

## Meeting

**In Council Chambers**

February 14, 2022

- Interim City Manager Bryan Chodkowski said City Staff have a conference call tomorrow with Republic Services as there are some areas in the City experiencing delays with trash pickup for both waste and recycling. He said City Staff did receive proposals for the Water Distribution Integrity Study which are being evaluated by the City Engineer. He said City Staff are aware of the request for a bottled water voucher program. He said that project was work that Sarah Williams was performing for Council, and she is out of the office. He said he just wanted to make Council aware the program has not been forgotten, but City Staff are not currently making progress on it and will pick it up as soon as Ms. Williams is back in the office. He said, as an update regarding Addington Place, the subdivision on Bellefontaine Road across from The Oaks, he received communication from the developer earlier today that the developer has a modified site plan to bring in and walk through with City Staff



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reflecting hopefully a less dense product. He said he received an update from The Annex Group, and the developer is looking for assistance to validate its tax model. He said the developer's cost modeling now indicates that market rate apartments might be more appropriate at that site, so they are fettering that out as well. He said tonight City Staff will be asking Council to forward these items on to additional readings, but he said know that City Staff are continuing to work on these items and there is some progress in areas where Council was hoping to see progress. He said City Staff talked briefly with Council about the vacant property at the east end of Carriage Trails, and he said State Route 201, LLC is the owner of the vacant property. He said City Staff are hoping to work through a Type II expedited foreclosure with Miami County to acquire that property, and due to a technicality with the City's petition, Miami County was not able to advance that foreclosure. He said the Law Director and the Assistant County Prosecutor will file an amended claim and the City hopes to have possession of that property in the next 45 to 60 days. He said the City has received the request to entertain a new service letter for the annexation of 260 acres just north of Carriage Trails. He said that service letter is an item that will be on the February 22, 2022 Council Work Session agenda for Council's conversation and deliberation.

## 10. Pending Business

- A. An Ordinance To Approve A Rezoning From Agricultural To Planned Residential And A Basic Development Plan For The Property Located On The East Side Of Bellefontaine Road And South Of Chambersburg Road And Further Identified As Parcel Number P70-03908-0126 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Zoning Case 21-47) (third reading)

Mr. Chodkowski asked Council to pass this item to another reading, so City Staff can review and evaluate the proposed updates from the developer to address concerns regarding density and layout.

Mrs. Cindy Smith said she hopes anything that comes up is something that follows the Comprehensive Development Plan which are detached single family homes on medium to large lots. She reminded Council that the bordering properties are homes on three acres to over twenty-five acres. She said the developer's density is 5.7, the density of the property surrounding it is less than 1, and the density of The Oaks is 2.05. She said she hopes all those factors will be taken into account and that the City and developer can come to a workable agreement.

Ms. Tracy Harmon said she is opposed to the original presentation and is praying the updates are much less dense. She asked if once a developer proposes something, if there is a timeline as to how long this development can be dragged out without making any further presentation.

Mayor Gore said if the City approves the zoning request, it would go back to the Planning Commission and the Planning Commission would work with the developer on all the details. He said there is no guaranteed timeline.

Mayor Gore said this item would be moved to a fourth reading at the recommendation of the Interim City Manager.

- B. An Ordinance To Approve A Rezoning To Planned Residential And A Basic Development Plan For The Property Located At 6502 Old Troy Pike And Further Identified As Parcel Number P70 04004 0003 On The Montgomery County Auditor's Tax Map And Accepting The Recommendation Of The Planning Commission (Zoning Case 21-34). (fourth reading)



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11.

## New Business

## ADMINISTRATION

**Bryan Chodkowski, Interim City Manager**

- A. A Motion To Direct The City Manager To Submit The Proposed Amendments To Part Eleven - Planning And Zoning Code, Title One - Subdivision Regulations, Chapter 1109 - Subdivision Design Standards Of The Huber Heights City Code Regarding Sidewalk Requirements To The Planning Commission For Consideration.**

Mr. Chodkowski said this motion is for Council to direct the Planning Commission's review of these proposed amendments to the Huber Heights City Code to ensure there are more stringent and specific requirements for subdivisions when it comes to setting and placing sidewalks beyond just the residential streets located within those particular subdivisions.

