Notice of Meeting

CITY COUNCIL JOINT WORK SESSION WITH BETHEL TOWNSHIP

Thursday, April 7, 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 Joint Work Session with Bethel Township to discuss:

- Annexation Issues Discussion

Please Note:
The meeting will be viewable by the public on live stream available at www.hhoh.org

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STATE OF OHIO

City Council Work Session - Joint Meeting With Bethel Township

April 7, 2022
6:00 P.M.
City Hall – Council Chambers – 6131 Taylorsville Road

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

2. **Work Session Topics Of Discussion**

   A. Annexation Issues Discussion

3. **Adjournment**

CITY OF HUBER HEIGHTS
STATE OF OHIO

Council Work Session Meeting Minutes - Joint Meeting With Bethel Township

Name of Body: Council Work Session

Date: April 7, 2022

Time: 6:00 P.M.

Place: City Hall – 6131 Taylorsville Road – Council Chambers

Members Present:

Kathleen Baker, Councilmember
Mark Campbell, Councilmember
Nancy Byrge, Councilmember
Anita Kitchen, Councilmember
Ed Lyons, Councilmember (Left at 7:32 P.M.)
Glenn Otto, Councilmember
Richard Shaw, Councilmember
Don Webb, Councilmember
Jeff Gore, Mayor

Guests Present:

City Staff Present: Bryan Chodkowski, Gerald McDonald, and Anthony Rodgers.

Guests Present: There was no list of guests present at the meeting.

Topics of Discussion:

- Annexation Issues Discussion

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

Mayor Jeff Gore convened the Council Work Session at 6:01 P.M.

Anthony Rodgers took Roll Call.

Deborah Watson, Fiscal Officer for Bethel Township, took Roll Call for Bethel Township. Bethel Township Trustees Don Black, Beth van Haaren, and Julie Reese; and Bethel Township Administrator Andy Ehrhart and Attorney Peter Griggs were in attendance.

2. **Approval of Minutes**

There were no minutes for approval.

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**

Annexation Issues Discussion

Mayor Jeff Gore distributed information regarding the annexation issues discussion (see attached). He read a statement regarding the purpose of the meeting. He said, "The purpose of this meeting is to provide Bethel Township, Miami County, and the City of Huber Heights an opportunity to publicly share their collective concerns and interests regarding the proposed annexation of 266 acres of property in Bethel Township to within the City of Huber Heights. Furthermore, this meeting will provide each respective elected official of the City of Huber Heights and Bethel Township to express their individual concerns and interests, as well as the concerns and interests of their constituents. It is the hope and intent of both governing jurisdictions, that the open dialogue during today's meeting will be utilized by each parties' respective representatives to effectively and efficiently negotiate an agreement between the parties with respect to facilitating mutually agreeable outcomes with regard to the pending proposed annexation."

Mayor Jeff Gore said this meeting was requested by the Bethel Township Trustees and he asked the Bethel Township Trustees to start off the meeting.

Bethel Township Trustee Don Black introduced the Bethel Township Trustees, Fiscal Officer, Township Administrator, and Attorney in attendance. He said Bethel Township is against the proposed annexation. He thanked Council for allowing this meeting to happen. He said he understands the City Council are in it for Huber Heights, and that the Trustees are in it for Bethel Township. He said he has lived on Singer Road for 65 years and he still remembers when Huber Heights was south of Chambersburg Road. He said Huber Heights keeps creeping north. He said it seems like it will never stop, and he asked if there is an end in sight. He said there are 700 acres already annexed with homes. He said the Trustees have attended some of the City Council Meetings and with different people talking, it bothers him that everybody wants to point the blame at everybody. He said there are two entities that can stop the annexation, the landowners and this City Council. He said he keeps hearing it is in the hands of the Miami County Commissioners and he briefly explained a Type II annexation. He said the Trustees have no say in it whatsoever. He said the Huber Heights City Council says it does not know what is going on with this annexation, but he said someone has talked to the developer as he does not believe the developer would spend this money, time and effort trying to get this done if they thought the City Council would vote no. He said he would like to see everyone be a little more open and honest on what is going on and try to figure out where this matter is going. He said none of the people who want to annex live in Bethel Township. He discussed his history living in Bethel Township. He said the Trustees have nothing against Huber Heights, but he would like the City to develop property it owns and leave Bethel Township alone. He said Bethel Township would like to stay the way it is.

Bethel Township Trustee Julie Reese said that was a good summary and she feels the same way. She said she is concerned with the quality of life. She said she has lived in Bethel Township since 1972 and she can appreciate having roots and enjoying the lifestyle they lead there.

Bethel Township Trustee Beth van Haaren said Huber Heights' traffic and population is encroaching on their community and she requested Huber Heights not annex any more property.

Mayor Jeff Gore asked if anyone from City Council had anything to say, and no one spoke. He said his understanding was Bethel Township Trustees wanted this meeting and if the meeting was just to express opposition again, he said the City has heard that concern. He said he thought the purpose of the meeting was to work out something mutually agreeable for everyone. He addressed a citizen who wanted to speak in the meeting, and he explained that this meeting is between the Bethel Township Trustees and the Huber Heights City Council, and the meeting is not open for citizen's comments. He explained why this meeting is a public meeting.

