

RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

www.pfpettibone.com FORM NO. 10148

In Council Chambers

Held 6131 Taylorsville Road August 23, 2021

1. The Huber Heights City Council met in a Regular Session on August 23, 2021. Mayor Jeff Gore called the meeting to order at 7:00 p.m.
2. The Invocation was given by Pastor Randy Griffith of the Free Methodist Church at 6875 Old Troy Pike, Huber Heights, Ohio.
3. **Pledge of Allegiance**
4. **Roll Call**

Councilmembers present for this meeting were Richard Shaw, Kathleen Baker, Mark Campbell, Glenn Otto, Ed Lyons, Andy Hill, Don Webb, and Mayor Jeff Gore.

Mayor Gore said Mrs. Byrge had sent an email requesting her absence be excused. Mr. Campbell moved to excuse Mrs. Byrge's absence; Mr. Webb seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, and Mr. Shaw voted yea; none voted nay. The motion passes 7-0.

5. Approval of Minutes

- A. City Council Meeting Minutes – August 9, 2021

6. Special Presentations/Announcements

- A. Huber Heights Arts And Beautification Commission Yard Beautification Awards Presentation - Mayor Jeff Gore And The Huber Heights Arts And Beautification Commission

Mayor Gore joined Cindy Davidson, Chair of the Arts and Beautification Commission, to present the awards. The Best Business Award was presented to McDonald's at 5562 Merily Way; the Bee Friendly Award was presented to Gillian Vino at 7510 Sebring Drive, and the Mayor's Award was presented to David Rebele at 7604 Callamere Farms Drive.

- B. Mayoral Proclamations And Presentation To Competitors From Meng's Martial Arts - Mayor Jeff Gore

Mayor Gore read a proclamation for the members of Meng's Martial Arts who achieved gold medals in national and international competitions and the coach, Grand Master Benny Meng. The medal winners were Hawk Burns, Shea Scarborough, Giovanni Smith, Derikson Meng, Spencer Meng, Vincent Meng, Andrew Tate, and Daarynah Willoughby. Mayor Gore congratulated the competitors and thanked Mr. Meng for the thirty-four-year relationship with the City of Huber Heights.

- C. Prostate Cancer Awareness And Education Month Mayoral Proclamation Presentation – Mayor Jeff Gore

Mayor Gore read the Prostate Cancer Awareness and Education Month proclamation.

7. Citizens Comments

Mr. Vincent King said as Council continues to work to find a developer for Marian Meadows/Southpointe Crossing site and work with the library, he encouraged Council to listen to the residents, especially in Ward 4. He said what he would like to see in that area is a multi-use City municipal facility, and he sees that area as a potential location to consolidate City Staff. He also said the area is large enough to have City-wide events such as the Farmers Market. He encouraged Council to add bicycle lanes to the streets.

Mrs. Cindy Smith said all the homes that won beautification awards are brick. She again asked Council to consider legislation to define "masonry". She said Huber Heights has a national reputation for being the largest community of brick homes and

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it would be a shame to sully that reputation with builders using loopholes to build with cheaper materials. She said Section 9 of The Oaks will be a visual representation of the decline of City standards and a reminder of how developers and builders when left unchecked, can shape this City.

Mayor Gore said the City is awaiting information on this issue from the Law Director.

Mr. Otto said he is a member of the Ordinance Review Commission, and that is a topic that was recommended to come back to Council to review and to make decisions. He said he feels the City's standards have lowered over the years.

Don Webb said the masonry is more visual than composition. He said this issue was discussed at length by the Ordinance Review Commission, and the commission recommended getting the issue before the Planning Commission and back to Council.

Mayor Gore said one thing he would support is making sure the intent of Council becomes very clear in the language of the ordinance.

8. Citizens Registered to Speak on Agenda Items

There was one citizen registered to speak on Item 11-J.

9. City Manager Report

Interim City Manager Scott Falkowski said he has started the conversations with the builder in The Oaks and there is a follow-up call scheduled. He said there has been compromise and there will not be an all Hardie board home in this subdivision. He said he has begun talking with the Law Director and the Code Enforcement Administrator regarding masonry and the City Code itself. He said typically Labor Day is the last day for the splash pad at Thomas Cloud Park. He said City Staff are looking to extend that out. He said Bellefontaine Road is now open. He said there is no new update for the opening of Chambersburg Road at State Route 4. He said residents are beginning to receive updated trash bills from Republic Services with credits. He said there are also four cent trash bills that have gone out which will be waived. He said there have been less customer service complaints about Republic Services.

Mayor Gore asked Mr. Falkowski to get information about the four cent bills on the City's website.

Mr. Shaw said Gerald McDonald was looking into the trash hauling contract regarding the size and color of the recycling carts. He asked Scott Falkowski if he had heard anything back from Republic Services on that matter.

