

RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

GOVERNMENT FORMS & SUPPLIES 644-229-3661 FORM NO. 16-103 In Council Chambers

Held 6131 Taylorsville Road February 27, 2023

1. Call The Meeting To Order - Mayor Jeff Gore

The Huber Heights City Council met in a Regular Session on February 27, 2023. Mayor Jeff Gore called the meeting to order at 6:00 p.m.

2. Invocation - Mister Raby Of The New Seasons Ministry At 5711 Shull Road, 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, Anita Kitchen, Don Webb, Jeff Gore

Absent: Ed Lyons

Mayor Gore asked for a motion to approve Mr. Lyons' absence.

Mr. Otto moved to adopt; Mrs. Kitchen seconded the motion. On a call of the vote, Mr. Otto, Mrs. Kitchen, and Mr. Shaw voted yea; Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Webb voted nay. The motion fails 3-4.

6. Approval Of Minutes

A. City Council Meeting Minutes – February 13, 2023

The minutes for the February 13, 2023 City Council Meeting were approved by the Huber Heights City Council as submitted.

7. Special Presentations/Announcements

A. Developmental Disabilities Awareness Month Proclamation Presentation To Representatives Of Choices In Community Living And The Montgomery County Board Of Developmental Disability Services - Mayor Jeff Gore

Mayor Jeff Gore joined representatives from Choices In Community Living and the Montgomery County Board Of Developmental Disability Services for the reading and presentation of a proclamation designating March, 2023 as Developmental Disabilities Awareness Month. A representative of Choices In Community Living thanked the City and said the organization has three homes and an adult day program in the Huber Heights area. He said he looks forward to a longstanding relationship with the City of Huber Heights, Choices in Community Living, and the Montgomery County Board of Developmental Disability Services.

Ms. Madeline Iseli, Chair of the Montgomery County Board Of Developmental Disability Services, thanked Council. She said she serves on the Board because she has a sister with developmental disabilities. She said the words the Mayor read really touched her heart.

B. Announcement: Consistent With The Applicable Provisions Of The Ohio Revised Code, The Clerk Of Council Of The City Of Huber Heights Is In Receipt Of The Complete And Certified Record Of The Proceedings Related To The Petition For Annexation For 260.369 Acres More Or Less In Bethel Township To The City Of Huber Heights. The Clerk Of Council Is Providing Notice To The Huber Heights City Council Of The Receipt Of The Complete Record Of The Proceedings Related To The Petition For Annexation To Initiate Consideration Of The Petition For Annexation In Accordance With The Applicable Provisions Of The Ohio Revised Code.

RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

GOVERNMENT FORMS & SUPPLIES
In Council Chambers

Held 6131 Taylorsville Road

February 27, 2023

Clerk of Council Anthony Rodgers read the announcement regarding the Bethel Township annexation petition.

8. Citizens Comments

Mr. Lou Knapp referenced the article in the Dayton Daily News regarding the record profits that the Rose Music Center has generated. He said Mayor Gore was quoted saying the profit generated from the venue finances other assets within the City. He asked Council why not give a tax break to the residents of the City. He said the City of Huber Heights has a tax rate of 2.25 percent, which is one of the highest in the area. He said the premise given to the taxpayers has always been that the City lacks industry or other companies to generate revenue. He said when facilities generate considerable revenue, that tax money should go back to the taxpayers. He asked Councilmembers to take up a motion to review this issue at a later date.

Ms. Jennifer Corcoran passed out information to Council and discussed height adjustable adult changing tables. She introduced her son, Matthew, and said she works with the Montgomery County Board of Developmental Disability Services as a consultant and is a co-lead for an organization, Changing Spaces. She discussed the lack of accessibility in public restrooms. She said after she leaves her house, there is no place for her to change her adult son. She asked Council and the residents if they are going to run errands, to a play, or to the park, would they go if they knew they could not have access to a bathroom? She discussed the statistics of people with disabilities that affect self-care. She talked about legislation and building codes. She said the new Huber Heights library will have an adult changing table. She said with all the new building that is going on in Huber Heights, now is the perfect time to have the tables installed. She said she needs the City's backing to get the word out in order to have more changing tables installed.

Mayor Gore said nobody in this meeting would go anywhere or drive anywhere if they knew there would not be an accessible bathroom facility. He said given the proclamation he just read, it would be very hypocritical if he and Council did not try to do something. He asked Mr. Chodkowski if the City can establish this requirement for new construction prior to this requirement becoming a state or national law through ordinances and the City Code?

Mrs. Byrge said Council has been having discussions about this issue and about the possibility of putting changing tables in the Rose Music Center. She discussed ARPA funds and the companies that Ms. Corcoran has reached out to.