Don Black said he thought they were giving opening statements and he was hoping they could discuss where Council sees this matter ending. He asked will this annexation be the last annexation the City tries to get, if there is any way the Trustees can get the City Council to only get so close to State Route 40, and if there is any way to have less dense population there? He said when this annexation first started it was 238 acres and since then the developers have tried to get a contract on the Stafford property. He asked if the Trustees could get something from the City where they know this is going to stop. He said from what he understands, the developer has offered to buy this property. He said as a Trustee, he wanted to talk to Gary Lavy and Bart Gessaman, but in them agreeing to the astronomical figures for the land, they are not able to talk to the Trustees. He said they cannot even talk to him to see if there is a way forward. He said if the owners wanted to annex this property to Huber Heights, the owner should have done it and then talked to four or five developers and got the most money for their property. He said he understands as much as he would like it to stay the exact same it is not going to, but he asked can they meet somewhere that is not the extreme it is going to right now. He said he thinks the developer has some agreement with Huber Heights City Council or Huber, LLC or whatever all that is. He said he does not understand all of that exactly. He said if he was one of those people wanting to sell his property, he would not have agreed to the first deal that came along and then be told he cannot open his mouth and talk about it.

Mayor Jeff Gore said if that is the agreement they have with the developer, then that is the agreement, and it is not anyone's place to determine if they have made a good or bad deal.

Don Black asked if there is any way to talk to the City Council and get the City to agree not to annex this land and then come up with something that can fit more with everybody's goals.

Mayor Jeff Gore said he thought that was the purpose of the meeting.

Don Black said he did, too, but he said they are the only two talking.

Don Webb said that Don Black had stated that all of City Council or some people on Council have been talking. He said he would like to hear an update from the City Manager as to the status of the proposed annexation. He said he cannot speak for the rest of Council, but he has not talked to any of these people about this stuff and he does not know prices or who negotiated what. He said he is waiting as a Councilmember to hear the numbers come forward from the City Staff as to the decision that is supposed to be made and at that time, the City Council will be voting on this issue. He said he wants to clarify that he has not heard anything as a sitting Councilmember.

Don Black said he is positive it was never discussed among the complete Council; but somewhere the developer has had to receive an inkling from someone in Huber Heights that yes, the City want this land and yes it will pass, or the developer would not be spending the time and money and going out trying to make deals. He asked why everyone cannot try to talk like a group of adults and come up with something. He said he tried to talk to Mr. Lavy and Mr. Lavy told him he could not talk to him. He said he tried to talk to Mr. Gessaman, and he cannot talk because money bought their silence.

Don Webb said a confidentiality agreement is not uncommon. He said as far as Council is concerned, the only official action taken was the passage of the services agreement.

Mayor Jeff Gore said developers do this sort of thing all the time. He said a couple different developers have come in looking to make deals to purchase property, submitting applications, spending money for engineering drawings to develop a piece of property, and none of the Council has talked to the developers. He said there is a development process and he explained the process.

Richard Shaw said personally he stands with Mr. Black's decision in objecting to the annexation. He said he heard his concerns on traffic impact and he said Huber Heights is still dealing with traffic impacts in the community. He said Council has discussed the improvement and mitigation of traffic in this City that a lot of the residents still have not seen come to life yet. He said he understands Mr. Black's conversation on school overcrowding and what Bethel Township is currently going through to mitigate its own overpopulation. He said he is right there with Mr. Black on quality of life concerns. He said he agrees that there have been conversations outside of the normal realm of City government. He said through several sources, he has been notified of two meetings that took place in July, 2020 and/or 2021 and in February, 2022. He said that information had not been shared with all of City Council. He said he does not believe all of the information has been disseminated. He said he also wonders why a developer would go after a certain property in Bethel Township if the developer did not know 100 percent that it is going to pass. He said he has not had any conversations face to face with the Miami County Commissioners, but in reviewing their comments, he said the Commissioners are concerned with this annexation as well. He said Bethel Township residents and Miami County have put together a series of levies to improve water and traffic in the community, and the Trustees feel like that is not being heard. He said he brought up to Council a moratorium on annexations and unfortunately it did not move forward. He said he is hoping after this meeting that those conversations will come back in play. He talked about Wayne Township and why Huber Heights became a City. He said if the annexation does go through, the City and Bethel Township need to figure out how everyone can work together on traffic impact, water, moratoriums, and school impact.

Glenn Otto said he echoes Mr. Shaw's remarks as well. He said he is in support of Bethel Township not being annexed. He said with some of the things that the Trustees are concerned about like the rapid expansion, rapid growth, school and traffic issues, he said he personally thinks Huber Heights is also growing too rapidly. He said the City is cramming housing after housing in and the City will experience some of the same issues. He asked is there a way to find a density that is not 900 homes but brings the number down significantly to larger lots creating a buffer between the high density of Carriage Trails and the rural density of Bethel Township. He said that mix is a potential solution where nobody gets what they want, but everybody gets a little something. He said he

would open with that mix as a consideration. He said until and unless something like that comes forward that the Trustees feel is in the best interest of Bethel Township and he feels it is in the best interest of Huber Heights, he will stand opposed to the annexation.

