

RECORD OF PROCEEDINGS

GOVERNMENT FORMS & SUPPLIES 844-224-3355 FORM NO. 16148 In Council Chambers

Held 6131 Taylorsville Road March 27, 2023

1. Call The Meeting To Order - Mayor Jeff Gore

The Huber Heights City Council met in a Regular Session on March 27, 2023. Mayor Jeff Gore called the meeting to order at 7:30 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, Ed Lyons, Anita Kitchen, Don Webb, Jeff Gore

Absent: Glenn Otto

6. Approval Of Minutes

A. City Council Meeting Minutes - February 27, 2023

The minutes for the February 27, 2023 City Council Meeting were approved by the Huber Heights City Council as submitted.

7. Special Presentations/Announcements

A. National Public Safety Telecommunicators Week Mayoral Proclamation Presentation - Mayor Jeff Gore

Mayor Jeff Gore read the proclamation for National Public Safety Telecommunicators Week and presented the proclamation to Ms. Deborah Wiley, Communications/Record Manager and Police Chief Mark Lightner.

Police Chief Mark Lightner said the City has a highly trained dispatch center, and it was the first dispatch center in the State of Ohio to be accredited. He said it takes a special person to be a dispatcher.

Ms. Deborah Wiley talked about the different ways the Police Division shows appreciation for the dispatchers. She thanked Council and the citizens for supporting the dispatchers all year long.

8. Citizens Comments

Mr. Jeff Morford talked about his comments in past City Council Meetings, and he spoke about how rude he and the residents of Bethel Township think it is that the Huber Heights City Council can accept an annexation request and rezone Miami County property into a high-density housing development far from Bethel Township's zoning regulations and without regard for the many unwanted problems to Bethel Township residents. He discussed the Code of Ethics for public officials and employees.

Mr. Kevin Carter spoke about the City Manager search and he listed his preferences, which include that all Councilmembers are present for the interviews, that the education and job requirements for the candidates are clearly established as set forth

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clearly in the City Manager job description, and if any exceptions are going to be permissible. He said the candidates should have City Manager experience. He listed more suggestions. He said residents want a person who will make fair and unbiased decisions for the City and who will not be swayed by anyone. He said he hopes, going forward, Council continues having two Council Work Sessions and two City Council Meetings a month because there is a lot of work going on in the City.

Ms. Patricia Dyer said she lives in Ward 3. She said during busy times, the areas on Brandt Pike north of I-70 are congested, making turning onto Executive Boulevard, into Parkview Apartments, and onto Shull Road difficult. She said the lanes are not enough for the volume of cars. She asked if this issue is being addressed.

Mayor Gore said that issue is not being discussed that he knows of. He said the focus has been on Old Troy Pike and Merily Way. He said Council would need City Staff to engage in a study to see if there is a need and what action could be taken.

Ms. Dyer said she would appreciate it if Council would consider this issue.

Ms. Natalie Donahue said she is a Bethel Township/Miami County resident. She asked the Council to vote no on annexation. She said Ms. Dyer's exasperation could potentially get worse with the annexation. She said she is a Bethel Local School Board Member, but she is present just as a citizen. She said the schools are struggling to keep pace with the numbers arriving every year; and the new school will be full when it opens in August 2023. She said Huber Heights has a lot going on by looking at the agenda, and she asked Council to consider voting no. She said she equates it as going into your neighbor's yard. She said, as parents and grandparents, they would not want their kids to go into the neighbor's yard and take the neighbor's stuff. She asked Council to think about the impact this annexation will have and to make sure the current residents are happy and taken care of before adding new members to the community. She said the people who have been loyal and lived in Huber Heights for years deserve the first priority.

Mayor Gore said regardless of the vote and how this issue comes out, Council has been accused many times of taking property, and that is not what is happening. He said it is landowners', Bethel Township's neighbors, not Huber Heights, who wanted to sell property and identified developers and have agreements in place. He said clearly there is a financial gain for Bethel Township residents' neighbors and the developer. He said for anyone to say that the City is taking anyone's property, it is just not what this issue is about and it is not what annexation is about. He said Mr. Morford earlier sounded like he was accusing Council of being unethical. He said that is just not the case. He further explained the situation and said it is the landowners' right to do so.

