

RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

In Council Chambers

Held 6131 Taylorsville Road October 25, 20 2021

1. Call The Meeting To Order - Mayor Jeff Gore

The Huber Heights City Council met in a Regular Session on October 25, 2021. Mayor Jeff Gore called the meeting to order at 7:00 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, Andy Hill, Don Webb, Mayor Jeff Gore

6. Approval Of Minutes

A. City Council Meeting Minutes - October 11, 2021

7. Special Presentations/Announcements

There were no Special Announcements or Presentations this evening.

8. Citizens Comments

Karen Bokma said she resides in Ward 4 and she has concerns with the quality of the water. She said on September 22, 2021, she turned the water on and there was oil in the water. She said she and her husband submitted a water sample for testing to an independent lab certified in the State of Ohio. She said the thought was it was related to the Cure In Place Piping (CIPP) due to the chemical makeup and having the water system opened to possible contamination during recent placement. She said the sample grew a pathogen, an organism that can cause illness. She said in speaking to the lab director multiple times, she had many questions answered concerning how contaminants enter into water systems and what the public can do to protect themselves. She quoted information from the National Center for Biotechnology Information through the U.S. National Library of Medicine stating breaks or leaks can lead to low pressure events and when repaired, pathogens can enter the systems. She said the size of the scale is unknown as the water sample was a snapshot in time and there is no idea how long this has been going on or how many people have been affected or will be affected moving forward. She said this pathogen should not be in the water. She read a statement from the 2020 Huber Heights Drinking Water Report and according to the report, the Huber Heights raw water supply has a high susceptibility to contamination due to a relatively thin layer of clay overlaying the aquifer, the shallow depth of the aquifer, and potential contaminant sources in protected areas. She said adding and opening the water system and introducing CIPP through the City's pipes and the high number of water main breaks is a perfect storm for this to occur. She said residents should have safe potable water without having to be concerned with using the municipal water. She said she has taken the recommendations from the lab director seriously and has implemented those recommendations in her home. She said her hope is this information raises awareness.

Mr. Shaw asked Mrs. Bokma for the reports and communications with the lab to put on record with Council so these documents can be distributed to Council and the City Manager for review.

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Anthony Rodgers asked Mrs. Bokma to send the documents to him for distribution.

Janell Smith said she is a Ward 2 resident and she is extremely concerned with the water supply in the City. She said, in 2018, legislation was passed by Council to increase the water pressure and implement water softening throughout the City and she said those initiatives never went through the Citizens Water and Sewer Advisory Board. She said she was opposed to the measures and that there are major infrastructure concerns not being addressed appropriately. She said in July, 2018, Assistant City Manager Scott Falkowski spoke to Council regarding the water study and stated some of the older streets have older water lines which will need to be replaced. and in this opportunity to replace the water lines, the streets would be replaced at the same time. She said that is not what is happening. She said portions of Hubbard Drive were resurfaced last fall, but the water lines were not replaced. She said the same area has experienced eight water main breaks since then resulting in extensive taxpayers' expense to dig up a brand-new road. She said each time the water main breaks, these failures introduce contaminants and pathogens into the water supply, and some of these contaminants are not being tested by the City. She said boil advisories do not alleviate all of the bacteria that causes significant health issues especially for those who are immunocompromised. She said in a global pandemic living environment, it is more crucial to have clean water. She addressed the statement from the 2020 Drinking Water Report that Mrs. Bokma spoke to. She said she is concerned members of this Council are not on the same page and she presented social media comments from Mrs. Byrge and Mayor Gore that she said contradicted each other as to whether the City was aware of the possibilities before implementing the water pressure and water softening projects. She said Council was made aware of the issues, but she does not believe the proper course of action was taken. She said her last concern is related to the potential annexation of Bethel Township. She said the annexation would require Huber Heights to support another 900 homes, yet the City appears to be struggling to maintain what it already has. She said the infrastructure seems to be collapsing, and safety services appear to be stressed to the maximum. She asked how can the City support 900 more families without dramatically increasing taxes. She said the residents at Parktowne and Carriage Trails are paying for infrastructure through four different methods. She said the Mayor has repeatedly called her a liar and one of his very close friends is stating the current water situation will be used as a political platform. She said infrastructure is not a puppet or tool to be used as anything other than what it is – essential to residents' health, safety and well-being.

