

RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

GOVERNMENT FORMS & SERVICES DIVISION
In Council Chambers

Held 6131 Taylorsville Road January 23, 20 23

1. Call The Meeting To Order - Mayor Jeff Gore

The Huber Heights City Council met in a Regular Session on January 23, 2023. Mayor Jeff Gore called the meeting to order at 6:00 p.m.

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

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

4. Pledge Of Allegiance

5. Roll Call

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

6. Approval Of Minutes

- A. City Council Meeting Minutes - January 9, 2023

7. Special Presentations/Announcements

There were no Special Presentations or Announcements.

8. Citizens Comments

Mr. Jeff Morford said he is against the proposed annexation and development of the 250 agriculturally zoned acres in Miami County/Bethel Township and he stated his concerns.

Ms. Jennifer Delk said for years she has suggested a change to the Community Garage Sale, and she has collected over 70 signatures to support the desire to change the date of the Community Garage Sale from October to September and to create an Excel spreadsheet stating the hours of each garage sale and the items being sold. She discussed the City Code regarding garage sale signs and offered possible changes to the City Code.

Interim City Manager Bryan Chodkowski said he would be happy to have a conversation with City Staff regarding the Community Garage Sale date.

Mayor Gore said Council could look at the zoning rules and see if it makes sense to make changes regarding garage sale signs.

State Representative Rodney Creech said he has enjoyed getting to know Council over the last eight months. He said he has attended some of the events, and he wants to be a part of this community. He talked about his history in government. He said he has a passion for serving people. He said he is starting his second term as State Representative, and he now represents Huber Heights.

Mr. Don Webb said he has seen Rodney Creech at so many of the City events, meeting with and speaking with the residents of Huber Heights. He said Mr. Creech does the City proud. He congratulated Mr. Creech.

Mrs. Pat Stephens said she has been out of the picture for the last year or longer with health and personal issues. She said her doctor recommended that she stop doing so much. She said she and her husband sold their large home in Huber Heights and bought a smaller home in Vandalia. She talked about her history in Wayne Township and Huber Heights. She said her husband has stepped into her footsteps when necessary. She thanked Council and City Staff for working with

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her and helping her accomplish the things she was able to accomplish while being here in Huber Heights.

Mayor Gore said Pat Stephens is a treasure to the City, she was a treasure to Wayne Township, and everyone knows the work and time and effort she has put into the Wayne Township/Huber Heights Historical Society.

Councilmembers and City Staff talked about their experiences and history with Pat Stephens and her husband Ralph, and they thanked her for all of her efforts.

9. Citizens Registered To Speak On Agenda Items

Clerk of Council Anthony Rodgers said there was one resident registered to speak at the Public Hearing for Item 12-C and he said the resident would be given the opportunity to speak during the Public Hearing on that item.

10. City Manager Report

Interim City Manager Bryan Chodkowski said today was the kickoff for the traffic study in the Old Troy Pike corridor after meetings with the engineer about the traffic study. He said 2023 is shaping up to be the year of development. He said there is a fully executed Horizon Line development agreement, and Horizon Line will close on the land on or before April 1, 2023. He said there is also a fully executed development agreement with Homestead, and Homestead has wired \$20,000 to escrow. He said Wright Way, LLC has a fully executed agreement, and that deal should close on January 31, 2023. He said January 25, 2023 is Coffee With A Cop at the Huber Heights Church of God from 10:00 a.m. to 12:00 p.m. He said the Arts and Beautification is hosting a Community Art Exhibit on February 11, 2023 from 2:00 p.m. to 7:00 p.m. at the Huber Heights Community Center on Powell Road. He said the final submission date for art for that show is January 27, 2023.

11. Pending Business

There was no Pending Business.

12. New Business

**CITY COUNCIL
Anthony Rodgers, Clerk Of Council**

A. A Motion To Approve The 2023 Huber Heights Rules Of Council Effective January 23, 2023.

Clerk of Council Anthony Rodgers said the only change to the Rules of Council from 2022 to 2023 was the rewording of the section on Public Participation At Meetings. He said this section was outlined in greater detail to elaborate on the opportunities for public participation in the decision-making processes of the City Council. He said this amendment to the Rules of Council requires approval of the motion to adopt the changes effective for 2023.

