021 Street Program has been completed; and

WHEREAS, sufficient funds are available to cover the cost of the additional work.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio  
that:

Section 1. The City Manager is hereby authorized to increase the contract with The  
Aero-Mark Company for the installation of pavement markings at different locations by  
\$313.70 to a new total of \$ 25,312.70.

Section 2. Authorization is hereby given to compensate The Aero-Mark Company  
for additional work already completed.

Section 3. It is hereby found and determined that all formal actions of this Council  
concerning and relating to the passage of this Resolution were adopted in an open  
meeting of this Council and all deliberations of this Council and of any of its Committees  
that resulted in such formal action were in meetings open to the public and in compliance  
with all legal requirements including Section 121.22 of Ohio Revised Code.

Section 4. This Resolution shall go into effect upon its passage as provided by law  
and the Charter of the City of Huber Heights.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

AI-8105

Topics of Discussion H.

**Council Work Session**

**Meeting Date:** 01/04/2022

Water Survey - Phase II - Award Contract

**Submitted By:** Hanane Eisentraut

**Department:** Engineering

**Division:**

Engineering

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 01/04/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

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**Agenda Item Description or Legislation Title**

Water Survey - Phase II - Award Contract

**Purpose and Background**

This legislation will authorize the City Manager to enter into a contract with RA Consultants, LLC and waive the competitive bidding requirements for the water survey project - Phase II. The scope of this water asset inventory is to survey fire hydrants and valves and pinpoint the permanent geographic locations. The Water Fund will be utilized for this project at a cost not to exceed \$40,000.

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**Fiscal Impact**

**Source of Funds:**

Water Fund

**Cost:**

\$40,000

**Recurring Cost? (Yes/No):**

No

**Funds Available in Current Budget? (Yes/No):** Yes

**Financial Implications:**

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**Attachments**

Map

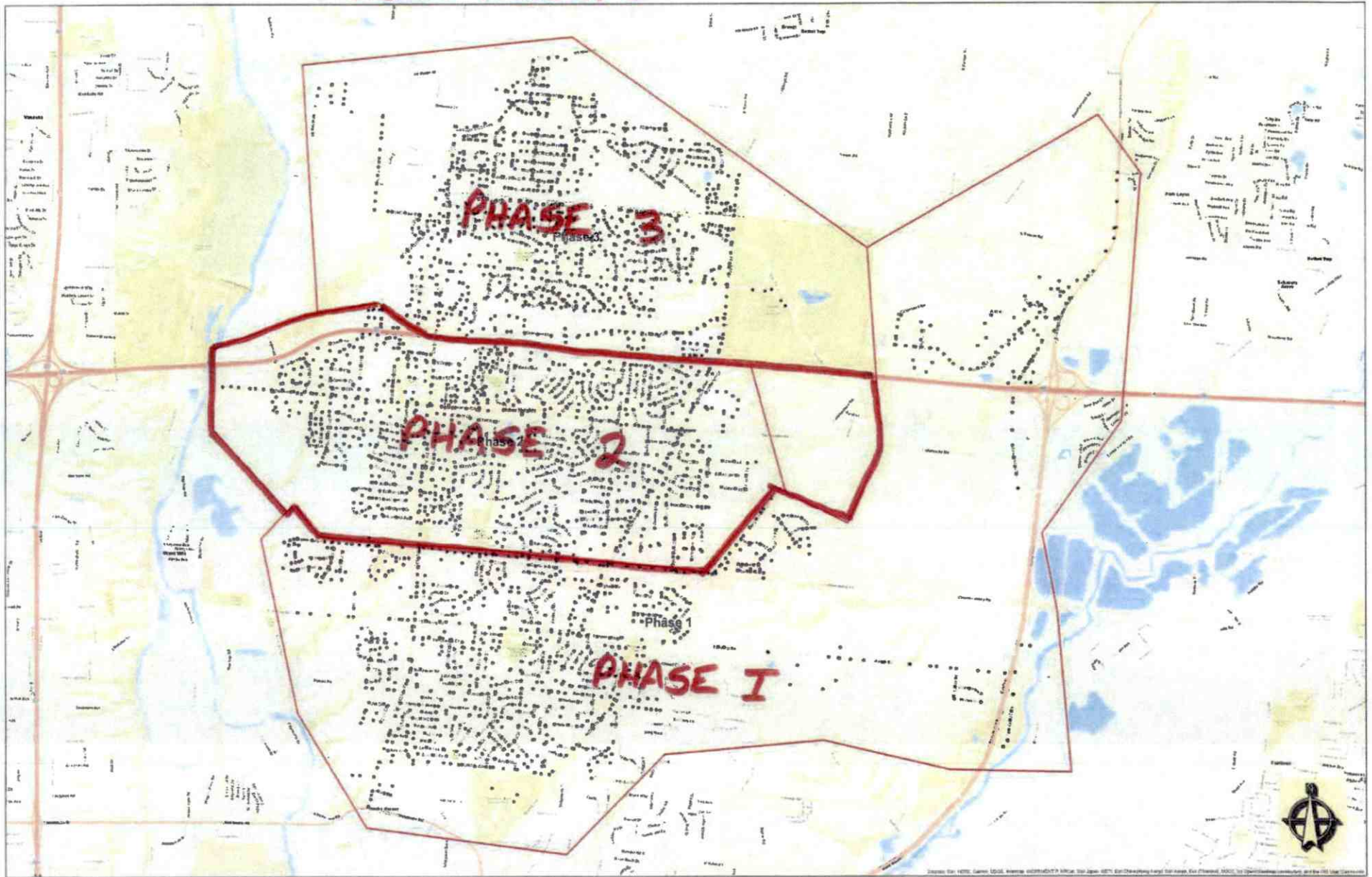
Resolution

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↑  
N

# WATER MAIN SURVEY - PHASE II HUBER HEIGHTS



CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT TO RA CONSULTANTS, LLC FOR THE WATER SURVEY – PHASE II AND WAIVING THE COMPETITIVE BIDDING REQUIREMENTS.

WHEREAS, Engineering Staff desires to survey the water system; and

WHEREAS, completing this project will help the City's different departments/divisions perform tasks and increase productivity and services to the citizens; and

WHEREAS, RA Consultants, LLC is a uniquely qualified firm to perform this type of service; and

WHEREAS, RA Consultants, LLC already performed the water survey phase I and the sanitary sewer survey and have been assisting the City in implementing the GIS program; and

WHEREAS, the project includes services and designs which involve proprietary knowledge and special skills as defined in Section 171.12(a)(4) in the Codified Ordinances of Huber Heights, and which are linked to the specifics of the existing and original GIS system.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized to enter into a contract with RA Consultants, LLC for the Water Survey – Phase II at a cost not to exceed \$ 40,000.00.

Section 2. Consistent with the provisions of the City of Huber Heights Codified Ordinances, the competitive bidding requirements are hereby waived.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of Ohio Revised Code.

Section 4. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

AI-8104

Topics of Discussion I.

**Council Work Session**

**Meeting Date:** 01/04/2022

Request For Proposals - Water Distribution System Integrity Study

**Submitted By:** Hanane Eisentraut

**Department:** Engineering

**Division:**

Engineering

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 01/04/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

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**Agenda Item Description or Legislation Title**

Request For Proposals - Water Distribution System Integrity Study

**Purpose and Background**

This legislation allows the City Manager to solicit a Requests For Proposals from qualified consulting firms to study the integrity of the City's water distribution system.

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**Fiscal Impact**

**Source of Funds:**

N/A

**Cost:**

N/A

**Recurring Cost? (Yes/No):**

No

**Funds Available in Current Budget? (Yes/No):** Yes

**Financial Implications:**

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**Attachments**

Resolution

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE CITY MANAGER TO SOLICIT A REQUEST FOR PROPOSALS FROM QUALIFIED CONSULTING ENGINEERING FIRMS TO PROVIDE A WATER DISTRIBUTION SYSTEM INTEGRITY STUDY.

WHEREAS, it is necessary to obtain outside engineering services to study the integrity of the City's water distribution system; and

WHEREAS, Council has determined to proceed with this project; and

WHEREAS, substantial interest has been expressed by various consulting engineering firms in this study.

NOW, THEREFORE BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized to solicit a Request For Proposals for the Water Distribution System Integrity Study Project.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of Ohio Revised Code.

Section 3. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

AI-8093

Topics of Discussion J.

**Council Work Session**

**Meeting Date:** 01/04/2022

Huber Heights Comprehensive Plan - Award Contract

**Submitted By:** Jason Foster

**Department:** Economic Development

**Council Committee Review?:** Council Work Session **Date(s) of Committee Review:** 01/04/2022

**Audio-Visual Needs:** None **Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

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**Agenda Item Description or Legislation Title**

Huber Heights Comprehensive Plan - Award Contract

**Purpose and Background**

In May 2021, the City received five (5) proposals for the completion of the City's new Comprehensive Plan with a final product to be presented in late 2021 or early 2022. Throughout the review process several key senior staff members departed the organization pushing the proposal review further into 2021. Coming out of the review process, two (2) proposals stood out among the submittals. Of the two standouts, one remained committed to its submitted proposal. As a result, City Staff recommends City Council award the Comprehensive Plan contract to Yard & Company.

---

**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** \$120,000

**Recurring Cost? (Yes/No):** No

**Funds Available in Current Budget? (Yes/No):** Yes

**Financial Implications:**

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**Attachments**

*No file(s) attached.*

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AI-8112

Topics of Discussion K.

**Council Work Session**

**Meeting Date:** 01/04/2022

Planning Services - Award Contract

**Submitted By:** Bryan Chodkowski

**Department:** Planning **Division:** Planning

**Council Committee Review?:** Council Work Session **Date(s) of Committee Review:** 01/04/2022

**Audio-Visual Needs:** None **Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

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**Agenda Item Description or Legislation Title**

Planning Services - Award Contract

**Purpose and Background**

Due to the transitioning of City Staff, the City needs to provide for professional planning capabilities until a full-time City Planner can be hired. The proposed legislation would allow the City Manager to engage Community Planning Insights, LLC to provide a turn-key solution to the City's professional planning needs until a permanent City Planner can be hired later in 2022.

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**Fiscal Impact**

**Source of Funds:** General Fund (2021 Operating Budget)

**Cost:** \$110,000

**Recurring Cost? (Yes/No):** No

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

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**Attachments**

Resolution  
Exhibit A

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH  
COMMUNITY PLANNING INSIGHTS, LLC.

WHEREAS, the City of Huber Heights ("City") is obligated to provide certain regulatory and oversight responsibilities regarding land use within the City per the Ohio Revised Code and the Charter of the City of Huber Heights, Ohio; and

WHEREAS, the aforementioned obligations are assigned to the City Planner; and

WHEREAS, due to employee transition, the City is currently without a qualified City Planner and in need of immediate, temporary planning services until a permanent City Planner can be hired; and

WHEREAS, Community Planning Insights, LLC has been identified as a company capable of providing temporary planning services to the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized and directed to execute an agreement with Community Planning Insights, LLC. Said agreement to be substantially similar to the attached Exhibit A and approved as to form and content by the City Attorney. The value of this agreement shall not exceed \$110,000.00 nor extend beyond December 31, 2022.