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

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

- B. A Resolution Authorizing The City Manager To Apply For, And Accept If Awarded, A Grant Through The Miami Valley Regional Planning Commission To Explore Becoming An Age-Friendly Community As Designated By AARP.  
(first reading)

Mr. Chodkowski said this legislation authorizes City Staff to pursue a grant to provide for age-friendly community status.

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

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

Mr. Webb thanked Councilwoman Byrge for bringing this grant opportunity to Council's attention and for her presentation.

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

- C. A Resolution Authorizing The City Manager To Execute A Certain Lease.  
(first reading)

Mr. Chodkowski said this legislation is for a lease at the former CR Dayton site for a flower shop under the terms and conditions discussed with Council.

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

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

Mr. Otto said he is glad to see the City is leasing out the locations. He said he was at the location last week and there was caution tape next to the sidewalk because one of the gutters was about to fall down, and a piece of the gutter and a portion of the roof were missing. He said the City needs to lead by example and if the City is going to be putting tenants in and being landlords, then the City needs to give businesses a proper place.

Mr. Chodkowski said the City has a contract provider, Coleman Properties, who manages that property for the City. He said the City works through the provider to address those



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issues, recognizing that the provider, too, has to go out and get quotes and estimates to perform that work effectively and efficiently on the City's behalf. He said to keep in mind that City Staff is planning to make significant renovations to that building in the near future and he said he will be making a presentation to Council at the February 22, 2022 Council Work Session on that topic.

Mr. Otto said he knows the City will be doing a refacing on it, he just wants it to be safe.

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

- D. A Resolution Authorizing The City Manager To Award A Contract To KAP Signs To Perform Cosmetic Maintenance On The Digital Highway Sign At The Rose Music Center And Waiving The Competitive Bidding Requirements.  
(first reading)

Mr. Chodkowski said City Staff would like to have the I-70 digital sign at the Rose Music Center cleaned and repainted in advance of the 2022 season and he asked Council to award the contract to the firm that constructed the sign because KAP Signs is the most knowledgeable and able to perform that work.

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

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

- E. An Ordinance Designating Construction Noise During Certain Hours As Civil Infractions And Authorizing The City Manager To Adopt A Fine And Penalty Schedule For Such Infractions By Enacting Chapter 1323 Of The Codified Ordinances Of The City Of Huber Heights.  
(first reading)

Mr. Chodkowski said pursuant to Council's discussion and request, City Staff have prepared this legislation to address the issue of construction noise. He asked Council to adopt this item so City Staff can advance and codify these changes.

Mayor Gore said the Council Work Session recommendation was to pass this item to a second reading, so this item will be changed to a recommendation to waive the second reading and to adopt the item this evening.

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

Mr. Rodgers said a motion to waive the second reading is needed first.

Ms. Baker moved to waive the second reading; Mr. Webb seconded the motion. On a call of the vote, Mr. Lyons, Mr. Webb, Mr. Shaw, Ms. Baker, and Mrs. Byrge voted yea; Mrs. Kitchen, Mr. Campbell, and Mr. Otto voted nay. The motion fails 5-3.

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

- F. A Resolution Authorizing The City Manager To Solicit, Advertise And Receive Bids From Qualified Firms For The 2022 Street Improvement Program Non-Concrete Work.  
(first reading)

Mr. Chodkowski said this item is annual recurring legislation before Council and is the appropriate tool for City Staff to begin the process of the annual street improvement process. He said in the Council Work Session, there was talk about particular streets which may or may not be included. He said for the purposes of bidding and ensuring the City could get fixed pricing, City Staff kept the original streets as listed in the legislation as proposed at the Council Work Session. He said City Staff will review and evaluate areas in and around Ward 4 and make a determination at the time of construction about whether



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those particular streets should remain or be substituted for other streets to ensure the City has the best quality pricing.

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

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

Mrs. Kitchen said she highly recommends moving the Ward 4 streets to 2023 until Council knows more about the water issues instead of doing this work in 2022. She said she feels like this work could be a big waste of money.

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

- G. A Resolution Authorizing The City Manager To Solicit, Advertise, And Receive Bids From Qualified Firms For The 2022 Sidewalk Replacement Program And The Concrete Portion Of The 2022 Street Improvement Program.  
(first reading)

Mr. Chodkowski said this item is annual recurring legislation that authorizes City Staff to begin the annual sidewalk replacement program. He asked that the Council to adopt this legislation to begin the process for 2022.

