

# RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

www.pjettibone.com FORM NO. 10148

In Council Chambers

6131 Taylorsville Road

September 13, 20

21

Held

1. The Huber Heights City Council met in a Regular Session on September 13, 2021. Mayor Jeff Gore called the meeting to order at 7:00 p.m.
2. The Invocation was given by Father Kyle Schnippel Of Saint Peter Church At 6161 Chambersburg Road, Huber Heights, Ohio.
3. **Pledge of Allegiance**
4. **Roll Call**

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

**5. Approval of Minutes**

- A. City Council Meeting Minutes – August 23, 2021

**6. Special Presentations/Announcements**

There were no Special Presentations or Announcements this evening.

**7. Citizens Comments**

Kyle Austin said there is an issue with the City Code regarding disturbing the peace in Section 509.08(b)(10) involving the construction site on the east end of the Windbrooke neighborhood connected to Carriage Trails. He said according to the ordinance, contractors are allowed to operate between the hours of 7 a.m. and 10 p.m. Monday through Friday. He said the City Engineer has given them a pass to work on Saturdays although the ordinance states the City Engineer can issue a waiver for a period of not more than three days during an emergency for public health and safety concerns, but this waiver has been going on for two years. He said residents cannot have friends and family over outside when tractors and dump trucks are running until 10:00 p.m. and trucks are showing up at 6:00 a.m. to begin work at 7:00 a.m. He said the City Engineer restricted the contractor to not beginning work on Saturdays until 9:00 a.m., but the contractors start at 6:30 a.m. or 7:00 a.m. anyway. He said he was told to call the police on weekends, but the police officers say they cannot do anything because the contractors have a permit. He said according to Anthony Rodgers, Russ Bergman has submitted a proposal to the Ordinance Review Commission to make Saturday a regular working day under this ordinance. He discussed the difficulty with living and working at home due to the traffic and noise. He asked for Council to reconsider Russ Bergman's proposal and to limit the hours contractors can work in residential areas.

Mr. Falkowski said this proposal is first going through the Ordinance Review Commission for more discussion and then to City Staff as well.

Mayor Gore said this is a quality-of-life issue and he would not want to be in that situation. He asked Mr. Falkowski to look into this issue and to find some reprieve for the residents of that community.

Mr. Webb said Mr. Austin has been in contact with him for a year now, and he has been forwarding those messages to the Interim City Manager. He told Scott Falkowski this matter must be escalated quickly and taken care of now as there have been a series of emails and the responses the City has given to Mr. Austin are not working.

Brandon Dodge said he and other representatives of Huber Heights Girls' Softball Association (GSA) want to bring back youth baseball to the City of Huber Heights at Monita Field Park and Thomas Cloud Park and everything from Huber Heights Little League has been handed over to their organization. He said they have volunteers and are looking for more. He said they are looking forward to working with the Parks and Recreation Board and Council.

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Mayor Gore said the reason GSA has been so successful over the years is because of the volunteers. He said he looks forward to seeing what the organization can do.

Mr. Lyons asked how the condition of the fields are in preparation for next year.

Mr. Dodge said Fields 7, 8, 9 and 10 at Thomas Cloud Park were renovated three years ago, but there are two temporary backstops that are leaning and Council is aware of the condition of the fields at Monita Field Park.

Mr. Lyons asked for a list of what needs to be done and the long-term items for planning to send to Mr. Falkowski.

Mayor Gore said there is an item on the agenda tonight and asked if that legislation can be amended to take care of the other fields.

Mr. Falkowski said it could, but he would also like to talk more about what additional work beyond the fields is needed. He said City Staff would not have all the information tonight.

Mr. Lyons discussed how this matter could be added to the agenda and asked Mr. Dodge to get this information to Mr. Falkowski.

Mr. Otto thanked everyone for stepping up to take care of Little League. He said he is on board for doing all the City can to improve the fields.

Mrs. Byrge asked if Council could go forward with the legislation tonight and amend it to add things later on.

