



**CITY OF HUBER HEIGHTS
STATE OF OHIO
City Council Meeting
Regular Session
May 23, 2022
6:00 P.M.**

City Hall - Council Chambers - 6131 Taylorsville Road

1. **Call The Meeting To Order - Mayor Jeff Gore**
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**
6. **Approval Of Minutes**
 - A. City Council Meeting Minutes - May 9, 2022
7. **Special Presentations/Announcements**
8. **Citizens Comments**
9. **Citizens Registered to Speak on Agenda Items**

- 10. **City Manager Report**
- 11. **Pending Business**
- 12. **New Business**

CITY COUNCIL

Anthony Rodgers, Clerk of Council

- A. A Motion To Reappoint Tina Daniel And Laura Shelton To The Arts And Beautification Commission For A Term Ending June 30, 2025.
- B. A Motion To Direct The Clerk Of Council To Respond To The Ohio Division Of Liquor Control With No Objections In Reference To Transfer Of Liquor Permit #0218537 For Anika Group, Inc. DBA Marathon At 8001 Brandt Pike, Huber Heights, Ohio, 45424 To Liquor Permit #2458001 For JL Enterprises, LLC DBA Marathon At 8001 Brandt Pike, Huber Heights, Ohio 45424.
- C. Public Notice: In Compliance With Ohio Revised Code Section 145.381(B)(1) – Re-Employing Retirant, The City Of Huber Heights Gives Public Notice That Anthony C. Rodgers, Clerk Of Council, Will Be Retired In July 2022 And Is Seeking Employment With The City Of Huber Heights. The City Of Huber Heights Will Hold A Public Meeting On The Issue Of Anthony C. Rodgers Retiring And Being Re-Hired As The Clerk Of Council At The City Of Huber Heights At The July 5, 2022, Council Work Session At 6:00 P.M. To Be Held In The Council Chambers At Huber Heights City Hall, 6131 Taylorsville Road, Huber Heights, Ohio 45424.
- D. A Resolution To Appoint John Russell To The Position Of City Manager Of The City Of Huber Heights.
(first reading)

ADMINISTRATION

Bryan Chodkowski, Interim City Manager

- E. An Ordinance Approving Individual Assessments Amounts And Directing The Director Of Finance Or His/Her Designee To Certify The Amounts To The Applicable County Auditor For Collection, And Declaring An Emergency.
(first reading)
- F. A Resolution To Approve The Sale Of Property To Tri-Cities North Regional Wastewater Authority Under Certain Terms And Conditions.
(first reading)

- G. A Resolution Authorizing The City Manager To Execute Leases For 6037 Brandt Pike And 6067 Brandt Pike, Huber Heights, Ohio.
(first reading)
- H. A Resolution Authorizing The City Manager To Solicit, Advertise And Receive Bids From Qualified Firms For The East Water Main Extension Project.
(first reading)
- I. A Resolution Declaring Certain City Property As No Longer Required For Municipal Purposes As Surplus And Authorizing Disposal Of Said Property.
(first reading)

13. **City Official Reports and Comments**

14. **Executive Session**

15. **Adjournment**

AI-8408

Minutes A.

City Council Meeting

Meeting Date: 05/23/2022

Approval of Minutes - 5/9/22

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: None

Date(s) of Committee Review: N/A

Audio-Visual Needs: None

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

City Council Meeting Minutes - May 9, 2022

Purpose and Background

Approval of the minutes from the May 9, 2022 City Council Meeting.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

There are no financial implications to this agenda item.

Attachments

Minutes

1. Call The Meeting To Order - Mayor Jeff Gore

The Huber Heights City Council met in a Regular Session on May 9, 2022. Mayor Jeff Gore called the meeting to order at 6:02 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 - April 25, 2022

7. Special Presentations/Announcements

- A. National Police Week Mayoral Proclamation Presentation To The Huber Heights Police Division - Mayor Jeff Gore

Mayor Gore read the proclamation for National Police Week and presented the proclamation to Police Chief Mark Lightner.

Police Chief Lightner said he has been with the City 31 years and has seen a lot of officers come and go, they have retired and gone on, and have done great things here. He said even though the Police Division does not always do things that everyone agrees with, he said the Police Division is doing good things out there and the City has an excellent Police Division. He said he has been proud to be a member of this Police Division for 31 years and if he had it to do all over again, he would do it again.

- B. Introduction Of Newly Hired Public Safety Communications Officers - Police Chief Mark Lightner

Police Chief Mark Lightner said some of these dispatchers have been with the Police Division for three years, but because of the restrictions in place the last several years, he has not been able to get them here to introduce them. He said he felt it is important to put a face to the voice behind the phone. He said he tried to get in during National Public Safety Telecommunicators Week, but that meeting was canceled. He said it is a thankless job because no one knows who they are talking to, they just hear a voice, and sometimes the caller does not like it because they are not getting the answer they want to hear. He said it takes a special person to do this job. He said some dispatchers have been able to do it for many years. He said some were here for a short period of time and had gone on because they realized this job was not for them.

He said Melissa Lewis became a Huber Heights Communications Officer on June 3, 2019, and prior to that was a vet assistant for eight years. He said she enjoys being a part of the first responder team. She grew up in the City of Huber Heights and attended Wayne High School. She has a Bachelor of Science degree in Biological

Sciences from Wright State University.

He said Jessica Price became a Huber Heights Communications Officer on August 19, 2019. He said she graduated from the Dayton Regional Stem School in 2013.

He said Heather Flora became a Huber Heights Communications Officer on November 25, 2019. He said she graduated from Greenon High School in 2014. He said she received an Associates Degree in Criminal Justice from Clark State Community College. He said she started her career as a dispatcher in Clark County in July, 2014 and worked there for three and a half years. He said for a short time she was a police officer and decided she would rather be a dispatcher.

He said Amber Schutte became a Huber Heights Communications Officer on June 21, 2021. He said she graduated from Anna High School in 2015 and received her Associates Degree in Arts from Edison State Community College at the same time. He said she went to Bowling Green State University and double majored in Criminal Justice and Psychology. He said she began working at the Bellefontaine Police Division in 2018.

He said Brandon Ingalls became a Huber Heights Communications Officer on June 28, 2022. He said he has been in public safety since he accepted a position with the Montgomery County Sheriff's Office on March 16, 2019, where he was entrusted with training new employees. He said he understands the dire importance of the position of dispatchers and law enforcement to the communities they serve and protect. He said he has been taking courses in civilian training opportunities in the field since he graduated from the Miami Valley Career Technology Center in 2009.

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

Mayor Gore thanked the Communications Officers for their service and thanked their families. He read the proclamation for National Public Safety Telecommunicators Week and presented the proclamation to Deborah Wiley, Communications/Records Manager.

Deborah Wiley thanked the City Council and the community for always supporting the Dispatch Center. She said this job is a very stressful job. She said many people do not realize that not only are they answering 9-1-1 calls and non-emergency calls, but they are doing that while multitasking and doing many other things. She thanked the Communications Officers.

D. Wayne High School Wrestling Champion Joshua Padilla Recognition And Proclamation Presentation - Mayor Jeff Gore

Mayor Gore said Joshua Padilla is a junior and he will be graduating early in January, 2023. He said Joshua Padilla will be attending Ohio State University and has committed to playing football for the Buckeyes. Mayor Gore said he had the opportunity to coach Joshua's dad, Mike, for the Huber Heights youth football team from 1995-1996 and that year the seventh grade team went to Florida for the National Championship. He said when looking at the strength of Wayne High School athletics, those roots run very deep. He read the proclamation and presented it to Joshua Padilla.

E. Suez Water/Veolia Water 2021 Annual Report Presentation - Ms. Pam Whited, Operations Manager, Veolia Water

Ms. Pam Whited provided a PowerPoint presentation of the Suez Water/Veolia Water 2022 Annual Report to the City Council. She discussed Suez Water's sponsorships and community involvement with organizations. She said 2021 was the second year of water softening, and it has been a great boon to the community. Ms. Whited introduced the employees present at the meeting and discussed the other new employees and their roles. She discussed the Water Main Replacement Program and presented a map. She presented the 2022 Combined Water and Sewer Rate Survey done by the City of Piqua. She said the City of Huber Heights has the lowest sewer rate of 64 communities, and as far as sewer and water rates combined, the City of Huber Heights has the second lowest combined rates.

Mrs. Byrge welcomed the new staff, and she said they are joining a group that does a fantastic job for the City.

Ms. Baker said at one point there were delinquencies when the pandemic first started and asked where Suez Water was with that issue.

Ms. Whited said the delinquencies are completely caught up.

Mr. Webb said, regarding the Piqua studies, that it is great news and he congratulated the entire crew. He said it was a testament to the excellent job done by Ms. Whited and her staff.

8. Citizens Comments

Rhonda Sumlin said she wanted to speak to the City Manager search. She expressed her concerns and said as a resident who is an African American woman, she appreciates the City Council giving an opportunity to one of the candidates and making him one of the final four. She said she wants to make sure the City is not extending any unfair advantages to some candidates while creating some unconscious bias or creating barriers to others. She said that was her ask. She said she does not see people who look like her on the dais and no City leaders that look like her. She said every opportunity the City has to give a minority an opportunity, whether they are a person of color, a veteran, a woman, disabled, gay, transgendered, etc., the City should make them a priority. She said these are marginalized groups, and they do not have the same access to opportunities as others do. She said one of the four candidates does not have the educational requirements requested. She said when she thinks of giving \$175,000 to a potential candidate who has not gotten a Bachelor's degree or a Masters' degree, is that realistic? She said when people pursue college degrees, it says they have taken the time and energy and invested finances to get the skills needed to do a job. She further discussed her thoughts on requirements for the candidates and discussed halo and affinity bias. She asked the City Council to be mindful of biases and make the best decision for the community.