Mr. Falkowski said he has not heard anything regarding the trash cart inventory, and he will look into that issue.

10. Pending Business

There was no Pending Business this evening.

11. New Business

CITY COUNCIL

Anthony Rodgers, Clerk of Council

- A. A Motion To Authorize The City Manager To Reinstate The City Of Huber Heights' Membership With The Huber Heights Chamber of Commerce.

Clerk of Council Anthony Rodgers said this motion is to affirm the decision that was made at the last Council Work Session to reinstate the City's membership with the Huber Heights Chamber of Commerce.

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Mayor Gore said the Council Work Session recommendation was to adopt this item this evening. He said Mr. Mark Bruns, the Huber Heights Chamber of Commerce Executive Director, is in attendance this evening. He said the City had a meeting last month with Huber Heights Chamber of Commerce board members was a great step. He said he is happy the two entities are back working together. He said he looks forward to a positive relationship moving forward and for many years in the future.

Mr. Hill moved to adopt; Mr. Campbell seconded the motion.

Mr. Shaw said this is a great day and it has been over 440 days since the City has been part of the Huber Heights Chamber of Commerce. He said he truly believes the City should be one of the best and most productive members of the Chamber of Commerce. He apologized to the Executive Director and the Chamber members in attendance for what took place by a majority of the Council 440 days ago.

Mr. Otto said in the meeting packet, it reads the City's membership will be reinstated at the previous membership level. He said the level was reduced in 2018 to a basic membership. He said he hopes the City will go back to platinum level membership.

Mayor Gore said it was his understanding from the Council Work Session that the platinum level membership was discussed and will be reinstated.

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

- B. 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 #30612130080 For Little Caesar's At 5390 Brandt Pike, Huber Heights, Ohio 45424.

Mr. Rodgers said this item has been reviewed by the Police Division and the Fire Division and there were no objections in reference to this new liquor permit.

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

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

- C. An Ordinance To Amend The Codified Ordinances of the City of Huber Heights, Ohio To Provide Amendments To The Traffic Code Sections 335.021, 331.211, 335.09, And 335.04; And To The General Offenses Code Sections 525.13, 545.03, 545.09, 509.07, 541.051, 501.99, 513.01, 541.05, And 549.02; To Provide For Codification; To Provide For Severability; And To Repeal Conflicting Ordinances.
(first reading)

Mr. Rodgers said each year as part of the codification process, changes made to the Ohio Revised Code are codified into the City Code. He said changes are being made to the Traffic Code and General Offenses Code. He said all of the amendments have been reviewed with the Law Director.

Mayor Gore said the Council Work Session recommendation was to pass this item to a second reading and the item will be passed to a second reading.

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ADMINISTRATION

Scott Falkowski, Interim City Manager

- D. A Resolution Authorizing Certain Actions Made To Amend All Of The Current Collective Bargaining Agreements And The City's Employee Personnel Manual To Recognize Juneteenth As A City Paid Holiday For All Employees.
(first reading)

Mr. Falkowski said Juneteenth, June 19, is now a nationally recognized federal holiday. He said the request is to make Juneteenth a paid holiday for all City employees.

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

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

- E. An Ordinance Authorizing Transfers Between Various Funds Of The City Of Huber Heights, Ohio And Amending Ordinance No. 2020-O-2453 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2021 And Ending December 31, 2021.
(first reading)

Mr. Falkowski said the items in this legislation are monies coming from FEMA for the firefighters who went down to Florida to help with a disaster, a retirement payout that was not budgeted for, and the first debt payment on the Energy Performance Project lease.

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

Mr. Hill moved to waive the second reading; Mr. Webb seconded the motion. On a call of the vote, Mr. Hill, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mr. Otto, and Mr. Lyons voted yea; none voted nay. The motion passes 7-0.

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

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

Mr. Falkowski said this item approves a wide range of assessments and there is a very long list attached to this legislation. He said the request is to pass this item as emergency legislation to meet the County Auditor's deadlines.

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

Ms. Baker moved to waive the second reading; Mr. Campbell seconded the motion. On a call of the vote, Mr. Shaw, Ms. Baker, Mr. Campbell, Mr. Otto, Mr. Lyons, Mr. Hill, and Mr. Webb voted yea; none voted nay. The motion passes 7-0.

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

- G. An Ordinance Authorizing An Additional Lease Transaction Pursuant To An Existing Master Tax-Exempt Lease/Purchase Agreement And Authorizing The Execution Of Related Addenda, A Property Schedule And Related Documents For The Purpose Of Making Certain Additional Energy Conservation Improvements To Various City Facilities, And Declaring An Emergency.
(first reading)

Mr. Falkowski said this item is for the additional lease for the Energy Performance Project. He said this is lease for the next phase for the Fire Division projects. He said the existing lease could not be modified, and this item is to move forward with the new additional lease.