Section 2. This legislation is adopted in accordance with Section 171.03(2) and Section 171.12(a)(1) of the City Code of the City of Huber Heights, Ohio.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

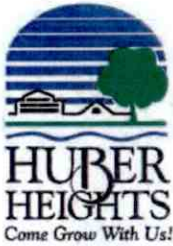
AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



City of Huber Heights  
6131 Taylorsville Rd.  
Huber Heights, OH 45424

937.233.1423  
937.233.1272 fax

www.hhoh.org

## EXHIBIT A

### CITY OF HUBER HEIGHTS GENERAL SERVICES AGREEMENT AND STANDARD TERMS

This Agreement is made and entered as of the \_\_\_\_\_ day of \_\_\_\_\_, 2019 by and between the City of Huber Heights, Ohio (hereinafter referred to as "City") with a mailing address of 6131 Taylorsville Rd. Huber Heights, Ohio 45424 and Community Planning Insights, LLC (hereinafter referred to as "Contractor") with a mailing address of 128 McDaniel Street, Suite D, Dayton, OH 45405.

WHEREAS the parties have or intend to enter into an agreement for certain activities, services and/or deliverables that were not the subject of public bidding and in conjunction with and/or in lieu of any other contract for such activities, services and/or deliverables, the parties desire to memorialize certain basic terms and to have the standard terms as set forth herein apply and take precedent over any conflicting provision;

NOW THEREFORE, in consideration of the mutual covenants and condition hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

#### I. MEMORIALIZATION OF BASIC TERMS

##### 1. Services.

☐ The services are set forth in a contract between the parties dated: \_\_\_\_\_ (the "Contract")  
☒ The Contractor agrees to perform the following which is herein referred to as the "Services":

- Provide professional interim-staff planning services for the City, Planning Commission and City Council on an as-needed basis including:
  - Processing applications submitted to the Planning Commission, such as, but not limited to requests for rezoning, development plans, major and minor development plan changes, major and minor subdivisions;
  - Prepare all necessary staff reports, presentations and documents for review and action by the Planning Commission and City Council;
  - Meet with and support residents, developers or other interested stakeholders on an as-needed basis;
  - Provide staff support for the comprehensive plan update project; and,
  - Other planning services as requested by the City.

2. Payment. In consideration for the services to be performed by the Contractor, the City agrees to pay the Contractor the sum of \$ \_\_\_\_\_ for the completion of Services. The Contractor shall be paid a rate of \$100.00 per hour. Expenses will be billed to the City at actual cost. The Contractor agrees to be paid:

☐ - At completion of Services.  
invoice.

☒ - Other: Monthly, upon submission of

3. Contract Schedule – Due Date. The Services provided by the Contractor: (check one)

☐ - Shall be completed by \_\_\_\_\_  
Other.

("Due Date") ☒ No set completion date.

☐ -



Liquated Damages Provided ☐ -Yes ☒ -No

4. Termination of Agreement. This Agreement shall terminate upon:

☒ - Completion of the Services provided. ☐ - On the date of ☐ -  
Other.

5. Option to Terminate. The City can:

☒ - Terminate the Agreement at any time without cause by providing 15 days' written notice.  
☐ - Terminate for cause as provided in Article II section 11 (Termination) of this Agreement.  
☐ - Not terminate this Agreement.

6. Expenses. The Contractor shall be:

☐ - Responsible for all expenses related to providing the Services  
☒ - Reimbursed for the following expenses that are attributable directly to the Services performed under this Agreement as follows:  
o Printing and reproduction costs;  
o Postage and mailing supplies;  
o Intra-city mileage;  
o Other direct costs that may arise as agreed to by the City.

7. Insurance. Unless otherwise indicated below, Contractors shall procure and maintain for the duration of the contract, and for two years thereafter, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the Services as set forth on the attached Exhibit A Insurance Requirements

☐ - No insurance required  
☒ - Certificate of required Insurance including any endorsements received and attached.

## II. STANDARD AND CONTROLLING TERMS

THE PARTIES EXPRESSLY AGREE THAT THE FOLLOWING STANDARD TERMS SHALL APPLY WITH RESPECT TO THE SERVICES AND SHALL PREVAIL OVER ANY OTHER PROVISION TO THE CONTRARY THAT MAY BE CONTAINED IN ANY OTHER CONTRACT

**1. Independent Contractor.** Contractor acknowledges that it is, and that it shall perform its services pursuant to its agreement with the City as an independent contractor and not as an employee of the City. Contractor shall not be a "public employee" and shall not be entitled to any benefits made available to employees of the City, including but not limited to participation in Ohio Public Employees Retirement System. City shall not be required to utilize Contractor exclusively, or at all, and may, in its sole discretion, have other contractors or employees perform the same or similar services as Contractor. Contractor acknowledges that City will not provide any workers' compensation coverage and that City will not withhold any federal, state or local taxes on the services performed by Contractor hereunder. Contractor agrees that it shall remit to the appropriate federal, state or local governmental entities any and all taxes associated with the services provided



by Contractor hereunder and indemnifies and holds City harmless for any withholding tax or other tax liability asserted against City as a result of Contractor's failure to pay such taxes.

**2. Expenses.** In the event the City has agree to pay expenses, Contractor shall provide an itemized expense statement and upon request by the City, the Contractor shall produce any receipt(s) or proof of purchase for said Expense(s). Authorized expenses will be paid within thirty (30) days.

**3. Business Licenses, Permits, and Certificates.** The Contractor represents and warrants that all employees and personnel associated shall comply with federal, state, and local laws requiring any required licenses, permits, and certificates necessary to perform the Services under this Agreement.

**4. Indemnification.** Contractor will indemnify and hold harmless the City it elected and appointed officials, employees and agents against all claims, damages, losses, and expenses (including reasonable attorneys' fees and costs) for any cause relating to the services provided by Contractor (except those claims, damages, losses and expenses due to the negligence of the City) and for those arising out of or in connection with actual or alleged infringement of any patent, copyright or other property right arising from the Services. City shall not provide indemnity to Contractor or any third party.

**5. Amendments.** The Agreement may be amended or modified only by a written instrument executed by both the City and the Contractor. There are no oral or other written agreements between the parties.

**6. Confidentiality.** Contractor understands that the City is subject to the Ohio Public Records Act. Documents used in the performance the Agreement may be subject to the Ohio Public Records Act and made available to third parties. At the conclusion of the Agreement, all such documents in Contractor's possession shall be turned over to City. In the event a public record request is made for documents that designated in writing by the Contractor as a trade secret Contractor will notified. Contractor shall be solely responsible for protecting its own trade secret, including obtaining any necessary legal protection to prevent disclosure by the City.

**7. Delays.** It shall be the Contractor's sole responsibility to notify the City in writing of any known or foreseeable delays not caused by the Contractor including but not limited to time spent or lost due to standby of the City or due to Force Majeure. No additional time will be allowed for a delay unless the Contractor provides such written notice within 48 hours of the occurrence of event causing the delay.

**8. Force Majeure.** Neither party will be responsible for any delay or failure in performance resulting from strike, lockout, failure of power, fire, acts of God, terrorism, riots, insurrection, war or other similar reason beyond the reasonable control of such party ("Force Majeure Event") provided written notice of the Force Majeure Event is provided to the other party within 48 hours of the Force Majeure Event.

**9. Liquidated Damages.** In the event of a delay in completion of Services beyond the Due Date and no written notice of delay was timely received by City, Contractor shall pay Liquidated Damages to the City at a rate of 1% (project cost X .01) per working day of delay, subject to a maximum of twenty-five (25%) of the initial contract price. Such Liquidated Damages shall be deemed to be a genuine pre-estimate of the foreseeable damages incurred by the City due to delay. It is agreed by and between the parties that, expenses will be sustained by the City in the event that



Contractor fails to provide the Services within the time set forth herein, the sum per day for each working day delay shall be considered as liquid damages and not as a penalty

**10. Proprietary Information.** Unless expressly and separately agreed to by the City in section 18 (Additional Terms and Conditions) below, the product of all Services performed hereunder, including without limitation all notes, reports, documentation, drawings, computer programs, inventions, creations, works, devices, models, work-in-progress and deliverables are **works made for hire** and will be the sole property of the City, or to the extent it is not considered works made for hire, Contractor hereby assigns to the City all rights, title and interest therein, including but not limited to all copyrights and moral rights. Contractor hereby assigns to the City all rights, title, and interest in any and all photographic images and videos or audio recordings made by the City during Contractor's work for them, including, but not limited to, copyright, rights to any royalties, proceeds, or other benefits derived from such photographs or recordings. City will be entitled to use Contractor's name and/or likeness in reports, public meetings, and other public materials.

**11. Termination for Cause.** If a party commits a material breach of this Agreement, then the non-breaching party may terminate this Agreement for cause, so long as the non-breaching party first provides breaching party with a written notice of the breach and breaching party fails to cure the breach within ten (10) business days of receipt of the notice or, if the breach by its nature cannot reasonably be cured within ten business days, then non-breaching party may terminate if the breaching party fails to begin to cure the breach within ten business days of receipt of the notice and works diligently thereafter to cure the breach. Such termination will be without prejudice to any other rights and remedies that may be available to the non-breaching party.

**12. Completion and Acceptance.** Completion shall be defined as the fulfillment of the Services in accordance with industry standards and to the approval of the City, not to be unreasonably withheld. Payment will not constitute Completion and Acceptance.

**13. Resolving Disputes.** If a dispute arises under this Agreement, Ohio law shall apply and venue will be Montgomery County Ohio. Contractor's liability for all matters arising out of or in connection with this agreement, whether in contract, tort or otherwise, shall not be limited to any amount less than the total amount of liability insurance coverage carried by Contractor under this agreement. The parties acknowledge that the terms of this section reflect an acceptable allocation of risk and that the City would not enter into this agreement with lower limitations of liability

**14. No Partnership.** This Agreement does not create a partnership relationship between the City and the Contractor. Unless otherwise directed, the Contractor shall have no authority to enter into contracts on City's behalf or represent the City in any manner.

**15. Assignment and Delegation.** The Contractor may not assign this contract without written consent of City.

**16. Severability.** This Agreement shall remain in effect in the event a section or provision is unenforceable or invalid. All remaining sections and provisions shall be deemed legally binding unless a court rules that any such provision or section is invalid or unenforceable, thus, limiting the effect of another provision or section. In such case, the affected provision or section shall be enforced as so limited. All provisions of these terms that allocate responsibility or liability between the parties will survive the completion or termination of services for the Project.

**17. Breach Waiver.** Any waiver by the City of a breach of any section of this Agreement by the Contractor shall not operate or be construed as a waiver of any subsequent breach by the Contractor.

**18. Additional Terms and Conditions.**

**19. Entire Agreement.** This Agreement, along with any attachments or addendums, represents the entire agreement between the parties. Therefore, this Agreement supersedes any prior agreements, promises, conditions, or understandings between the Employer and Employee. The Agreement may be executed in counterparts. It shall not be necessary that the signature on behalf of both parties appear on each counterpart.

CONTRACTOR ACKNOWLEDGES THAT IT HAS READ THIS AGREEMENT INCLUDING THE INSURANCE PROVISIONS ON EXHIBIT A, UNDERSTANDS AND ACCEPTS ALL OF ITS TERMS AND THAT IT HAS HAD SUFFICIENT TIME TO HAVE THIS AGREEMENT REVIEWED BY LEGAL COUNCIL OF CONTRACTOR'S CHOOSING.