Interim City Manager Scott Falkowski said he would like to discuss the water, and he said he has an update in his City Manager Report tonight on these issues.

Beth Van Haaren said at the September 27, 2021 City Council Meeting, Council stated the City did not request this annexation. She said at the October 11, 2021 City Council Meeting, Council debated whether the City could rescind the statement of services resolution passed on September 13, 2021 and asked Mr. McDonald to research the issue further. She said on October 21, 2021, Mr. McDonald issued a statement that he "finds no legal way to stop the annexation process prior to the approval of the annexation by the County." She said Mr. McDonald said, "It is my opinion that the City's sole option to stop annexation from taking place is to vote against the annexation under Section 709.04 after the County provides an approved annexation petition to the City for a final decision." She requested that Council vote against the annexation. She said she wanted to clarify Section 4.9 of the DEC Amended and Restated Development Agreement which states the developer will at the request of the City file any necessary petitions with the City to annex such real property into the City. She said someone on Council said the property owners filed the petition, and that the City had nothing to do with it. She said in the email chain she

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has, it indicates Bill Keethler and Ken Conaway of DEC Land Company were very much involved with the filing. She asked if the City is breaking the agreement or is DEC breaking the agreement, because somebody had to request this annexation.

Julie Reese said she is a Bethel School Board member, but she is not here representing the Bethel School Board. She said she is opposed to annexation as schools cannot keep pace with the number of new students. She said Bethel Township does not control the roads in the township and the roads are currently not designed to handle the additional traffic. She said residents choose to live in Bethel Township because they like rural living, green space, farmland, and the small school feel. She asked Council to please develop the land the City already owns rather than turning their country lifestyle into a city lifestyle. She said Huber Heights will get all the tax money, and Bethel Township will get all the burden. She said it is public knowledge that the Bethel School Board passed a resolution and submitted it to Miami County opposing the annexation.

Jennifer Dilk said she values her time in Huber Heights and enjoys the amenities and appreciates Council for encouraging businesses to grow with Huber Heights. She talked about the COVID-19 mandates and guidelines of 2020. She said she is medically exempted from wearing a mask, but she cannot go to the doctor, take her kids to the dentist, cannot ride a bus, or freely visit any establishment. She said she began homeschooling her children and was able to go to the library upon reopening, but was denied shortly thereafter because Dayton Metro Library's policy changed to reflect Dayton's policy. She is not allowed to enter the library and has been asked to use curbside pickup. She asked if the City of Huber Heights supports separate is equal. She said she has tried to work with the library to obtain special hours. She said she had a meeting with the Mayor and addressed multiple laws that were violated, and the Mayor said he would look into this issue with the Law Director. She said she has not heard from the Mayor. She said libraries fall under state responsibility and as of June 18, 2021, there is no longer a state of emergency. She said if Huber Heights is a City to be known for honoring veterans and identifying and denouncing all forms of discrimination, she asked Council to fix this issue as Huber Heights does not follow other city's ordinances. She said the public library is not a private company. She asked Council to end this discrimination.

9. Citizens Registered to Speak on Agenda Items

Clerk of Council Anthony Rodgers said one person is registered to speak on Item 12-M.

10. City Manager Report

Interim City Manager Scott Falkowski said Sunday, October 31, 2021 is Trick or Treat throughout the entire City of Huber Heights. He said leaf pickup begins November 1, 2021 and there will be at least two passes depending on the weather. He instructed residents to follow the City's Facebook page as to the leaf pickup routes and to push leaves out to the curb, but not in the street. He said Huber Heights is part of Tri-Cities which is Huber Heights, Tipp City, and Vandalia which share a plant for waste/sewer treatment. He said there is a grant award for infrastructure from the State of Ohio and Tri-Cities was contacted last week to be notified it will be awarded a grant at the plant for the lining of some of the sanitary sewers and main lines that come down through the area. He said this grant will save residents money that will not have to be paid to treat water coming through the old river structure. He said Governor DeWine will present the award tomorrow at 1:00 p.m. He said Dayton.com is having its annual awards for different venues and businesses. He said a lot of local businesses are up for "best of" in the area. He asked residents to vote for their local favorites. He