Ed Lyons said this is a joint meeting. He said the Mayor runs the City's meeting, but he does not run Bethel Township's meetings. He said in his opinion the Trustees have the right to listen to citizens' comments. He said he voted against this particular issue and Mr. Black spoke with him afterwards. He said he told him immediately that he was for this development, but he is concerned with the extension of City services with respect to the Fire Division. He said the developer, Ken Conaway, has fantastic projects throughout Huber Heights. He said there is something on the agenda for Monday for another development, and he has signaled he will be voting no on that development for the same reasons. He said if the Fire Division gets the three additional firefighters he has been requesting for two years, then he would be supporting that development. He said the good news for Bethel Township is he is not seeing that item on the agenda anytime soon.

Don Black said regarding the public comments, he thought there were always public comments at a meeting, but they are in the City's house and he has to go by the City's rules.

Julie Reese asked is it a possibility to talk about the density.

Mayor Jeff Gore said if everyone is trying to negotiate the best agreement for Bethel Township and Huber Heights, no one is against negotiating what is in the best interest of everyone. He said if there are concerns everyone has and stipulations the Trustees would like to see, then it would be up to Bethel Township Administrator, Mr. Ehrhart and the Huber Heights City Manager, Mr. Chodkowski, to work together as the administrators and put together what this proposed annexation agreement would look like based on the discussion had here. He said it is impossible for everyone to sit here and negotiate the terms of an agreement. He said everyone can talk about what the hard no's and flexible options are, and the administrators can work together to come up with a proposed agreement to be talked about again in an open public session.

Andy Ehrhart said his understanding was that everyone could find some of those points that are the discussion topics. He said from his standpoint, they had planned on putting together a working group of himself, legal counsel for Bethel Township, and one Trustee to join together with the City Manager, legal counsel for Huber Heights, and one or two Councilmembers from the City to be equally represented and work through those steps. He said that is his understanding of what the next step would be and that is what they are here for tonight, to find out what those topics would be. He said density is one, limitations on annexation is another. He said he would like to keep hearing these conversations so there is a better direction on what to work on to come back to the respective groups and say here is where things are at.

Mayor Jeff Gore said what he would like to hear tonight is what are some of those potential flexible agreements that the administrators can put together and work out some type of details and then have another one of these meetings to discuss what the details of that proposed agreement may look like. He said if it requires another meeting and another meeting, then that is what they will do until there is an agreement that works for everybody.

Andy Ehrhart said one of the issues brought up was boundaries. He said in looking through the current developer agreement with DEC, it lists an area being State Routes 201, 40, and 202, and if DEC extends its development into this are, the developer must bring it back to Huber Heights to consider annexation or not. He said that agreement is probably where the developer would have started with in saying they already have an agreement that says they are supposed to bring it back to give Huber Heights the potential for annexation. He said there is a boundary established in the developer agreement that might be something the staff can work off of to address some of the concerns of the Trustees. He said there are starting points, and he would like to continue to hear conversations to give him and the City Manager an opportunity to know where they are working from.

Don Black asked how far Council wants this matter to go. He said he knows Jeanine Friend will not sell and he sees the 27 acres from the Stafford property being added to that land and he thinks that is so the developer can get around Jeanine Friend to get closer to the 38 to 40 acres of the Halderman property. He asked why the developer is

interested in the Stafford property? He asked why does it have to be a secret? He asked why not develop Bellefontaine Road and Fishburg Road which would get people closer to Dayton and Wright-Patterson Air Force Base and everything else. He said the only thing he can think of is Huber Heights does not want to invest in its school system and it wants Bethel Township to invest in its school system. He said he could respect the City a lot more hearing what is pushing it than just sitting there.

Mayor Jeff Gore said the City is not doing this annexation. He said he keeps hearing it described as the City is taking Bethel Township land. He said the City is not. He said there are property owners here who own land in the township and have decided to sell it. He said Mr. Black has stated it is probably worth four times the money if it is part of Huber Heights than if it is in Bethel Township. He said he has not had any conversations with the developer about what the developer is paying for that property. He said all the City has done is what it is statutorily required to do by law based on a petition for annexation. He said it needs to be clear the City of Huber Heights is not taking anyone's land. He said there is a part in the old developer agreement that called out a specific piece of property, and he does not know how long ago that happened as he was not here. He said all he knows is the City is dealing with the situation as presented now. He said there is a way to stop this annexation and that is to change Bethel Township's zoning laws to allow more density in Bethel Township and maybe this matter all goes away.

Julie Reese said Bethel Township has those zoning options for higher density, but not to the extent that Huber Heights allows, so that option already exists.

Mark Campbell asked if the zoning regulations Ms. Reese speaks of have ever been challenged by the voters on the ballot.