Mr. Chodkowski said he would have a conversation with the Law Director to determine what the best avenue is to try to make sure universal changing tables are considered in all new construction going forward. He said the City is looking to integrate the universal changing tables in upcoming construction projects such as the new Civic Center, and City Staff are going to facilities and looking to see where changing tables can be retrofitted in City facilities.

Mr. Jeff Morford addressed traffic issues that will be caused by the apartments being built on Executive Boulevard. He said this construction could equal, with cars leaving and returning several times a day, 13,000 cars on to Executive Boulevard daily with only two exits. He said the 250 acres in Bethel Township could end up with another 750 houses that could equal 18,000 cars on the road daily. He discussed his feelings about the proposed annexation. He said in the early 1980's, Wayne Township leaders were greeted with the unwanted advances of annexation. He said if things had turned out differently, tonight he would be attending the Dayton City Council Meeting expressing his objection to the annexation and development of Miami County land.

RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

GOVERNMENT FORMS & SUPPLIES 144-220-300-0000
In Council Chambers

Held 6131 Taylorsville Road

February 27, 2023

Ms. Teri Lussier said she has been a resident for 33 years. She said development in this City has been welcomed by her and she has seen what it has done for this City, but the residents have received health and safety information over the last few months that is concerning. She talked about the water infrastructure and the possibility of an infrastructure collapse. She said the Fire Chief said the Fire Division is having trouble finding new firefighters. She said there are traffic safety issues. She said if an emergency responder cannot get through the gridlock, this issue affects the entire community. She discussed wastewater treatment and the EPA watch list. She asked Council to put a pause on development as addressing these issues should be the main priority.

Ms. Julie Reese said she hopes Council will decline annexing the land and listed arguments against annexation. She spoke about tyranny definitions, and the City of Huber Heights' cruel decision and the consequences of the annexation to Bethel Township residents. She discussed arbitrary use of power, the benefits to Huber Heights, and the burden on Bethel Township. She asked Council to let the citizens of Bethel Township decide for themselves how to develop their land and keep their way of life.

Ms. Beth Van Haaren said she would like to continue the neighborly relationship between Bethel Township and Huber Heights and requested that the City grow in any direction but north. She asked Council to vote no on the annexation.

Ms. Janell Smith said residents want to lead a quiet and peaceful life, but when the community sees a Council with not enough compassion to excuse a colleague's absence, that spills over into the community. She discussed the crumbling infrastructure and she said there are different stories: pipe has been ordered, pipe has not been ordered, or the wrong pipe has been ordered. She said Council knew with the water softening and water pressure projects that there would be water main breaks. She said she is concerned about the \$600,000 from the Gas Tax Fund going up north for infrastructure while leaving the crumbling infrastructure in the more poverty-stricken areas. She said she is very concerned about safety services and said the City is putting fire and police personnel and everyone else at risk with the annexation of 260 acres. She talked about the differences between the City of Kettering's and City of Huber Heights' safety services. She said she hopes Council votes no on the annexation, and she said residents are prepared for a referendum.

Mr. Tim Hart said Mr. Campbell has been on the dais for almost 40 years and he asked what changed for Huber Heights? He asked why Huber Heights is annexing farmland to the north? He said he has not seen any residential support for annexation, and Council should do what the people want.

9. Citizens Registered To Speak On Agenda Items

Mr. Rodgers said one person is registered to speak on Item 11-D.

Mr. Shaw said he sent two emails to the Clerk of Council for public comments regarding Item 11-C and Citizens Comments. He said the individual was unable to attend due to health reasons. He said the email was sent shortly before the meeting.

10. City Manager Report

Interim City Manager Bryan Chodkowski gave an update on the Mardi Gras Water Main Project that began on February 21, 2023. He said the contractor reports being approximately 50 percent complete with that project. He said the 2022 Water Main Project is set to begin this week and work will be initiated on Holbrook Drive and Helwig Drive. He said M&T Excavating intends to move in this week and will notify residents of the intent to start work. He said he met with representatives from LWC, Incorporated regarding the new Civic Center and City Staff are

RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

GOVERNMENT FORMS & SUPPLIES 344-227-3001 FORM NO. 10-13 In-Council Chambers

Held 6131 Taylorsville Road

February 27, 2023

- C. An Ordinance Authorizing A One-Time Transfer Of Monies From The Gasoline Tax Fund To Document An Advance Previously Made To The Carriage Trails Infrastructure Fund, And Declaring An Emergency.
(second reading)

Mr. Chodkowski said this legislation provides for the transition of an accounting measure from an inter-fund loan to a gift with respect to dollars advanced from the Gas Tax Fund to the Carriage Trails Infrastructure Fund.

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

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

Mr. Shaw asked if the amount listed of \$640,000 would be recouped and replenished back into the Gasoline Tax Fund?

Mr. Chodkowski replied yes and he said those revenues will be paid to the City through a combination of special assessments and TIF revenue generated from the Carriage Trails Subdivision.