Mr. Lyons thanked Ms. Donahue and said he greatly appreciates hearing her opinions. He said he is not concerned with the verbiage that the citizens use. He said he understands generally the overall perspective. He said he heard Ms. Donahue's comments that traffic will be an issue, and that is something Council needs to take into consideration when the issue of annexation comes up. He said he knows being a school board member, Ms. Donahue has a great deal more concern in different areas, not just traffic congestion. He thanked Ms. Donahue and Mr. Morford for their comments.

9. Citizens Registered To Speak On Agenda Items

Clerk of Council Anthony Rodgers said no one has formally registered to speak, but he said Mr. Kevin Carter had indicated there may be some items he would like to

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talk about, one of which is the development in Zoning Case 23-02. He said he advised Mr. Carter to speak during the Public Hearing on that matter. He said most of the items Mr. Carter wants to speak on are items that will be moved to a second reading.

10. City Manager Report

Interim City Manager Bryan Chodkowski said on April 1, 2023, the Yard Waste Site will open for the season and will be open on Thursdays from 7:30 a.m. to 11:30 a.m. and the first Saturday of each month from 7:30 a.m. to 1:00 p.m. He said the monthly e-newsletter should appear in inboxes in the next 24 hours or so. He encouraged anyone not signed up to receive the newsletter to do so. He said the Tax Division is gearing up to support last minute filing and has added extra hours to assist residents. He listed the hours as follows: Friday, April 14, 2023, 8:00 a.m. to 6:00 p.m.; Saturday, April 15, 2023, 8:00 a.m. to 5:00 p.m.; and Monday, April 17, 2023 and Tuesday, April 18, 2023, 8:00 a.m. to 6:00 p.m. He said appointments are required, and he instructed residents to call the Tax Division at (937) 237-2976. He said filings can also be made electronically through the website. He said LWC is expected to have a contract for the technical design of the new Senior Center and Governance Center, and he looks for that item to be on Council's agenda in April, 2023. He said the City's Facility Improvement Study is nearly complete and the final deadline for that is next Friday. He said there is a posting on the City's website for the Parks Manager position and the City will be accepting resumes until April 7, 2023. He said the City is actively soliciting quotes for work that involves resurfacing and expanding basketball courts and pickleball courts as well as making facility improvements at the Community Center. He said Council should expect to see legislation on those matters in the near future.

11. Pending Business

- A. An Ordinance To Adopt And Codify An Indigent Burial Policy For The City Of Huber Heights And Amending Part One, Administrative Code, Title One, General Provisions, Of The City Code Of Huber Heights To Add Chapter 111 – Indigent Burial Policy.
(second reading)

Mr. Rodgers said this item was discussed at the Council Work Session in February, 2023, and the recommendation was to adopt this legislation. He said this legislation would codify and adopt an indigent burial policy for the City.

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

Mrs. Byrge moved to adopt; Mrs. Kitchen seconded the motion.

Mr. Webb thanked Mr. Rodgers for putting this together. He said it was well written and a nice policy to have in place.

Mr. Rodgers said he shares that credit with Rachael Dillahunt, Receptionist for the City, as she helped in that effort.

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

- B. An Ordinance Approving The Editing And Inclusion Of Certain Ordinances And/Or Resolutions As Parts Of The Various Component Codes Of The City Code Of Huber Heights, Ohio; Providing For The Adoption And Publication Of New Matter

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In The Updated And Revised City Code As Supplement 12 And Supplement 13; And Repealing Ordinances And Resolutions In Conflict Therewith. (second reading)

Mr. Rodgers said this item was discussed in February. He said this legislation is a standard item to codify legislation into the City Code, and this legislation covers the last two quarters of 2022.

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, Mr. Campbell, Mrs. Byrge, Mr. Lyons, Mrs. Kitchen, Mr. Webb, Mr. Shaw, and Ms. Baker voted yea; none voted nay. The motion passes 7-0.

12. New Business

CITY COUNCIL
Anthony Rodgers, Clerk Of Council

- A. A Motion To Reappoint Vincent King To The Parks And Recreation Board For A Term Ending March 31, 2026.

Mr. Rodgers said this item was discussed in the Council Work Session, and the recommendation was to adopt this motion.

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

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

- B. A Motion To Appoint Michael Mullen To The Citizens Water And Sewer Advisory Board For A Term Ending January 1, 2026.

Mr. Rodgers said this item is the same as the item before as far as recommended action.

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

- C. A Motion To Direct The Clerk Of Council To Respond To The Ohio Division Of Liquor Control With No Objections In Reference To New Liquor Permit #13176630420 For Cassanos, Inc. At 6315 Brandt Pike, Huber Heights, Ohio, 45424.