9. Citizens Registered to Speak on Agenda Items

Clerk of Council Anthony Rodgers said there are two citizens registered to speak on Item 11-C and one citizen registered to speak on Item 11-D.

10. City Manager Report

Interim City Manager Bryan Chodkowski said the work on the Jonetta Street lift station starts tomorrow. He said this Friday the City will be bidding the annual Water Main Replacement Project and the City can expect those bid results in about 45 days. He said the Ohio EPA has approved the permit for the East Water Main Extension Project and City Staff will be preparing the appropriate documentation to authorize the bid. He said Council can expect that bid at the next round of meetings. He said the first Huber Heights Farmer's Market of the season was well attended over the weekend with approximately 300 visitors.

Mrs. Kitchen asked if there is follow up on the Community Park situation, and she

asked if there would be anything refunded to the City through insurance.

Mr. Chodkowski said this claim has been processed through insurance and the City has received a partial reimbursement, and once the final installation occurs, the labor will be submitted to the insurance company. He said he would pull out the information and send it back out so everyone has that information.

Mrs. Kitchen asked if City Staff reached out to the court to see if the individuals involved were required to do community service.

Mr. Chodkowski said the Juvenile Court fined each individual \$500 for that incident. He said he is not aware if additional community service was ordered but he will check and send that information out with the insurance information.

11. Pending Business

- A. An Ordinance To Approve A Major Change To The Basic And Detailed Development Plan For The Property Located At 5840 Old Troy Pike And Further Identified As Parcel Number P70-01923-0004 On The Montgomery County Auditor's Map And Rejecting The Recommendation Of The Planning Commission (Zoning Case 21-45).
(second reading)

Mr. Chodkowski said this item is for a proposed used car lot and limited auto service center. He said this matter was before the Planning Commission on March 15, 2022.

Mayor Gore said there was no specific recommendation at the Council Work Session. He asked for a motion.

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

Mr. Otto said the drawing in the meeting packet still shows the bunch of cars in the front of the lot. He said there have been additional updated drawings, but he did not see those in the packet.

Mr. Chodkowski said it was his understanding this meeting packet is just a forward of the plans that came through initially, and that the modified plan is associated with the Detailed Development Plan that goes back through the Planning Commission for final approval.

Mr. Lyons asked for clarification as to whether this motion is rejecting the recommendation of the Planning Commission, and that by voting yes, the City Council is overriding the decision of the Planning Commission.

Mr. Campbell, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, and Mr. Shaw voted yea; Ms. Baker, Mr. Lyons, and Mr. Webb voted nay. The motion passes 5-3.

Law Director Gerald McDonald said that the vote was approved by a regular majority and he asked if a super majority vote for approval was needed.

Mr. Rodgers said he had discussed that issue with Mr. McDonald when the legislation was first being drafted. He said he may have had a different interpretation of what was discussed.

Mr. Shaw requested a short recess, so Mr. McDonald and Mr. Rodgers could figure the issue out. He said the applicant is here, and he would like to get this matter handled tonight.

Mayor Gore recessed the City Council Meeting at 7:03 p.m.

Mayor Gore reconvened the City Council Meeting at 7:14 p.m. He said there was misunderstanding from some Councilmembers as to what it would take in terms of approval. He asked if anyone who voted no would like to make a motion to reconsider.

Mr. Webb said he would like to make a motion to reconsider Item 11-A. Mr. Shaw seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, Mr. Webb, and Mr. Shaw voted yea; Mr. Lyons and Ms. Baker voted nay. The motion passes 6-2.

Mr. Otto moved to adopt; Mr. Shaw seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, Mr. Webb, Mr. Shaw, and Mr. Campbell voted yea; Mr. Lyons and Ms. Baker voted nay. The motion passes 6-2.

Mr. Shaw requested, in light of the confusion, a brief explanation of what the next steps in the process are and what the vote meant.

Mr. Rodgers said it means that the ordinance and the Major Change to the Basic and Detailed Development Plan was approved overturning the decision of the Planning Commission, and this ordinance will go into effect thirty days from today's date. He said the applicant should seek guidance from Mr. Sorrell or Mr. Chodkowski as to the next steps.

- B. An Ordinance To Approve A Basic Development Plan For The Property Located On Brandt Pike North Of The Reserves At The Fairways And Further Identified As Parcel Number P70-03910-0057 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Zoning Case BDP 22-07).
(second reading)

Mr. Chodkowski said this legislation is for a proposed development of 74 owner occupied condominiums immediately north of the Fairways development on Brandt Pike. He said the Planning Commission recommended adoption by a 4-0 vote on March 15, 2022.

Mr. Campbell moved to adopt; Ms. Baker seconded the motion.

On a call of the vote, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; Mr. Otto, Mr. Lyons, Mrs. Kitchen, and Mr. Shaw voted nay. The motion tied at 4-4. Mayor Gore cast a tie-breaking vote, voting yea. The motion passes 5-4.

- C. An Ordinance To Approve A Combined Basic And Detailed Development Plan And Rezoning To Planned Residential (PR) For 22.968 Acres For The Property Located On The East Side Of Bellefontaine Road And South Of Chambersburg Road And Further Identified As Parcel Number P70-03908-0126 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Zoning Case CBDP 22-11).
(second reading)

Mr. Chodkowski said this legislation represents a proposed development of 29 single family homes and 34 owner-occupied townhomes. He said the Planning Commission recommended approval of this project 5-0 on March 29, 2022.

He said the Council Work Session recommendation was to amend this legislation and move the Basic Development Plan approval forward and to separate the Basic Development Plan from the Detailed Development Plan to make sure the Detailed Development Plan went back to the Planning Commission for any of the further details. He said the recommendation from the Council Work Session was to approve only the Basic Development Plan.

Mr. Rodgers said the applicant requested separation of the Basic Development Plan and the Detailed Development Plan by email to City Staff. He said the amended ordinance was advertised as part of the meeting packet and properly noticed. He said the first legislative action would be to amend the ordinance to replace it with the amended ordinance.

Ronald Deak thanked the developer for continuing to engage the residents. He said from the first plan to this plan, stormwater retention grew five-fold and he asked why, when the density was decreased. He said the calculations are close to accurate, but he

does not think the calculations capture the mitigating issues due to the design or have the capability to catch the water in the lower part of the property. He said he thinks the City needs a full stormwater study of the area and he explained his reasons. He said traffic flow needs a full study. He said the development needs two access points and he said approval from the Fire Chief is fine, but he said the industry standards are two access points. He said this matter should be tabled or shelved. He said no homeowners in the area are in favor of this development.

Cindy Smith said City Code Section 1170.06 states no approval shall be given unless the Planning Commission finds that such PUD is consistent with the Comprehensive Development Plan, and page 19 states it should be single family detached homes on medium to large lots. She continued reading portions of the City Code and certain specifications. She said this development only meets one requirement in the Comprehensive Development Plan, a 25-foot front yard, and asks for a variance on every other one. She said between Fishburg Road and Chambersburg Road just west of The Oaks, there are hundreds of acres and hundreds of homes that all follow the Comprehensive Development Plan. She said there are not supposed to be duplexes there and it is not an urban area.

Mayor Gore said there was a recommendation to amend the item separating the Basic Development Plan from the Detailed Development Plan. He asked for a motion to amend the ordinance to separate the two.

Mr. Shaw moved to amend the existing ordinance to replace it with the amended ordinance as stated; Mr. Otto seconded the motion.

Mrs. Byrge said in a previous discussion the City indicated there would be a stormwater study and a more comprehensive traffic study for that area and she asked if the study had been initiated and when the results would be available. She said to her, that issue determines whether this is combined or separated. She asked Mr. Chodkowski if the City had initiated any action on those studies.

Mr. Chodkowski said no because the developer had subsequently completed the stormwater calculations and submitted the calculations for review. He said based on that information, the City did not move forward with additional studies based on the direction that Council had wanted to see the detailed stormwater information from this particular project. He said at the time he did not recall if a traffic study had been completed, and subsequent to Council's initial look at the project, a complete traffic study had been submitted for City Staff to review.

Mrs. Byrge said at the last meeting she attended, the developer presented information that in the morning commute hours only 61 cars would be traveling on the street. She said for that big area, that certainly could not have encompassed all the cars coming out of The Oaks, Silver Oaks, and the proposed development going in at Bellefontaine Road and Fishburg Road. She said she thought the City was going to do a more comprehensive traffic study to determine if the street needs widening or a turn lane was needed. She said those calculations did not seem to be right. She said even if the Planning Commission is to see this item again, she does not know how the Planning Commission would pass this approval forward without having additional information on the stormwater and the traffic. She said the stormwater was primarily done to address the size of the retention pond, and she does not remember it encompassing surrounding properties. She said there is more rain than usual, and with the stream being down there, that property is subject to flooding. She said she sees nothing in the study that addresses that issue or if there are any wetlands. She said her hesitation in voting yes is that she does not feel there is enough information and once approved there is no going back. She said the studies so far are lacking information.

Mayor Gore said the traffic study showed an additional 61 cars, not only 61 cars.