Don Black said a lot of the residents would like to see larger lots than smaller lots, but the residents have to come to the realization as to what Bethel Township is going to have to do in certain parts of the township. He said the Trustees are asking the zoning board to make some recommendations, but they have not come back with that information yet. He said Mr. Lavy is not allowed to talk to the Trustees. He said Mr. Gessaman is not allowed to talk to the Trustees. He said he agrees that the City is not taking the land, but the City is allowing it to happen when

eight people vote on it, and if there is a tie the Mayor gets to break the tie vote. He asked how it has gotten to the point that the developer feels confident the City will vote yes.

Mark Campbell asked regarding the zoning, if the Trustees could open a meeting and discuss those issues and not talk to the developer or property owners because the one thing he cannot figure out is there is almost three hundred acres worth of development that he has heard the Trustees say they know is going to happen. He asked why the Trustees would not work with the developer, increase the density, and do the project. He said the Trustees could open a meeting, have an agenda, talk about increasing the density similar to Huber Heights' density on that project, and he is sure everyone would talk to the Trustees.

Beth van Haaren asked what are the possibilities that everyone can work together on this annexation. She said none of the Trustees want this to happen, but they are cognizant this annexation is an expedited Type II annexation and that is pretty much a slam dunk for the property owners as that is how the Ohio Revised Code has written it. She said she thinks the hesitancy on everyone's part is nobody wants to tip their hand. She said per her understanding, if the seven conditions are met, the Miami County Commissioners must approve this annexation. She said if they choose not to approve it, it goes to court and the case history on this issue is that the judge overturns the ruling. She said rather than wasting any more time, not that it has been a waste, but as two communities what can they do that will be mutually beneficial for both densities. She said she would love lower density and the schools would love a slower build out which would allow them to catch up with the influx of students. She asked could there be something less dense, could there be more greenspace, and could they agree as entities that in the future when there is a big parcel rather than jump to annexation, that they all sit together and see how they could make a buffer zone of development so that it is not Huber Heights dense and not necessarily Bethel Township five acre dense, but there has to be some possibilities because both communities are going to be neighbors and would like to work together. She said one thing that is selling homes in Carriage Trails I is Bethel Township local schools and its rural feel. She said as Carriage Trails I has doubled the size of the school there is no longer that small rural school and the very thing that is the big selling point is going away. She asked if they could look at what possibilities are there to work together on this development

to make it more helpful for the schools and traffic. She said she does not want to sound like she is giving up, but this is an expedited Type II annexation.

Mark Campbell said Bethel Township could do the development as Bethel Township, so start there.

Beth van Haaren said for full disclosure, she did meet with the developers with the other two Trustees back in the day. She said they had a nice conversation with Mr. Keethler, but he is bound by Section 4.9 of the developer agreement which he did not disclose while he was there.

Mark Campbell asked Law Director Gerald McDonald to confirm in Section 4.9 of the original developer agreement that there is a section that talks about a first right of refusal in this specific area.

Gerald McDonald said he did not remember what Section 4.9 states.

Beth Van Haaren said Section 4.9 states south of State Route 40 between State Routes 201 and 202, if DEC wants to purchase any land, Huber Heights has the right of first refusal for annexing that property. She said DEC cannot seek a services agreement from any other entity.

Mark Campbell asked Bryan Chodkowski when he and Andy Ehrhart work together if that section is something they can look at to determine what Huber Heights would have to do to allow Bethel Township to develop that land at the same density that Carriage Trails I is currently built under.

Bryan Chodkowski said they can look at how that reads and have a conversation with both legal counsels regarding the interpretation of that language and how it may or may not empower Bethel Township to hold on to this property and modify the density and facilitate the development within its own jurisdiction.

Mark Campbell asked Beth van Haaren about the Carriage Trails I annexation.

Beth van Haaren said that was not done under the annexation laws in place now to her knowledge. She gave the history of the annexation, and she said the Trustees voted against the annexation and it was overturned

in court, and one of the reasons was Bethel Township had no services to provide. She said in 2003, a levy was passed for infrastructure projects, and Bethel Township now has water and sewer services in the southern part of the township. She said the development is in the Bethel Township Facilities Planning Area. She said Bethel Township can service the development now.

Mayor Jeff Gore said it seems like the issue is the density. He said he keeps hearing that Bethel Township does not want to be Huber Heights, that Huber Heights is changing the culture, people like to come to Huber Heights to shop, but Bethel Township does not want to be Huber Heights. He said it sounds like Bethel Township has the ability to change the density and keep all of this property within Bethel Township and develop it.

Beth van Haaren said what Bethel Township would like to do is never develop anything ever again, but she also knows that is not realistic.

Mayor Jeff Gore asked if the issue is that this property is Huber Heights, Bethel Township, or if they do not want a lot of houses there. He said that issue has to be established before the discussion can continue.

Beth van Haaren said from her perspective, the issue is they thought Huber Heights would never be in Miami County, and then someone back in the 1980's or 1990's did a master plan which showed Huber Heights all the way down to State Route 571. She said that plan resonated strongly in people's brains. She said they do not wish to be Huber Heights and they wish for Huber Heights to be here and us to be there, and they realize they may have to have a buffer zone in between of denser development. She said they do not wish to do that, but they could if it would stay in Bethel Township.