CONTRACTOR

CITY OF HUBER HEIGHTS

\_\_\_\_\_  
By: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_

\_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_  
Its: \_\_\_\_\_

IF CONTRACTOR IS AN INDIVIDUAL OR IS AN ENTITY WITH LESS THAN FIVE (5) EMPLOYEES, CONTRACTOR MUST ALSO COMPLETE AND ATTACH THE O.P.E.R.S. INDEPENDENT CONTRACTOR/WORKER ACKNOWLEDGEMENT SIGNED BY THE INDIVIDUAL OR IN CASE OF AN ENTITY, ALL OF THE EMPLOYEES (AS APPLICABLE)



## EXHIBIT A

### HUBER HEIGHTS INSURANCE ADDENDUM TO STANDARD TERMS AGREEMENT

- ☐ The City waives the insurance requirements below. CONTRACT ACKNOWLEDGES THAT THE CITY DOES NOT PROVIDE LIABILITY INSURANCE TO PROTECT CONTRACTOR AND CONTRACTOR MAY BE PERSONAL LIABILITY FOR COSTS ASSOCIATED WITH CLAIMS OF INJURY OR DEATH OR PROPERTY DAMAGE.

or

- ☐ The Following insurance shall be required. Contractor shall provide City with a copy of a Certificate of Insurance and any applicable endorsements required from City prior to commencing services for the City.

Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Contractor, his agents, representatives, employees or subcontractors.

**Coverage shall be at least as broad as:**

1. **Commercial General Liability (CGL):** Insurance Services Office Form CG 0001 covering CGL on an "occurrence" basis, including products-completed operations, personal & advertising injury, with limits no less than **\$1,000,000** per occurrence.

2. **Automobile Liability:** Insurance Services Office Form Number CA 0001 covering Code 1 (any auto), or if Contractor has no owned autos, Code 8 (hired) and 9 (non-owned), with limits no less than **\$1,000,000** per **accident for** bodily injury and property damage. (*Note – required only if auto is used in performance of work*)

3. **Workers' Compensation** insurance as required by the State of Ohio, with Statutory Limits, and Employer's Liability Insurance with limit of no less than **\$1,000,000** per accident for bodily injury or disease. If coverage is through The Ohio Bureau of Workers' Compensation, Employers' Liability coverage must be endorsed on the Commercial General Liability policy. (*Note – required only if Contractor has employees*).

**Additional Insured**

The general liability and automobile liability policies are to be endorsed to provide that **the City of Huber Heights, its officers, officials, employees, agents, and volunteers are covered as additional insureds.**

**Primary Coverage**

For any claims related to this contract, the **Contractor's insurance coverage shall be primary and non-contributing** as respects the City, its officers, officials, employees, agents, and volunteers.

**Non-renewal, Cancellation, or Material Change of Coverage**

Certificates of insurance shall provide that the issuing company will endeavor to provide the City with a minimum of 30 days written notice of cancellation. If the Contractor receives a non-renewal or cancellation notice from an insurance carrier providing coverage required herein, or receives notice that coverage no longer complies with the requirements herein, **Contractor agrees to notify the City** by fax or email within five (5) business days with a copy of the non-renewal or cancellation notice, or written explanation of how coverage is no longer in compliance.

**Acceptability of Insurers**

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

**Verification of Coverage**

Contractor shall furnish the City with certificates of insurance evidencing coverage required herein. All certificates are to be received by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications, at any time.

If Contractor has employees, Contractor shall furnish the City with one (1) unaltered copy of the official certificate of the Ohio Industrial Commission indicating that he has paid the premiums required under the Ohio Workers' Compensation Act evidencing that these workers are covered by Workers' Compensation during the Contract term.

**Special Events Coverage for Contractors**

Special events coverage or instructor program insurance from companies such as Alliant, is available for a fee to provide the liability insurance required by this agreement. Contractor can obtain additional information and cost from the City.

**Special or Low Risk Activities**

City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances. The City reserves the right to modify or waive insurance requirements for certain low risk recreational activities.

**NOTHING HEREIN SHALL BE DEEMED A WAIVER OR CONTRACTUAL CHANGE TO ANY AND ALL IMMUNITY AVAILABLE UNDER OHIO LAW TO THE CITY OF HUBER HEIGHTS.**



AI-8109

Topics of Discussion L.

**Council Work Session**

**Meeting Date:** 01/04/2022

Ordinance Modification - Huber Heights City Code - Section 509.08(b)(10) - Disturbing The Peace

**Submitted By:** Stephanie Wunderlich

**Department:** Engineering

**Division:** Engineering

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 11/16/2021 and 12/07/2021 and 01/04/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

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**Agenda Item Description or Legislation Title**

Ordinance Modification - Huber Heights City Code - Section 509.08(b)(10) - Disturbing The Peace

**Purpose and Background**

The City Code in Section 509.08(b)(10) - Disturbing The Peace (see attached) addresses the days and hours allowed for construction work. It is currently 7:00 a.m. to 10:00 p.m. on weekdays. Construction on Saturdays (due to noise) has become an issue lately. Since Saturdays are not addressed in the City Code, it can be assumed that no construction is allowed on Saturdays. Since there is so much construction going on in Huber Heights, work on Saturdays is happening everywhere including work at any typical residential home. To help control police complaint calls, a discussion needs to be made to possibly revise the City Code to allow construction on Saturdays from 7:00 a.m. to 7:00 p.m.

---

**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

**Recurring Cost? (Yes/No):** N/A

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

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**Attachments**

Construction Hours - Area Communities  
Ordinance

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**Noise Ordinance City Code for Surrounding Cities**

<b><u>City</u></b>	<b><u>Times</u></b>	<b><u>Days of Week</u></b>
Kettering	7:00 a.m. - 9:00 p.m.	All Days
Oakwood	7:00 a.m. - 9:00p.m. 9:00 a.m. - 9:00 p.m.	Monday- Saturday Sundays/Holidays
Miamisburg	7:00 a.m. - 10:00 p.m.	All Days
Moraine	7:00 a.m. - 7:00 p.m. (Below 65 DbA)	All Days
Beavercreek	No Start Time - 9:00 p.m.	All Days
Brookville	6:00 a.m. - 10:00 p.m.	All Days
Fairborn	7:00 a.m. - 10:00 p. m. (Below 60DbA)	All Days
Dayton	7:00 a.m. - 6:00 p.m.	Weekdays
Springboro	8:00 a.m. - 9:00 p.m.	All Days
Troy	7:00 a.m. - 10:00 p.m. (Below 60 DbA)	All Days
Englewood	7:00 a.m. - 10:00 p.m. (Below 60 DbA)	All Days

CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2021-O-

TO AMEND CHAPTER 509 – DISORDERLY CONDUCT AND PEACE DISTURBANCE OF PART FIVE - GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF HUBER HEIGHTS BY AMENDING SECTION 509.08 – DISTURBING THE PEACE IN SUBSECTION (b)(10).

WHEREAS, Section 509.08(b) provides acts that are declared to be unreasonable and unnecessary noises that cause peace disturbances; and

WHEREAS, Section 509.08(b)(10) provides:

The erection (including excavating), demolition, alteration, or repair of any building other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the City Engineer, which permit may be granted for a period not to exceed three days while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues. If the City Engineer determines that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 10:00 p.m. and 7:00 a.m., and he further determines that loss or inconvenience would result to any party in interest, he may grant permission for that work to be done between the hours of 10:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work.

WHEREAS, under Section 509.08(b)(10), the listed acts are considered peace disturbances at all times except 7:00 a.m. and 10 p.m. on weekdays which may affect home repair and related activities on Saturdays; and

WHEREAS, City Council feels that 10 p.m. on weekdays is too late for such activities.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. Section 509.08(b)(10) of Chapter 509 of Part Five of the Huber Heights Codified Ordinances is hereby amended to read as follows:

**509.08(b)(10)**

(10) The erection (including excavating), demolition, alteration, or repair of any building other than between the hours of 7:00 a.m. and 7:00 p.m. on Monday – Saturday, unless such date is an Ohio legal holiday, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the City Engineer, which permit may be granted for a period not to exceed three days while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues. If the City Engineer determines that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 10:00 p.m. and 7:00 a.m., and he further determines that loss or inconvenience would result to any party in interest, he may grant permission for that work to be done between the hours of 10:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work.

Section 2. All other provisions of Section 509.08 not amended herein remain in full force and effect.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in

such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall go into effect as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2021;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



AI-8100

Topics of Discussion M.

**Council Work Session**

**Meeting Date:** 01/04/2022

Brandt Pike Revitalization Project

**Submitted By:** Anthony Rodgers

**Department:** City Council

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 07/20/2021 and 08/02/2021 and  
08/31/2021 and 09/21/2021 and  
10/05/2021 and 10/19/2021 and  
11/01/2021 and 11/16/2021 and  
12/07/2021 and 01/04/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

---

**Agenda Item Description or Legislation Title**

Brandt Pike Revitalization Project

**Purpose and Background**

This item is to continue discussion on the Brandt Pike Revitalization Project. The link to the Brandt Pike Target Revitalization Plan from May, 2017 is as follows: [https://www.hhoh.org/DocumentCenter/View/2667/Brandt\\_Pike\\_Target\\_Revitalization\\_Plan\\_FINAL\\_DRAFT\\_2017\\_0512](https://www.hhoh.org/DocumentCenter/View/2667/Brandt_Pike_Target_Revitalization_Plan_FINAL_DRAFT_2017_0512)

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**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

**Recurring Cost? (Yes/No):** N/A

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

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**Attachments**

*No file(s) attached.*

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AI-8110

Topics of Discussion N.

**Council Work Session**

**Meeting Date:** 01/04/2022

Huber Heights Polling Locations

**Submitted By:** Anthony Rodgers

**Department:** City Council

**Council Committee Review?:** Council Work Session **Date(s) of Committee Review:** 01/04/2022

**Audio-Visual Needs:** None **Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

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**Agenda Item Description or Legislation Title**

Huber Heights Polling Locations

**Purpose and Background**

The City has been engaged in discussions with the Montgomery County Board of Elections and the Miami County Board of Elections to address polling locations for Huber Heights residents that are located outside of the City of Huber Heights. The Montgomery County Board of Elections has committed to working to relocate its polling locations outside of the City to within the City. The Miami County Board of Elections responded with an email regarding its plans for polling locations in Miami County outside of the City to continue in 2022 (see attached).

This agenda item is for discussion of these issues regarding Huber Heights polling locations.

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**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

**Recurring Cost? (Yes/No):** N/A

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

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**Attachments**

Email

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**From:** [Ian M. Ridgeway](#)  
**To:** [Rodgers, Anthony](#)  
**Subject:** HH Polling Location  
**Date:** Thursday, December 23, 2021 10:30:55 AM

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CAUTION EXTERNAL EMAIL: This message originated from a non Huber Heights email server. DO NOT CLICK ANY LINKS or OPEN ANY ATTACHMENTS unless you have contacted the sender to verify its legitimacy or confirmed you were expecting it. Contact the IT Department if you need assistance.

Tony,

We have been looking into the possibilities regarding moving the polling location for residents of the City of Huber Heights. Per the Secretary of State's Office, we are not allowed to operate a polling location that falls outside of our county lines. Unfortunately, with the requirements we have for ADA compliance, parking, and space required, there are very few options that fall closer to the City of Huber Heights.

Our office currently has plans to begin utilizing schools as polling locations beginning with the General Election of 2023. We did take a look at Charles Huber Elementary. Unfortunately, elementary schools do not typically provide adequate parking to be utilized as a polling location that can service this many voters. Under our current plan, Bethel Township and our portion of Huber Heights would vote at Bethel Local Schools. This will cut the distance for voters in Huber Heights voters by 1-4 miles, depending on which portion of Carriage Trails they reside. We realize this isn't an ideal location, but with our ADA, parking, and space requirements, we believe it is the best option for voters in Miami County.