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said he was planning to give an update on water main breaks, but there is some additional information he will add in due to the previous comments by residents. He said regarding comments from Mrs. Bokma, he will check with Suez Water to get the reports when that issue was brought to the attention of the water department and get that information to Council. He said if residents notice water coming up out of the ground to contact Suez Water at (937) 233-3292 and that number works 24 hours a day. He said the Water Department and the Engineering Division have been tracking and mapping the breaks and addressing areas that need the most attention first and he explained the process. He said the most breaks are in areas where cast iron was used in areas with corrosive soils. He said the City currently specifies ductile iron piping which is less corrosive and more flexible. He said this year, a pilot program was launched for the lining of water mains and the information was passed on by Ms. Baker as her ward had more breaks than others, and that is where the pilot program was started. He said infrastructure money was put into the lining which produced a savings of approximately 25 percent over water main replacement. He said the City Engineer is budgeting for more lining next year and beyond. He said at a previous meeting, Mr. Campbell and Mr. Shaw asked for faster solutions, and he said City Staff are looking for expedited ways to fund expanded projects. He said one of those ways comes from extending the Montgomery County TIF which allows for millions of dollars in infrastructure spending. He said City Staff anticipates bringing in State Representative Phil Plummer to assist with state funding. He explained what happens with a water main break, and he said once repaired, that area is flushed and Suez Water sends the water out for testing from every water main break. He said the Ohio EPA also gets a copy of those reports. He said there was a question about the water mains potentially being replaced during the streets projects. He said that work has been done, but not on every street where the water main is replaced. He said on Hubbard Drive there were not as many main breaks prior to the street program, sometimes it happens after, and you cannot anticipate that issue. He said the City has aging infrastructure. He said the forever chemicals talked about on the news are not in the Huber Heights groundwater area. He said, regarding a comment about the potential for chemicals getting into the raw water, he explained the treatment process prior to water going out to the public. He said all the water is tested and sent to the Ohio EPA and is part of the Water Quality Report. He said he will look more into the house with oil in the water. He said when someone is called about an issue, Suez Water will go out to the house and check the spigot outside the house compared to the faucets inside the house.

Mrs. Byrge asked how often the Water Quality Report is distributed.

Mr. Falkowski said the report is done yearly, and he will check into and send out the 2021 report to Council.

Mr. Otto asked if there is any way to inspect pipes for the section of the road being repaved to see if an issue is there because it could be disturbed by the heavy equipment.

Mr. Falkowski said water lines are different than sanitary sewer lines and sanitary sewer lines can be inspected by camera. He said water lines are under pressure and cameras cannot be put in there as the lines are active. He said he would look into diverting and inspecting the lines at Mr. Otto's request.

Mr. Otto said he and Mr. Shaw had brought up conversations about the Taylorsville Road Hardfill. He said he lives in that area and smells come from there which would be difficult to come purely from hardfill. He asked about the status of the hardfill because he thought something was mentioned about it being closed or coming up on closing, and it is next to the City's water supply.

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Mr. Falkowski said the City has a zoning overlay for the well field protection area. He said there are special restrictions in that area. He said in the existing Taylorsville Hardfill site, there are monitoring wells that are regularly checked and that information is sent to the Ohio EPA, and to his knowledge, there have been no violations. He said regarding the status of the hardfill site and a closure date, he will look into that issue.

Mayor Gore asked how much money is involved with the extension of the TIF and asked if it all can be used for infrastructure.

Mr. Falkowski said the TIF is generating over \$40 million and infrastructure is one of the main things TIF dollars are spent on.

Mayor Gore asked what are the restrictions on where that money can be used.

Mr. Falkowski said it has to benefit the TIF area; and streets, sewers, and water lines benefit the whole City. He said in general, it could be used for repaving Old Troy Pike, Brandt Pike, or replacing a water pipe that connects between the two - those types of things that benefit the whole City.

Mayor Gore said when Mr. Shaw and Mr. Campbell challenged City Staff to come up with an expedited way to handle these water issues, main breaks and things like that, he said all but one person on Council voted yes to extend that TIF for the \$45 - \$60 million that can be used directly to improve infrastructure. He said everyone needs to be aware that Council passed this legislation for an additional \$45 - \$60 million over the course of the next thirty years to handle infrastructure and that legislation passed 7-1.

11. Pending Business

There was no Pending Business this evening.

12. New Business

CITY COUNCIL

Anthony Rodgers, Clerk of Council

A. A Motion To Appoint Seth Brewer To The Citizens Water And Sewer Advisory Board For A Term Ending January 1, 2023.

Clerk of Council Anthony Rodgers said this appointment was a recommendation of the City's interview panel. He said the background check has been completed, and he would recommend Council taking action on this motion 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 Motion To Appoint Laura Shelton To The Arts And Beautification Commission For A Term Ending June 30, 2022.