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

B. A Public Hearing Scheduled For January 23, 2023 By The Huber Heights City Council For Case RZ 22-41. The Applicants Are Richard Baumer And Staci Carre. The Applicants Are Requesting Approval Of A Rezoning From Light Industrial (I-1) To Residential (R-1) For Properties Located At 7677 And 7777

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Wildcat Road And Further Described As Parcel Numbers P70 04009 0024 And P70 04009 0028 On The Montgomery County Auditor's Map.

Mayor Gore opened the Public Hearing for Case RZ 22-41.

City Planner Aaron Sorrell gave a PowerPoint presentation on Case RZ 22-41. He said there are two single family homes that are part of this Rezoning totaling four acres. He said it is currently zoned Industrial (I-1) and the applicants have asked to rezone these properties to Residential (R-1) to facilitate the future expansion of one of their residences. He said in 1994 much of this area was rezoned to Industrial (I-1) to facilitate development, including two of the three properties on the west side of Wildcat Road. He said one of the current applicants is looking to expand their property for medical purposes, but the City Code precludes expansion for a non-conforming use. He said City Staff suggested rezoning the property to residential (R-1). He said City Staff reached out to owners of the adjacent properties which are also residential properties but zoned I-1. He said the owner of 7777 Wildcat Road responded and wanted to be included in this Rezoning. He said the two residential properties meet the R-1 district standards and are legal non-conforming uses. He said the zoning change will allow the properties to become legal conforming uses and will facilitate a smoother real estate transaction if they decide to sell in the future. He said this Rezoning probably protects the properties to the west better than having four acres zoned I-1 immediately abutting the properties. He said it is City Staff's recommendation to rezone the two properties from I-1 to R-1. He said the Planning Commission voted 3-0 to recommend this Rezoning.

Mayor Gore called on representatives of Mr. Baumer and Ms. Carre to make any comments.

Seeing none, Mayor Gore asked if Law Director David Montgomery had any comments.

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

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

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

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

Seeing none, Mayor Gore said, barring further comments, this Public Hearing of the City Council for Case RZ 22-41 is hereby closed.

- C. A Public Hearing Scheduled For January 23, 2023 By The Huber Heights City Council For Case MJC 22-43. The Applicant Is John Kopilchack. The Applicant Is Requesting Approval Of A Major Change To The Basic And Detailed Development Plan For Property Located At 8501 Old Troy Pike And Further Described As Parcel Number P70 04006 0156 On The Montgomery County Auditor's Map.

Mayor Gore opened the Public Hearing for Case MJC 22-43.

City Planner Aaron Sorrell gave a PowerPoint presentation on Case MJC 22-43. He said this case is a rear addition to an existing development. He said this addition is a Major Change to add roughly 11,000 square feet to the existing Dayton Children's Medical Center building. He said the site is 3.8 acres and is currently zoned Planned Commercial (PC). He said this building is a medical

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facility in current operation. He said the original Rezoning and Basic Development Plan was approved in 2014. He said the applicant is looking to expand this use. He said there is a minor eight space parking reduction which City Staff feel is inconsequential to this development. He said the addition will carry through with the same material and landscaping. He reviewed the site plan. He said the proposed use conforms to the district requirements and the existing Planned Use Development. He said the City Code requires 156 spaces, and 153 parking spaces will be provided. He said City Staff feel the General Standards for Approval can be satisfied and he recommended approval of the Major Change. He said the Planning Commission voted 3-0 to recommend approval of the Major Change.

Mayor Gore called on Mr. Kopilchak to make any comments.

Mr. John Kopilchak said he is with Synergy Building Systems at 3500 Pentagon Boulevard in Beavercreek. He said he had nothing additional to add to what Mr. Sorrell presented. He said he wanted to reiterate the request to potentially vote tonight and waive the second reading of this ordinance if possible.

Mayor Gore asked if Law Director David Montgomery had any comments.

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

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

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

Mr. Shaw asked Mr. Sorrell if in any Planning Commission meetings, any meetings he has had, or in Council Work Sessions have there been any conversations as to roadway infrastructure upgrades as this addition is creating an increase of 40 exam rooms and bringing in an increased traffic flow.

Mr. Sorrell said City Staff would anticipate only a minor increase in traffic flow.