Mr. Falkowski explained the agenda item tonight is for redoing the two fields at Monita Field Park and the largest field at Thomas Cloud Park. He said Council can move forward with that issue tonight to get in on the books and then come back at the next Council Work Session with another package or Council can amend the legislation tonight to increase costs for the fields at Thomas Cloud Park then come back with additional items.

Mr. Shaw said he is glad to see that youth sports in the community is moving in the right way. He said prior to Mr. Dodge's comments, it was his intention to motion to amend Item 11-Q with a not to exceed amount of \$80,000 to include all four additional fields and waiving the competitive bidding requirements.

Mr. Campbell said he will be seconding Richard Shaw's motion and asked Mr. Falkowski if the motion could be amended to add a new not to exceed amount and asked if the \$80,000 would be enough.

Mr. Falkowski said he does not have an actual quote, but it would be up around a \$90,000 not to exceed number if all the same work needed to be done on the fields.

## 8. Citizens Registered to Speak on Agenda Items

There were no Citizens Registered to Speak on Agenda Items this evening.

## 9. City Manager Report

Interim City Manager Scott Falkowski expressed his thanks to all of those who helped to plan and execute the Marigold Festival including the 9/11 Tribute and the Movie Night this past weekend. He thanks City Staff including the Public Works Division, Geri Hoskins, the Parks and Recreation Board, and the Arts and Beautification Commission; and he thanked the vendors and attendees. He said the City's Water Department is back open to the public. He said the testing of the wells at the Rip Rap Road Water Plant will require that Rip Rap Road be closed, and a press release will be going out to that effect. He said the testing is scheduled to start next Monday and will run four to five days. He said the gated area where Taylorsville Road makes the bend is where Rip Rap Road is being closed.

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## 10. Pending Business

- A. 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.  
(second reading)

Clerk of Council Anthony Rodgers said this item is to amend sections of the City Code due to changes in the Ohio Revised Code. He said this item is at the second reading and he asked for Council's approval to adopt this ordinance this evening.

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

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

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

Mr. Rodgers said there has been a posted amendment for this item to amend the legislation with another piece of legislation in its place and it has been properly noticed. He read the amended legislation by title: A Resolution Authorizing The City Manager To Waive The Competitive Bidding Requirements And Award A Contract To Wagner Paving For Parking Lot Repair And Expansion At Monita Field Park.

Interim City Manager Scott Falkowski said this request is to amend the existing proposed legislation with the amended legislation which includes a not to exceed amount of \$65,000. He said City Staff confirmed with the contractor this work will be at prevailing wage rates.

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

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

## 11. 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 #58111440425 For Meijer Gas At 7266 Executive Boulevard, Huber Heights, Ohio 45424.

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Clerk of Council Anthony Rodgers said this item is a new liquor permit and the recommendation was to approve the motion tonight based on feedback from the Police Division and the Fire Division with no objections.

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

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

- B. A Motion To Direct The Clerk Of Council To Respond To The Ohio Division Of Liquor Control With No Objections In Reference To The Transfer Of Liquor Permit #3097970 For Marathon At 7851 Old Troy Pike, Huber Heights, Ohio 45424.

Mr. Rodgers said this item is a transfer of the liquor permit at the same location.

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

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

## ADMINISTRATION

### Scott Falkowski, Interim City Manager

- C. A Resolution Approving The Execution Of That Certain First Amendment To Redwood Development Agreement Between The City Of Huber Heights, Ohio ("City"), DEC Land Co. LLC ("DEC"), And Redwood USA LLC ("Redwood") (The "Parties"); And Giving Certain Discretionary Control To The City Relative To The Extension Of CRA Rights To Certain Property Of The Parties.

(first reading)

Mr. Falkowski said this amendment follows the same pattern as the original agreement for the amount of the CRA with the PILOT payment that comes back to the City. He said this item is an amendment to allow for the extension of the Redwood Apartments for 34 new units that would go next through the Planning Commission process for approval.

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

Ms. Baker moved to adopt; Mr. Otto seconded the motion. On a call of the vote, Mr. Hill, 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.