Clerk of Council Anthony Rodgers said the background check has been completed and it is the recommendation of the City's interview panel to make this appointment this evening.

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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. 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.

C. A Resolution Authorizing The Interim City Manager To Enter Into An Agreement With Baker Tilly US, LLP To Conduct A Search Process For The City Manager Position.
(first reading)

Mr. Rodgers said this item was discussed at the last Council Work Session. He explained the search process for the City Manager position. He said after discussion, Council had narrowed it down to two firms which were interviewed. He said Council recommended pursuing an agreement with Baker Tilly US, LLP for this search process.

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

Mrs. Byrge moved to adopt; Ms. Baker 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.

D. An Ordinance Amending Certain Sections Of Part Five, General Offenses Code, Of The City Code Of Huber Heights.
(first reading)

Mr. Rodgers said this item is a set of recommendations for amendments to Part Five - General Offenses Code of the City Code that were presented by the City's Ordinance Review Commission. He said these recommendations were discussed in detail at the last Council Work Session. He said the recommendation is to pass this item to a second reading to allow for any additional public comment before adoption by Council at the next meeting.

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

E. An Ordinance Amending Certain Sections Of Part Fifteen, Fire Prevention Code, Of The City Code Of Huber Heights.
(first reading)

Mr. Rodgers said this item is a set of recommendations to Part Fifteen - Fire Prevention Code of the City Code made by the City's Ordinance Review Commission. He asked for this item be passed to a second reading to allow for further public comments before adoption of the legislation.

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

F. A Public Hearing Scheduled For October 25, 2021 By The Huber Heights City Council As Required By Section 147(f) Of The Internal Revenue Code Of 1986 As Amended With Respect To The Proposed Issuance By The Public Finance Authority Of Tax-Exempt Health Care Facilities Revenue Bonds, Series 2021 (SLF Huber Heights LLC Obligated Group Project) In One Or More Series In An Amount Not To Exceed \$30,000,000.

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Mayor Gore opened the public hearing.

Mr. Falkowski said Ms. Julie Konieczny, an attorney from Dinsmore and Shohl, is here to discuss and answer any questions.

Ms. Konieczny said she is acting as bond counsel on this transaction. She said she was here in July, 2021 on this same matter. She said she is back because at that time, Council approved a principal amount not to exceed \$26,000,000, and after consideration the amount may go up to \$30,000,000, so this item needs additional approval. She said to reiterate the most important things she said in July, the City's approval is only needed because of a provision of the Internal Revenue Code that requires an authorized elected representative to approve this project because it will be taking place in Huber Heights. She said in no event will the City be liable for these bonds and the bonds are not general obligations, debt, or bonded indebtedness of the City. She said the holders of the bonds will not have the right to have taxes levied by the City for payment of the bonds. She said all payments will be made only from funds provided by the borrower or its affiliates. She said no taxpayer dollars will be pledged or used to pay back the bonds, and these bonds in no way affect the ability of the City to issue bonds for its own purposes.

Mayor Gore asked Mr. McDonald for any comments or additional information.

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 to provide additional information.

Seeing none, Mayor Gore asked one last time if there was anyone to speak in favor of or against the approval of this issue.

Mayor Gore said, barring further comments in the TEFRA public hearing as required by Section 147(f) of the Internal Revenue Code of 1986 by the Huber Heights City Council, the public hearing is hereby closed.

ADMINISTRATION

Scott Falkowski, Interim City Manager

G. An Ordinance Giving Applicable Elected Representative Approval In Connection With The Issuance Of Tax Exempt Bonds By The Public Finance Authority, And Declaring An Emergency.
(first reading)

Mr. Falkowski said this is the ordinance that goes along with the prior public hearing. He said the request is to approve this item tonight.

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; 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.

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Mrs. Byrge 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, Mrs. Byrge, and Mr. Otto voted yea; none voted nay. The motion passes 8-0.

H. 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 this item is an ordinance for supplemental appropriations. He said there are a couple of retirements that were not known about prior to last year's budget, Kroger Aquatic Center improvements, refinancing of the water bonds, a transfer from FEMA Fund to the Fire Fund for reimbursement of funds for a Hurricane Laura deployment, City Manager search firm fees, and an increase in legal expenses throughout 2021.