Mr. Sorrell confirmed that point and he said the traffic study takes into account the current traffic volume along with projected traffic. He explained the study. He said the total value during peak hour is 281 vehicles passing through the intersection. He said that was the peak morning time and 61 trips would be added between the 7 a.m. to 8 a.m. period and roughly equivalent between 5:30 p.m. and 6:30 p.m. He said the engineers forecasted out for the natural traffic growth, but it does not always take into account potentially developable land. He said on the issue of stormwater, what was

discussed was having a larger study done that looks at some of the other flooding issues neighbors were experiencing on the fronts of their yards. He said he and Russ Bergman briefly chatted about that issue this afternoon and will talk more tomorrow to see what that scope really entails. He said while this development should not add to that issue because of the stormwater retention restrictions, he said they do want to address the concerns raised by the property owner due south who was concerned about having a significantly wet front yard all the time.

Mayor Gore asked if there was an additional study, would that issue be addressed in the Detailed Development Plan back with the Planning Commission on stormwater retention?

Mr. Sorrell said technically no, but he said he would talk with the developers because there are more inputs of stormwater coming from surrounding properties and he does not know what the drainage profile is for the surrounding areas. He said there are other contributing factors and probably not this site that is contributing to the flooding of that individual's property. He said as far as the Detailed Development Plan, the Planning Commission would make sure all the stormwater runoff meets the requirements that this site captures.

Mayor Gore said Mrs. Byrge raises a valid point to make sure in separating this matter, that the City is not in a situation where additional issues have been caused with this property without the opportunity to correct it. He confirmed with Mr. Sorrell that he and Russ Bergman have a handle on this issue; and if it was found there is an issue, how would the Council find out about it and how would they make sure on the back end that the problem was addressed and fixed prior to anything else. He said that is the point Mrs. Byrge makes, and he wants to make that is crystal clear to everybody.

Mr. Sorrell said he does not think this site will contribute to flooding to the south and he thinks that flooding is caused by another issue. He said City Staff needs to take a separate look at that issue. He said separating this issue out from the approval for the plans and having two separate processes is the way to go.

Mayor Gore said for this Council to understand what it is voting on, he wants to make sure if it is determined this is a problem contrary to what Mr. Sorrell's belief or opinion is, that the City has a step in the process to fix that prior to any construction. He said if this is separated, the Council will not see it again. He said he is looking for assurance that if that matter comes back contrary to what Mr. Sorrell's belief is that there is a way to make sure the stormwater issue is fixed.

Mr. Sorrell said they can quickly determine whether this development would adversely affect the areas that are currently flooding. He said he does not think they can or should hold the developer's development timeline to a situation that has nothing to do with this property. He said they can determine pretty quickly if this development will impact or worsen the current situation versus whether this flooding is caused by something else. He said that something else may be an expensive solution, and he cannot say, "yes, we are going to solve it". He said they can at least figure out if this development is making it worse or is neutral.

Mayor Gore asked if Council could amend any legislation to be contingent upon understanding this development does not cause any issues with stormwater retention outside of what has been proposed.

Mr. Chodkowski said he and the Law Director were just having a conversation. He said provision number two, "the applicant shall comply with all stormwater requirements", if it is determined by the engineer and the planner that the flooding at the southern property is caused from runoff from this location or would be exacerbated by runoff in this location, it would be a requirement to be resolved prior to final permit approval and issuance as it goes through the Detailed Development Plan process.

Mrs. Byrge said Council heard from the homeowners to the north of the property where the stream is that when there is excessive rain there is flooding there. She asked if installing more impervious surfaces would exacerbate the problem. She said she was hoping the study would look at all sides, not just to the south.

Mr. Sorrell said the stormwater study looks at where the outflow will be and if that is

worse or better or neutral. He further explained stormwater requirements.

Mayor Gore discussed the new Ohio EPA restrictions and he asked if that helped.

Mr. Sorrell said the new Ohio EPA rules are you have to capture a larger amount for a heavier storm period and release it at a slower rate. He said this development falls under those new rules. He said it should have significantly better flooding protection than something developed 15 years ago.

Mr. Campbell said at the last City Council Meeting, he thought it was agreed to broaden the scope and the size of the study for this project to see if it was affecting beyond where the engineers have looked. He said Council also talked about Bellefontaine Road and looking at that issue to go beyond the traffic study to determine if City Staff felt the City needed to add a lane and that the project was going to generate money to use to spend on those projects. He said he left the meeting thinking the stormwater issue would be addressed based on Mrs. Byrge's comments and the traffic would be looked at and City Staff would go beyond the study if they felt it necessary to make improvements to take the doubt out of what effect the additional traffic would have.

Mr. Chodkowski said he does recall they had talked about bringing additional resources to address the concerns. He said he does recall conversations about the traffic and that issue is an added note to the amended ordinance. He said he did not understand the directive with respect to stormwater and he said City Staff is happy to broaden that look.

Mr. Campbell gave his impression from the last meeting and he said the studies should encompass a larger area to mitigate any runoff or traffic issues this development might cause.

Mr. Sorrell said he took it differently. He confirmed City Staff would look at a greater area to see if there are currently areas to improve flooding situations beyond this development. He said there are two studies, the study for this development, and a larger look that City Staff can take to see what improvements need to be made outside the scope of the area that would not be the responsibility of the developer.

Mr. Campbell asked Mr. Chodkowski to ensure the legislation speaks to that matter.

Mr. Chodkowski said he is happy to make sure Council's will is carried out and that Mr. Campbell's comments have been clear on the expectation.

Mrs. Byrge said if the City needs to contract it out, she thinks Council supports doing so. She said she is concerned about a sufficient buffer when the development is done and not just relying on the existing trees. She said that issue is very important.

Mr. Sorrell said it was discussed and said the amended ordinance requires that the existing trees remain on that northern buffer. He said in the Detailed Development Plan, one of the Planning Commission's conditions is requiring the developer to fence the drip line of those trees to limit the amount of heavy equipment driving over roots. He said secondly, the developer is adding evergreen trees and shrubs along lots 6-12 in the back to provide additional buffer.

Mr. Campbell asked Mr. Chodkowski if there was additional screening past the lots Mr. Sorrell just spoke to, and if the development continued to generate the funding discussed, if City Staff would ensure that occurred.

Mr. Chodkowski said there would be an agreement associated with the TIF district, so there would be a defined project the funding would be associated with. He said some commentary Council has provided tonight would be incorporated as part of that legislation defining what the money is for and whether that would directly fund the work and the City would do that work or if the City would work with the developer through the final PUD to provide those improvements and then reimburse the developer. He said the resources will be there to make sure that work is done.

Mr. Campbell asked if that language could be put into the legislation.

Mr. Chodkowski said tonight that language can be amended if Council would like, and it can be amended as part of the PUD agreement that goes through the Planning Commission after the final Detailed Development Plan. He said it can be incorporated however Council would feel most comfortable.

Mr. McDonald said the way it is presented now is approving the Planning Commission recommendation and incorporating the voluntary actions as part of the PUD agreement, which is by a simple majority vote. He said if Council is going to amend the ordinance further and put things Council wants in there, then it would require a super majority vote to pass it.

Mr. Campbell asked if this was something the developer could agree to.

Mr. Berling said he could agree with that point. He said he understands where Council is going with this matter, and if the City wants further studies provided in the development agreement, he has no problem with that issue.

Mr. Sorrell said rather than amending the ordinance for that issue, he said there are only two additional lots before getting to the pipeline, and the Planning Commission can make sure in the Detailed Development Plan that screening is extended westward to those two additional lots. He said the cost would be enumerated in the PUD agreement and the developer would post a bond. He said he is not sure that it is necessary to amend that agreement for two lots.

Mr. Campbell said he is satisfied with the developer's commitment.

On a call of the vote, Mr. Webb, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; Mr. Lyons, Mrs. Kitchen, and Mr. Shaw voted nay. The motion to amend passes 5-3.

Mr. Campbell moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; Mrs. Kitchen, Mr. Shaw, and Mr. Otto nay. Mr. Lyons said he was protesting and left the room without voting. The motion fails 4-3.

Mr. Rodgers notified Mr. Lyons that the vote was over, and Mr. Lyons returned to the dais.

Mayor Gore apologized to the developers and he said at some point maybe this Council will stop acting like they are in junior high school and will show up to vote the way they are supposed to.

- D. An Ordinance To Approve A Basic Development Plan And Rezoning To Planned Mixed Use (PM) For The Property Located At 7125 Executive Boulevard And Further Identified As Parcel Number P70-03910-0005 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Zoning Case BDP 22-12).
(second reading)

Mr. Chodkowski said this legislation is related to a proposed development of 197 single-story multi-family units with 9.7 acres of commercial space. He said the Planning Commission recommended approval by a vote of 4-1 on March 29, 2022.

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

Patricia Dyer said her property is close to where the development is going in. She said this development does not look good, and she asked if anyone had looked at the Redwood development two miles up the road. She said it is really ugly with houses all jammed together with no space. She said she cannot see how this development is going to benefit the area along Executive Boulevard with the same thing up the road that they want to do again. She said this space was for retail and restaurants, not for this situation, and she implored the Council not to rezone this property.

Mr. Shaw asked if there is any further action needed by City Staff on this item or if

City Staff would be satisfied with a vote on this item.

Mr. Chodkowski said City Staff is satisfied with this plan. He said City Staff worked with the developer extensively to bring this matter before Council.

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

- E. An Ordinance Amending Ordinance No. 2021-O-2511 By Making Supplemental Appropriations For Expenses Of The Fire Division Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2022 And Ending December 31, 2022.
(second reading)

Mr. Chodkowski said this legislation is regarding funding for additional firefighters and the legislation would make \$237,000 available by July 1, 2022 for the purposes of hiring four additional firefighter/paramedics.

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

Mr. Otto moved to adopt; Mr. Shaw seconded the motion. On a call of the vote, Mr. Shaw, Mr. Otto, Mr. Lyons, and Mr. Webb voted yea; Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mrs. Kitchen voted nay. Mayor Gore said based on the discussion with the Fire Chief's recommendation that he would rather wait until 2023 to hire those firefighters due to an extended candidate pool in December, 2022, he votes no. The motion fails 4-5.