Mr. Rodgers said he had no additional comments.

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

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

- D. A Public Hearing Scheduled For March 27, 2023 By The Huber Heights City Council For Case BDP 23-02. The Applicant Is Metropolitan Holdings. The Applicant Is Requesting Approval Of A Rezoning To Planned Mixed Use (PM) And A Basic Development Plan For Property Located At 6801 Executive Boulevard And

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Further Described As Parcel Numbers P70 01820 0003 And P70 01820 0004 On The Montgomery County Auditor's Map.

Mayor Gore opened the Public Hearing for Case BDP 23-02.

City Planner Aaron Sorrell gave a PowerPoint presentation on Case BDP 23-02. He said the site is 25.3 acres and is currently zoned Planned Employment Park (PEP). He said it is vacant land. He said the adjacent zoning west is I-1, north is R-7, and to the east and south is Planned Employment Park. He said the applicant is requesting a Rezoning to Planned Mixed Use and approval of a Basic Development Plan to construct up to 320 residential spaces. He said the location is just north of the Rose Music Center and is currently crop land. He said the Comprehensive Plan indicates the area is in a Grow and Enhance character area and is one which encourages economic development and mixed uses, and low-density residential areas are discouraged. He said it is City Staff's opinion that the Rezoning from PEP to Planned Mixed Use is consistent with the Comprehensive Plan. He said the site is bisected by a stream and does have significant environmental constraints. He said the developer has chosen to maintain the stream as an amenity. He said it does create two development areas, north of the stream and south of the stream. He said the site with the stream has over 50 percent open space. He said the ingress and egress will align with the existing curb cuts along Executive Boulevard. He reviewed the site plan. He said this development is a mix of one and two bedroom units. He said the commercial area will be developed in a later phase. He said the list of uses that would be recorded as part of the Basic Development Plan is more restrictive than the Planned Mixed Use District has currently. He said the developer took a lot of input from City Staff. He said there is a list of prohibited uses on this site including convenience stores, gas stations, outdoor sales and storage, or other auto-oriented developments as determined by the Planning Department. He said a traffic study indicates no roadway improvements are needed or recommended. He said there is a left turn lane that already exists. He said if at some date there is additional traffic or road capacity needed on Executive Boulevard, he said there is available right of way on the south side of Executive Boulevard to add a lane. He discussed parking and sidewalks throughout the development. He said the developer is proposing a ten-foot multi-use path along Executive Boulevard. He said if this development moves forward, the same ten-foot path would be carried on to development to the east. Mr. Sorrell reviewed masonry and building materials and the drawings of the buildings. He reviewed landscaping, requirements, and the buffer. He said the buffer will be determined during the Detailed Development Plan. He said there are mature trees on the lot and he discussed maintaining as much of the natural features onsite as possible. He said public comments included six residents who spoke in opposition and the concerns ranged from the noise from the Rose Music Center, traffic, maintaining and preserving the mature trees along the north property line, and general concerns about development in the City overall. He said City Staff is fully supportive of the Rezoning. He said the Planning Commission recommended 4-1 to approve the Rezoning and Basic Development Plan with conditions.

Mayor Gore called on representatives of Metropolitan Holdings to make any comments.

Mr. Joe McCabe said this development is different from the company's other project down the road. He said the company is embracing the fact that it is so close to the Rose Music Center, and in fact, they actually and subtly work on themes of art, imagery, and color in the clubhouse and amenities. He said the project will be appealing to residents, and the developer hopes to be the catalyst for future rooftops and spawn more commercial business. He said the design team is in attendance also. He said the tree surveyor has been out to determine if the developer can preserve every tree. He said they are being sensitive about grading on the site and maintaining the stream.

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Mayor Gore asked if Law Director Matt Sorg 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. Kevin Carter said regarding the structure appearance, the area behind is only going to be 15 percent masonry. He said what is being presented is the outside is going to look nice but behind, even though it is not meeting the City's standard, will still be permitted. He asked if he is right or wrong.

Mr. Sorrell said the Planning Commission determines the amount of masonry and it determined this amount is the appropriate amount. He said in a R1-R7 district, a single story residential building needs to be 100 percent masonry. He said in a planned district such as this one, the masonry requirements are set during the Basic Development Plan and most of these requirements have been around 25 percent. He discussed the requirements for single and multi-family structures.