- D. A Resolution Adopting A Statement Indicating The Services The City Of Huber Heights, Ohio Will Provide To The Territory Proposed To Be Annexed To The City Of Huber Heights Pursuant To A Petition Filed With The Board Of Commissioners Of Miami County By Land Owners (As Defined Below), As Provided By Ohio Revised Code Section 709.023.

(first reading)

Mr. Falkowski said this item is to allow for the services statement. He said it states the City is able to provide services for the 233 acres that are proposed to be annexed to the City. He said this item is not to approve the annexation.

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

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

Mr. Otto said he will not give any support for this item until Council is able to bring the thoughts of the residents of Bethel Township, the Bethel Township Trustees, and the Bethel School Board to this discussion. He said until then, he cannot support this item.

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

- E. A Resolution Ratifying The Acceptance Of The Material Terms Of The OneOhio Subdivision Settlement Pursuant To The OneOhio Memorandum Of Understanding And Consistent With The Terms Of The July 21, 2021 National Opioid Settlement Agreement.  
(first reading)

Mr. Falkowski said this resolution is for the acceptance of a potential settlement as a result of the opioid crisis. He said the City would receive between \$172,000 and \$246,000 for the Montgomery County portion and between \$4,000 and \$6,000 for the Miami County portion if the settlement goes through.

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

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

- F. A Resolution Authorizing The City Manager To Execute A Purchase Agreement With TJL-CES, LLC.  
(first reading)

Mr. Falkowski said this item is for the sale of property located on Brandt Pike at the northwest corner of the Meijer Access Drive and is a one acre parcel the City owns. He said this item approves the agreement to sell that parcel for \$150,000 per acre.

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

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

- G. A Resolution Amending Community Reinvestment Area #6 By Including Additional Properties Within Community Reinvestment Area #6.  
(first reading)

Mr. Falkowski said this legislation is for extending CRA #6 which goes to the Broadreach Development and includes other areas for future development that would extend CRA #6 so it is all consistent.

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

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

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- H. A Resolution To Modify Community Reinvestment Area #7 By Removing Certain Properties From Community Reinvestment Area #7.  
(first reading)

Mr. Falkowski said this item relates to the last item and removes certain properties from CRA #7. He said this modification also removes the original Marian Meadows property from CRA #7 and then future legislation will set up a new CRA district with the Marian Meadows property at a future date.

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

Mrs. Byrge moved to adopt; Mr. Campbell seconded the motion.

Mr. Webb asked Mr. Falkowski to thank Mr. Chodkowski for his presentation on these two issues. He said he made it very clear and it was easy to understand.

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

- I. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$1,740,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Certain Real Property Which Will Be Used As A Site For City Administrative Offices, And Providing For General Site Preparation Thereof And Improvements Thereto, Together With All Necessary Appurtenances Thereto, And Declaring An Emergency.  
(first reading)

Mr. Falkowski said this item is for the issuance of notes, and it is requested it get passed to a second reading.

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

Mr. Otto said a resident reached out to him and there is some misunderstanding. He asked if these note issuances are refunding issues.

Mr. Falkowski said these are issuances are not new monies and these are for things the City has already borrowed on and these one-year notes push it to the next year looking for the best rates for going long-term.

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

- J. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$1,803,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Certain Real Property Which Will Be Used As A Site For One Or More Governmental Facilities, And Providing For General Site Preparation Thereof And Improvements Thereto, Together With All Necessary Appurtenances Thereto, And Declaring An Emergency.  
(first reading)

Mr. Falkowski said this item is same as last one and the next item coming up. He said these notes are split into three different items due to the the type of purchase and what the property would be used which leads to different ways of bonding out.

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

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- K. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$4,262,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Approximately 19.5 Acres Of Real Property Near The Intersection Of Brandt Pike And Fishburg Road And Providing For The Site Preparation Thereof, All In Support Of Economic Development And Job Creation Within The City, And Declaring An Emergency.  
(first reading)

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

- L. 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 a couple meetings ago, a set of assessments came through and there is a specific deadline with Montgomery County to get those assessments through. He said there are additional assessments that have been brought to the Finance Department's attention, and those are attached here.