Mayor Jeff Gore said the solution seems to be as Mr. Campbell stated and he recapped Mr. Campbell's statements. He said it sounds like as it has been discussed here, if all agree to a less dense development, then the Trustees are okay with it being in Huber Heights. He said he is trying to understand what the real issue is, the density or it coming to Huber Heights.

Don Black said for him it is both to a degree. He said it is 60 percent being Huber Heights and 40 percent the density issue. He said if they

could develop the back half of the 260 acres the way the developer wants to develop it and then as they move to State Route 40 it be less dense and remain in Bethel Township, that would serve a great purpose for Bethel Township. He said that is what he would like to see. He said he does not want to see those houses built straight to State Route 40 and then stop, and then the developer jump over State Route 40. He said if it remains in Bethel Township, they know where it is going to stop. He said he would be willing to work with the landowners and the developer to come up with a plan if that worked. He said he would be willing to do that because now they would know where it would stop. He said they have all seen the map that shows Huber Heights continually going.

Mayor Jeff Gore asked if anyone knows who made the map.

Beth van Haaren said the City did a Comprehensive Growth Plan and it showed that the City reaching to State Route 571.

Mayor Jeff Gore said but that has not happened. He said that was thirty years ago.

Mark Campbell asked Gerald McDonald to request a records search to find the map the City of Huber Heights supposedly completed.

Kathleen Baker asked what the density requirements are for Bethel Township.

Julie Reese said there are eight zoning categories. She said Bethel Township has a zoning category to allow for property that is contiguous to a municipality to allow for higher density.

Beth van Haaren said it allows it to mirror the municipality.

Andy Ehrhart said it is called a Planning Development Transition. He said whatever the Carriage Trails I density is, Bethel Township can use that density and gradually taper it down. He said Bethel Township's lowest residential density is one unit per acre in the rural areas and that can be transitioned as it moves north.

Kathleen Baker said she went by the trailer park on State Route 40, and it is a high density. She said that trailer park has been there for 60 years. She said Bethel Township's culture changed a long time ago for density.

Beth van Haaren said Bethel Township has gradually increased lot sizes over the years. She said there have been clusters of dense development in Brandt, Phoneton, and West Charleston. She said those little hamlets are 140 plus years old. She said that density increase has not happened in the rest of the township.

Don Black said he likes the suggestions of getting together and working something out and hopefully the developer would allow the landowners to talk with Bethel Township and the developer would talk with Bethel Township. He asked Council for a one-year moratorium on annexation and to push the vote off for one year.

Kathleen Baker said she is not in favor of that idea.

Mayor Jeff Gore said everyone needs to know the statute regarding Type II annexations and if any of that can be changed. He said it is important to understand that at some point in time, Bethel Township had or has the ability to control its own destiny as to what pieces of property stay in Bethel Township and what gets annexed based on density. He said everyone talks about money, but it is always about the money. He said a lot of things talked about are traffic, concerns about the schools, and traffic flow into the schools. He said the City has not done its own research about what type of revenue and what that looks like. He asked Bryan Chodkowski is there anything the City can do on those State Routes where the school is at to help widen the roads to allow more traffic to make that section of town more user friendly. He asked if that is something the City can put into the agreement to help.

Bryan Chodkowski said conceptually that help would require adding another jurisdictional layer with ODOT or Miami County. He said there would not be anything to prohibit the City from entering into an agreement with the township or the county to say the City would support a proportionate share of the funding or would be willing to assume maintenance responsibilities for certain sections of certain roads. He said in front of the school might be a stretch regarding maintenance or service issues, but as far as being able to fund or support those improvements is a possibility because those improvements would indirectly benefit Huber Heights residents assuming the annexation goes through.

Andy Ehrhart said anything that can be done to eliminate some of the existing traffic issues the school and township have would be good. He said regarding the statement about Bethel Township controlling its own destiny, he said the one section of the City's development agreement states that if DEC does any development, they need to seek annexation from Huber Heights for services. He said Bethel Township now has the ability to provide these services. He said that is probably one of the big reasons why Bethel Township is stuck where it is at with DEC. He said they have met with DEC, they have a Planned Development Transition in the code, but DEC is contractually obligated to Huber Heights. He said Bethel Township is not able to control its own destiny when the City's agreement controls the developer.

Mark Campbell said Council has asked Gerald McDonald to look into that issue and he will get back with Council and let them know what they can do. He said Bethel Township also needs to talk about the additional homes and the stress and burden on the schools. He said if Bethel Township considers the transition density, how would that not affect the schools if Bethel Township does the project.

Andy Ehrhart said the density would transition and lower as it goes through. He said there is a limit.

Mark Campbell asked how many homes can the schools handle.