Mr. Otto left the room at approximately 8:04 p.m.

12. New Business

CITY COUNCIL

Anthony Rodgers, Clerk of Council

- A. 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 #13139450105 For Casey's General Store At 8000 Brandt Pike, Huber Heights, Ohio 45424.

Mr. Rodgers said this item is a new liquor permit which has been reviewed by the Police Division and the Fire Division who had no objections.

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

Mr. Campbell moved to adopt; Ms. Baker seconded the motion.

Mr. Shaw said the Law Director and the City Manager are working on a subject he has addressed and he will allow the due diligence process to take place before he blows his lid at the next City Council Meeting. He said at the next Council Work Session he thinks it appropriate and Council is due a conversation to revisit how the City Council, City Staff, and the Police and Fire Divisions review a liquor permit and what reports the Council gets back. He thinks there needs to be a change in that process due to updated circumstances.

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.

Mr. Otto returned at approximately 8:06 p.m.

- B. A Public Hearing Scheduled For May 9, 2022 By The Huber Heights City Council For Case BDP 22-13. The Applicant Is Hartman I, LLC. The Applicant Is Requesting Approval Of A Basic Development Plan And A Rezoning To Planned Office For Property Located At 7611 Old Troy Pike And Further Described As Parcel ID P70 04005 0140 On The Montgomery County Auditor's Map.

Mr. Sorrell said there was significant discussion at the Council Work Session on this item. He said the site is the back lot of the existing Rural King, and it is currently 1.1 acres. He said the existing uses are retail, parking, outdoor storage and display. He said the applicant is requesting a rezoning to Planned Office (PO) to construct an almost 11,000 square foot emergency outpatient medical facility with ten exam rooms and approximately 15 employees. He exhibited an outline of the site. He said this plan is the third iteration of the site plans and he discussed the progression. He said medical uses are primarily permitted in the Planned Office District, and the revised site plan does comply with the requirements of the buffer yard. He said the use requires 45 parking spaces, 61 spaces are illustrated, and only 38 spaces are on site. He said the applicant continues to work with Rural King on shared parking and making sure the access aligns with the existing travel lanes of the parking lot. He said the applicant is asking for more signage than permitted; essentially, 150 square feet of corporate signage and 150 square feet of emergency directional signage is proposed. He said there have been conversations about a large shopping center sign on Old Troy Pike, but the applicant has not decided if that is the direction they want to go. He said City Staff felt approval could be made and the standards of approval outlined in Section 1171.06 of the City Code can be met. He said the Planning Commission recommended unanimous approval subject to compliance with five conditions, and he listed those conditions. He said he talked with the applicant, and the applicant is continuing to revise the site plan based on the conversations heard during the Council Work Session. He said the applicant would like to bring back another site plan to Council at the next meeting or a subsequent meeting, and City Staff will work with the applicant on addressing the concerns that were spelled out.

Mayor Gore asked if any representatives from Hartman I, LLC had any comments.

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

Seeing none, Mayor Gore asked if there were any other representatives of the City of Huber Heights to make 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 if the curb cut on Taylorsville Road was a deal breaker for the applicant.

Mr. Sorrell said the applicant had not confirmed everything with its client or user yet, but what was intimated to him is it is not a deal breaker. He said the first site plan did not have access on to Taylorsville Road.

Mr. Shaw said at the next Council Work Session, he would like to see that plan and whatever other changes the site developer brings forward.

Mayor Gore said he agrees, and he would expect to hear the rebuttal to that eventually is going to be with no access on to Taylorsville Road, where it is tucked away in the parking lot, and the address will be physically listed as an Old Troy Pike address, and he thinks that will be the bigger issue. He said he likes no access onto Taylorsville Road, but he thinks that will be the rebuttal.

Mr. Shaw said one of the other things brought up was moving the entire access or making it more defined.

Mr. Sorrell said the applicant wanted a large pylon sign on Old Troy Pike and he told them it would be a non-starter. He said the applicant is looking at a multi-tenant sign. He said the applicant will probably want additional directional signs on Taylorsville Road.

Mr. Shaw said the Rural King property itself continues to grow and get out of control as the cement blocks keep moving and changing the flow of traffic. He said that problem needs to be addressed. He said this Council has more questions than answers, and he does not want that matter to be the detriment of this project. He said in order to get things fixed that have been a big concern there for a long time and is going to be more of a concern with the development across the street, he thinks it is time to take a look at it.

Mr. Sorrell said after the Council Work Session, almost immediately enforcement activity began to occur on that site. He said he has been copied in on numerous emails from Don Millard in the Zoning Division to the corporate counsel at Rural King letting them know about the violations of the PUD and the variances that have been granted. He said the Zoning Staff are trying to get the local store manager involved.

Mayor Gore said Mr. Chodkowski had mentioned there are some other zoning issues with some other businesses doing the same thing. He said the overall Zoning Code regarding this matter might be a Council Work Session topic soon. He said one of the things talked about was being able to use that as leverage for the hospital facility to purchase more property in the parking lot because Rural King will not be able to use that space as its storage facility any longer. He said regarding the broader picture of how some businesses are violating the Zoning Code, Council needs to have a specific Council Work Session topic about that issue.

Mr. Shaw said the access road was a topic of conversation, and he hopes there is additional conversation with City Staff going on as well. He said one of his concerns was the directional signage for the ambulatory in and out. He said around Christmas there will be people all up and down there, and he hopes the developers use a different site 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 BDP 22-13 is hereby closed.

- C. A Public Hearing Scheduled For May 9, 2022 By The Huber Heights City Council For Zoning Case MJC 22-14. The Applicant Is Parveen Wadhwa. The Applicant Is Requesting Approval Of A Major Change To The Basic Development Plan And Approval Of A Detailed Development Plan For Property Located At 6025 Taylorsville Road And Further Described As Parcel ID P70 04005 0006 On The Montgomery County Auditor's Map.

Mr. Sorrell said this is a Major Change to the Basic Development Plan to add additional uses to this commercial structure. He said when it was approved by the Planning Commission, it was limited to two uses - a convenience store and a laundromat. He said there was some interpretation confusion as to how this matter would play out. He said the applicant is asking for a Major Change to broaden the permitted uses with this development. He presented the site and development details. He said this plan is the most detailed Detailed Development Plan he has seen so far. He said the applicant did everything correctly as far as landscaping, site planning, etc. He said the standards the applicant designed the parking lot to were based on specialty retail commercial, specialty food store, personal service and commercial center, and shopping center uses. He said City Staff feels there is little impact on the surrounding property by broadening the uses. He said City Staff recommended that a broader spectrum of permitted uses is appropriate. He said the aggregate of the two or three uses within there cannot exceed the amount of parking required. He said the Planning Commission unanimously recommended approval with a list of conditions, including limiting the hours of operation from 5 a.m. to midnight. He said the applicant was

amenable to the hours of operation limitation.

Mayor Gore asked if any representatives of Parveen Wadhwa had any comments.

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

Seeing none, Mayor Gore asked if there were any other representatives of the City of Huber Heights to make 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.

Ms. Baker asked about the height of the shrubbery around the back of the property.

Mr. Sorrell said it is a mix of evergreen and deciduous trees that help block that property from the north. He said at planting, the plants will be six feet high.

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

Mr. Shaw asked what type of light pollution would come from the building?

Mr. Sorrell said there would be very little. He said the applicant submitted photometric plans and on the west side there was half a footcandle spillover into the street area. He said there was no trespass to the north or to the east, and it fully complies with the City Code.

Mr. Shaw said it looks like the applicant has not submitted a complete sign package, but it looks like there will be a small sign at Mount Hood and Taylorsville Road. He said now that the use is potentially expanding, if there are additional businesses to go in there, would the sign package include those types of readouts or will it just be one sign.

Mr. Sorrell said he had not seen it yet, but he would be hard-pressed to think that a small ground-mounted sign would have all two or three tenants since the building is 30 feet off the road. He said there will be signs above each tenant space, but the way the sign code reads, as long as the tenancy changes, they can change out the name and the face of the sign, but the actual structure will have to conform to the City Code.

Ms. Baker asked what would go along Taylorsville Road because the drive through would aim at the houses.

Mr. Sorrell said there is a landscaping buffer along the perimeter of the parking lot and street trees along Taylorsville Road.

Mayor Gore asked what Mr. Wadhwa's timeframe was to begin the project. He confirmed with Mr. Wadhwa that he is ready for permits now. 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 MJC 22-14 is hereby closed.

ADMINISTRATION

Bryan Chodkowski, Interim City Manager

- D. An Ordinance To Approve A Major Change To The Basic Development Plan And Approval Of A Detailed Development Plan For The Property Located At 6025 Taylorsville Road And Further Identified As Parcel Number P70 04005 0006 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Case MJC 22-14).
(first reading)

Mr. Chodkowski said the Planning Commission recommended approval of this proposed change by a vote of 4-0 on April 12, 2022.

Mayor Gore said there was no recommendation for waiving the second reading or passing this item to a second reading.

Mr. Shaw moved to waive the second reading; Mr. Webb seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Webb, Mr. Shaw, and Ms. Baker voted yea; Mr. Lyons and Mrs. Kitchen voted nay. The motion passes 6-2.

Mr. Shaw moved to adopt; Mrs. Baker seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, and Mr. Campbell voted yea; Mr. Lyons voted nay. The motion passes 7-1.