Mr. Shaw asked if the applicant is willing to provide or update in/out signage and/or infrastructure upgrades to the property as that property is very close to Lowe's and the property shares a main drag next to Lowe's. He said visiting this facility with the increased traffic concerns the City already has is starting to bottleneck that intersection.

Mr. Sorrell said this discussion did not come up during the Planning Commission meeting about the need for additional infrastructure or access to this site. He said during the Detailed Development Plan phase, City Staff can talk to the applicant about additional signage. He said that issue was not raised by City Staff, the Planning Commission, or the applicant at the Planning Commission Public Hearing.

Mr. Shaw said that is the only concern he has with moving this project forward, as there is increased business development in that plaza. He said even now, there are no marked lanes. He said at the very best, the lanes need to be remarked and City Staff need to work with the applicant or the property owner to increase traffic flow signage in that area.

Mr. Sorrell said City Staff will work with the applicant and he will talk to the City Engineer and discuss additional roadway markings and additional signage as well.

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

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Seeing none, Mayor Gore said, barring further comments, this Public Hearing of the City Council for Case MJC 22-43 is hereby closed.

- D. A Public Hearing Scheduled For January 23, 2023 By The Huber Heights City Council For Case TA 22-42.1. The Applicant Is The City Of Huber Heights. The Applicant Is Requesting Approval Of An Amendment To Section 1123.53 Of The Huber Heights City Code To Permit Home Occupations.

Mayor Gore opened the Public Hearing for Case TA 22-42.1.

City Planner Aaron Sorrell gave a PowerPoint presentation on Case TA 22-42.1. He said this proposed text amendment expands the current definition of home occupation and the allowable uses. He said people are working from home more, and he feels this is an opportunity to allow people to have more freedom as to what is considered a home occupation. He said this change would allow the home occupation to be in an accessory building as well as the dwelling. He said there are a number of people with detached garages and barns, and this amendment would allow a home occupation there. He said this amendment would also allow one additional person who does not reside at the home as part of the home occupation and allow one non-illuminated building sign to be placed on the dwelling or accessory building as part of a home occupation. He said currently the City does not allow any signage for a home occupation. He said this text amendment allows services as far as a home occupation and it would specify that no more than two customers can be serviced at any one time. He said the examples of the permitted types of home occupations are listed and City Staff would determine if a particular use that is not enumerated would fit under the Home Occupation section of the City Code. He said if there is a question regarding a home occupation, it would be sent to the Board of Zoning Appeals for interpretation.

Mayor Gore asked if Law Director David Montgomery had any comments.

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

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

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

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

Seeing none, Mayor Gore said, barring further comments, this Public Hearing of the City Council for Case TA 22-42.1 is hereby closed.

- E. A Public Hearing Scheduled For January 23, 2023 By The Huber Heights City Council For Case TA 22-42.2. The Applicant Is The City Of Huber Heights. The Applicant Is Requesting Approval Of An Amendment To Sections 1123 And 1142 Of The Huber Heights City Code Regarding Bed And Breakfast Establishments.

Mayor Gore opened the Public Hearing for Case TA 22-42.2.

City Planner Aaron Sorrell gave a Powerpoint presentation on Case TA 22-42.2. He said this proposed text amendment would permit bed and breakfast establishments as a permitted use in the Agricultural (A) district. He said the City is one of the few jurisdictions that does not define or permit bed and breakfast establishments anywhere in the Planning and Zoning Code. He said a bed and breakfast is any place of lodging that provides four or fewer rooms for rent on a temporary basis in the owner's personal residence and is also occupied by the

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owner during the time of rental and whereby meals are only served to guests. He listed the standards that would apply to a bed and breakfast establishment. He said off-street parking would be provided for each bedroom used as guest lodging in addition to whatever is required for a normal single family dwelling unit. He said the City would stipulate that there is no outward appearance of change to the building or the premises. He said meals would be provided for guests only. He said the guests would only be allowed to reside there no more than three continuous weeks. He said the Planning Commission voted 3-0 to recommend approval of the text amendment.

Mayor Gore asked if Law Director David Montgomery had any comments.

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

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

Mr. Paul Schaeffer said his comments apply to all of the TA 22-42 Public Hearings. He said, as a homeowner and member of a Homeowner's Association, he is concerned about the ability of the City to monitor, examine, and enforce these new ordinances, given the fact the City already has a problem enforcing the ordinances in place.