Beth van Haaren said if Bethel Township does the transition zone, that is it, it stops and stays Bethel Township north of State Route 40. She said Bethel Township will bump up to 5-acre minimum lot size and be done with it. She said there will not be another development like Carriage Trails II within Bethel Township. She said the rules with annexation are that it has to be contiguous with the municipality. She said if it did not get annexed it would stop some of the contiguity. She said developers want larger tracks of land – 20, 30, 40 acres. She said it would impact the schools if Bethel Township did the development, but then it stops with that development.

Don Black said the zoning changes all the time. He said it can always be changed and what Ms. Van Haaren is speaking of is what it is right now.

Mark Campbell said he is talking about the schools and the number of students at the schools. He said the school district is going to max out at some point. He asked Ms. Van Haaren if she is saying that if Bethel Township controls the development and knew where the development would stop, that is what would control the student influx.

Beth van Haaren said that concisely says it and added to Mr. Black's question as to when does this end. She said obviously there will be more homes built, but there will be homes on seven lots. She said the peak year was 2017 and they built 17 homes.

Mayor Jeff Gore asked Gerald McDonald what it would take to make this area part of Huber Heights City Schools.

Gerald McDonald said there is a statutory process to change school districts and he is not fully familiar with the process. He said there are different criteria to be met.

Mayor Jeff Gore said he has seen the amount of annual revenue that Bethel Township gets from Carriage Trails. He said the City has a five-member Board of Education that he is sure would enjoy $4 million a year in revenue and $20 million over the next couple of years into the school district. He said if the annexation goes though and it is in the City of Huber Heights, he realizes there would be a section of Bethel Local Schools in between Huber Heights City Schools. He said he would like to know the answer to what it would take to make this area part of Huber Heights City Schools.

Don Black said a minute ago they were talking about how this area could be worked out to stay in Bethel Township, and now all at once it has turned back around to where it goes back to Huber Heights. He asked which way the Mayor wanted to go here.

Mayor Jeff Gore said he thought the meeting was to allow for a discussion. He said Bethel Township has not made its situation clear one way or the other.

Don Black said his situation is it stays in Bethel Township, Bethel Township controls the density, the kids can go to Bethel Local Schools, and Bethel Township will be in charge of its future, but the City of Huber

Heights has an agreement and Bethel Township cannot negotiate with the developer because he is with Huber Heights, and he has the landowners tied up. He said Bethel Township is in no way, shape, or form in charge of its own destiny because Huber Heights has it all locked up. He said Bethel Township needs a little bit of time from Council, as they are not going to get it done in two to three weeks. He said the Miami County Commissioners are going to meet next Thursday to vote to approve or not approve the annexation. He said he is hoping they say no, and Council is hoping they say yes.

Mayor Jeff Gore said no one has made the point clear or said they are in favor or not. He asked if anyone on the dais has seen any research on revenue, cost benefit analysis, or anything to do with what this annexation is going to require from the City of Huber Heights to handle that new development. He said he does not know if anyone has made up their mind 100 percent.

Don Black asked how long it would take to do the research and make up their minds.

Mayor Jeff Gore said the City is in the middle of hiring a City Manager, is short an Economic Development Director, and is short lots of people in the top level of City Staff. He said this issue is not the only thing on the docket as there are lots of projects. He said when Miami County makes a decision, that is when it gets serious.

Don Black asked if the Miami County Commissioners approve it Thursday, how long does the City have to take a vote.

Gerald McDonald said there is a 60-day waiting period after the City receives the decision and after that, the City has 120 days to take action.

Don Webb said he and Don Black spoke after the first meeting on the extension of services. He said he told him then and is telling him tonight that he has not made up his mind on this annexation as he does not have all of the information. He said no one on Council has seen enough detail to vote yes or no on this matter. He said if he wants to poll the Council, he can. He said he has heard from Mr. Shaw and Mr. Otto that they are against this annexation. He said he has not heard enough information to say he is for it or against it. He said once he gets the information, as a

Councilmember, he will do what is right for the City of Huber Heights with all the intention of being a good neighbor to Bethel Township.

Don Black asked who puts the vote or resolution on the agenda? He said he would not like to see this matter on the agenda before Council has the time to review it.

Beth van Haaren said in looking at the expedited Type II annexation procedure, she does not understand that Council needs to vote on this matter. She read the information out loud. She said she is confused. She said Bethel Township does not vote on this matter. She said the Ohio Revised Code states it does not have to have the City's consent.

Peter Griggs said the City has to pass an ordinance to accept the annexation.

Gerald McDonald said Beth van Haaren is reading from a manual for the County Commissioners. He said as far as the commissioners are concerned, it does not matter if the City consents or not. He said going further into the law, the City has to accept the annexation.

Peter Griggs explained the commissioners just look at the seven factors irrespective of what the governments are saying, support or no support. He said if the City turns it down, the property owner would have the right to appeal that decision, otherwise it is what it is.

Mayor Jeff Gore asked if this comes down to property rights, that property owners have the right to do what they want to do with their property and sell it to who they want to sell it to for the most amount of money they can get for it? He asked if that is the basis for how these laws are written? He said if anyone is denying anyone the right to sell their property, that does not seem right either.