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

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

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

- M. A Resolution Authorizing The City Manager To Enter Into A Contract Modification With The Kleingers Group For The Chambersburg Road Widening Improvements – Phase IV Project.  
(first reading)

Mr. Falkowski said this item authorizes an increase to the cost of the design of the project due to comments by Ohio Department of Transportation (ODOT) and additional work that ODOT is requiring to allow for the City to get the grant funding. He said the request is to increase the contract by a not to exceed amount of \$100,000.

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

Mr. Otto moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Hill, 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.

- N. A Resolution Amending Resolution No. 2021-R-6980 To Increase The Not To Exceed Amount For A Portion Of The 2021 Sidewalk Program And The Concrete Portion Of The 2021 Street Program.  
(first reading)

Mr. Falkowski said this item is to install ADA ramps for projects coming up in the next year along the state routes. He said that is now a requirement for getting funding from ODOT to redo those roads. He said this item is to

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increase the contract with Multi-Task Construction to do the work at the same rates as earlier in the year.

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

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

- O. A Resolution Authorizing The City Manager To Enter Into A Contract For The Marian Meadows Demolition – Phase II Project.  
(first reading)

Mr. Falkowski said this item is for the demolition of the old furniture store portion plus the parking lot to remove some of the pavement. He said this project is part of a Community Development Block Grant (CDBG) and the request is to authorize a not to exceed amount of \$97,000. He said the Code Enforcement Department did go out to the site and put notifications on all of the vehicles letting people know this project is coming up and that the truck drivers will have to find other arrangements for parking.

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

Mrs. Byrge moved to adopt; Mr. Hill seconded the motion.

Mrs. Byrge asked if there will be signage about the parking changes because people come and go.

Mr. Webb asked if Mr. Falkowski intends to block off the parking lot from Brandt Pike.

Mr. Falkowski said there will be signage. He said the northern entrance will be blocked off. He said the two southern entrances will be available for use.

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

- P. A Resolution To Increase The Not To Exceed Maintenance Contract Amount And Authorize The City Manager To Enter Into A Contract Modification With Suez Water Environmental Services, Inc.  
(first reading)

Mr. Falkowski said this item is a request for an increase to the Suez Water contract for the maintenance cap which includes things like the water main breaks. He said the City is at 92 percent of the total approved maintenance cap, so the request is to increase the cap to get through the rest of the year.

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

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

- Q. A Resolution Authorizing The City Manager To Enter Into A Contract For Baseball Field Renovation At Thomas Cloud Park And Monita Field Park And Waiving The Competitive Bidding Requirements.  
(first reading)



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Mr. Falkowski said this item was discussed during the Citizen Comments this evening. He said this item is to perform renovation work on two fields at Monita Field Park and the large baseball diamond at Thomas Cloud Park. He said Council would like to add the four additional Little League baseball fields now also at Thomas Cloud Park. He recommended Council amend this legislation to change it to a \$90,000 not to exceed amount.

Anthony Rodgers said what Scott Falkowski is referring to would be in Section 1 of the legislation to change the not to exceed amount from \$45,000 to \$90,000. He suggested also changing the first Whereas statement where it currently states the three fields that were going to be renovated to include the additional Fields 7, 8, 9, and 10 at Thomas Cloud Park as part of the amendment as well.

Mr. Shaw moved to amend the resolution with the changes stated by Clerk of Council Anthony Rodgers; Ms. Baker seconded the motion.

Mayor Gore said, if the fields are being renovated and with the GSA saying it will take over and bring back a recreation league, he does not think the City needs the other lease with Pauer Sports now for these fields. He said it would be in the best interest of the youth here in the City rather than moving to lease these fields to an outside organization.

Mr. Shaw said in light of the new information, he will be reaching out to City Staff in the morning to engage Pauer Sports in other fields in the region that may be able to suit its needs.

Mayor Gore said he is extremely happy that Council is in support of these renovations. He said on the heels of having the City's Volunteer Dinner, he thinks this is a perfect example of what can be accomplished when motivated people get together and volunteer.