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

Mr. Webb said the language states that bed and breakfast establishments shall only be permitted within a single family detached dwelling or accessory structure, but then follows up by stating the owner of the premises shall reside full time in the dwelling. He asked if there was any discussion on this issue at the Planning Commission? He said this language seems to be in conflict. He asked how one can have an accessory building in an Agricultural district that qualifies as a bed and breakfast.

Mr. Sorrell said when he surveys the community, there are a handful of structures that would make good candidates for bed and breakfast establishments, and those are the older farmhouses on Chambersburg Road, Taylorsville Road, and possibly Old Troy Pike. He said in those instances, there are some carriage houses that could be converted to an upstairs or an upper loft area as part of a bed and breakfast. He said the resident would be in the building, and there would likely be one or two rooms there, but this text amendment would give them the opportunity to create a unique upper level in a carriage house. He said he does not think there are a lot of these properties, but the City wanted to provide that opportunity in the City Code.

Mr. Shaw asked Mr. Sorrell to walk him through a scenario of a person wanting to open a bed and breakfast and the process a resident would have to go through.

Mr. Sorrell described the lengthy process and said it would take an investment of time and resources. He said a casual user would probably not head down that path. He said this text amendment is for someone wanting a bed and breakfast as an occupation.

Mr. Shaw asked how this is different from a VRBO or an Airbnb? He also questioned the difference between an owner being a full-time resident versus being on-site.

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Mr. Sorrell said the difference is the owner has to live on-site at the bed and breakfast, whereas the Airbnb or the VRBO is a home for rent. He said a bed and breakfast has an active owner who is there all of the time, which is completely different from an Airbnb or a VRBO.

Mr. Shaw said the presentation stated the owner must live there full time; he said he did not see anywhere where it stated the owner must be on-site during the rental period. He said he looks at what the IRS regulates as a full-time resident, which is more than a majority of the year.

Mr. Sorrell said it is the intent that the person lives on-site full time.

Mr. Shaw expressed his concerns. He said the City is missing out on funding because of the increase of Airbnb's and VRBO's. He said the language for those needs to be tightened up as the City is missing an opportunity. He said it is the same with bed and breakfast establishments. He said as of now, any property within the City of Huber Heights can be operated as an Airbnb or a VRBO and the City would not know about it.

Mr. Sorrell said last time he looked, there were 12 to 15 homes operating as an Airbnb in the City.

Mr. Shaw said that issue needs to be looked into deeper and either tied into this text amendment or added as a subsection. He said there is some confusion about what can and cannot be operated today and what is Council's intent with the makeup of the community.

Mr. Sorrell said this issue is different from Airbnb's and VRBO's. He said depending on the city, it is split on how this is done. He said half of the cities regulate through a business license. He said the others regulate it through some quasi-zoning. He said it is his opinion if the City is going to go down that path, it should be looked at through a business license perspective and not a land use perspective. He said if that is the direction Council decides, City Staff can do more research for Council on that matter.

Ms. Baker asked if the City would tax bed and breakfast establishments?

Mr. Sorrell said in all of the zoning permits there is a section that is turned in to the Finance Department. He said he cannot tell her if it fits under the hotel/motel tax, but he can get back to Council on that point.

Ms. Baker said she would like a follow-up because the City is missing an opportunity to be competitive.

Mayor Gore said it would be appropriate to add that topic as an agenda item to the next Council Work Session regarding VRBO's and Airbnb's. He said he agrees with Mr. Sorrell that it is a separate issue on the bed and breakfast side. He said he would like to see some type of language that states the owner has to be there while the bed and breakfast is being used. He said this ordinance is going to a second reading. He said in the meantime, VRBO's and Airbnb's will be added as an item on a Council Work Session agenda to have the discussion on how the City moves forward.

Mrs. Byrge asked Mr. Sorrell, when this item is discussed at the Council Work Session, to give Council an example of how an accessory building would be used as a bed and breakfast.

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

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Seeing none, Mayor Gore said, barring further comments, this Public Hearing of the City Council for Case TA 22-42.2 is hereby closed.

- F. A Public Hearing Scheduled For January 23, 2023 By The Huber Heights City Council For Case TA 22-42.3. The Applicant Is The City Of Huber Heights. The Applicant Is Requesting Approval Of An Amendment To Section 1142 Of The Huber Heights City Code Regarding Automotive/Vehicle Repair.