- E. A Resolution Approving Participation In Region 8 Governance Structure Under The OneOhio Memorandum Of Understanding.
(first reading)

Mr. Chodkowski said this legislation is to approve the City's membership in a Council of Governments to oversee the funding distribution of OhioOne funds in Region 8 which is Montgomery County.

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

Mrs. Byrge moved to adopt; Mrs. Baker seconded the motion. On a call of the vote, Mr. Otto, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; Mr. Lyons voted nay. The motion passes 7-1.

- F. A Resolution Establishing And/Or Amending The Salary Ranges And Wage Levels For Employees Of The City Of Huber Heights, Ohio.
(first reading)

Mr. Chodkowski said this legislation is to ensure the City is able to provide competitive wages to the employees at the Rose Music Center.

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, and Mr. Otto voted yea; Mr. Lyons voted nay. The motion passes 7-1.

- G. A Resolution Authorizing The City Manager To Participate In The Ohio Association Of Public Treasurers 2023 Workers' Compensation Group Experience Rating Program Administered By CompManagement Inc.
(first reading)

Mr. Chodkowski said the City's participation in this program will save the City approximately \$83,600.00 on its premium for workers' compensation costs.

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

Ms. Baker moved to adopt; Mrs. Kitchen 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.

- H. A Resolution Authorizing The City Manager To Enter Into An Agreement To Provide Insurance Coverage For General Liability, Property, Boiler And Machinery, Inland Marine, Automobile, Crime, Law Enforcement Liability, Public Officials Liability, And Other Necessary Insurance Coverage For The City Of Huber Heights, Ohio, Waiving The Competitive Bidding Requirements, And Covering The Costs Of Services Ordered By The City.
(first reading)

Mr. Chodkowski said, to clarify comments at the Council Work Session, the final premium increase is 15.7 percent relative to last year. He said, as a point of reference, this year's premium is equal to the premium paid in 2005-2006. He said if you look at how the City has grown over time based on changes, the City has saved quite a bit with this program.

Mayor Gore said the Council Work Session recommendation was to adopt this item this evening, but Council did not have those specific numbers in the meeting packet. He said by the time the meeting packet went out, Council did not have those numbers. He said a motion to amend is needed to put the numbers into the legislation.

Mr. Rodgers said a copy of the amended resolution is in front of Council to view. He said there would need to be a motion to amend the resolution to replace it with the amended resolution.

Mrs. Byrge moved to amend; 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.

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

- I. A Resolution Authorizing The City Manager To Solicit Bids For A Landscape Revitalization Plan Of Specified City Properties.
(first reading)

Mr. Chodkowski said this item is the second solicitation for this bid. He said City Staff previously sought this work and only received one respondent. He said, in an effort to ensure the City is competitive with pricing, that bid was rejected and City Staff are asking Council to approve this solicitation.

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

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

Mr. Webb complimented Mike Gray and the Public Works Division Staff for a great presentation on this subject.

Mr. Shaw asked when the bid is slated to go out and what is the turnaround time?

Mr. Chodkowski said he would follow up with Mr. Gray, but it will be quick because this is a re-solicitation.

Mr. Shaw asked Mr. Chodkowski what he believed the root cause was for only receiving one bid.

Mr. Chodkowski said he thinks it was a combination of things: the availability of workers to put together multiple crews to respond to this element, the timing as the City may have been a little late into the marketplace for this kind of work; and the idea being now that the City is going back out to bid, those people who have contracted for this work earlier in the year, schedules are better and well-known, so more people would be able to respond and now can schedule this work.

Mr. Shaw requested that this Request For Proposals (RFP) be sent out to the Huber Heights Chamber of Commerce, the Dayton Chamber of Commerce, and the Northern Chamber Alliance to allow those organizations to spread the word.

Mr. Chodkowski said he will make sure those parties receive the materials.

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.

- J. A Resolution Authorizing The City Manager To Solicit Bids To Repair And Replace Roadway Guardrail Of Specified City Properties.
(first reading)

Mr. Chodkowski said this item is for work that the City bids occasionally from time to time.

Mrs. Kitchen moved to adopt; Mr. Webb 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.

13. City Official Reports and Comments

Mr. Otto said the 73rd National Day of Prayer just took place and he gave a big thanks to Pastor Jerrie Bell-Brion and Anthony Rodgers for putting everything together.

Mr. Shaw said at the last Council Work Session, he thinks it went unnoticed, and he thanked Mrs. Kitchen for bringing up a future and hopeful partnership with FOA and some other organizations to bring resources and education to the City.

Mr. Lyons said he wanted to remind Mayor Gore about decorum and he said when he took over after the last Mayor, that was a big issue for Mayor Gore and talking negatively about a Councilmember when he is representing his ward is disrespectful, and he wanted to remind him about decorum.

Mayor Gore thanked Mr. Lyons and said it is disrespectful to not stay on the dais and place a vote as he was elected to do. He said they would have to have a difference of opinion there.

Mr. Lyons said he voted by walking because that was his protest. He said we live in a great country that allows peaceful protest, and he asked the Mayor to respect his opinion.

14. Executive Session

There was no need for an Executive Session.

15. Adjournment

Mayor Gore adjourned the Regular Session City Council Meeting at 8:46 p.m.

Clerk of Council

Date

Mayor

Date

AI-8429

New Business A.
City Council

City Council Meeting

Meeting Date: 05/23/2022

Arts and Beautification Commission Reappointments - T. Daniel/L. Shelton

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 05/17/2022

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

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

Agenda Item Description or Legislation Title

A Motion To Reappoint Tina Daniel And Laura Shelton To The Arts And Beautification Commission For A Term Ending June 30, 2025.

Purpose and Background

City Staff recommend the reappointment of Tina Daniel and Laura Shelton to the Arts and Beautification Commission for a term ending June 30, 2025. The current terms expire on June 30, 2022.

Updated background checks were not completed for Ms. Daniel and Ms. Shelton due to the recent nature of their initial appointments with previously completed background checks.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

No file(s) attached.

New Business B.
City Council

Meeting Date: 05/23/2022

Submitted By: Anthony Rodgers

Department: City Council

Type of	Transfer
---------	----------

Liquor Permit:

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

A Motion To Direct The Clerk Of Council To Respond To The Ohio Division Of Liquor Control With No Objections In Reference To Transfer Of Liquor Permit #0218537 For Anika Group, Inc. DBA Marathon At 8001 Brandt Pike, Huber Heights, Ohio, 45424 To Liquor Permit #2458001 For JL Enterprises, LLC DBA Marathon At 8001 Brandt Pike, Huber Heights, Ohio 45424.

The Police Division has no objections to the transfer of this liquor permit.

The Fire Division has no objections to the transfer of this liquor permit.

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Liquor Permit

NOTICE TO LEGISLATIVE
AUTHORITY

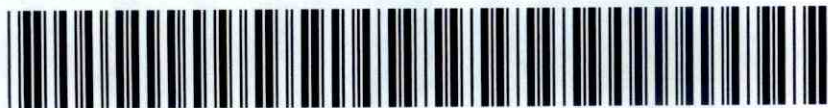
OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

2458001		TRFO		8001 JL ENTERPRISES LLC	
PERMIT NUMBER		TYPE		8001 BRANDT PIKE	
06	01	2021		HUBER HEIGHTS OHIO 45424	
ISSUE DATE					
04	27	2022			
FILING DATE					
C1	C2	PERMIT CLASSES			
57	083	A	F27522		
TAX DISTRICT		RECEIPT NO.			

FROM 04/29/2022

0218537				ANIKA GROUP INC	
PERMIT NUMBER		TYPE		8001 BRANDT PIKE	
06	01	2021		HUBER HEIGHTS OHIO 45424	
ISSUE DATE					
04	27	2022			
FILING DATE					
C1	C2	PERMIT CLASSES			
57	083				
TAX DISTRICT		RECEIPT NO.			



MAILED 04/29/2022

RESPONSES MUST BE POSTMARKED NO LATER THAN. 05/31/2022

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES **A TRFO 2458001**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF HUBER HGTS CITY COUNCIL
6131 TAYLORSVILLE RD
HUBER HGTS OHIO 45424

AI-8430

New Business C.
City Council

City Council Meeting

Meeting Date: 05/23/2022

Public Notice - Retire/Rehire - A. Rodgers

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session
Date(s) of Committee Review: 05/17/2022

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

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

Agenda Item Description or Legislation Title

Public Notice: In Compliance With Ohio Revised Code Section 145.381(B)(1) – Re-Employing Retirant, The City Of Huber Heights Gives Public Notice That Anthony C. Rodgers, Clerk Of Council, Will Be Retired In July 2022 And Is Seeking Employment With The City Of Huber Heights. The City Of Huber Heights Will Hold A Public Meeting On The Issue Of Anthony C. Rodgers Retiring And Being Re-Hired As The Clerk Of Council At The City Of Huber Heights At The July 5, 2022, Council Work Session At 6:00 P.M. To Be Held In The Council Chambers At Huber Heights City Hall, 6131 Taylorsville Road, Huber Heights, Ohio 45424.

Purpose and Background

In compliance with Ohio Revised Code Section 145.381(B)(1) – The City of Huber Heights is giving public notice of a public meeting on the issue of Anthony C. Rodgers retiring and being re-hired as the Clerk of Council at the City of Huber Heights at the July 5, 2022 Council Work Session at 6:00 P.M. to be held in the Council Chambers at Huber Heights City Hall, 6131 Taylorsville Road, Huber Heights, Ohio 45424.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

No file(s) attached.