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

Mr. Webb moved to waive the second reading; Mr. Hill seconded the motion. On a call of the vote, Mr. Campbell, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw, and Ms. Baker voted yea; none voted nay. The motion passes 7-0.

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

- H. A Resolution Authorizing The East Water Main Extension And East Sanitary Sewer Main Extension Projects.
(first reading)

Mr. Falkowski said this item is the first step in moving forward with the project to connect utilities along the east side of Huber Heights. He said, in the future, awarding bids for the project would come back before Council.

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

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

Mr. Shaw said in reading through this resolution, Section 1 states Council is giving the City Manager direction to take necessary actions to design and construct the project. He said nowhere in the three sections does it state any of these bids will come back before Council. He said the City Manager did state he would do that, but Mr. Shaw said he would move to amend the legislation to state Council will be kept completely up to date on any and all design and construction extensions for the project. He said this project is a very large project and it is important for this Council to stay on top of it.

Mr. Campbell said he would second the motion to amend the legislation.

Mr. Rodgers suggested Mr. Lyons and Mr. Otto withdraw the motion to adopt and the second to the motion to allow for an amendment, and Mr. Lyons and Mr. Otto did so.

Mayor Gore said there is a motion to amend the legislation to add "City Council will be kept completely up to date on any and all design and construction extensions." to the appropriate section(s) of the legislation by Mr.

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Shaw and seconded by Mr. Campbell, and he said Council can move forward on that vote.

Mayor Gore said this project is an exciting project and a tremendous opportunity to add companies and businesses to Huber Heights. He thanked Council for the support for this project.

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

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

- I. A Resolution Authorizing The City Manager To Enter Into Contracts For The Monita Field Skate Park And BMX Track Project.
(first reading)

Mr. Falkowski said this item is for additional paving and repair work at Monita Field Park. He said the proposal in the bid package had this item in it, so it is awarding the other sections of the bid which overall are lower than any other bids.

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

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

Mr. Shaw said, in looking at the proposal on the paving aspect, he asked if it includes any extension of the parking lot.

Mr. Falkowski said this work does not add any additional parking at this time. He said it was discussed at the last Council Work Session about whether that is needed, and Mr. King is looking into that issue for the future. He said Council requested and he passed on to Council the next day information about parking requirements for the parks. He said it is not required in the City Code, but Mr. King is looking into parking expansion opportunities.

Mr. Shaw said if the discussion is about an expansion, the City should make sure it gets the best bang for the buck. He said if there is potential for expansion, he would rather not rush into this work and if another week or two is needed, Council can discuss this matter at the next Council Work Session. He said if Council wants to put this expansion into action, the perfect opportunity is while dirt is being moved and fresh pavement is going down.

Ms. Baker confirmed with Mr. Falkowski that he said in the email sent to Council that there are enough parking spaces currently.

Mayor Gore said Mr. Shaw brings up a great point. He said he wants to make sure the facility holds the people and holds the cars.

Mr. Campbell asked if Mr. Falkowski could have information back from Mr. King by the next Council Work Session.

Mr. Falkowski said by the next Council Work Session, he can have that information plus quotes.

Mr. Campbell asked if the City could use the same vendor and get a per unit quote. He said he agreed with Mr. Shaw.

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Mayor Gore asked to have the motion to adopt and the second withdrawn by Ms. Baker and Mr. Hill; and have this item moved to a second reading to allow for additional discussion at the next Council Work Session.

Ms. Baker and Mr. Hill withdrew the motion to adopt and the second.

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

- J. A Resolution Authorizing The City Manager To Enter Into Contracts For The Monita Field Bicycle Amenities Project.
(first reading)

Mr. Falkowski said this item is to add the pump track and bicycle skills loop to the previously approved project. He said it was previously bid for Dial Park, and the same price works at this location. He said the request is to move forward with entering into those contracts for this project.

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

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

Mr. Frank Wylie said precedent comes to mind. He said the previous two-part project had been discussed then taken back to the residents of the areas in question. He said requests were made for surveys, a few Councilmembers spoke with residents, and there was an impromptu Town Hall meeting. He said at the last Council Work Session, he was disturbed to hear the Monita Field Park area had not been surveyed. He cited the businesses and residential streets in that area and said those residents have not been surveyed. He asked what is different about the Monita Field Park project than the projects at Dial Park or Powell Road when being considered for the same amenities.

Mayor Gore said this time is for citizen comments and not a question-and-answer period. He said that location used to be a municipal pool and there are baseball diamonds there. He said the people who live in that area know it is going to be an area where people are going to be using the park. He said Josh King and Scott Falkowski did not feel there was a need to survey because the residents already live near an area that was once used as a large community pool.

Mr. Wylie said the pool has been closed for ten years and the residents may have changed.