Mayor Gore opened the Public Hearing for Case TA 22-42.3.

City Planner Aaron Sorrell gave a PowerPoint presentation on Case TA 22-42.3. He said this proposed text amendment would also broaden the uses within the Agricultural (A) district and would permit automotive/vehicle repair as a special use. He said there are limited special uses that are in the Agricultural districts. He said this text amendment would provide appropriate standards and would provide the Board of Zoning Appeals with additional options if someone comes forward wanting approval for this type of special use. He said, unlike a rezoning or a variance, a special use permit expires if that individual discontinues the use for more than a year. He said the activities would be limited to servicing of motor vehicles with minor repair work in an enclosed building. He said that is key within the special use. He said body work and painting would be prohibited. He listed all the Standards of Use. He said parking, storage, or salvage of junk vehicles would be prohibited. He said there are standards on setbacks from the adjacent property line and the residential structure and he cited those standards. He said there was significant discussion about this text amendment and whether it is appropriate as a special use within the Agricultural district by the Planning Commission. He said there were discussions about unintended consequences to surrounding properties if this special use were permitted. He said there was a motion to recommend approval of the text amendment, and because there were only three Planning Commission members present, all were needed to vote unanimously. He said the motion to approve by the Planning Commission failed by a 2-1 vote.

Mayor Gore asked if Law Director David Montgomery had any comments.

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

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

Mayor Gore said an email was sent to Council from Ms. Goodspeed against the issue.

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

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

Seeing none, Mayor Gore said, barring further comments, this Public Hearing of the City Council for Case TA 22-42.3 is hereby closed.

- G. A Public Hearing Scheduled For January 23, 2023 By The Huber Heights City Council For Case TA 22-42.4. The Applicant Is The City Of Huber Heights. The Applicant Is Requesting Approval Of An Amendment To Section 1123, Section 1156, And Section 1176 Of The Huber Heights City Code Regarding Self Storage Facilities.

Mayor Gore opened the Public Hearing for Case TA 22-42.4.

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City Planner Aaron Sorrell gave a PowerPoint presentation on Case TA 22-42.4. He said the City refers to self-storage facilities in the City Code in three different ways. He said this amendment would combine and unify the definitions of what a self-storage facility is consistent with the Ohio Revised Code definition. He said this text amendment would move the permitted use from the Commercial Districts and Planned Commercial District to I-1 and I-2 in the Planned Industrial Districts. He said this text amendment would allow indoor self-storage facilities as a special use in the Planned Commercial District when part of a building that is being repurposed, such as the U-Haul facility that was a former store.

Mayor Gore asked if Law Director David Montgomery had any comments.

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

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

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

Ms. Baker asked Mr. Sorrell to clarify the indoor and outdoor storage areas.

Mr. Sorrell said the outside storage units will be moved to only being approved in I-1 and I-2 Districts.

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

Seeing none, Mayor Gore said, barring further comments, this Public Hearing of the City Council for TA 22-42.4 is hereby closed.

ADMINISTRATION

Bryan Chodkowski, Interim City Manager

- H. An Ordinance To Approve A Rezoning From Light Industrial (I-1) To Residential (R-1) For The Properties Located At 7677 And 7777 Wildcat Road And Further Identified As Parcel Numbers P70 04009 0024 And P70 04009 0028 On The Montgomery County Auditor's Map (Case RZ 22-41).
(first reading)

Mr. Chodkowski said this legislation would bring two non-conforming residential properties into conforming status as discussed at the Public Hearing. He said City Staff recommend that this item be passed to a second reading.

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

- I. An Ordinance To Approve A Major Change To The Basic And Detailed Development Plan For The Property Located At 8501 Old Troy Pike And Further Identified As Parcel Number P70 04006 0156 On The Montgomery County Auditor's Map (Case MJC 22-43).
(first reading)

Mr. Chodkowski said this legislation would approve a Major Change to the Basic Development Plan for an extension to the Children's Medical facility here in Huber Heights.

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

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

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

- J. An Ordinance Amending Certain Sections Of Part Eleven, Planning And Zoning Code, Of The City Code Of Huber Heights Regarding Home Occupations (Case TA 22-42.1).
(first reading)

Mr. Chodkowski said this legislation would make changes to the Home Occupation provisions of the City Code. He said City Staff ask that this item be moved to a second reading.