AI-8431

New Business D.
City Council

City Council Meeting

Meeting Date: 05/23/2022

City Manager Appointment/Professional Services Agreement - J. Russell

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session
Date(s) of Committee Review: 05/17/2022

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

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

Agenda Item Description or Legislation Title

A Resolution To Appoint John Russell To The Position Of City Manager Of The City Of Huber Heights.
(first reading)

Purpose and Background

This legislation is for City Council to appoint John Russell as the City Manager and to approve a professional services agreement for the new City Manager.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2022-R-

TO APPOINT JOHN RUSSELL TO THE POSITION OF CITY MANAGER OF THE CITY OF HUBER HEIGHTS.

WHEREAS, the City Council wishes to appoint John Russell as City Manager of the City of Huber Heights; and

WHEREAS, it is the desire of the City Council of Huber Heights to provide certain benefits and to establish certain conditions of the appointment and to set the compensation as set forth in the Professional Services Agreement.

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

Section 1. John Russell is hereby appointed to the position of City Manager of the City of Huber Heights in accord with the terms and conditions and compensation contained in the Professional Services Agreement attached hereto as Exhibit A which is incorporated herein by this reference.

Section 2. The Mayor is hereby authorized to sign said Professional Services Agreement on behalf of City Council and all other documents necessary to engage John Russell as City Manager. Four originals of the Professional Services Agreement shall be signed. One original shall be kept with the City’s Finance Department. A second original shall be kept with the City Law Director. A third original shall be kept with the Clerk of Council. A fourth original shall be provided to John Russell.

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

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

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

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8426

New Business E.
City Manager

City Council Meeting

Meeting Date: 05/23/2022

County Assessments Authorization

Submitted By: Jim Bell

Department: Finance

Division: Accounting

Council Committee Review?: Council
Work
Session

Date(s) of Committee Review: 05/17/2022

Audio-Visual Needs: None

Emergency Legislation?: Yes

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

Agenda Item Description or Legislation Title

An Ordinance Approving Individual Assessments Amounts And Directing The Director Of Finance Or His/Her Designee To Certify The Amounts To The Applicable County Auditor For Collection, And Declaring An Emergency.
(first reading)

Purpose and Background

Montgomery County requires all communities to pass separate legislation for assessments that are to be added to the tax duplicate. Before the City can assess property for such things as grass/weed charges, property maintenance abatement, unpaid water and sewer, etc., the City must pass legislation specifically identifying the property and the amount of the assessment. Details of each assessment can be found in Exhibit A, which is attached to this legislation. The assessments requested in this legislation are only for trash/litter, property maintenance abatement, and grass/weed charges. Assessments are based on collection for City services previously provided; therefore, City Staff are asking that this item be passed as emergency legislation.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

Ordinance

Exhibit A

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2022-O-

APPROVING INDIVIDUAL ASSESSMENTS AMOUNTS AND DIRECTING THE DIRECTOR OF FINANCE OR HIS/HER DESIGNEE TO CERTIFY THE AMOUNTS TO THE APPLICABLE COUNTY AUDITOR FOR COLLECTION, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Section 6, Article XVIII of the Ohio Constitution the General Assembly has enacted general laws stating purposes for which municipalities may assess specially benefited property; and

WHEREAS, these laws include Ohio Revised Code Sections 727.01, 727.011, 727.012, 727.013, 729.06, 729.11, 1710.01(h) and others, which authorize the City to levy and collect special assessments upon the abutting, adjacent, and contiguous, or other specially benefited, lots or lands in the municipal corporation, for among other things, any part of the cost connected with the improvement of any street, public road, place, boulevard, parkway, or park entrance or an easement of the municipal corporation; sidewalk construction; sewers; sewage disposal works and treatment plants, sewage pumping stations, water treatment plants, water pumping stations, reservoirs, and water storage tanks or standpipes, together with the facilities and appurtenances necessary and proper therefore; drains, storm-water retention basins, watercourses, water mains, or laying of water pipe; lighting; any part of the cost and expense of planting, maintaining, and removing shade trees thereupon; any part of the cost and expense of constructing, maintaining, repairing, cleaning, and enclosing ditches; and

WHEREAS, for such approved assessments, the County Auditor is to act at the direction, or on behalf, of a municipality with respect to collection of such assessments R.C. 727.30; (R.C. 727.33); and

WHEREAS, the General Assembly has also enacted laws that require a County Auditor to act at the direction, or on behalf, of a municipality with respect to collection of certain costs assessed to properties including but not limited to R.C 743.04, 715.261 and 731.51-54; and

WHEREAS, as a result of the foregoing, the City of Huber Heights has passed, and will in the future pass, laws to assess real property for all or part of the cost of a public improvement and/or certain permitted costs of abatement or collection, including but not limited to Ordinance No. 97-O-997 codified as Huber Heights Code Section 175.04 Assessments for Capital Improvement Projects (for sanitary sewer, water, sidewalks and drive aprons, roadways and storm sewers); Ordinance No. 90-O-419 codified as Huber Heights Code Section 919.01 (street lighting); Ordinance No. 2009-O-1771 codified as Huber Heights Code Section 929.16 (unpaid water service); Ordinance No. 1996-O-856 codified as Huber Heights Code Section 923.08 (unpaid sanitary sewer); Ordinance No. 2002-O-1325 codified as Huber Heights Code Section 922.32 (stormwater); Ordinance No. 2014-O-2096 codified as Huber Heights Code Section 521.11 (nuisance in the right of way); Huber Heights Code Section 911.02 (sidewalk repair); Ordinance No. 2002-O-1324 and No. 2011-O-1897 (weed cutting assessment); Huber Heights Code Sections 925.05 (lower Rip Rap Road sewer district assessment), 952.04 (nuisance abatement for false alarms), 521.081, (littering and deposit of garbage) and such other ordinances or resolution that may be passed from time to time pursuant to these codified laws; and

WHEREAS, in order to better track and account for authorized legal assessments and the amounts due to the City, City Council has determined it is in the best interest of the citizens to pass this Ordinance setting forward the applicable properties and assessment amounts to be certified to the County for collection; and

WHEREAS, the assessments set forth in Exhibit A have been authorized by the City Council of the City of Huber Heights and are required by law to be assessed and collected by the County on behalf of the City.

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

Section 1. The properties set forth on the attached Exhibit A, which is incorporated herein by this reference, are to be assessed in the amount also set forth on the applicable section of Exhibit A unless payment is made within the time frame set forth in the applicable section of Exhibit A.

Section 2. In the event a payment for the amount or any portion of the amount set forth in Exhibit A is received by the City prior to final assessment date set forth in Exhibit A, which is the same date set forth in the notice sent to such property owner, the Director of Finance, or his/her designee is authorized to remove or revise such assessment from Exhibit A prior to certification to the County Auditor.

Section 3. The Director of Finance or his/her designee is instructed to certify this Ordinance, including the final assessed properties in Exhibit A, to the applicable County Auditor for collection.

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

Section 5. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the further reason that finalizing and certifying assessment at the earliest time is necessary to timely establish a lien and protect the City's interest in payment of amounts owed to the City; therefore, this Ordinance shall take full force and effect immediately upon its adoption by Council.

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

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

EXHIBIT A

Project No	Project Desc	Parcel ID	Address	Total to be Assessed	Tax Year	Begin Collection	Owner Due Date
31850	Trash/Litter	P70 04003 0131	5553-5629 Old Troy Pike	\$ 665.48	2022	February 2023	April 15, 2022
31850	Trash/Litter	P70 01603 0015	6124 Tomberg St	\$ 596.20	2022	February 2023	April 15, 2022
31850	Trash/Litter	P70 01714 0019	7044 Hubbard Dr	\$ 1,814.92	2022	February 2023	April 15, 2022
31850	Trash/Litter	P70 01012 0005	5759 Resik Dr	\$ 422.80	2022	February 2023	April 15, 2022
31850	Trash/Litter	P70 00115 0013	5441-5447 Lofino Ct	\$ 351.80	2022	February 2023	April 15, 2022
			TOTAL TRASH/LITTER	\$3,851.20			

Project No	Project Desc	Parcel ID	Address	Total to be Assessed	Tax Year	Begin Collection	Owner Due Date
31950	Property Maintenance	P70 01404 0041	5479 Naughton Dr	\$ 1,648.03	2022	February 2023	April 15, 2022
31950	Property Maintenance	P70 00913 0033	4690 Longfellow Ave	\$ 423.55	2022	February 2023	April 15, 2022
31950	Property Maintenance	P70 01408 0042	5701 Belmar Dr	\$ 677.01	2022	February 2023	April 15, 2022
31950	Property Maintenance	P70 00908 0008	5230 Monitor Dr	\$ 2,346.23	2022	February 2023	April 15, 2022
			TOTAL PROPERTY MAINT	\$5,094.82			