Mr. Carter asked when the traffic study was completed? He said he looked at the study, and it looks like traffic counts were taken on one day only. He said Thursday the 9th may not have been a bad day, but Friday the 10th, or Tuesday the 13th may have been horrific. He said Horizon Lines proposed 130 homes and it was declined because it was an entertainment district. He said now there are 520 apartments, and to further build the entertainment district, the City is saying let's build another 320 apartments. He said the City needs rooftops to bring businesses, but rooftops are being built and there is no room for the businesses.

Mayor Gore addressed Mr. Carter and he said these questions should have taken place at the Planning Commission meeting. He said what is being approved here is the zoning. He said the other issues will be discussed in the Detailed Development Plan at the Planning Commission. He said this public hearing is a general public hearing for opposition or support of the Rezoning, not about the detailed specifics.

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

Mrs. Byrge said when this case gets to the Planning Commission for the Detailed Development Plan, that may be too late for an answer. She said the easement on the south side of Executive Boulevard is not going to help with the left turn off of Brandt Pike.

Mr. Sorrell said the traffic study only takes into consideration the frontage of the development and takes into consideration traffic feeding from other locations. He said it is generally for 24 hours, but it can be done over multiple days. He said the traffic study is determining if there should be right turns or left turn lanes into the development to relieve pressure off the east/west traffic and this road already has a center turn lane. He said that might not hold for the case with the commercial area.

Mrs. Byrge said taking into consideration Mr. Carter's and Mrs. Donahue's comments, she wonders if it is possible to look at the timing of the traffic light at Brandt Pike at Executive Boulevard to see if there are certain days that could be addressed.

Mr. Sorrell said he and Russ Bergman have been having discussions about Brandt Pike and Executive Boulevard, and there will be another development coming

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forward, the Sheetz development, and he and Russ Bergman have been having discussions with the Sheetz design team regarding the stacking quantity and location.

Mayor Gore invited Mr. Carter to return to the podium to address Council regarding traffic.

Mr. Carter said, given that the facilities have already been approved for construction, he thinks the traffic study needs to go more in-depth to give a better, clearer picture. He said it bothers him that Broadreach used a study from 2014 then massaged it with anticipated growth. He said a traffic study needs to be spread out over multiple days.

Mr. Sorrell said all the studies are done using Ohio Department of Transportation (ODOT) approved processes. He said in this case, ODOT's traffic forecasting was used, which showed a growth increase of one-half percent annually.

Mrs. Byrge commended the developers for trying to save the trees. She asked how the developer will maintain the stream after construction?

Mr. Sorrell said during the Detailed Development Plan process, the Planning Commission will be talking to the developers about appropriate ways of maintaining the drainage channel as well as expectations. He said the way it is now, he believes the property owners feel they cannot do any maintenance to a conservation area. He said the level of maintenance and expectations would be part of the Detailed Development Plan and the Decision Record.

Ms. Baker said trash pickup should be included in the stream maintenance. She said she is for the tree buffering and leaving as many trees as possible. She asked the developer to comment on the timeline of the project.

Mr. McCabe said regarding the trees, there are a documented number of six, eight, and even twenty-inch trees along the property line that cannot be replaced in this lifetime, so the company wants to make sure those trees are protected. He said the company is studying those trees to make sure there are substantial setbacks to protect the roots. He said the anticipated timeline is to advance something if financially feasible in September, 2023 and the project will take 24 months to complete. He described the phased approach. He said it would be similar to the Parkview Apartments project. He said the commercial portion is yet to be determined.

Mrs. Kitchen asked what is the average cost of the apartments?

Mr. McCabe said it is similar to Parkview Apartments. He said there are units that start at \$1,200 to \$1,300 per month and go substantially higher.

Mrs. Kitchen asked Mr. Sorrell if the traffic study is taking into consideration what other projects are in the works, because this development is significantly more than a one percent increase.

Mr. Sorrell said when this study was done, the particulars of the Horizon Line development were not known. He said the Horizon Line traffic study will incorporate this development, so there will be a better perspective of the traffic issues and impacts at Brandt Pike and Executive Boulevard.

Mr. Webb said there are other new developments coming in along with this development. He asked if Mr. Sorrell feels the City has a solution to add another lane along the south side of Executive Boulevard?

Mr. Sorrell discussed the right-of-way space to add future lanes if warranted on Executive Boulevard and Brandt Pike.