For voters with continued concerns, we also offer in-person early voting at our office for most of the 28 days prior to every election, and absentee voting by mail during the same time period.

Thank you,

Ian Ridgeway, MPA  
Deputy Director  
Miami County Board of Elections  
215 West Main Street  
Troy, OH 45373

937-440-3904  
[iridgeway@miamicountyohio.gov](mailto:iridgeway@miamicountyohio.gov)



AI-8097

Topics of Discussion O.

**Council Work Session**

**Meeting Date:** 01/04/2022

2022 Vice Mayor

**Submitted By:** Anthony Rodgers

**Department:** City Council

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 01/04/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

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**Agenda Item Description or Legislation Title**

2022 Vice Mayor

**Purpose and Background**

The City Charter dictates that Council select a Vice Mayor each year. This agenda item is an opportunity for Councilmembers to present to Council their desire to serve as Vice Mayor or their desire for another Councilmember to seek that position.

**SECTION 4.04 - MAYOR AND VICE MAYOR.**

(B) Vice Mayor. Council shall, at the first regular meeting in January following its election and every year thereafter, choose, by a vote of no less than five (5) members of Council, one of its members as Vice Mayor, who shall act as Mayor during the absence or disability of the Mayor. If a vacancy in the Mayor's office occurs, the Vice Mayor shall serve as Mayor until the next regular municipal election. At such election a Mayor shall be elected to serve for the unexpired or a full term, as appropriate. At least ten (10) days prior to the date for filing for the office of Mayor at such election, the Vice Mayor who assumed the office of Mayor shall file with the Clerk of Council a written statement indicating whether such person will become a candidate for Mayor at such election or will reassume office of Councilmember, and such person shall be bound by such decision. If such decision is made in favor of reassuming the office of Councilmember, then upon the election of a Mayor and upon the assumption of the office by the person so elected, the Vice Mayor shall reassume the office previously held as councilmember for the remainder of the unexpired term to which elected. In the event of a vacancy in the office of Mayor whereby the Vice Mayor assumes the office of Mayor under this Section, the Council shall select a person to fill the vacancy in Council as provided in Section 4.07 of this Charter; however, the person so chosen to fill the vacancy in Council shall serve only until a Mayor is elected as provided herein, if the Vice Mayor elects to reassume office as a Councilmember for the remainder of the unexpired term as provided for in this Section.

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**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

**Recurring Cost? (Yes/No):** N/A

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

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**Attachments**

*No file(s) attached.*

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AI-8095

Topics of Discussion P.

**Council Work Session**

**Meeting Date:** 01/04/2022

Military and Veterans Commission Appointment - A. Windsor

**Submitted By:** Anthony Rodgers

**Department:** City Council

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 01/04/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

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**Agenda Item Description or Legislation Title**

Board and Commission Appointments

\* Military and Veterans Commission - Appointment

**Purpose and Background**

The City's interview panel recommends the appointment of Anthony Windsor to the Military and Veterans Commission for a term ending December 31, 2024. A background check was completed on Mr. Windsor by Human Resources.

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**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

**Recurring Cost? (Yes/No):** N/A

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

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**Attachments**

Application - A. Windsor

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6131 Taylorsville Road  
Huber Heights, Ohio 45424  
Phone: (937) 233-1423  
Fax: (937) 233-1272  
www.hhoh.org  
An Equal Opportunity Employer

# Application For City Boards and Commissions

RECEIVED ON:  
AUG 27 2021  
CITY OF COUNCIL

Qualified applicants are considered for all positions without regard to race, color, religion, sex, national origin, marital or veteran status, or disability.

**PLEASE COMPLETE ALL SECTIONS AND EACH QUESTION COMPLETELY AND ACCURATELY**

<b>Board or Commission Applied For:</b> Huber Hb. MILITARY & VETERANS COMMISSION	<b>Date Applied:</b> 8/25/2021
---	-----------------------------------

WINDSOR	ANTHONY	J.
Last Name	First Name	Middle Name
6393 ALP CT	HUBER HB.	OHIO
Address	City	State
		45424
		Zip Code
937-626-3026	(same)	WINDSOR.L@WRIGHT.EDU
Home Phone Number	Daytime Phone Number	E-mail Address

## EDUCATION

	SCHOOL	COURSE OF STUDY OR DEGREE EARNED
HIGH SCHOOL	Wayne High School	College Prep
COLLEGE	WRIGHT STATE UNIVERSITY	Social WORK - MAJOR VETERAN STUDIES - MINOR
GRADUATE SCHOOL		
OTHER (Specify)	FIRE ACADEMY - LEADERSHIP ACADEMY -	FIRE PREVENTION Firefighter I & II Military Supervision & Leadership

## COMMUNITY INVOLVEMENT

Please list all civic, community, or non-profit organizations to which you have belonged or currently do belong, and your dates of service.

Organization	Dates of Service
AMERICAN LEGION POST 776	2016 - Current
MASONIC ORDER LODGE #123	2021 - Current
HHVFC, HHKWC	1996 - 2004
VETERANS WELLNESS Recovery & ACTION PLAN	2016 - 2019



## EMPLOYMENT HISTORY

Name of Employer	Position(s) Held	Dates of Employment
US AIR FORCE	FIREFIGHTER, EMT, Paramedic	5/88 - 10/95
MIAMI Valley RTA	DRIVER, DISPATCHER, STREET SUP.	12/95 - 5/01
PRODUCT ACTION TOOL LLC	Inspector, Engagement Sup.	7/01 - 11/07
STEEL SMOKIN BBQ LLC	OWNER - OPERATOR	5/17 - Present

## REFERENCES

CLARENCE HANCOCK	5445 PEARLAND CIR. 45421	(937) 674-5546
Name	Address	Telephone Number
SCOTT DAY II	6424 LONGFORD RD 45421	(937) 516-3434
Name	Address	Telephone Number
TONY POLLARD	7160 PINEVIEW DR. 45421	(937) 867-9479
Name	Address	Telephone Number

## STATEMENT OF INTEREST

Please tell us why you are interested in serving on this board or commission

Having Grown up in Huber Hts. and then serving my Country, I feel the need for veteran assistance is paramount. Many veterans are at risk and in need. It is important that the community recognize these needs and work together with various organizations to address and solve issues facing veterans and their families. Being a veteran, those who have served their country deserve all the resources we have available. I am currently majoring in Social Work with a minor in Veterans Studies at the University of Wright State. It would be an honor to serve on the Huber Heights Military and Veterans Commission.



## REQUIREMENTS AND APPLICANT STATEMENT

Are you at least 18 years of age? ☒ Yes ☐ No

Do you currently reside in the City of Huber Heights? ☒ Yes ☐ No

Have you resided in the City of Huber Heights for at least one year prior to making this application? ☒ Yes ☐ No

Are you a registered voter? ☒ Yes ☐ No

Are you willing to sign a release to allow the City of Huber Heights to perform a background screening and criminal records check? ☒ Yes ☐ No

I certify that all of the information furnished in this application and its addenda are true and complete to the best of my knowledge. I understand that the City of Huber Heights may investigate the information I have furnished and I realize that any omissions, misrepresentation or false information in this application and/or its addenda may lead to revocation of any volunteer appointment.

I hereby acknowledge that I, voluntarily and of my own free will, have applied for a volunteer position with the City of Huber Heights with the understanding that the City may use a variety of screening procedures to evaluate my qualifications and suitability for appointment. I have been advised that these screening procedures might include, but are not limited to, interviews, criminal record checks, driving records checks and reference checks. I also acknowledge that any such screening procedures, as reasonably required by the City of Huber Heights, are prerequisites to my appointment to a volunteer position with the City of Huber Heights.

In addition, I also hereby understand that the City of Huber Heights cannot guarantee the confidentiality of the results of, or information obtained through the aforementioned screening procedures. Decisions of the Ohio Supreme Court regarding the Ohio Public Records Act indicate that, with certain enumerated exceptions, records maintained by a governmental entity are a matter of public record and, should a proper request be made by a member of the public for such records, the governmental entity would be required to make such records available to that member of the public within a reasonable time. Additionally, all information furnished in this application is subject to disclosure under the Ohio Public Records Act.

Therefore, in consideration of my application being reviewed by the City of Huber Heights, under no legal disability, and on behalf of my heirs and assigns, hereby release and agree to hold harmless the City of Huber Heights and any of its agents, employees, or related officials from any and all liability, whatever the type and nature resulting from the administration of any such screening procedures and/or release of the results therefrom.

Signature

Date

8/25/21

AI-8098

Topics of Discussion Q.

**Council Work Session**

**Meeting Date:** 01/04/2022

2022 Rules of Council

**Submitted By:** Anthony Rodgers

**Department:** City Council

**Council Committee Review?:** Council Work Session **Date(s) of Committee Review:** 01/04/2022

**Audio-Visual Needs:** None **Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

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**Agenda Item Description or Legislation Title**

2022 Rules of Council

**Purpose and Background**

At least annually, City Council reviews, updates and approves the Rules of Council by a motion of the City Council at a City Council Meeting. The current 2021 Rules of Council are attached for consideration and review. This agenda item is for a discussion on the Rules of Council for 2022.

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**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

**Recurring Cost? (Yes/No):** N/A

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

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**Attachments**

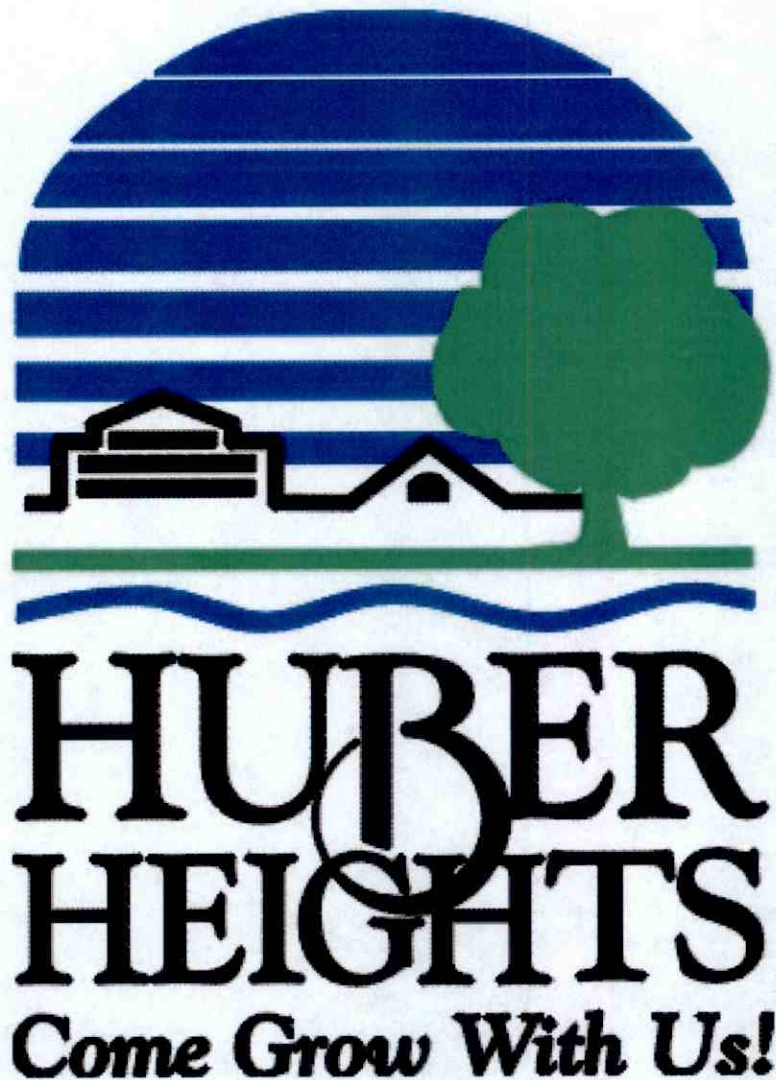
2021 Rules of Council

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# City of Huber Heights **RULES OF COUNCIL**

(Adopted by the Huber Heights City Council on January 25, 2021)



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## ***I. POWERS, JURISDICTION, FUNCTIONS AND LIMITATIONS***

Except as otherwise provided under the City Charter, all legislation and other powers of the City are vested in the Council. The Council has the power to enact ordinances, resolutions, and other measures to carry out municipal functions involving the City's departments, divisions, offices, boards, commissions, officers, and employees (Section 4.01, City Charter).