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

Mr. Campbell moved to adopt; Mrs. Byrge 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.

I. An Ordinance Providing For The Refinancing, Defeasance And Redemption Of The City's Outstanding Water System Improvement Revenue Bonds, Series 2013A (Tax-Exempt) By Authorizing The Application For And Acceptance Of A Loan From The Ohio Water Development Authority In The Maximum Amount Of \$4,470,000 For The Purpose Of Refinancing Those Bonds, The Execution Of A Related Cooperative Agreement And Escrow Agreement And The Use Of Such Other Monies Of The City's Water Utility For That Purpose, And Declaring An Emergency.
(first reading)

Mr. Falkowski said this ordinance is for the refinancing of bonds from a current rate of 4.7 percent down to an estimated rate at 1.7 percent. He said the City would realize a total savings of \$1.5 million over the life of the loan.

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. Shaw 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.

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

Mr. Webb complimented City Staff and Mr. Bell for the great amount of savings for the community. He asked Mr. Falkowski to make sure Mr. Bell knows how much Council appreciates him.

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.

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J. An Ordinance Providing For The Refinancing, Defeasance And Redemption Of The City's Outstanding Water System Improvement Revenue Bonds, Series 2013B (Federally Taxable) By Authorizing The Application For And Acceptance Of A Loan From The Ohio Water Development Authority In The Maximum Amount Of \$775,000 For The Purpose Of Refinancing Those Bonds, The Execution Of A Related Cooperative Agreement And Escrow Agreement And The Use Of Such Other Monies Of The City's Water Utility For That Purpose, And Declaring An Emergency. (first reading)

Mr. Falkowski said this item is similar to the one before, reducing the interest rate on the bonds from 4.3 percent down to 1.5 percent for a total savings of well over \$44,000.

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; Mrs. Byrge 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.

Ms. Baker moved to adopt; Mr. Hill 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.

K. An Ordinance Providing For The Refinancing, Defeasance And Redemption Of The City's Outstanding Water System Refunding Revenue Bonds, Series 2014 By Authorizing The Application For And Acceptance Of A Loan From The Ohio Water Development Authority In The Maximum Amount Of \$8,155,000 For The Purpose Of Refinancing Those Bonds, The Execution Of A Related Cooperative Agreement And Escrow Agreement And The Use Of Such Other Monies Of The City's Water Utility For That Purpose, And Declaring An Emergency. (first reading)

Mr. Falkowski said this ordinance is for refinancing bonds and reducing the interest rate from 3.2 percent down to 1.2 percent, with an overall savings of a little over a million dollars. He said the combined savings of all three items is approximately \$2.6 million; and with the refinancing of bonds earlier this year for the Kroger Aquatic Center, the total is a little over \$4 million in savings from refinancing this year.

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

Mrs. Byrge moved to waive the second reading; Mr. Webb 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. Hill 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.

L. A Resolution Authorizing The City Manager To Enter Into Contracts For Maintenance Items At The Kroger Aquatic Center And Waiving The Formal Bidding Requirements. (first reading)

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Mr. Falkowski said this legislation is to approve three items at the Kroger Aquatic Center - pump maintenance, painting of the activity pool and activity structures, and the water slide and tower resurfacing. He said the total amount is just over \$156,000.

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

M. A Resolution Authorizing The City Manager To Enter Into A Lease Agreement With The Huber Heights Girls Softball Association For The Use Of Sports Fields At Thomas Cloud Park And Monita Field Park.
(first reading)

Tyler Starline said he is a board member of the Huber Heights Rec Soccer League. He said he took a look at Exhibit A regarding the field lease agreement and he talked to members of the board, and the discussion was whether they had seen this item ahead of it being published and if they had any input they wanted to provide. He said the Huber Heights Rec Soccer League uses the Thomas Cloud Park fields along with softball and baseball. He said when he was on the dais, Council had talked about how to allow the park to be co-used. He said one of the concerns was if one or more of the fields would be exclusive to one organization over the other, especially if light poles or outfield fences went up, as it would create unique obstacles for a soccer field. He said the agreement includes all of the fields, and it would be for the spring and fall seasons. He said the soccer organization only uses the fields for the fall season. He said if this item is passed, it would be impossible for the organization to lease the fields and use the grass as they try not to do anything on the dirt. He said with a lease in place, the concern is that the organization could face eviction. He said his ask is to pass this item to a second reading and possibly allow time for the softball and soccer organizations to meet together.