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Mr. Webb said for a developer to utilize the stream and work around it is very unique. He asked if the developer could have moved the stream?

Mr. Sorrell said the developer could have moved the stream and he explained how the stream could have been diverted to the storm sewer and the potential issues.

Mr. Webb asked if there was any discussion with the developer as far as what Council would like to see as far as commercial development.

Mr. Sorrell said he did not list every permitted use, and from what the Planning Commission and others have said, everyone is looking for an upscale restaurant experience. He said the developer was the one who put forth the prohibited list to help control the future of that investment over time.

Mr. Webb said the Basic Development Plan shows five water features, but only one is listed as a retention feature.

Mr. Sorrell said the ponds north of the stream are functional retention facilities. He said all will serve a function, but the developer is still working on what size each retention facility needs to be.

Mr. Webb said some residents had concerns about noise from the Rose Music Center. He talked about the tree buffer and multi-story buildings and he asked if the development would be a buffer to the residents north of the development.

Mr. Sorrell said the residents to the northwest should hear some muffling or disturbance of the sound waves. He said the concern raised at the Planning Commission was from a gentleman concerned about the residents who would move in there and would be annoyed by the events at the Rose Music Center.

Mrs. Byrge asked if it is possible to use more robust parameters in the ODOT model, assuming all the development that is being anticipated, including the potential for the annexation to include all that traffic to assess what the impact is and to make corrective designs to accommodate the traffic.

Mr. Sorrell said this issue is something he would need to discuss with the City Engineer about the appropriate way to make that happen. He said there were constraints when working with the engineers on the Old Troy Pike traffic study. He said the engineers had to follow ODOT's rules to the tee because there is a good chance ODOT funding will be needed to make any improvements.

Mrs. Byrge said it would alleviate a lot of worries, especially if the results prove what everybody is feeling and experiencing.

Mr. Sorrell said he would get with the City Engineer to find the best way to facilitate that process.

Mr. Chodkowski said the intent has been that City Staff would look at the best way to address traffic on Executive Boulevard in a comprehensive way once it is known what is approved and there is an understanding of what those traffic projections look like, rather than try to consistently guess what the future might hold. He said these properties are all actively being pursued for development in one way, shape or form. He said City Staff have a practical need for this information because of how the City operates the Rose Music Center. He discussed the current traffic study on Old Troy Pike, and he talked about the progression of data regarding developments and putting that information together to develop the plan on how Executive Boulevard will have to function for everyone's needs. He said while it is important to think about how traffic will move in the future, approving this project does not put 320 apartments

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with 400 cars onsite tomorrow. He said there will be time to put this study together with the most up-to-date information as possible. He said he wants Council and the community to know City Staff are aware of this issue and are having these thoughts and are trying to plan for these considerations.

Mr. Sorrell said the Old Troy Pike traffic study was not just counting cars, City Staff also wanted to know where the cars were coming from and where the cars were going. He said the consultant used one of the data providers, Placer A.I., to use cell phone data to see where people were coming from and where they were going, and if there were alternate routes to be made to alleviate congestion on Old Troy Pike.

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

Ms. Dyer said she appreciates that everyone is thinking about how many people will be added to the area, and most of her questions were about the aesthetics for the Detailed Development Plan and she assumes the public will be notified about that meeting. She said there were seven deer in her backyard last evening, and she does not know where they will go after this land is developed. She asked Council to think again about voting for this development.

Mr. Morford discussed the increased number of people and the increased amount of traffic generated per car, per trip, each day. He said there are no dispersal routes other than State Route 201 and State Route 202.

Mayor Gore said, barring further comments, this Public Hearing of the City Council for Case BDP 23-02 is hereby closed.

- E. A Public Hearing Scheduled For March 27, 2023 By The Huber Heights City Council For Case ZC 23-06. The Applicant Is The City Of Huber Heights. The Applicant Is Requesting Approval And Adoption Of The 2023 Comprehensive Plan.

Mayor Gore opened the Public Hearing for Case ZC 23-06.