Councilmembers have power and may exercise that power only when Council is in session. Councilmembers and the Council itself are not bound by any statement or action taken by individual members, City officials, or employees unless in accord with Council action. Individual Councilmembers shall not direct any City official or employee to perform services or take action related to City operations (Section 4.06 (C), City Charter). Only as a body does Council have power to direct City operations and that direction is executed through the City Manager.

Some specific Council functions include:

1. Making policy necessary for the operation of the City.
2. Appointing a City Manager and establishing a salary for the City Manager (Section 6.01, City Charter).
3. Appointing a Clerk of Council (and Deputy Clerk of Council) and establishing a salary for the Clerk(s) (Section 4.08, City Charter).
4. Appointing a Law Director and establishing a salary for the Law Director (Section 7.05, City Charter).
5. Obtaining reports from the City Manager concerning conditions, efficiencies, needs, and other affairs and related City matters.
6. Evaluating and approving the City budget and appropriations and their modifications.
7. Evaluating the effectiveness of City programs and the performance of the City Manager, the Clerk of Council, and the Law Director.
8. Informing the public of City activities and needs.
9. Regulating its own organization and membership (Sections 4.02, 4.03, 4.05, 4.06, 4.07, 4.10 and 4.13, City Charter).

Council shall adopt, by a simple majority vote of its members currently holding office, its own Rules of Council which shall not conflict with the City Charter and which shall remain in effect until amended, changed or repealed by a majority vote of the members of Council then holding office. The Rules of Council shall go into immediate effect unless a later date is specified, and shall not be subject to initiative or referendum. The Rules of Council shall provide for the number, composition and manner of appointment of committees of Council, and such other matters as the Council shall determine to be necessary for the proper functioning and government of Council (Section 4.14, City Charter).

## ***II. MEETINGS***

- A. Regular City Council Meetings:** Regular Council City Meetings will be held on the second and fourth Mondays of each month (except for December) unless the day falls on a City holiday. If such a conflict occurs, the meeting schedule will be



adjusted to address the holiday. Meetings will begin at 7:00 P.M. and will be held in the Council Chambers at the City Hall Building.

- B. **Special City Council Meetings:** Special City Council Meetings may be called for any purpose by the Mayor or any five (5) Councilmembers upon at least twenty-four (24) hours' notice to the Mayor and each Councilmember. Councilmembers and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting (Section 4.13, City Charter). The member or members calling the meeting will, through the Clerk of Council, notify the media and other individuals that have requested notification of the time, place and purpose of any special meeting.
- C. **Council Work Sessions:** Council Work Sessions are working committee meetings of Council and are not utilized for legislative action or other formal Council actions appropriate to Regular or Special City Council Meetings. Council Work Sessions will be generally held on the Tuesday of the week prior to the Regular Council City Meetings unless the day falls on a City holiday. If such a conflict occurs, the meeting schedule will be adjusted to address the holiday. Council Work Sessions will generally begin at 6:00 P.M. and will be held in the Council Chambers at the City Hall Building. Council Work Sessions may also be called for any purpose at other dates and times by the Mayor or any five (5) Councilmembers upon at least twenty-four (24) hours' notice to the Mayor and each Councilmember. Councilmembers and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting (Section 4.13, City Charter). The member or members calling the meeting will, through the Clerk of Council, notify the media and other individuals that have requested notification of the time, place and purpose of any special meeting.
- D. **Committee of the Whole:** Council may schedule committee meetings of the entire Council as a Committee of the Whole meeting. Committee of the Whole meetings may be called for any purpose by the Mayor or any five (5) Councilmembers upon at least twenty-four (24) hours' notice to the Mayor and each Councilmember. Councilmembers and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting. The member or members calling the meeting will, through the Clerk of Council, notify the media and other individuals that have requested notification of the time, place and purpose of any special meeting.
- E. **Between Regularly Scheduled City Council Meetings:** Councilmembers are to be informed of incidents involving the City that, in the judgment of the City Manager, the Law Director, or the Clerk of Council; may require immediate consideration by the Council. A Council meeting may be the means required for conveying information regarding these incidents. In addition, Councilmembers are to be informed at the onset of incidents which may eventually require budgetary or policy decisions by Council.
- F. **Public Notification of Meetings:** The Clerk of Council will make public notice of all Regular or Special City Council Meetings, Council Work Sessions, and other



meetings of Council at least twenty-four (24) hours in advance of such meetings or sessions. This public notice will include the date, time, place, and purpose for the meeting or session. This public notice will be done in the following manner:

1. Posting of the public notice at the City Hall building.
2. Posting of the public notice on the City of Huber Heights official website.
3. Posting of the public notice on the City of Huber Heights official Facebook and Twitter accounts.
4. Distribution of the public notice by email via the Internet through an electronic distribution list maintained by the Clerk of Council that includes media outlets and individual members of the public who have requested notification in advance (see below).

The public may also obtain notice of the date, time, place, and purpose of all Regular or Special City Council Meetings, Council Work Sessions, and other meetings of Council by contacting the Office of the Clerk of Council.

Any person may obtain advance notification of all Council meetings by email via the Internet through an electronic distribution list maintained by the Clerk of Council at no charge. This request should be made in writing to the Clerk of Council. Any such request shall be effective indefinitely from the date of filing with the Clerk of Council or until the Clerk of Council receives written notice from an individual canceling or modifying such request. Notification of any special meeting shall be sent to those who have requested such notification. A reasonable attempt at notification shall constitute notification in compliance with these Rules of Council.

- G. Executive Session Meetings:** Meetings in Executive Session shall be closed, private, and confidential; and shall be held in accordance with Ohio Revised Code 121.22, the Ohio Sunshine Law. These meetings are to be noted on the agenda of regular meetings, when practicable. Any individual Councilmember may motion that Council recess to Executive Session when circumstances are such that satisfactory answers or useful discussion may be provided only in Executive Session. A motion, to include the general purpose of the Executive Session as specified in Ohio Revised Code 121.22 and passed by a majority or unanimous vote (depending on the purpose of the Executive Session), is required for Council to recess to Executive Session.

All other Council meetings must also comply with the requirements of Ohio Revised Code Section 121.22 as described above.

Minutes of the Executive Session discussions shall not be kept. Neither shall any participant record the proceedings of the any Executive Session by any electrical or mechanical device.

The minutes of the Regular City Council Meetings or Special City Council Meetings, as well as Council Work Sessions and other Council meetings, should reflect the general subject matter of discussion held in Executive Session authorized under Division G of the Section 121.22 of the Ohio Revised Code. In addition, the



aforementioned minutes should reflect the vote on the motion to go into Executive Session and the commencement and termination times of the Executive Session meeting.

Discussion in Executive Session is confidential. No participant shall compromise the confidentiality of an Executive Session.

- H. **Pre-Meeting Information:** Two (2) business days prior to scheduled City Council Meetings, Council Work Sessions, or other Council meetings, Councilmembers are to be furnished a meeting packet with information germane to the meeting agenda items. This meeting packet will include background information on the agenda items and/or copies of proposed ordinances and resolutions, historical information, and any additional relevant information on the agenda items. The agenda will normally be finalized on the Thursday immediately preceding each meeting; however, proposed agenda items must be submitted to the Office of the Clerk of Council through the AgendaQuick system and approved by the City Manager on the Wednesday immediately preceding each meeting by 5:00 P.M. The Law Director will also be provided all of this information to allow for proper legal review.
- I. **Recesses and Adjournments:** City Council Meetings, Council Work Sessions, or other Council meetings may be adjourned or recessed to another time, date, or place without giving the notice required in paragraph B, Special Meetings, above (Section 4.13 (C), City Charter). Short recesses (5-15 minutes) may be designated by the Presiding Officer during regular or special meetings without a vote of Council. Other recesses require a simple majority vote of Council.
- J. **Presiding Officer:** The Mayor presides over Regular City Council Meetings, Special City Council Meetings, Council Work Sessions, Committee of the Whole meetings, or other Council meetings; however, in the absence of the Mayor, the Vice Mayor presides (Section 4.04, City Charter). In the absence of the Mayor and the Vice Mayor or at the discretion of the Mayor or Vice Mayor, the Council may elect a Councilmember to serve as Presiding Officer for that meeting provided a Council quorum is present. The Mayor is a member of Council, but does not have voting rights on issues in Regular City Council Meetings or Special City Council Meetings except in cases of tie votes (Section 4.04, City Charter). The Mayor is a non-voting member of all Council appointed committees (Section 4.04, City Charter). The Vice Mayor serves as a Councilmember with all voting and other rights accorded that position (Section 4.04, City Charter).
- K. **Clerk of Council:** The Clerk of Council (with the assistance of the Deputy Clerk of Council) serves as Council administrator. The Clerk attends Council meetings, records proceedings, maintains City records, handles public records requests, authenticates legislation and signatures, prepares correspondence and minutes, and performs other duties as directed by Council and required by law (Section 4.08, City Charter). The job duties and functions of the Clerk of Council and the Deputy Clerk of Council are also defined in the applicable position descriptions. These job duties and functions are further defined through the day to day general supervision and

assignment of duties, tasks, and responsibilities by the Clerk of Council to the Deputy Clerk of Council.

**L. Quorum and Majority Votes:**

1. Quorum: Five (5) members of Council, other than the Mayor, shall constitute a quorum for all Council meetings. Confronted with a lack of a quorum, a smaller number of Councilmembers may convene and may compel the attendance of absent members and may adjourn meetings to a subsequent date (Section 4.12, City Charter).
2. Majorities: In determining a simple, a two-thirds (2/3), or a three-fourths (3/4) majority vote of Council, the Mayor is counted. Majorities are based on the total number of Councilmembers holding office (not simply those present). Therefore, majorities are calculated, in normal situations, using the number nine (9) as denominator. Thus, five (5) constitutes a simple majority, six (6) a two-thirds (2/3) majority, and seven (7) a three-fourths (3/4) majority.

**M. Attendance, Absences, and Removals:** Councilmembers are required and expected to attend all Regular City Council Meetings and Special City Council Meetings. Absences from Council meetings may be excused for reasonable cause. All absences from meetings will be communicated through the Clerk of Council's Office. For the official record purposes, a motion of Council to excuse a member's absence must be passed by a simple majority vote.

Unexcused absences from three (3) consecutive Regular City Council Meetings may result in the removal of a Councilmember. A two-thirds (2/3) majority of the Councilmembers then holding office, exclusive of the Councilmember being considered for removal, is required (Section 13.08, City Charter).

A Councilmember or the Mayor may be expelled from a Council meeting for disorderly conduct or violation of the Rules of Council by a vote of a two-thirds (2/3) majority of Councilmembers. Expulsions are considered unexcused absences.