Mr. Webb said his personal feelings with regard to Pauer Sports or any type of contract with Pauer Sports in the immediate future for City-owned properties are that he would like to see that approval come back before Council as a discussion rather than just a blanket approval of some facility somewhere within the City. He said it is important, if the City is going to enter into a long-term or multi-year lease with any entity, it should be before Council as well.

Mayor Gore agreed with Mr. Webb.

Mrs. Byrge discussed with Brandon Dodge what fields GSA will be using and asked why Field 1 is not available.

Mr. Falkowski said there is a team from Bethel Local Schools that is looking to utilize Field 1. He said City Staff would like to have a discussion on if there is a way to share that field.

Mr. Dodge said GSA would like to have a long-term lease for the fields if it is going to be putting money back into the fields.

Mayor Gore said he is not sure why there is not a long-term lease.

Mr. Campbell said he is good to pass a motion tonight if Council can do that.

Mr. McDonald said he is not sure if this is a Council function or a function of the Director of Parks. He said Council has made it clear what it would like to do, and he will take a look at it and act accordingly. He said if it is something that requires Council action, it can be brought back.

Mayor Gore asked to add that item to the next Council Work Session agenda.

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

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

## 12. City Official Reports and Comments

Mr. Otto said the City's boards and commissions did an amazing job on Saturday at the Marigold Festival all day long and it was a good time. He said additionally, the City's Volunteer Dinner night was a great job and a wonderful event. He thanked the members of Council for the movement on the sports fields.

Ms. Baker said it was a wonderful Volunteer Dinner for the volunteers and City Staff and everyone did a wonderful job with the Marigold Festival. She welcomed Father Kyle Schnippel.

Mr. Shaw echoed the comments on the Marigold Festival and said Half-Time USA brought a lot of good high school bands into the area this past weekend also. He asked Council to actively start promoting the upcoming Culture and Diversity Citizen Action Commission Forum on October 13, 2021. He said that commission puts a lot of time and effort into these forums. He thanked the Girls' Softball Association and said it is a pleasure working with it. He said hopefully when it comes to budget time, Council will consider improvements to the concession stand. He asked the Law Director for an update regarding the Sneaky D's hearing today.

Mr. McDonald said no decision was rendered at the hearing. He said even if the City is victorious on the renewal of the Sneaky D's license, it is a moot point because the ownership of the new group is not in any way shape or form related to the prior owners. He said Police Chief Mark Lightner said since the new ownership, there has been a drop in calls. He said there are some positive things going on. He said City Staff are hopeful the problem is resolved and sometimes going through the process resolves those problems. He said the City is in a pretty good position regardless of how it turns out.

Mr. Shaw said at the next Council Work Session he would like to get an update from the City Engineer regarding the Water Lines Lining Project. He said Council needs to provide some input in the budget discussions on how to take care of the City's infrastructure.

Mayor Gore said that item is on the agenda for the Council Work Session.

Mr. Shaw asked Council to consider a discussion regarding Ray's Drive-Thru and a traffic issue that has been brought up by multiple residents. He said there is a multitude of residents along Taylorsville Road that are very concerned about increased traffic in that area. He said Ray's Drive-Thru had a wishbone to prevent left turns into the facility where customers would have to enter through the access drive. He said that business has taken that concrete island out on its own without permission from the City and several residents have had near miss collisions. He said it is an issue that needs to be looked at with Big Sandy's and other businesses coming in.

Mayor Gore asked Mr. Falkowski if this matter can be discussed at the Council Work Session.

Mr. Shaw said at the last Council Work Session, Council had discussion about meeting with Bethel Township, the Bethel School Board, and Miami County regarding the possible annexation. He said it is time to engage in conversation on that matter.

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Mr. Webb said the Parks and Recreation Department, Josh King, is a one man show and he thanked him for all he does.

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 8:10 p.m.

*Anthony C. Ruck*  
Clerk of Council

*10-4-21*

Date

*Ray Gore*  
Mayor

*9/28/21*

Date