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

Ms. Baker moved to adopt. There was no second for the motion.

Mr. Falkowski said this agreement does not change anything that is going on at the park; it just adds a five-year lease rather than a one-year lease. He said the Parks Manager will reach out to other user groups about doing long-term leases as well, and he said this lease does not displace any other user group. He said the agreement talks about scheduling fields as approved by the Parks Manager. He said it is the same process as the current one, just knowing those fields will not go to another baseball group next year. He said there is no right for any user group to put any permanent structures in the parks without the approval of the City.

Mr. Otto said his memory says that Council did discuss there would be no permanent fencing, light posts or anything of that nature. He said the situation would be as in past years with the only difference is now there are names assigned to the fields for longer periods of time. He said he has no problem taking this item to a second reading. He asked if there would need to be a change of the name in the agreement because the group is no longer going by the Girls' Softball Association; he said it is now the Huber Heights Softball and Baseball Association. He said this legislation would need to be amended.

Mr. Webb said in previous discussions Scott Falkowski had spoken to two seasons, that spring was a season and fall was a season, and he was under the assumption that there would be different agreements for the spring season and the fall season. He asked if this is a five-year lease over the spring and the fall.

RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

In Council Chambers

Held

6131 Taylorsville Road

October 25, 20 2021

Mr. Falkowski said the discussion about the seasons is about how the payments work. He said if a certain field that has a spring season cannot have a fall season due to soccer, there would be no fall season on that field. He said there are some fields with a potential for a fall season such as the fields at Monita Field Park because there is not a conflict with another user group.

Mrs. Byrge asked if the agreement should specifically state there will be no permanent fixtures?

Mr. Falkowski said the agreement talks about maintenance of existing fixtures. He said City Council would have to approve permanent fixtures as the user groups cannot install permanent fixtures without City approval.

Tyler Starline said Paragraph 11 of the proposed lease states temporary banners are permissible in outfield. He said his concern is if those banners are going to be on fences in the outfield as it is not clear.

Mr. Falkowski said the user group does put up temporary fencing.

Mrs. Byrge asked a representative of the Huber Heights Softball and Baseball Association when the fences come down after the season is over, or what is the overlap?

The representative of the Huber Heights Softball and Baseball Association said there is no overlap as they stop using the fields on July 31 and soccer begins sometime in August.

Mr. Shaw said the Parks and Recreation Board was tasked by Council to come up with an appropriate field diagram and usage agreement in correlation with this multi-year lease. He said that is one of the issues that Huber Heights Rec Soccer is having as that overlay plan has not been done; therefore, there are a lot of unknowns as to what fields are not going to be compatible in the fall season. He said those questions need to be answered, and it was his understanding these questions would be answered alongside the multi-year lease agreement.

Mrs. Byrge said there are enough questions now that she would recommend this item go to another reading to get the overlays and the agreement updated.

Mayor Gore said there was a motion that was not seconded, and there have been recommendations to move this item to a second reading and he asked Council if there were any objections to moving this item to a second reading.

Mr. Shaw requested that the Parks Manager have communications with the softball/baseball and rec soccer organizations prior to the next Council Work Session and report back to Council on the conversations and findings in addition to getting with the Parks and Recreation Board Chair to find out what the status is of that overlay.

Mayor Gore asked Mr. Falkowski to make sure the agreement is changed to denote the proper name of the new organization on the lease. He said this item will be passed to a second reading.

N. A Resolution Amending Resolution No. 2019-R-6717 To Authorize An Increase To The Not To Exceed Amount For The Maintenance, Repair, And Minor Construction Of Traffic Signals And Decorative Lighting.
(first reading)

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Mr. Falkowski said this legislation is for a one-time increase to the Public Works Division budget to replace a traffic control box that was hit that the City is still hoping to get reimbursed for from insurance.

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

Mrs. Byrge moved to adopt; Ms. Baker 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.

13. City Official Reports and Comments

There were no City Official Reports or Comments this evening.

14. Executive Session

There was no need for an Executive Session this evening.

15. Adjournment

Mayor Gore adjourned the Regular Session City Council Meeting at 8:21 p.m.

Anthony C. Rade
Clerk of Council

11-9-21
Date

Greg Gore
Mayor

11-10-21
Date