City Planner Aaron Sorrell gave a PowerPoint presentation on Case ZC 23-06. He said a Comprehensive Plan is a statement of the community's objectives, goals, and policies that guide public and private development. He said there are three key characteristics to a comprehensive plan. He said one is that it is comprehensive, meaning it looks at the entire City and not a subsection. He said one is that it is general, that it is high level policies, goals and objectives as opposed to a zoning ordinance that is parcel level specific. He said one is that it is long range. He said most comprehensive plans look forward 15 to 20 years. He explained the process, focusing on branding, a steering committee, surveys, presentations, and public events. He said 1,400 people took the survey, 200 people were at the Ignite The Heights event, and there were 4,800 direct engagements on social media. He said there were four main areas of opportunities that came out of the public engagement process. He said one was the idea to focus on building local walkability and regional connectivity. He said there are not a lot of interconnected areas and traffic funnels to main corridors. He said the City is built around the automobile, and there is an opportunity to diversify mobility options. He said one is to find the centers, the areas that have common themes. He said another area of opportunity is to connect the City's history to its future. He said there are a lot of great things that have occurred, and the City needs to be mindful of that and build on those past achievements. He said the last is operationalize the growth strategy. He said this area is more of an inside the walls, how are we going to move this forward from an administrative and operational standpoint. He discussed the two key themes which are the mobility plan and development patterns and he listed and discussed the goals and objectives of both. He said the thoroughfare plan does not change a lot between what there is

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today and where the City is headed. He talked about updating street designs and new developments. He reviewed the implementation steps of the mobility plan including street and trail designs and discussed funding. He said the last recommendation of the mobility plan is to create a Multi-Mobile Planning Coordinator position which is someone who thinks about the traffic and making connections every day and is someone who chases the funding. He talked about the development patterns which focus on the physical environment where people live, work, and play and he said it is a different way of thinking about the City divided into zones. He said the development pattern is a way of thinking of areas in terms of how these areas are experienced - the physical environmental characteristics, the scale of the buildings, siting the open space, density and mass. He said it is less of an emphasis on uses and more on how the buildings are placed and how people interact with the buildings. He said there are seven different centers. The live local center is building off of the Brandt Pike Revitalization Plan. He said the second center is the work center which is the area around State Route 4 and State Route 235 where there are a lot of employers. He said the play area is the entertainment area along Executive Boulevard and the YMCA. He said one that is new is a riverfront center, and the idea is to capitalize on the undeveloped land along the river and to make the connections to the bikeway and to connect retail and employment to the river area. He said it is a destination opportunity on the Miami River. He said along Taylorsville Road would be the regional commercial center. He said then there are the neighborhood type areas. He said Northtown is late century housing with a lot of development pressure; Southtown is the largest area, the largest collection of brick homes, and the area first developed. He said that area focuses on policies that encourage renovation, making incremental improvements to the infrastructure, and encouraging the next generation of homeowners in that area. He said the East Villages is an area where there is some residential pressure. He said utilities are being extended eastward and with utilities comes development. He said this growth is an opportunity to do traditional neighborhood development instead of subdivisions. He said the estate lots, due to either lack of utilities or environmental constraints, will be larger lot areas. He said the idea is to adopt the Comprehensive Plan, change the Zoning Code to be less Euclidean, and to focus less on uses and more about development patterns. He talked about sub-area plans and strategies. He said every couple of years, the Planning Commission and Council should check in to see where the plan is going to see what are the successes and what should be worked on and prioritized. He reviewed the City Staff analysis and recommendations with Council. He said the plan recommends a robust public engagement process while plans are being formulated. He said this plan charts a path forward over the next 15 to 20 years. He said the Planning Commission voted 5-0 to recommend adoption. He thanked the Steering Committee for the time the members took in volunteering and helping guide this process, as well as the people who took time to take the surveys and attend the events.

Mayor Gore asked if the Law Director had any comments.

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

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

Mr. Kevin Carter asked if there was a cost associated with this study.

Mr. Chodkowski said the total price of the package was \$100,000.00.

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

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Mrs. Byrge thanked Mr. Sorrell and said he and Sarah Williams did a tremendous job of helping to lead this effort, and Yard and Company was phenomenal. She said the feedback from the community was second to none since she has been on Council.

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

Mr. Webb thanked Mr. Sorrell and the Steering Committee. He asked about the resolution and said Section 1 states the City's property maintenance codes shall be reviewed during the same period as the City's development code.

Mr. Sorrell said that recommendation came as part of the Planning Commission discussion. He said the Comprehensive Plan suggests that the City look at the subdivision regulations and the Zoning Code, and there was a long discussion about property maintenance codes as well. He said it was his recommendation to look at property maintenance codes while looking at the other codes. He said he is not sure the last time these codes were updated extensively.