Gerald McDonald said the expedited annexation laws are just to that point. He said before this type of annexation, one had to go to court for annexation but now if the property owners want annexation, they can petition and get the annexation as long as it meets the criteria.

Mayor Jeff Gore said this annexation has to do with there are three or four property owners who have property and want to sell it to who they

want to and feel that they have gotten the best money for it, and they want to move forward with a way to accomplish that goal.

Peter Griggs said the genesis of the changes in 2003 were based in large part on the fact that municipalities and townships were constantly litigating the issue, and it was taking years upon years. He said the state legislature came up with a series of expedited alternatives where townships would not have the ability to challenge the annexations in court. He said the change was trying to avoid long drawn-out legal challenges and he further explained the process.

Mayor Jeff Gore said if City Council voted no, there are property owners here and where do their rights come into play.

Peter Griggs said the property owners can appeal to the court. He said he understands the property rights issue and he hears it all over the state. He said ultimately, there are zoning rules, so property rights are not unfettered. He said Council and the Trustees are on the right track in terms of potentially getting staff involved and seeing some areas of mutual agreement and potentially going to the developer, and he and Gerald McDonald can talk in terms of what the agreement allows. He said there are a bunch of people in the room who care about the community and some smart administrators. He said he thinks they can come up with some solutions.

Anita Kitchen asked if the area was developed and stayed Bethel Township, how far is Bethel Township from becoming its own city?

Beth van Haaren said you need 5,000 residents to become a City, and a density of at least 800 people per mile for two square miles, a minimum of 1,600 people in a two square mile area. She said at the last U.S. Census, the population was 4,700 and some people and density is 144. She said if Bethel Township developed more, it could become a village, and that is an option that has been explored.

Anita Kitchen said she comes from a town of less than 1,000 people and was raised on a 250-acre farm and she never wants to go up into Bethel Township's area. She said she really wants Bethel Township to be its own entity. She said she would like the Trustees to explore that option if Bethel Township gets to keep this property.

Julie Reese thanked Mayor Jeff Gore for proposing the idea of possibly moving those students to Huber Heights City Schools, whether it is a good idea or not. She said if Bethel Township takes the 260 acres and fixes the problem for that stretch, what is to stop Huber Heights from going down the road and annexing from another point that touches the township. She said this action seems to be a partial solution. She said she agrees the property owner has the right to sell to whoever they want, but it does not mean they get to turn it in to whatever they want. She said she is sure Huber Heights is familiar with that point and with the City Code she is sure she could not buy a house and put a pig next door.

Mayor Jeff Gore said regarding further annexation, he is not aware of any other part of Bethel Township or any developer agreements with anyone currently going forward.

Julie Reese says her point is in the future if a developer comes in, where does it stop. She asked if there could be an annexation moratorium or something that says Huber Heights will not continue to annex Bethel Township land.

Mayor Jeff Gore said he is open to discussion on that issue.

Mark Campbell said back to the development in front of everyone tonight, he asked if Bethel Township developed that area at the density similar to what is in Carriage Trails, will that go over with the voters? He said he thought he remembered a couple of referendums on proposed projects that went to the ballot. He asked if that is true.

Don Black said there were two referendums on proposed residential developments, not subdivisions.

Mark Campbell asked how many homes were proposed.

Julie Reese said the very first proposal showed 80 houses on the property. She said if the developer had come in with the plan he ended up with, there probably would not have been a problem. She said she thinks the sentiment in the community is changing somewhat. She said to Mark Campbell's question, is it density, but she said it is not a simple answer. She said yes, Bethel Township would still have the school problem.

Mark Campbell said the school problem is more the point that Bethel Local Schools does not know what the limit is. He said if there was a cutoff, and the Bethel Township Trustees knew that number, they could plan and strategize around that number.

Julie Reese said if you know anything about the way school financing works, one cannot build in advance knowing that students are coming. She explained the process related to student population and school buildings.

Mark Campbell asked if the school that is being built was built to the size it is because Bethel Local Schools lacked funding.

Julie Reese said partially because of the funding, and they are taking money from the State of Ohio this time. She said Bethel Local Schools is borrowing against future tax revenue to pay for the school first hoping when the state funding comes in, they can use that money to build more schools. She said all of the schools are full and they are using trailers.

Mark Campbell said in an effort to work together, if there was some help that the City's administration could lend, would that be something Bethel Township would accept. He asked Bryan Chodkowski in an effort to help Bethel Schools with the increase of students Carriage Trails I has generated, is there any assistance or help the City can give in that area maybe by looking at Bethel Local Schools' finances and taking some of the skill set Mr. Chodkowski has garnered over the years on bonding and financing projects?

Bryan Chodkowski said he would be more than happy to help out in any capacity if requested to do so.

Mark Campbell asked if Mr. Chodkowski has any idea what is generated to Bethel Local Schools annually from Carriage Trails so far to date.

Bryan Chodkowski said the estimate recently calculated from the inception of the TIF which was 2005 when the project was Benchrock through year end 2021 is approximately $14 billion generated by Carriage Trails Section I. He said his calculations and estimates for what is generated annually would be over $3.5 million annually.