Project No	Project Desc	Parcel ID	Address	Total to be Assessed	Tax Year	Begin Collection	Owner Due Date
31500	Grass/Weeds	P70 01515 0013	4877 Fishburg Rd	\$ 345.53	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 00908 0008	5230 Monitor Dr	\$ 300.53	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 01415 0030	5496 Broomall St	\$ 345.53	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 01611 0031	7084 Claybeck Dr	\$ 334.28	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 00913 0004	4427 Kitridge Rd	\$ 300.53	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 00913 0010	4457 Kitridge Rd	\$ 311.78	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 01417 0018	5788 Benedict Rd	\$ 311.78	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 02021 0009	5985 Fox Trace Ct	\$ 323.03	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 01506 0020	5539 Leibold Dr	\$ 311.78	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 01616 0007	6001 Corsica Dr	\$ 323.03	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 02021 0009	5985 Fox Trace Ct.	\$ 323.03	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 02027 0020	5675 Cottonwood Ct	\$ 306.78	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 00306 0018	7210 Kirkwood Dr	\$ 300.53	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 03909 0080	7536 Brandt PK	\$ 311.78	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 01718 0007	5656 Bellefontaine Rd	\$ 345.53	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 01404 0059	4918 Neptune Ln	\$ 311.78	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 01411 0037	5773 Botkins Rd	\$ 300.53	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 01304 0005	5745 Old Troy Pike	\$ 356.78	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 00915 0018	4572 Korner Dr	\$ 300.53	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 00913 0010	4457 Kitridge Rd	\$ 311.78	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 01512 0008	6379 Chippingdon Dr	\$ 323.03	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 01417 0018	5788 Benedict Rd	\$ 334.28	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 01616 0028	5956 Corsica Dr	\$ 345.53	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 00905 0026	4350 Mozart Ave	\$ 379.28	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 01817 0030	6543 Millhoff Dr	\$ 293.03	2022	February 2023	April 15, 2022
31500	Grass/Weeds	P70 01404 0041	5479 Naughton Dr	\$ 311.78	2022	February 2023	April 15, 2022
			TOTAL GRASS/WEEDS	\$8,363.78			

AI-8413

New Business F.
City Manager

City Council Meeting

Meeting Date: 05/23/2022

Sale of Property - Tri-Cities North Regional Wastewater Authority

Submitted By: Bryan Chodkowski

Department: City Manager

Council Committee Review?: Council Work Session
Date(s) of Committee Review: 05/17/2022

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

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

Agenda Item Description or Legislation Title

A Resolution To Approve The Sale Of Property To Tri-Cities North Regional Wastewater Authority Under Certain Terms And Conditions.
(first reading)

Purpose and Background

The City owns two parcels of property which once supported the City's water system near the Tri-Cities treatment facility. That water system infrastructure on those parcels has been removed and the parcels no longer serve an immediate purpose to the City. Tri-Cities, of which the City is a member, has identified the parcels as beneficial to Tri-Cities future expansion. It is in the City's best interest to sell these parcels to Tri-Cities for a nominal value. The legislation associated with the subject would approve the sale of the City parcels to Tri-Cities for One Dollar (\$1.00).

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

Resolution
Exhibit A

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2022-R-

TO APPROVE THE SALE OF PROPERTY TO TRI-CITIES NORTH REGIONAL
WASTEWATER AUTHORITY UNDER CERTAIN TERMS AND CONDITIONS.

WHEREAS, the City of Huber Heights (the “City”) owns six parcels of property (the “Property”) highlighted in the attached Exhibit A and identified as Parcels:

I39 00803 0021	I39 00803 0022	I39 00803 0023
I39 00803 0024	I39 00803 0026	I39 00803 0029; and

WHEREAS, the Property has no identified future use to the City and the Property is immediately adjacent to property owned by the Tri-Cities North Regional Wastewater Authority (“Tri-Cities”); and

WHEREAS, Tri-Cities has begun planning for the growth and expansion of its operations which would benefit from Tri-Cities owning the Property; and

WHEREAS, the City is a member of Tri-Cities.

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

Section 1. The City Manager is hereby authorized to sell the Property to Tri-Cities for the sum of One Dollar (\$1.00) individually; Six Dollars (\$6.00) cumulatively. Such sale transaction shall be in the form and in the manner as directed and approved by the Law Director.

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

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

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

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

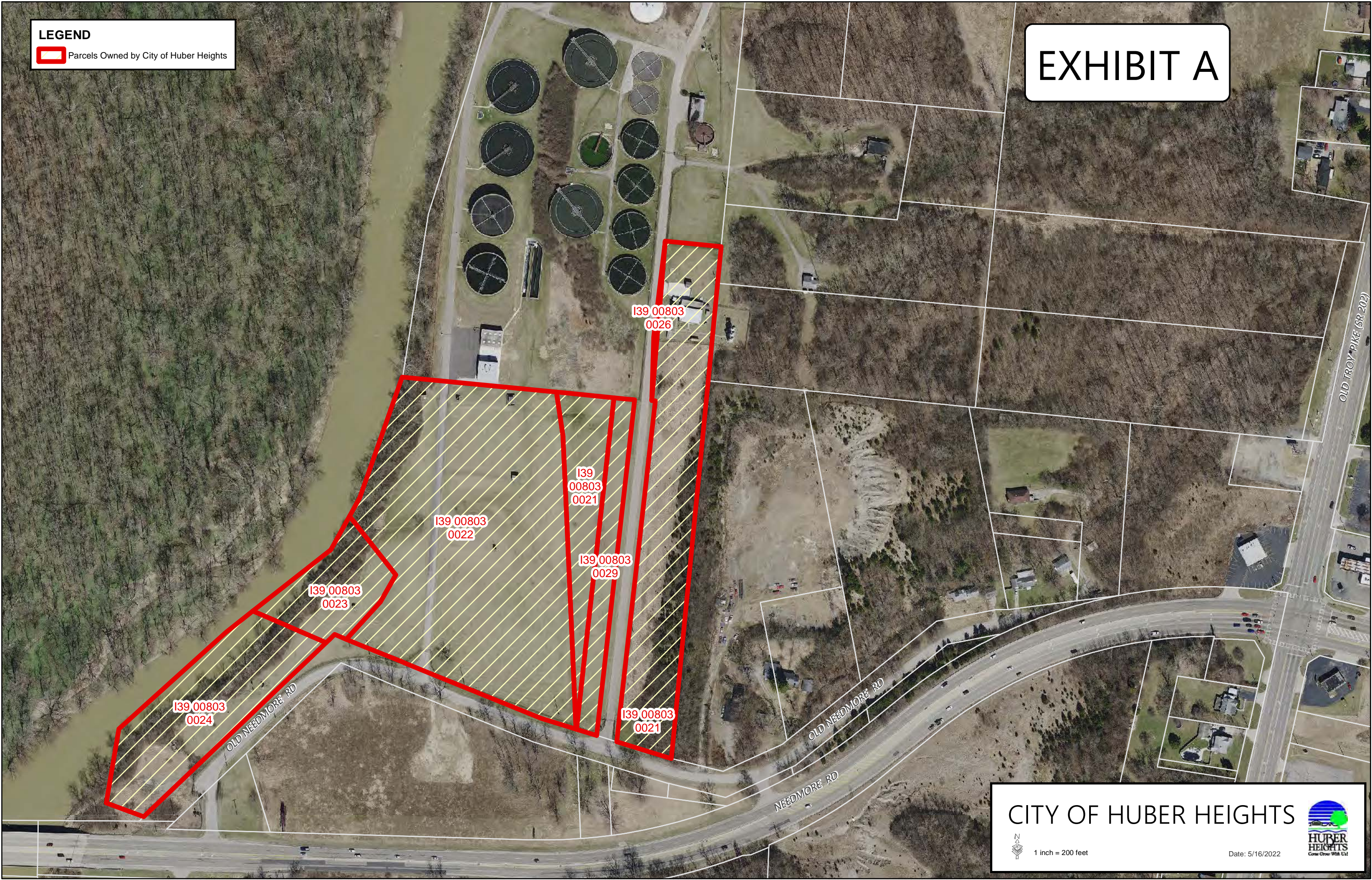
Date

Date

LEGEND

 Parcels Owned by City of Huber Heights

EXHIBIT A



AI-8421

New Business G.
City Manager

City Council Meeting

Meeting Date: 05/23/2022

CR Dayton Leases

Submitted By: Bryan Chodkowski

Department: Economic Development

Council Committee Review?: Council **Date(s) of Committee Review:** 05/17/2022
Work
Session

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

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

Agenda Item Description or Legislation Title

A Resolution Authorizing The City Manager To Execute Leases For 6037 Brandt Pike And 6067 Brandt Pike, Huber Heights, Ohio.
(first reading)

Purpose and Background

This legislation authorizes the City Manager to execute certain tenant leases at CR Dayton.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE CITY MANAGER TO EXECUTE LEASES FOR 6037 BRANDT PIKE AND 6067 BRANDT PIKE, HUBER HEIGHTS, OHIO.

WHEREAS, the City of Huber Heights (“City”) is the owner of the former CR Dayton shopping center property; and

WHEREAS, the City’s realtor for this property has recommended the execution of a lease for that shopping center space identified as Unit #8, addressed as 6037 Brandt Pike, and Unit #10, addressed as 6067 Brandt Pike.

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

Section 1. The City Manager is hereby authorized and directed to execute rental agreements on behalf of the City of Huber Heights as landlord with respect to Unit #8, addressed as 6037 Brandt Pike, and Unit #10, addressed as 6067 Brandt Pike.