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

- K. An Ordinance Amending Certain Sections Of Part Eleven, Planning And Zoning Code, Of The City Code Of Huber Heights Regarding Bed And Breakfast Establishments (Case TA 22-42.2).
(first reading)

Mr. Chodkowski said this legislation would provide the City the ability to regulate bed and breakfast establishments. He said it is the recommendation of City Staff that this item be moved to a second reading.

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

- L. An Ordinance Amending Certain Sections Of Part Eleven, Planning And Zoning Code, Of The City Code Of Huber Heights Regarding Automotive/Vehicle Repair Facilities (Case TA 22-42.3).
(first reading)

Mr. Chodkowski said City Staff recommend this item be moved to a second reading as it would create legislation and zoning provisions to regulate automotive/vehicle repair facilities in certain zoning districts.

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

- M. An Ordinance Amending Certain Sections Of Part Eleven, Planning And Zoning Code, Of The City Code Of Huber Heights Regarding Self Storage Facilities (Case TA 22-42.4).
(first reading)

Mr. Chodkowski said this legislation would provide for an increased regulation of self-storage units in the City. He said it is the recommendation of City Staff that this item be moved to a second reading.

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

- N. A Resolution Approving A Lease Agreement With The Huber Heights Chamber Of Commerce For Use Of City-Owned Property Located At 4704 Brandt Pike.
(first reading)

Mr. Chodkowski said this item would renew the Huber Heights Chamber of Commerce lease for the Thomas Cloud facility for an additional year.

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

- O. A Resolution Authorizing The City Manager To Purchase Montgomery County Parcel Number P70 01922 0001, Commonly Addressed As 5001 Taylorsville Road, For The Purposes Of Constructing A New City Public Works Division Facility.
(first reading)

Mr. Chodkowski said this legislation would authorize the acquisition of 5001 Taylorsville Road for the future Public Works Division facility.

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

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

Mr. Webb asked Mr. Chodkowski to give an overview of what the City faced in developing the property at Centerpoint 70.

Mr. Chodkowski said there were a few challenges at that location. He said that the site, while significantly larger than the 8 1/2 acres of this property, is subject to wetland provisions, wetland restrictions, and there is a stream that bifurcates the property which needs to be bridged. He said while the benefit is that the City owns the property and there is no acquisition cost, there are some workarounds with respect to protecting the wetlands area as well as bridging the water feature on the site. He said City Staff believes the acquisition cost will be offset by not having to make improvements at the Centerpoint 70 site as well as the ability to sell the other site.

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

- P. A Resolution Authorizing The City Manager To Execute A Real Estate Purchase And Sale Agreement With Miami Valley Hospital To Acquire Portions Of Property For The Purposes Of Creating Public Right-Of-Way.
(first reading)

Mr. Chodkowski said this legislation would modify a boundary adjustment on the main parcel site near the termini of Miami Valley Way. He said it is the recommendation of City Staff that this item be adopted in support of the project with Homestead Development.

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

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

- Q. A Resolution Approving The Collective Bargaining Agreement With The Ohio Council 8, Local 101, American Federation Of State, County And Municipal Employees, AFL-CIO For The Time Period January 1, 2023 Through December 31, 2025.
(first reading)

Mr. Chodkowski said as was discussed with Council in Executive Session at the last Council Work Session, this matter brings forward the terms and conditions of

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the new collective bargaining agreement with AFSCME for employees in the Public Works Division.

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

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

- R. A Resolution Appointing Jonathan J. Downes, Esquire Of The Law Firm Zashin & Rich As Special Legal Counsel To The City Of Huber Heights To Represent The City With Regard To Matters Of Collective Bargaining.
(first reading)

Mr. Chodkowski said as was previously discussed with Council in Executive Session during the last Council Work Session, it is the recommendation of City Staff that this item be adopted so that the City can adequately be represented with respect to matters of collective bargaining.

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

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

Mr. Lyons asked when was the last time this legal counsel went to the next step in negotiations with fact finding.

Mr. Chodkowski said Mr. Downes is considered to be one of the best if not the best labor attorney in the State of Ohio. He said Mr. Downes went into fact finding most recently as of last week to the best of his knowledge.