**N. Agendas:**

1. Preparation: The Clerk of Council shall be responsible for preparing the agendas for all Council meetings in consultation with the City Manager and the Presiding Officer. The Presiding Officer may also solicit input from Councilmembers and the Mayor for the agendas for all Council meetings. Any three (3) Councilmembers may also compel an item to be placed on the agenda for Council Work Sessions as described under Section II, C. of this document.
2. Review: Council will be previously apprised and informed of all proposed legislation/motions and/or other matters of significance on the agendas through Council Work Sessions, other Council meetings, or written



communications from the City Manager or the Clerk of Council (except for emergency situations) or as otherwise determined by Council.

3. Format:

A. Regular City Council Meetings of Council will follow this format unless changed by any five (5) Councilmembers:

1. Call the Meeting to Order
2. Invocation
3. Flag Ceremony
4. Pledge of Allegiance
5. Roll Call
6. Approval of Minutes
7. Special Presentations/Announcements \*
8. Citizens Comments \*\*
9. Citizens Registered to Speak on Agenda Items \*\*
10. City Manager Report
11. Pending Business
12. New Business
13. City Official Reports and Comments
14. Executive Session
15. Adjournment

\* Usually reserved to accommodate non-profit or citizen groups whose purpose is to make a short, formal presentation.

\*\* Citizens wishing to reserve time to speak must complete a Citizens Comments Request.

B. Council Work Sessions will normally follow this format:

1. Call the Meeting to Order/Roll Call
2. Approval of Minutes
3. City Manager Report
4. Work Session Topics of Discussion
5. Executive Session
6. Adjournment

O. **Public Participation at Meetings:** The Presiding Officer of Regular or Special City Council Meetings, Council Work Sessions, or other Council meetings will recognize persons requesting to be heard. If the topic to be discussed is not on the agenda, it may be discussed under Citizens Comments. Members of the public desiring to speak at Regular City Council Meetings and Special City Council Meetings must request time using the Citizens Comments Request. Members of the public desiring to speak at Council Work Sessions or other Council meetings may approach the podium and be recognized at the discretion of the Presiding Officer. Citizens



granted time to speak may do so following recognition by the Presiding Officer. Individuals wishing to speak are asked to abide by the following procedures:

1. Wait to speak until recognized by the Presiding Officer.
2. Approach the microphone and state your name.
3. Address remarks to the Presiding Officer.
4. Respond to questions from Councilmembers through the Presiding Officer.
5. Limit comments to subject under discussion (if speaking on an agenda item).
6. Limit comments to five (5) minutes.
7. Avoid complaints and/or remarks directed against individual employees or Councilmembers. (These types of complaints and/or remarks will be ruled out of order by the Presiding Officer and should be handled instead through the proper procedures for filing complaints).

Public statements on agenda items by other than properly registered or properly recognized citizens will generally not be allowed during the discussion and/or decision of such agenda items. Public statements will be accepted during public hearings, citizens' comments agenda time, and at other times as allowed by the Presiding Officer. Regarding pending legislation, citizen comments will be heard only after the reading of the legislation and explanation by City Staff and discussion by Council.

**P. Minutes:** The minutes shall record actions taken at the meeting and shall not be a verbatim transcript of what is said at the meeting. Council may, by a simple majority vote, direct that more detailed minutes be kept for all or part of a meeting.

**Q. Councilmember Decorum:** During all official meetings of the Council, whether Committee Meetings, Council Work Sessions, Regular City Council Meetings, or Special City Council Meetings, the members of Council in attendance will represent the City in a professional manner by directing their comments to the business of the Council and the policy implications of such business.

Disparaging comments about a specific member of Council's personhood, political affiliations, or matters of a personal nature will be ruled out of order by the Presiding Officer. For repeated offenses, the Presiding Officer shall put the question of whether the offender shall be removed from the meeting which shall be determined by a vote of three-fourths (3/4) of Councilmembers then present (excluding the offender) without debate.

In no way is this section designed to eliminate the natural and appropriate disagreement or communication of such disagreements between Councilmembers on particular views, positions, directions, or political and/or philosophical positions of individual Councilmembers. Additionally, this section is not designed to limit any First Amendment rights of individual Councilmembers in their private or political capacities outside of official City meetings.

### **III. LEGISLATION**

- A. The Legislative Process:** Actions of the Council are by ordinance, resolution, or motion. A motion is used to make or approve appointments of personnel, to conduct the business of Council in procedural matters, to conduct elections required by Council, and for other similar matters provided by the Charter (Section 5.01, City Charter). All motions of Council require seconds. Voting records by individual Councilmembers on each item voted on are to be kept by the Clerk of Council.

Article V of the City Charter prescribes procedures that must be adhered to in regard to legislation. The Law Director assures that any proposed legislation fulfills all legal requirements.

**Step 1.** If determined appropriate, the Presiding Officer will refer proposed legislation to a Council Work Session for Council to review the proposed legislation and to make any recommendations regarding the proposed legislation. Council may also refer the matter to additional Council Work Session(s) to review the proposed legislation in between the ongoing reading(s) of the legislation. In most cases, the proposed legislation will have already been reviewed by a Council Work Session prior to being placed on the meeting agenda for a Regular City Council Meeting or Special City Council Meeting. After discussion on proposed legislation, the Presiding Officer will inquire if there any objections from Councilmembers to placing the proposed legislation on the agenda of a Regular City Council Meeting or Special City Council Meeting for a first reading. If there are any objections to placing the proposed legislation on the agenda of a Regular City Council Meeting or Special City Council Meeting for a first reading, the Presiding Officer may continue the discussion on the proposed legislation to determine an appropriate course of action.

**Step 2.** The proposed legislation is placed on the agenda of a Regular City Council Meeting or Special City Council Meeting for a first reading. A copy of all proposed legislation, except personnel-related actions, will be posted on the bulletin board in City Hall. The Clerk of Council will endeavor to have legislation posted as soon as available prior to the meeting. All readings of legislation are made by title only unless a majority of Council approves by an adopted motion a full text reading. No discussion by Councilmembers will occur until after a motion is on the floor and the motion is seconded. Each resolution must be read on one separate Council meeting day. Each ordinance must be read on two separate Council meeting days, unless this requirement is waived by a vote of two-thirds (2/3) of the Councilmembers then holding office (Section 5.04, City Charter). Approval or rejection of a proposed resolution usually takes place immediately after this first reading, but the resolution can be read at additional readings at the discretion of Council.

**Step 3.** A second reading is held for a proposed ordinance, unless this requirement is waived by a vote of two-thirds (2/3) of the Councilmembers



then holding office (Section 5.04, City Charter). Approval or rejection of the proposed ordinance usually takes place immediately after this second reading but the ordinance can be read at additional readings at the discretion of Council.

**Step 4.** When approved by Council, the legislation is assigned an index number from the legislation journal and typed in final form by the Clerk of Council. An annual indexing system is used. Ordinances are coded "O" and Resolutions "R"; for example, 2017-O-1000 and 2017-R-1000. The legislation is then authenticated by the signatures of the Clerk of Council and the Presiding Officer (Section 5.08(A), City Charter) after the City Council Meeting when available or in a forthwith manner. Amended legislation or legislation not available for authentication by the Clerk of Council and the Presiding Officer during or immediately following the City Council Meeting will also be authenticated forthwith. Motions by Council (beginning in 2009) are also assigned an index number and typed in final form by the Clerk of Council using an annual indexing system. Motions are coded "M"; for example, 2017-M-1000.

**Step 5.** Any legislation which is enacted by less than a two-thirds (2/3) majority vote must be presented to the Mayor for approval except those enacted by the Mayor having cast the deciding vote. If the Mayor does not approve (i.e., vetoes) the legislation, the Mayor shall return it after its passage or adoption, with any objections in writing, to the Council at the next Regular City Council Meeting. The Mayor's written objections shall be entered upon the journal of the Council. The Mayor may approve or disapprove the whole or any item of an ordinance or resolution appropriating money. If the Mayor does not return such ordinance or resolution with written objections within the time limited in this Section, it shall take effect in the same manner as if the Mayor had signed it, unless the Council, by adjournment, prevents its return. When the Mayor disapproves an ordinance or resolution, or any part thereof, and returns it as herein provided with any written objections, the Council may reconsider it no later than the Regular City Council Meeting, and if such ordinance or resolution upon such reconsideration is approved by a two-thirds (2/3) vote of the members of Council then holding office, it shall take effect as if signed by the Mayor. If Council does not reconsider the Mayor's veto as herein provided, the content of the legislation in question may be considered thereafter in the same way all new legislation is considered (Section 5.12, City Charter).

**Step 6.** Legislation is published by posting the full text of the ordinance or resolution for a period of not less than ten (10) days after its passage in public places within the City or places of public access as determined by Council. The designated public places are:

1. Legislative Bulletin Board - City Hall Building
2. Legislative Public Binder - City Hall Building
3. Clerk of Council's Office



4. Huber Heights Public Library
5. Huber Heights Police Station
6. City of Huber Heights Official Website

**Step 7.** The Clerk of Council certifies in the legislative journal the dates that publication occurred.

- B. Effective Date of Legislation:** Any resolutions take effect immediately upon adoption by Council, unless a later date is specified. Ordinances dealing with appropriations of money; annual tax levies for current expenses of the City; certain improvements petitioned for by owners; questions to be submitted to the electorate or determinations to proceed with elections; approval of revisions, codifications, recodifications, or rearrangements of the City Code; and, any emergency ordinances take effect immediately upon adoption by Council, unless a later date is specified. All other ordinances take effect thirty (30) days after adoption by Council, unless a later date is specified. The thirty (30) day effective date of legislation is calculated by counting from the date after adoption by Council of the ordinance with the effective date being the thirty-first (31<sup>st</sup>) day after date of adoption by Council of the ordinance.
- C. Emergency Legislation:** Emergency ordinances are those necessary for the immediate preservation of the public peace, health, safety or welfare, or an emergency in the operation of the City. Emergency ordinances must contain a statement, “the emergency clause”, describing the necessity for the emergency. A vote of two-thirds (2/3) of Councilmembers holding office is required to approve emergency ordinances (Section 5.06, City Charter). Any emergency ordinances take effect immediately upon adoption by Council, unless a later date is specified.
- D. Copies of Ordinances and Resolutions:** The Clerk of Council shall provide copies of ordinances and resolutions adopted by Council to persons requesting such copies. Copies of proposed ordinances and resolutions shall also be provided to persons requesting such copies. The Clerk of Council shall charge the established rate in the Huber Heights Public Records Policy for such copies.

#### **IV. MOTIONS**

Unless there is a conflict with these Rules of Council or the City Charter, Roberts Rules of Order will be used as guidance during Council meetings. The following specific procedures shall be followed during Council meetings:

1. **Main Motions:** A motion to introduce a subject (**requires majority vote**).
2. **Motions When Question Is Before Council:** When a question or proposition is before or under debate by Council or when a motion has been made, only the following motions can be accepted:
  - a. To adjourn (**requires majority vote**).
  - b. To recess (**requires majority vote**).