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

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

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

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8427

New Business **H.**
City Manager

City Council Meeting

Meeting Date: 05/23/2022

East Water Main Extension Project - Solicit Bids

Submitted By: Hanane Eisentraut

Department: Engineering **Division:** Engineering

Council Committee Review?: Council Work Session
Date(s) of Committee Review: 05/17/2022

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

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

Agenda Item Description or Legislation Title

A Resolution Authorizing The City Manager To Solicit, Advertise And Receive Bids From Qualified Firms For The East Water Main Extension Project.
(first reading)

Purpose and Background

This legislation will allow the City Manager to solicit, advertise and receive bids for the construction of the East Water Main Extension project. The City of Huber Heights has received a federal grant as part of the American Rescue Plan Act (ARPA) to extend the water line along Bellefontaine Road from 7060 Bellefontaine Road to a connection point at the intersection of Bellefontaine Road and Center Point 70 Boulevard and eliminate the water connection with Clark County.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

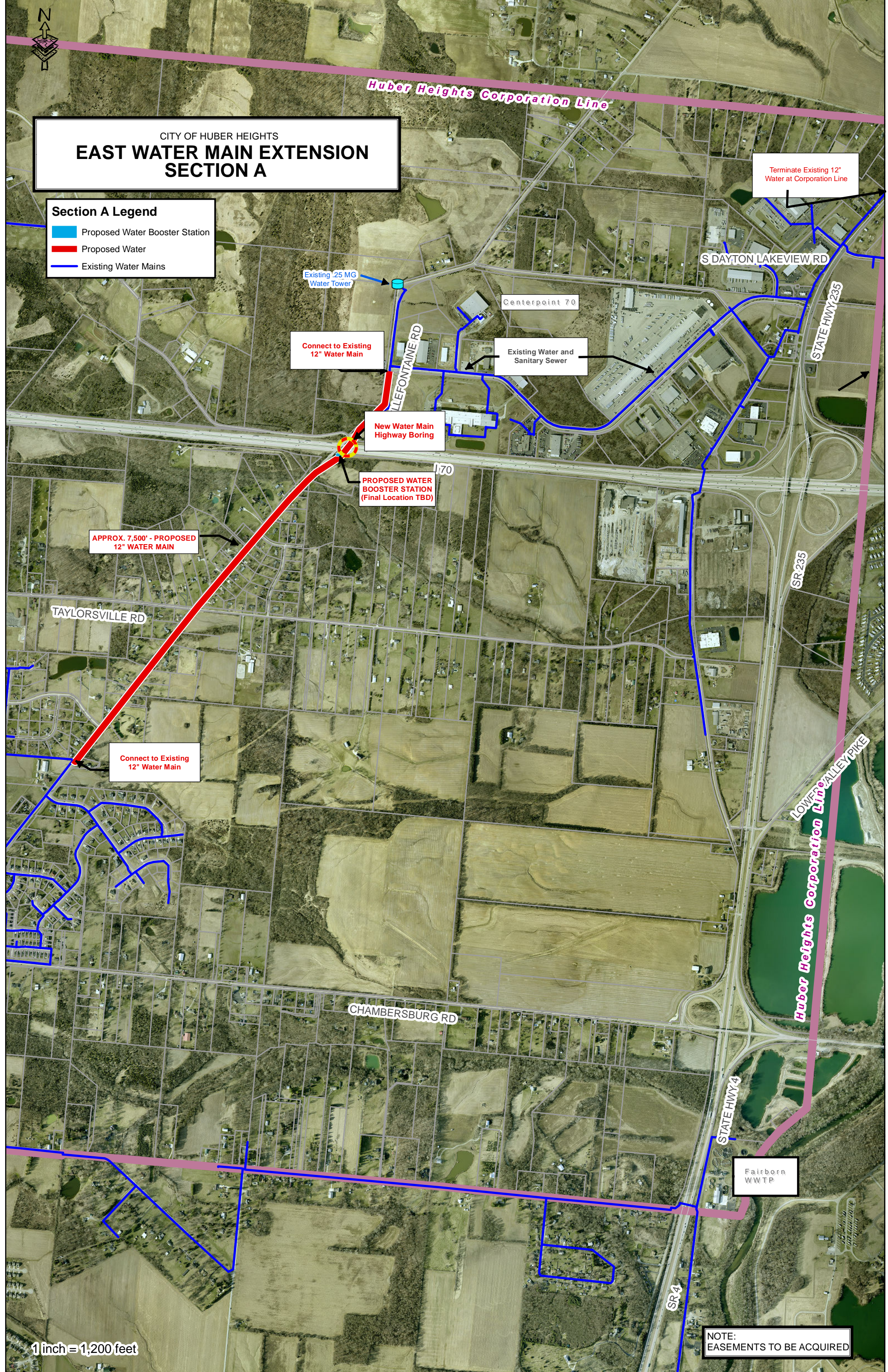
Recurring Cost? (Yes/No): No

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

Financial Implications:

Attachments

Map
Resolution



CITY OF HUBER HEIGHTS
**EAST WATER MAIN EXTENSION
SECTION A**

Section A Legend

- Proposed Water Booster Station
- Proposed Water
- Existing Water Mains

Terminate Existing 12" Water at Corporation Line

Existing .25 MG Water Tower

Centerpoint 70

Connect to Existing 12" Water Main

Existing Water and Sanitary Sewer

New Water Main Highway Boring

PROPOSED WATER BOOSTER STATION (Final Location TBD)

APPROX. 7,500' - PROPOSED 12" WATER MAIN

Connect to Existing 12" Water Main

TAYLORSVILLE RD

CHAMBERSBURG RD

S DAYTON LAKEVIEW RD

STATE HWY 235

Huber Heights Corporation Line
LOWER VALLEY PIKE

STATE HWY 4

Fairborn WTP

SR 4

1 inch = 1,200 feet

NOTE:
EASEMENTS TO BE ACQUIRED

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE CITY MANAGER TO SOLICIT, ADVERTISE AND RECEIVE BIDS FROM QUALIFIED FIRMS FOR THE EAST WATER MAIN EXTENSION PROJECT.

WHEREAS, the City has received a federal grant as part of the American Rescue Plan Act (ARPA) Fund; and

WHEREAS, it was necessary to obtain outside engineering services to design the East Water Main Extension Project; and

WHEREAS, engineering plans, specifications and cost estimates have been completed by Choice One Engineering; and

WHEREAS, Council has determined to proceed with this project during the 2022 construction season including the installation of approximately 7,500 linear feet of water main, complete with appurtenances, restoration, etc., along Bellefontaine Road from 7060 Bellefontaine Road to a connection point at the intersection of Bellefontaine Road and Center Point 70 Boulevard, and eliminating the water connection with Clark County.

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

Section 1. The City Manager is hereby authorized to solicit, advertise and receive responses from qualified firms for the construction of the East Water Main Extension Project at a cost not to exceed \$2,400,000.00.

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

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

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

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8425

New Business I.
City Manager

City Council Meeting

Meeting Date: 05/23/2022

Disposal of Surplus Property

Submitted By: Matt Dulaney

Department: Police

Division: Police

Council Committee Review?: Council
Work
Session

Date(s) of Committee Review: 05/17/2022

Audio-Visual Needs: None

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

A Resolution Declaring Certain City Property As No Longer Required For Municipal Purposes As Surplus And Authorizing Disposal Of Said Property.
(first reading)

Purpose and Background

The City of Huber Heights is in possession of certain property (vehicles) and the property is no longer required for municipal purposes after being replaced.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Vehicles are on a rotational schedule for replacement. Attached are the vehicles for all divisions, city wide, that are no longer needed or useful and due for disposal.

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2022-R-

DECLARING CERTAIN CITY PROPERTY AS NO LONGER REQUIRED FOR MUNICIPAL PURPOSES AS SURPLUS AND AUTHORIZING DISPOSAL OF SAID PROPERTY.

WHEREAS, the City of Huber Heights is in possession of certain property – one 2007 Chevrolet Impala; three 2008 Chevrolet Impalas; two 2010 Dodge Chargers; one 2012 Impala; one 2014 Dodge Charger; five 2016 Ford Interceptors; two 2017 Dodge Chargers; two 2017 Ford Interceptors; one 2003 Chevrolet Suburban; one 2002 Ford F150; one 2010 Dodge Charger; one 2007 Ford Explorer; and

WHEREAS, the property is no longer required for municipal purposes.

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

Section 1. Consistent with the provisions of the Ohio Revised Code, Section 721.15 and applicable City Codified Ordinances and purchasing procedures, the following equipment is declared surplus, no longer required for municipal purposes, and authorization is hereby provided to dispose of the property consistent with the provisions of the Huber Heights Codified Ordinances:

ITEM	USER ID				
1FM5K8AR6HGD93576	Ford	Interceptor	2017	P01810	Police (totaled)
2G1WB58K081311489	Chevrolet	Impala	2008	P01415	Police
2G1WS553681361584	Chevrolet	Impala	2008	P01412	Police
2C3CDXKT2EH371511	Dodge	Charger AWD	2014	P01646	Police
2B3CA4CD5AH245049	Dodge	Charger	2010	P01484	Police
2G1WF5E36C1121027	Chevrolet	Impala	2012	P01524	Police
2B3CA4CD7AH235252	Dodge	Charger	2010	P01485	Police
1FM5K8AR1GGC50520	Ford	Interceptor	2016	P01751	Police
1FM5K8AR1GGA02073	Ford	Interceptor	2016	P01643	Police
1FM5K8AR5GGC50519	Ford	Interceptor	2016	P01748	Police
1FM5K8AR3GGC50518	Ford	Interceptor	2016	P01750	Police
1FM5K8ARXGGC50516	Ford	Interceptor	2016	P01749	Police
2C3CDXAGXHH630108	Dodge	Charger	2017	P01805	Police
2C3CDXAGXHH630109	Dodge	Charger	2017	P01806	Police
1FM5K8AR2HGC26034	Ford	Interceptor	2017	P01804	Police
2G1WS55R879183956	Chevrolet	Impala	2007	PD000147	Zoning
2G1WS553181362514	Chevrolet	Impala	2008	PD00141	Fire
1GNFK1613J181583	Chevrolet	Suburban	2003	S00672	Public Works
1FTRF17W6NB39755	Ford	F150	2002	PD00091	Public Works
2B3AA4CT9AH288663	Dodge	Charger	2010	S00646	Public Works
1FMEU73EX7UB65496	Ford	Explorer	2007	F675	Fire
2G1WS57M391300295	Chevrolet	Impala	2009	P01424	Police

Section 2. Authorization is hereby provided to the City Manager to dispose of the listed surplus item(s) on an online auction site or in such other manner as authorized by law.

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

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

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

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date