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

- S. A Resolution Authorizing The City Manager To Enter Into An Agreement With Motorola Solutions, A Sole Source Vendor, To Provide The Police Division With A Software System For Digital Evidence Storage.
(first reading)

Mr. Chodkowski said this legislation authorizes the City to acquire the necessary software to be able to manage video evidence storage.

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

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

- T. A Resolution Authorizing The City Manager To Enter Into A Ten-Year ALS 360 Lease Agreement With Stryker Corporation And Waiving The Competitive Bidding Requirements.
(first reading)

Mr. Chodkowski said this legislation would provide the Fire Division with the appropriate up-to-date medical technologies to support outstanding medical care within the community.

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

- U. A Resolution Authorizing The City Manager To Solicit, Advertise And Receive Bids From Qualified Firms For The 2023 Sidewalk Replacement Program And The Concrete Portion Of The 2023 Street Improvement Program.
(first reading)

Mr. Chodkowski said this is annual legislation with respect to maintaining City infrastructure. He said the Engineering Staff is prepared to send this project out to bid so that the City can continue this process in 2023.

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

- V. A Resolution Authorizing The City Manager To Solicit, Advertise And Receive Bids From Qualified Firms For The Construction Of The 2023 Rehabilitation Of Sewer Lines Project.
(first reading)

Mr. Chodkowski said this legislation provides utility maintenance of the City's sanitary sewer system to ensure the infrastructure can function in its capacity as long as possible.

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

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

- W. A Resolution Authorizing The City Manager To Solicit, Advertise And Receive Bids From Qualified Firms For The Painting Of The Emeraldgate Water Standpipe.
(first reading)

Mr. Chodkowski said this item would authorize the City to commence the necessary process for the regularly scheduled maintenance of the Emeraldgate Water Standpipe.

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

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

- X. A Resolution To Increase The Not To Exceed Amount For The Repair And Replacement Of The Motor To A Snowplow Dump Truck With Howard Truck Repair Service For Calendar Year 2023 And Waiving The Competitive Bidding Requirements.
(first reading)

Mr. Chodkowski said this legislation would authorize the repair of an important vehicle engine in the Public Works Division so that vehicle can get back in service.

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

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- Y. A Resolution Authorizing The City Manager To Award A Contract For Services Related To Providing A Detailed Landscape Revitalization Plan Of Specified City Properties.
(first reading)

Mr. Chodkowski said this legislation would allow City Staff to begin the process of identifying appropriate firms to replace certain landscaping maintained by the City.

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

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

13. City Official Reports And Comments

Mr. Otto congratulated Caterpillars To Butterflies, an organization that works with autistic children and adults. He said the organization found a permanent home at the YWCA in Huber Heights and there was a ribbon cutting ceremony earlier in the day. He wished them the best.

Mrs. Kitchen said she was at the ribbon cutting ceremony for Caterpillars To Butterflies also. She said knowing that facility used to serve individuals with developmental disabilities and got shut down, it is nice to see the full cycle go around.

Ms. Baker thanked the Culture and Diversity Citizen Action Commission for the great program last week for Martin Luther King, Jr. She said it was a very nice program and the commission did a lot of work.

Mr. Webb complimented Aaron Sorrell. He said, as a long-time member of the Planning Commission, the presentations Mr. Sorrell brings before Council and the Planning Commission are first rate and exemplary. He said tonight was an overload situation with all of the Public Hearings, and he and Council sincerely appreciate his work.

Mrs. Byrge said she was also at the Caterpillars To Butterflies ribbon cutting ceremony today and Governor DeWine sent a representative to provide a proclamation. She said he was instrumental in getting the organization the space in the structure. She asked State Representative Rodney Creech to please keep an ear open for any funding or anything to help them along. She said this facility is providing a day care type facility. She said the parents were so pleased, and she hopes the City will help in any way possible for it to be successful.

Mrs. Kitchen thanked the Public Works Division for the hard work during the snow this weekend.

14. Executive Session

There was no need for an Executive Session.

15. Adjournment

Mayor Gore adjourned the Regular Session City Council Meeting at 7:38 p.m.

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Anthony C. Rudge
Clerk of Council

02-14-2023
Date

[Signature]
Mayor

2/15/23
Date