- c. To raise a question of privilege. Questions of privilege have precedence over all other questions except adjournment. Questions of privilege are those affecting the rights of the Council collectively, its safety, dignity, comfort, and the integrity of its proceedings and those rights, reputations, and conduct of Councilmembers in the capacity as members of Council **(decision of Presiding Officer)**.
- d. To call for orders of the day to require the Council to conform to its agenda, program, or order of business, or to take up a general or special order **(decision of Presiding Officer)**.
- e. To lay on the table to set aside the pending question when something else of immediate urgency has arisen or when something else needs to be adopted before consideration of the pending question is resumed **(requires majority vote)**.
- f. To call the previous question and request that discussion end and that the motion being considered be voted on **(requires two thirds vote)**.
- g. To limit or extend limits of debate **(requires two thirds vote)**.
- h. To postpone any action to a certain time (or definitely) **(requires majority vote)**.
- i. To commit or refer the proposal to a committee or special meeting of Council for further investigation or to put into better condition for consideration **(requires majority vote)**.
- j. To amend. A motion to amend is to modify the main motion by inserting or adding; striking out; or striking out and inserting. No motions can be made to amend an amendment. A rejected amendment may not be moved again in the same form **(requires majority vote)**.
- k. To postpone indefinitely. When motions to postpone indefinitely are passed, the principle question is declared lost. The motion rejects or “kills” the main motion for the duration of the session **(requires majority vote)**.
- l. To postpone any action indefinitely **(requires majority vote)**.

Note: These motions have precedence in the order given. Motions listed above in “a”, “b”, “c” and “f” are decided without debate.

3. **Motion to Take Matter From Committee:** When ordinances, resolution, or other matters have been referred to a committee and said committee fails within a reasonable or specified time to report or offer a valid reason for failure to report, any member of Council has a right to move that ordinance, resolution, or matter of concern be taken from that committee and placed before Council for action **(requires majority vote)**.



4. **Motion to Reconsider:** Motions to reconsider an approved item must be made before adjournment of that session of Council for those items of legislation that are effective immediately; motions to reconsider other legislation must be made prior to the close of the next following regular meeting of Council. A motion to reconsider may be made only by a Councilmember who voted with the prevailing side. A motion to reconsider, being laid on the table, may be taken up and acted upon at any time when the Council is engaged in the transaction of other business. No motion to reconsider may be made more than once on any matter and the same number of votes is required to reconsider the action of Council as was required to pass or adopt the matter (**requires majority vote**).

V. **COUNCIL WORK SESSIONS/COMMITTEES**

- A. **Council Work Sessions:** Council Work Sessions are working committee meetings of Council and are not utilized for legislative action or other formal Council actions appropriate to Regular or Special City Council Meetings. The Council Work Sessions shall consist of the Mayor and all of the Councilmembers. Council Work Sessions shall be supported by the Clerk of Council, the City Manager, the Law Director, and City Staff as directed by the City Manager.

Proposed legislation/motions and/or other matters of significance will generally be reviewed initially through assignment to a Council Work Session. Exceptions to the review of proposed legislation/motions and/or other matters of significance through assignment to a Council Work Session can be made by Council for routine matters, including approval of expenses legislation and end of the year legislation. Council may also opt to review proposed legislation/motions and/or other matters of significance that arise in emergency situations at Regular City Council Meetings or Special City Council Meetings without assignment to a Council Work Session.

All Council Work Sessions shall comply with the requirements of Ohio Revised Code Section 121.22 under Ohio's Open Meetings Act. It shall be the responsibility of the Presiding Officer to advise the Office of the Clerk of Council of all scheduled meetings so that public notice can be given. It shall also be the responsibility of the Office of the Clerk of Council to ensure and/or prepare written minutes of all such meetings and to maintain a copy of all meeting notices, information, and minutes in the Office of the Clerk of Council's records.

- B. **Committee of the Whole:** The working business of the Council may also be conducted through Committee of the Whole meetings. The Committee of the Whole shall consist of the Mayor and all of the Councilmembers. The Committee of the Whole meetings shall be supported by the Clerk of Council, the City Manager, the Law Director, and City Staff as directed by the City Manager.
- C. **Special Committees:** The Mayor may appoint temporary special committees, unless objected to by Council, as may be appropriate to gather information, conduct surveys, make findings and recommendations on proposed legislation, or perform other specified tasks. The work of the special committees shall be confined to



specific assignments and these committees shall have only the authority granted by Council. These special committees shall be temporary and terminate upon presentation of their final reports to the Council. All special committees appointed by the Mayor shall be advisory only. The Mayor shall be a non-voting ex-officio member of all special committees. A Special Committee Chair will be elected by the members of the special committee to act as the Presiding Officer of meetings of the special committee. The Special Committee Chair shall advise the Mayor of all committee meetings at the same time that members are notified of such meetings.

All special committee/subcommittee meetings shall comply with the requirements of Ohio Revised Code Section 121.22 under the Ohio's Open Meetings Act. It shall be the responsibility of each such Chair to advise the Office of the Clerk of Council of all scheduled meetings so that public notice can be given. It shall also be the responsibility of the Office of the Clerk of Council to ensure and/or prepare written minutes of all such meetings and to maintain a copy all meeting notices, information, and minutes in the Office of the Clerk of Council's records.

- D. Outside Committees:** For those Councilmembers selected to serve as individual representatives of City Council on outside committees or organizations, ongoing reports shall be provided to City Council in a timely manner. Representation of City Council on outside committees or organizations should be made by a motion of Council and approval by a simple majority vote of Council.

## **VI. COMPENSATION AND EXPENSES**

Council may increase or decrease the compensation of its members by ordinance or resolution. However, no Councilmember shall benefit from any increase in compensation enacted during such Councilmember's current term of office (with the exception of increases or decreases in fringe benefits). Any ordinance or resolution changing the compensation of Council shall be adopted no later than June 1 of any odd numbered year (Section 4.10, City Charter).

Councilmembers shall be reimbursed their actual expenses incurred in the performance of authorized travel on official business of the City for approved training seminars, conferences, etc. The mode of travel and types of expenses covered (meals, tips, lodgings, fees, materials, etc.) for Council must first be approved by the Mayor before such expenses are reimbursable. The Mayor's mode of travel and types of expenses covered (meals, tips, lodgings, fees, materials, etc.) must first be approved by the Vice Mayor before such expenses are reimbursable. Those who use a personal vehicle during authorized travel will be reimbursed at the same rate as that authorized for City employees. Travel vouchers requesting reimbursement for approved travel expenses shall be submitted to the Office of the Clerk of Council after approval by the Mayor (or Vice Mayor for the Mayor's travel expenses) for processing by the Finance Department.

## **VII. IN-SERVICE TRAINING**

The Mayor and Councilmembers may avail themselves of educational opportunities by attendance at professional meetings, conferences, educational institutions, and purchases of



information that enhance a Councilmember's ability to perform Council duties. Councilmembers shall be reimbursed for these expenses.

#### **VIII. LAW DIRECTOR AND OTHER LEGAL COUNSEL**

No legal services shall be performed by the Law Director except as authorized by the City Charter and City Council, or as requested by the City Manager, the Clerk of Council, and Senior City Staff. City Council, through the Council Work Sessions or any other Council meetings including the Committee of the Whole as determined by City Council, shall be responsible for administration and management of the Law Director and the Law Department. All administrative matters involving the Law Director shall be brought before the appropriate Council meeting including the Council Work Session or the Committee of the Whole. Conflicts of interest shall be resolved between Law Director and City Council through the appropriate Council meeting including the Council Work Session or Committee of the Whole.

The Law Director shall attend all Council meetings, including Executive Sessions, unless unable to do so because of a conflict in court scheduling or other business related to the conduct of official business. The Law Director shall attend meetings of other City bodies when, in the Law Director's judgment, the subject matter at those meetings is such that a presence is required or appropriate. The chairs of City boards, committees, and commissions generally should request, through the City Manager, the attendance of the Law Director at any meetings, if necessary. Communication will also be forwarded to City Council by the City Manager regarding the attendance of the Law Director regarding such meetings.

Preliminary drafts of legislation should be submitted to the Law Director for review as part of the legislative process established in Section III of the Rules of Council. In addition, the Law Director will draft legislation at the specific direction of the City Manager, the Clerk of Council, or from Council meetings and shall review all legislation for legal form and propriety.

The Law Director will provide Council, the City Manager, and the Clerk of Council with copies of each significant legal document issued; however, entire briefs, etc. too bulky for reproduction will not be reproduced in their entirety except upon request or will be provided in electronic format.

The Law Director will provide Council with a quarterly activity report, including a verbal and written update on all significant active legal actions (such as civil suits, etc.). Between these reports, the Law Director will advise Council and the City Manager of any matters warranting immediate attention. Additionally, to ensure the City's best interest are always protected, the Law Director will attend other City meetings, as requested, and coordinate day-to-day activities with the City Manager.

The Council may employ additional legal counsel to provide supplemental legal services and to represent the City. These services are to be paid for from the City's legal budget.



## **IX. COUNCIL/ADMINISTRATION COMMUNICATIONS**

Official communications between Council or its individual members and City officers and employees are to be conducted solely through the City Manager (Section 4.06(C), City Charter).

Requests to the City Manager for routine information, which involve minimal extra work by City Staff, can be handled without approval of Council as a whole (for example; a copy of existing information, brief project status reports, opinions, etc.).

The City Manager may determine that a request for information is not routine or will require more than minimal effort, in which case the requesting Councilmember will be informed and has the option of taking the matter before the entire Council for consideration. Similarly, routine complaints or requests received by the City Manager from elected officials will be handled promptly without Council approval.

On matters pending before Council, any new information that is developed by the City Staff will be shared by the City Manager with all Councilmembers prior to the discussion of the matter. Additionally, all Councilmembers inquiries to the Law Director for non-routine requests (greater than one hour of work) shall be approved by a majority of Council before the work begins and will be detailed on the Law Director's billing statements.

If a request for new information on matters not presently before Council is received that would suggest the issue would be a policy matter for the entire Council to consider, the City Manager shall inform all members of Council and seek approval for the City Staff work necessary to respond to the request (with majority approval of Council necessary). Requests for information or reports which will interrupt the established day-to-day utilization of City Staff time must be approved and authorized by Council. If the request is approved, all information compiled will be shared with all Councilmembers.

In order to assure that the City Manager's time is directed to implementing a common agenda reflecting the wishes of Council, a goal setting session shall be held every six (6) months.

## **X. INVESTIGATIONS**

Council may make investigations in coordination with the City Manager into the affairs of the City and the conduct of any City office, department, division, board, commission, or committee. Such investigations must be authorized by a majority of the Councilmembers. Councilmembers who request such investigations shall bring the request and the reasons for the request to Council in Executive Session. Such investigations shall be carried out within parameters established by the City Charter, federal and state law, and in consultation with the Law Director.

## **XI. BOARDS AND COMMISSIONS**

Council is empowered to create City boards and commissions, in addition to those established by the City Charter. Council also appoints members to City boards and



commissions. A simple majority vote of Councilmembers currently holding office at the time of appointment is required to appoint. Appointments will be made in accordance with the process set forth in the City of Huber Heights Board and Commission Handbook.

## **XII. CONFLICTS OF INTEREST AND ETHICS**

Councilmembers are subject to all Ohio and local statutes and federal and state law regarding conflicts of interest, criminal misbehavior, ethics, and financial disclosure by municipal officials (Section 13.09, City Charter). Members of Council shall abstain from voting on and the formal discussion of any motion or issue wherein the member might have a conflict of interest. Members having conflicts are expected to notify other members of the conflict as soon as such conflict becomes evident.

## **XIII. COMPLAINTS**

Complaints against employees are to be made to the City Manager and handled in accordance with the City Personnel Policy Manual. Complaints against Councilmembers, the City Manager, the Law Director, the Clerk of Council, or members of City boards or commissions appointed by Council are to be made to the Mayor. Complaints against the Mayor are to be made to the Vice Mayor. Complaints are required to be in writing.