Mr. Shaw said it is his understanding that there was a total of two SIB loans, and this Council authorized a third SIB loan, but it was the Finance Director's request not to go through with a third SIB loan due to the fact the second SIB loan is open and had exceeded the time by nearly three times with a balance remaining of roughly \$56,000.

Mr. Chodkowski confirmed Mr. Shaw's statement. He said in order for the City to close the provisions of the loan, the City is required to present certain pieces of information provided from the developer. He said if the developer is experiencing delays in material or acquiring necessary information, that delays the City's ability to comply with the loan requirements.

Mr. Shaw said he appreciates the information provided and the additional research and he will be supporting this measure tonight.

Mrs. Kitchen asked if the \$640,000 could be used on some other infrastructure within the City?

Mr. Chodkowski said there are limitations on how monies from the Gas Tax Fund can be used. He said if this money were to be immediately replenished or replenished by the SIB loan, then yes, the money could be used sooner rather than later as opposed to waiting for the funds to be repaid over time from the developer.

Mr. Otto asked if this legislation did not pass, what would the situation look like?

Mr. Chodkowski said the Carriage Trails Infrastructure Fund would have to effectively repay the Gas Tax Fund the money borrowed, assuming there is a revenue stream back into the Carriage Trails Infrastructure Fund.

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

- D. 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).
(third reading)

Mr. Chodkowski said this legislation is to amend provisions of the City's Code with respect to Home Occupations. He said it was the recommendation of the City Planner and City Staff that this item be adopted.

RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

GOVERNMENT FORMS & SUPPLIES 14-025 COUNCIL CHAMBERS

In Council Chambers

Held 6131 Taylorsville Road February 27, 20 23

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

Mr. James Jaglowicz said he has lived in the City of Huber Heights since 1991, and he takes great pride in his residential property and he takes great efforts to maintain his home and property. He said the key word is residential, not commercial. He said when a business sign, no matter the size, is placed on a residential property it is no longer residential. He discussed the difference between residential and commercial properties and he asked Councilmembers to reject the proposal allowing commercial signs to be placed on residential properties.

Mr. Webb said he will not be in support of this item, and his decision is solely in regard to the 4-foot signage.

Mr. Otto moved to adopt; Mrs. Kitchen seconded the motion.

Mr. Shaw discussed with Mr. Webb the signage clause in the legislation. He asked Mr. Webb if Mr. Webb would stand with him to provide direction to the Zoning Division and the City Manager to remove all illegal residential signs that pop up in the community on the weekends illegally. He discussed the signage in this legislation, and he asked Mr. Webb what are the differences that the City are allowing in the community?

Mr. Webb said the current City Code allows for a two square foot sign in a residential area, and he believes it is referring to something like a monogram on the home. He discussed allowing a four square foot sign above the garage on a home in a neighborhood and multiplying that by the number of home businesses that have been identified within the City. He said one can see why the citizen commented that pretty soon there is not a residential area. He said that is his objection. He said as far as the weekend signage Mr. Shaw spoke of, he is in 100 percent agreement and he stands behind Mr. Shaw. He said those signs are skirting the zoning requirements. He said he believes that those signs are an enforcement issue.

Mr. Shaw asked Mr. Webb if Item 7 in the legislation which speaks to the non-illuminated signs was stricken from the legislation, would that change garner his support?

Mr. Webb said it would, and he agrees with Mr. Sorrell's recommendations. He said in his years on the Planning Commission, the one requirement for home occupation consistently enforced was that it was unobtrusive to the neighborhood.

Mr. Shaw recommended the motion to adopt and the second be withdrawn and a motion be made to amend the legislation by removing Item 7.

Mr. Otto and Mrs. Kitchen withdrew the motion to adopt and the second, respectively.

Mr. Shaw moved to amend the legislation by removing Item 7 within Section 1181.26 - Home Occupations; Mrs. Kitchen seconded the motion. On a call of the vote, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; none voted nay. The motion passes 7-0.

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

12. New Business

CITY COUNCIL

Anthony Rodgers, Clerk Of Council

Meeting

In Council Chambers

February 27, 2023

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

Mayor Gore reminded the public that on March 15, 2023, the Council Work Session/Town Hall Meeting regarding the water study will be held at 6:00 p.m. He said this Council has shown, and based on public comments from Councilmembers, Council is at a standstill on lots of different items. He said the agendas are getting very thin. He said from that standpoint, there does not need to be as many Council Work Sessions. He said the next Council Work Session will be on March 27, 2023 at 6:00 p.m. prior to a City Council Meeting at 7:00 p.m. or shortly thereafter. He said Council will wrap everything into one meeting and that is how Council will move forward until there is interest in compromise, talking and negotiating through things.

There was no need for an Executive Session.

Mayor Gore adjourned the Regular Session City Council Meeting at 7:33 p.m.

Date _____