Julie Reese said to give Council perspective on those numbers, the high school the community funded was $22.5 million, the K-5 school being built is $28.5 million. She said Bethel Local Schools is paying for those students to be at the school and the State of Ohio does not provide the entire amount. She said it sounds like a lot of money, but at the same time there are some issues.

Mark Campbell asked if it helps that the City can help provide assistance. He confirmed with Bryan Chodkowski that the City's borrowing ability is $80,000 per million borrowed. He said there is a considerable amount of principal that can be used to borrow money.

Julie Reese said she cannot speak for the schools, but she thinks they would be interested in any help.

Andy Ehrhart said he can talk to the school district about what its needs and goals are. He said Bethel Local Schools is a totally separate jurisdictional body with its own set of goals. He said it is premature to discuss funding until finding out what the needs and wants are. He said the Trustees can reach out to the school board. He said he does not know if they need or want help one way or another.

Mark Campbell said he has heard the Trustees talk about how Huber Heights flooded the schools with students, and he thought that was an issue.

Andy Ehrhart said the enrollment ten years ago was a little over 900 students and now there are almost 2,000 students. He said the only change in Bethel Township's housing is 50 houses have been added. He said the thing that has changed is Carriage Trails I and that is where those students are coming from. He said Bethel Local Schools will never say they cannot service the students, that is their job. He said the school district has growing pains, they have trailers out back, and they are building new schools.

Mark Campbell said that the board members and Trustees have come to this room and told Council that Carriage Trails has stressed the school district, and that prompted him to offer Council's help. He asked Andy Ehrhart to reach out to the school board.

Mayor Jeff Gore said he would like to know what the process would be for making this area part of the Huber Heights City Schools district if the annexation goes through. He said that could be a very important part of the discussion if a big part of the issue is the stress to the Bethel Local Schools district. He asked the administrators if they have enough information at this point to sit down and have a discussion with the attorneys and determine what some of the major issues are, some major talking points and determine what a proposed annexation agreement may look like. He asked if there was a need for more discussion.

Andy Ehrhart said the Trustees are ready for some initial discussion, and he believes it will change. He said there is enough information to initially start to work on the issues.

Bryan Chodkowski said there are some general comments and concerns to start the discussion. He said they will have to speak with others such as the developer, the school board, and take into account issues of density, traffic, boundary and limitations of future annexations, issues of infrastructure related to roads, water, and sewer service, the ability to provide services to that area if it were to be annexed, the timing of the buildout and open space, and additional issues with respect to making sure the current agreement does not preclude or limit the ability to negotiate an agreement. He said there was requested additional information with respect to the ability of the City to support infrastructure away from the project site as well as making sure to fully explore addressing issues with Bethel Local Schools and whether or not there is the ability to transition those students to Huber Heights City Schools to not overstress the school district, and to provide additional support and guidance to Bethel Local Schools in the event the City's assistance could help address its needs. He said that he and the others would go back and work from these points to begin structuring an agreement.

Richard Shaw asked that the Mayor reconsider public commentary. He said in his opinion, the majority of the dais would like to hear from the individuals in the audience.

Nancy Byrge said as Mr. Webb stated this Council is in no position to make any decision on annexation until it receives hard data and a cost/ benefit analysis. She asked that Bethel Township come back with similar

hard data to help in the discussions going forward and to identify areas of need or areas that are really open to negotiation, something beyond the fact that Bethel Township is opposed to the annexation. She said there cannot be real give and take until each side knows what the strengths and weaknesses are.

Glenn Otto said he would like to share his belief that if these meetings are going to take place, it would be appropriate to allow people time to speak their minds.

Don Webb said there has been a lot of talk about Section 4.9 of the development agreement and Mayor Jeff Gore had requested clarification. He asked Gerald McDonald if he could make sure all Councilmembers and the Bethel Township Trustees are copied in on what the development agreement means moving forward in this process.

Richard Shaw said he would like to propose a reconvening of a similar joint meeting within 45 days to discuss what has been learned and what research has been obtained. He said by that time, Miami County Commissioners will have met, and the City will be under the 60 day hold initially. He said he would like to propose the meeting be held in Bethel Township so the residents can actually speak at that meeting.

Beth van Haaren said Bethel Township would love to host Council and she that the meeting would need to take place in the Bethel Township Fire Station due to space issues.

Other Business

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

4. **Adjournment**

Mayor Jeff Gore adjourned the Council Work Session at 7:48 P.M.

AI-8310 **Topics of Discussion** A.

Council Work Session - Joint Meeting With Bethel Township

Meeting Date: 04/07/2022

Annexation Issues Discussion

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 04/07/2022

Audio-Visual Needs: None **Emergency Legislation?:**

Motion/Ordinance/ Resolution No.:

Agenda Item Description or Legislation Title

Annexation Issues Discussion

Purpose and Background

This Council Work Session is being held as a joint meeting with the Bethel Township Trustees to hold a discussion on annexation issues related to the City of Huber Heights and Bethel Township in a public forum.

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

No file(s) attached.