Only complaints against Councilmembers or the Mayor that are limited to the following grounds will be investigated:

1. Alleged ethical violations/conflicts of interest.
2. Alleged failure of a Councilmember or Mayor to possess or maintain the qualifications of the office as prescribed by the City Charter.
3. Alleged intentional violation of the prohibitions set forth in Section 4.06 of the City Charter.
4. Alleged violation of any other expressed provision of the City Charter.

\* Alleged violations of State or Federal law are not considered complaints under this rule and should be filed by the complainant with the City Prosecutor or law enforcement.

Upon receipt of a complaint, that is to be investigated under this rule, the Mayor or Vice Mayor shall distribute a copy of the complaint to all members of the City Council for review. All actions taken to investigate and resolve the complaint shall be documented as a matter of record. The Mayor or Vice Mayor will complete a written response as soon as possible advising the initiator and the City Council of the disposition of the complaint. In those cases where resolution requires longer than ten (10) business days, an interim written response and target date for completion will be provided to the initiator of the complaint and the City Council.

If the Mayor or Vice Mayor as the case may be, believes the complaint is unfounded, the Mayor or Vice Mayor shall advise the complainant and City Council in a written response. If the same individual complainant has three or more determinations of an unfounded complaint within a twelve (12) month period, City Council may advise the Mayor or Vice Mayor to disregard any future complaints from that individual for one (1) year. Oral

complaints against individual employees by the public or Councilmembers at City Council Meetings are out of order. The Presiding Officer shall rule the complaint out of order and explain the proper procedure for filing complaints.

The above are not to be construed to deny the rights of the public to criticize, state dissatisfaction, or complain about the City Council or City services, but to protect individuals from public censure without the chance to answer specific complaints.

#### **XIV. EVALUATION OF CITY OFFICIALS**

It shall be the responsibility of Council to provide a written evaluation of the performance of the City Manager, the Law Director, and the Clerk of Council annually. There shall be a formal Executive Session discussion of these evaluations by Council prior to the finalization of these evaluations. The Mayor or the Vice Mayor shall consolidate and present final evaluations to all City Officials.

#### **XV. SUSPENSION OR WAIVER OF THE RULES OF COUNCIL**

Council may suspend or waive the adopted Rules of Council, in full or in part, for a specified time by a motion. The motion to suspend or waive the Rules of Council must be properly seconded and approved by a simple majority vote of Councilmembers currently holding office.

#### **XVI. SOCIAL MEDIA GUIDELINES AND STANDARDS FOR COUNCIL**

These Guidelines and Standards apply to City Councilmembers ("Elected Officials") that may maintain and use personal web pages, websites, blogs, and social networking sites (collectively "Internet Platform").

Elected Official's Internet Platforms are not controlled by the City of Huber Heights. The City does not require or promote such sites, nor provides web space or access (links) for such sites through any official City channels. Communications on Elected Official's Internet Platforms are not created, received, maintained or used by the City. Nor are they meant to document the organization, functions, policies, decisions, procedures, operations, or other activities of the City or its Council as a whole.

##### **Social Media Guidelines**

1. The site should NOT be designated as a "governmental" page.
2. The site should NOT appear to be an official City internet platform.
3. The site should have a disclaimer predominantly featured on the site, such as:

This is a private page under the sole control of \_\_\_\_\_. The comments expressed by me are my own and do not reflect the opinions and/or position of the City of Huber Heights or its officers and employees. This page is not sanctioned or monitored by the City. This Page cannot be used for service of any legal notice, administrative notice or any other legal



process directed to the City. As this site is not monitored by the City, do not use this site to request City records.

4. Elected Officials should NOT promote their private Internet Platforms at official City meetings or in official City correspondence.
5. If the Internet Platform is interactive (allows third parties to post) the site should expressly provide that it is not intended to be a public forum and that posts that are vulgar, off topic, hate speech etc. will be deleted according to a posted policy advising of such. A sample provision is:

I reserve the right to remove or edit any posts that are unlawful, threatening, libelous, defamatory, obscene, pornographic, invasive of privacy, infringing of intellectual property rights, or otherwise violate any law. This includes comments or content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, genetics, status with regard to public assistance, national origin, physical or intellectual disability, or sexual orientation. Spam, links to other sites, information that is clearly off topic, and/or apparent spamming or trolling will be removed.

#### **Social Media Standards**

1. Elected Officials should not disclose information that is considered privileged or confidential. By way of example, such information may include but is not limited to certain personnel information, non-public information from criminal investigations and business trade secrets.
2. Elected Officials should be honest and accurate when posting information or news, and should quickly correct any mistakes, misstatements and/or factual errors in content upon discovery.
3. Elected Officials should never represent themselves as a spokesperson for the City Council, board, committee, or commission.
4. Elected Officials should consider the potential impact of social media statements prior to posting.
5. Elected Officials should not post information about matters involving pending or threatened litigation, items that are or may be appealed to them in their official capacity or to City boards or commissions.
6. Elected Officials should not use internet platforms to communicate with city employees about City-related matters.
7. Elected Officials should not "tag" a matter to a City employee's personal internet platform site.



8. Elected Officials should be mindful of the risks of electronic communication in relation to the Ohio Public Records Laws and the Open Meeting Law; communication between elected officials should be avoided on internet platforms.
9. Elected Officials should not reference any document(s) as a basis for making an official decision unless that document is available through the City as a public record.
10. Removing a user's comment or post because the person is criticizing some government action is not advisable.
11. When an Elected Official desires to have a matter posted to an Official City Internet Platform, the Elected Official shall provide the item or link to the Clerk of Council who will then forward it to the designated person in charge of the City Internet Platform for posting consistent with the City's Social Media Policy.

AI-8099

Topics of Discussion R.

**Council Work Session**

**Meeting Date:** 01/04/2022

City Council - Public Records Training Designee

**Submitted By:** Anthony Rodgers

**Department:** City Council

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 01/04/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

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**Agenda Item Description or Legislation Title**

City Council - Public Records Training Designee

**Purpose and Background**

Under Ohio law (ORC 149.43(E)(1)), all appointed or elected officials have to attend a public records training seminar or appoint a designee to do so on their behalf for each term. Mayor Jeff Gore and Councilmembers Nancy Byrge, Mark Campbell, Kathleen Baker, and Anita Kitchen began new terms on January 1, 2022 and need to designate Clerk of Council Anthony Rodgers to attend this required training on their behalf. Councilmembers may still opt to attend the public records training personally, however; this designation ensures that the training requirement is met in the event a Councilmember is unable to attend the training.

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**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

**Recurring Cost? (Yes/No):** N/A

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

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**Attachments**

Resolution

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2022-R-

APPOINTING THE PUBLIC RECORDS TRAINING DESIGNEE FOR MEMBERS OF THE CITY COUNCIL OF HUBER HEIGHTS, OHIO UNDER OHIO REVISED CODE SECTIONS 149.43 AND 109.43.

WHEREAS, under Ohio Revised Code Section 149.43(E)(1), all elected officials or their appropriate designee must attend public records training approved by the Ohio Attorney General for each term of office; and

WHEREAS, language in Ohio Revised Code Section 109.43 suggests that this requirement applies to an elected official that was "appointed or elected" to the public office; and

WHEREAS, the Mayor and all of the members of City Council have previously appointed Anthony Rodgers, Clerk of Council, as their designee for purposes of Ohio Revised Code Sections 149.43 and 109.43; and

WHEREAS, Mayor Jeff Gore and Councilmembers Nancy Byrge, Mark Campbell, Kathleen Baker, and Anita Kitchen were recently elected/re-elected to City Council for new terms beginning January 1, 2022 and have not yet made a designation or attended the required public records training as related to the term of this appointment; and

WHEREAS, Mayor Jeff Gore and all Councilmembers, including Councilmembers Nancy Byrge, Mark Campbell, Kathleen Baker, and Anita Kitchen, desire to have Anthony Rodgers, Clerk of Council, be or remain their designee for purposes of Ohio Revised Code Sections 149.43 and 109.43.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. It is hereby declared to be the intention of the City Council to name Anthony Rodgers, Clerk of Council, as the Designee of the City of Huber Heights under Ohio Revised Code Sections 149.43 and 109.43 for all Councilmembers and, in particular, Mayor Jeff Gore and Councilmembers Nancy Byrge, Mark Campbell, Kathleen Baker, and Anita Kitchen.

Section 2. As Designee for Mayor Jeff Gore and Councilmembers Nancy Byrge, Mark Campbell, Kathleen Baker, and Anita Kitchen elected/re-elected to City Council respectively for new terms beginning January 1, 2022, Clerk of Council Anthony Rodgers shall attend the required public records training.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:



AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

AI-8096

Topics of Discussion S.

**Council Work Session**

**Meeting Date:** 01/04/2022

City Code - Supplement 8 - Adopting Ordinance

**Submitted By:** Anthony Rodgers

**Department:** City Council

**Council Committee Review?:** Council Work Session **Date(s) of Committee Review:** 01/04/2022

**Audio-Visual Needs:** None **Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

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**Agenda Item Description or Legislation Title**

City Code - Supplement 8 - Adopting Ordinance

**Purpose and Background**

This ordinance is to adopt Supplement 8 to the City Code for the period of April 1, 2021 to September 30, 2021. Appropriate legal notice of this ordinance has been advertised as required by the Huber Heights City Charter.

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**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

**Recurring Cost? (Yes/No):** N/A

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

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**Attachments**

Ordinance

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2022-O-

APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND/OR RESOLUTIONS AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CITY CODE OF HUBER HEIGHTS, OHIO; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CITY CODE AS SUPPLEMENT 8; AND REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

WHEREAS, Municipal Code Corporation has completed its updating and revision of the City Code of Huber Heights, Ohio within Supplement 8; and

WHEREAS, certain provisions within the City Code of Huber Heights, Ohio were changed to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various resolutions and/or ordinances of a general and permanent nature have been passed by the City Council which should be included in the City Code of Huber Heights, Ohio.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. The resolutions and/or ordinances of the City of Huber Heights, Ohio, of a general and permanent nature, as edited, revised, codified and re-codified, rearranged and consolidated into component codes, titles, chapters and sections within Supplement 8 to the City Code of Huber Heights, Ohio for the period of April 1, 2021 to September 30, 2021, a copy of which is available for copying and inspection in the Office of the Clerk of Council, and incorporated herein by this reference, are hereby approved and adopted.

Section 2. The provisions within the City of Huber Heights Code that mirror provisions as contained in the Ohio Revised Code as set forth within Supplement 8 to the City Code of Huber Heights, Ohio for the period of April 1, 2021 to September 30, 2021, a copy of which is available for copying and inspection in the Office of the Clerk of Council, and incorporated herein by this reference, are hereby approved and adopted to conform with current State law.

Section 3. All ordinances and resolutions or parts thereof that are in conflict or inconsistent with any provision of the new matter adopted in Section 1 or 2 of this ordinance are hereby repealed as of the effective date of this ordinance except as follows:

- (a) The enactment of such sections shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purposes of revision and recodification.



(b) The repeal provided above shall not affect any legislation enacted subsequent to December 31, 2020.

Section 4. Pursuant to Section 5.08(B) of the Huber Heights City Charter, the Clerk of Council shall cause a notice of this proposed adopting Ordinance to be published one time in a newspaper of general circulation in the City at least seven days prior to adoption and no further publication shall be necessary. Such publication shall constitute sufficient notice of all new material contained therein.

Section 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 6. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date