Mayor Gore asked if that was all of Mr. Wylie's comments.

Mr. Wylie said he thought this was an opportunity to speak and get some responses, and if that is not the case any longer, he misunderstood.

Mayor Gore said citizens comments are not meant for a question-and-answer session and that is the same thing he spoke to Mrs. Smith about.

Mr. Wylie asked for clarification because at the Council Work Sessions, he said citizens are occasionally allowed to speak and get answers. He said if citizens are not allowed to speak and get answers here either, then when do they get their answers?

Mayor Gore said there are certain topics at Council Work Session that become issues and based on his discretion, he will allow commentary. He said that is the nature of the Council Work Sessions.

Mr. Wylie said he tried to bring this issue up at a Council Work Session and he was told that was not the right place, so he came to this meeting and is now

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told this is not the right place. He quoted the Mayor as saying, "We typically do not allow citizens comments at Council Work Sessions."

Mayor Gore discussed the procedure. He said if there is a Councilmember that would like to address Mr. Wylie's comments, he has no issues with that.

Mr. Shaw said he would be happy to address Mr. Wylie's comments. He said it is his recollection that not even the Parks and Recreation Board voted on these amenities at Monita Field Park. He said additionally, he was not aware of any Parks and Recreation Board members that were aware of any surveys or communication that took place in that general area or speaking with the businesses or residents. He said due to some of the previous comments by people on the dais, this project is compromise number five for him which he is going to approve with his vote for the simple reason that it is saving two baseball fields and the City is able to bring in additional youth sports that will better the community rather than destroying those fields.

Mr. Otto said he appreciates all of the amenities for the community, but he does not support cramming all these amenities into one space. He said the amenities should be distributed throughout the community so everyone can enjoy these things. He said for that purpose only, he will not be supporting this item.

On a call of the vote, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mr. Lyons, and Mr. Hill voted yea; Mr. Otto voted nay. The motion passes 6-1.

- K. A Resolution Declaring The Necessity Of Repairing Sidewalks, Curbs, Gutters, Driveway Approaches And Appurtenances Thereto On Portions Or All Of Certain Streets In The 2022 Sidewalk Program, Providing That Abutting Owners Repair The Same.
(first reading)

Mr. Falkowski said this item is the Resolution of Necessity for the 2022 Sidewalk Program. He said property owners will have until December 31, 2021 if they wish to hire their own contractor or perform the work themselves.

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

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

- L. A Resolution Amending Resolution No. 2021-R-6974 To Authorize An Increase In The Not To Exceed Amount For Crown Lift Trucks To Purchase One (1) Forklift Truck And Waiving The Competitive Bidding Requirements
(first reading)

Mr. Falkowski said this item is to purchase a forklift truck requested by the Public Works Division and it is necessary to raise the not to exceed amount by \$600 to \$29,600.00 to move forward with that purchase.

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

Mr. Otto said the City is continually adding new equipment for the Public Works Division which is absolutely needed as the City grows and expands. He said he wants to re-emphasize that there needs to be a hard discussion on how to take care of the Public Works Division and expand its facilities in the future.

Mayor Gore said Mr. Falkowski has been having discussions with Mike Gray regarding personnel in the Public Works Division and what is needed. He

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said he would expect to see discussions very soon at a Council Work Session regarding a facility and personnel for the Public Works Division.

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

12. City Official Reports and Comments

Mr. Shaw congratulated the Wayne Warriors on the first win of the season at Welcome Stadium. He said as a parent of two students, he is so happy the kids are back in school and hope they remain there safely. He asked Scott Falkowski to get with Gerald McDonald and have Council updated on the Sneaky D's liquor objection. He said that operation is still going on and it sets a bad precedent to let a business of that nature know it can do that.

Mayor Gore agreed and said Council needs to hear from the Law Director on this item.

Ms. Baker welcomed Chick-Fil-A to Huber Heights.

Mayor Gore said school is back and he is certainly glad to have the kids back in the building. He said it has been a year and a half since 60 percent of the kids have been in a classroom. He said he is pleased with the first three days of school. He said he went to Chick-Fil-A twice, and service has been fast and efficient.

13. Executive Session

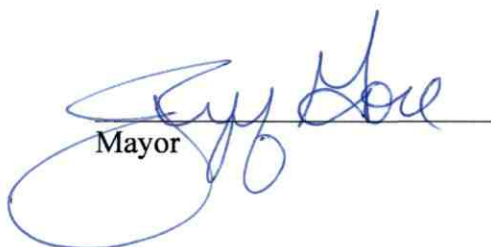
There was no need for an Executive Session this evening.

14. Adjournment

Mayor Gore adjourned the Regular Session City Council Meeting at 8:11 p.m.


Clerk of Council

9-14-21
Date


Mayor

9/14/21
Date