Mr. Webb said he and Mr. Otto sat on the Ordinance Review Commission two years ago, and the one thing he gleaned from that process is that everything is so interconnected. He said he was glad to see that recommendation put into this plan.

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

Seeing none, Mayor Gore said, barring further comments, this Public Hearing of the City Council for Case ZC 23-06 is hereby closed.

ADMINISTRATION

Bryan Chodkowski, Interim City Manager

- F. An Ordinance To Approve A Rezoning To Planned Mixed Use (PM) And A Basic Development Plan For The Property Located At 6801 Executive Boulevard And Further Identified As Parcel Numbers P70 01820 0003 And P70 01820 0004 On The Montgomery County Auditor's Map And To Accept The Recommendation Of The Planning Commission (Case BDP 23-02).
(first reading)

Mr. Chodkowski said Council heard the presentation on this matter, and it is City Staff's recommendation that this item be passed to a second reading.

Mayor Gore said this item will be passed to a second reading at the April 10, 2023 City Council Meeting.

- G. A Resolution Authorizing The Adoption Of The 2023 Comprehensive Plan And To Accept The Recommendation Of The Planning Commission (Case ZC 23-06).
(first reading)

Mr. Chodkowski said following Mr. Sorrell's presentation, it is the recommendation of City Staff that City Council adopt the proposed 2023 Comprehensive Plan through this resolution.

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

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GOVERNMENT FORMS & SUPPLIES 844-227-3088 FORM NO. 48-113
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- H. A Resolution Authorizing The City Manager To Enter Into The First Amendment To The Horizon Line Development Agreement Between The City Of Huber Heights And Horizon Line Development, LLC.
(first reading)

Mr. Chodkowski said in the Council Work Session, he had noted there were some questions and concerns from members of City Council that predicated his recommendation that this matter be moved to a second reading. He said having spent some time and thought about the best way to address those questions and concerns, he said he would like to pull this item from the Council docket. He said in thinking about what is the best way to answer the questions and the concerns that have been posed to him, it is to compel the current agreement in place with Horizon Line to be honored. He said the City had an agreement with Horizon Line that stems back to July, 2021 and was extended through July 2022, and the parties were not able to come to mutually agreeable conditions under that agreement. He said the City sat down with the developer and looked at ways to put together a mutually agreeable agreement to try to advance a project at that same location. He said when the agreement was entered into, the City's position was forthright with the expectation that the agreement entered into, the agreement that the developer is asking for the extension, that that agreement meet the expectations of the timeline, which was to close or schedule close by March 31, 2023. He said in thinking about the questions that have been asked of him as to why this particular legislation was brought forward, the best answer is to simply say the agreement in place needs to be honored. He said he is pulling this item from the docket this evening, contrary to his recommendation at the Council Work Session, but he thinks it is in the best interest of the City.

Mr. Shaw made a motion to postpone action indefinitely on item 12-H; Mr. Campbell seconded the motion. On a call of the vote, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Lyons, Mrs. Kitchen, and Mr. Webb voted yea; none voted nay. The motion passes 7-0.

- I. An Ordinance Authorizing Advances And Transfers Between Various Funds Of The City Of Huber Heights, Ohio And Amending Ordinance No. 2022-O-2562 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2023 And Ending December 31, 2023.
(first reading)

Mr. Chodkowski said this legislation is associated with a few of the other legislative items which have outstanding questions or concerns. He asked that this item be passed to a second reading to allow City Staff the opportunity to address the concerns.

Mayor Gore passed this item to a second reading.

- J. A Resolution Directing The City Manager To Plan Improvements To Dial Park.
(first reading)

Mr. Chodkowski said, as noted in the Council Work Session, this legislation was absent some items. He asked that Council move this item to a second reading.

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

- K. A Resolution Authorizing The City Manager To File And To Accept If Awarded A Grant Application With The Ohio Department Of Natural Resources NatureWorks Local Recreation Grants Program For The Acquisition Of Land To Expand The Size And Amenities At Thomas A. Cloud Park.
(first reading)

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Mr. Chodkowski said this legislation is associated with a purchase agreement between the City and Oakes Tree Development. He said this matter is time sensitive as the grant has a deadline.

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

- L. A Resolution Declaring The Community Wide Garage Sale Dates To Be The Second Thursday, Friday, Saturday And Sunday Of June And September Of Each Year As The Annual Community Wide Garage Sale Days, Authorizing The City Manager To Permit And Waive Fees For Outdoor Retail Sales And Displays, Permit For The Community Wide Garage Sale, And Permit Temporary Sales In Residential Districts For The Community Wide Garage Sale.
(first reading)

Mr. Chodkowski said this matter was requested by Council based on commentary from citizens, and he said City Staff recommends adoption.

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

- M. A Resolution Authorizing The City Manager To Apply For And Accept Grant Funds From The Bureau Of Justice Assistance Bulletproof Vest Partnership For The Purpose Of Purchasing Replacement Protective Body Armor.
(first reading)

Mr. Chodkowski said this item is for a grant to support the purchase of body armor for the Police Division.

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

- N. A Resolution Authorizing The City Manager To Enter Into A Contract For The East Sanitary Sewer Extension Project.
(first reading)

Mr. Chodkowski said, as noted earlier in tonight's Council Work Session, there were some outstanding questions and concerns from members of Council regarding this item. He asked that this item be moved to a second reading to give City Staff adequate time to address the questions and concerns.

Mr. Campbell said he is in support of moving this item to a second reading. He said he would like to voice his desire that by the next City Council Meeting, City Staff have the answers to the questions and are in a position to recommend approval.

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

- O. A Resolution Directing The City Engineer To Prepare A Schedule For Two Water Main Replacement Projects, Valued At \$6,000,000.00 Each, To Be Designed And Constructed At Eighteen-Month Cycles.
(first reading)

Mr. Chodkowski said this measure had some outstanding questions and concerns from Council that City Staff would like some additional time to address. He asked that this item be moved to a second reading.

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Mr. Shaw said he is anticipating working with City Staff to get some of the questions answered. He said he appreciates the time of Council and City Staff in allowing these items to be addressed.

Mayor Gore said this item will be moved to the April 10, 2023 City Council Meeting for a second reading.

- P. A Resolution Authorizing The City Manager To Solicit Requests For Proposals (RFP) From Qualified Engineering Consulting Firms To Provide Engineering Design For Future Water Main Replacement Projects. (first reading)

Mr. Chodkowski said this item is the companion piece associated with Item 12-O. He asked that this item be passed to a second reading as it is tied to the supplemental appropriations legislation, and as a result of that item being passed to a second reading, he asked that this item be moved to a second reading as well.

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

- Q. A Resolution Authorizing The City Manager To Award And Enter Into Contracts For The 2023 Street Program. (first reading)

Mr. Chodkowski said this item is annual ongoing legislation for the 2023 Street Program and he asked that Council adopt this item.

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

- R. A Resolution Authorizing The City Manager To Enter Into Contracts For The 2023 Sidewalk Program And The Concrete Portion Of The 2023 Street Program. (first reading)

Mr. Chodkowski asked that Council adopt this legislation so City Staff can proceed with the project.

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

- S. A Resolution Authorizing The City Manager To Enter Into A Contract For The 2023 Rehabilitation Of Sewer Lines Project. (first reading)

Mr. Chodkowski said this legislation authorizes maintenance for several thousand feet of sanitary sewer line. He said City Staff recommends that Council adopt this legislation.

Mrs. Byrge 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. Lyons, and Mrs. Kitchen voted yea; none voted nay. The motion passes 7-0.

13. City Official Reports And Comments

Mayor Gore thanked the citizens for being in attendance and staying the whole time. He said there are several items that were taken care of and lots of items that will move forward. He thanked the members of City Council for doing the work that

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Minutes of

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everyone in the City expects members of Council to do. He said Council took a break and did not have a meeting in the middle of the month, but that brought everyone together, knowing there is a lot of important business for the City to discuss. He thanked Council for recognizing that, regardless of differences, they are one body.

14. Executive Session

Mayor Gore said there is need for an Executive Session.

Mr. Rodgers read the purpose of the motion.

Ms. Baker moved to enter into Executive Session for discussion with an attorney for the City concerning disputes that are the subject of pending or imminent court action; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Lyons, Mrs. Kitchen, and Mr. Webb voted yea; none voted nay. The motion passes 7-0.

The City Council entered into Executive Session at 9:52 p.m. The City Council adjourned from Executive Session at 10:35 p.m.

Mayor Gore said no formal action was taken following the Executive Session.

15. Adjournment

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

Anthony C. Rodgers
Clerk of Council

04-11-2023
Date

[Signature]
Mayor

4/13/23
Date