Mayor Gore said the Council Work Session recommendation was to adopt this item. Mr. Campbell moved to adopt; Mrs. Byrge seconded the motion.

Mrs. Kitchen said once again, she prefers Ward 4 be held off until 2023 because if she personally paid for having an easement redone and then the City came along a few weeks or months later and ripped it up to lay piping, she would be terribly upset. She said she prefers until everything is done with the water issues, that Ward 4 be pushed back to 2023 and then be picked up.

Mrs. Byrge confirmed with Mayor Gore that if that happened, the City would be responsible for the cost.

Mrs. Kitchen gave an example of a neighbor who paid for a new sidewalk a few years ago who may have it ripped up by the City. She said she would be upset if something she paid \$1,100 for was getting ripped up, regardless if the City is paying for it or not.

Mrs. Byrge said you do not know if that is going to happen.

Mrs. Kitchen said she does not know that it will not happen. She said the City is paying for a study to be done to know why the pipes are breaking, and until that study is done, why would the City do anything until City Staff knows more?

Mr. Chodkowski said there are a couple things that City Staff is taking into consideration. He said there will be additional time to review and evaluate the lining work that has occurred within that district to determine if those particular water mains are breaking at a substantially greater rate than elsewhere. He said in that particular area, the City is now replacing water mains with new water mains. He said some of the concerns with the lined work will not exist here. He said water main replacement is the most effective way to minimize breaks. He said work that would occur on streets where water mains were replaced is work that City Staff feels would be wisely invested. He said City Staff would have the time and ability to evaluate the work that has been done with regard to the lining project to determine if those pipes are breaking at an abnormally high rate compared to outright main replacements or areas that were not previously lined. He said it is easier for the City to bid total quantity based on a known product area and then amend the scope of work with the vendor later. He said to bid a quantity amount with the contractor not knowing where that amount might apply runs the risk of the contractor charging a higher rate for that commodity. He said City Staff are conscientious about making sure they are not going to spend the same dollar twice. He said City Staff will exercise the best judgment possible. He said if there is information from the study that suggests some of these items may not be a good idea to pave due to the risk of failure, then City Staff will advise Council of the alternative locations that will be paved.



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- Mrs. Kitchen asked Mr. Chodkowski to keep her updated on Ward 4.
- On a call of the vote, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, and Mrs. Kitchen voted yea; none voted nay. The motion passes 8-0.
- H. A Resolution Authorizing The City Manager To Solicit, Advertise, And Receive Bids From Qualified Firms For The Construction Of The 2022 Rehabilitation Of Sewer Lines Project.  
(first reading)
- Mr. Chodkowski said this item is recurring legislation and he asked Council to approve this legislation so City Staff may begin the necessary work to execute this program in this fiscal year.
- Mayor Gore said the Council Work Session recommendation was to adopt this item.
- Mr. Campbell 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, Mrs. Kitchen, and Mr. Webb voted yea; none voted nay. The motion passes 8-0.
- I. A Resolution Authorizing The City Manager To Solicit, Advertise And Receive Bids From Qualified Firms For The Construction Of The Thomas Cloud Path Resurfacing Project.  
(first reading)
- Mr. Chodkowski said this legislation is associated with a grant received from the Miami Valley Regional Planning Commission approximately two years ago and he asked Council to approve this legislation so City Staff can commence this project and secure those grant dollars.
- Mayor Gore said the Council Work Session recommendation was to adopt this item.
- Mr. Otto moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, Mr. Webb, and Mr. Shaw voted yea; none voted nay. The motion passes 8-0.
- J. A Resolution Accepting Certain Streets And Public Improvements For The Carriage Trails Subdivision.  
(first reading)
- Mr. Chodkowski said this legislation accepts what is private infrastructure that has passed inspection by City Staff as new public infrastructure within the Carriage Trails Subdivision.
- Mayor Gore said the Council Work Session recommendation was to adopt this item.
- Mrs. Byrge moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, Mr. Webb, Mr. Shaw, and Ms. Baker voted yea; none voted nay. The motion passes 8-0.
- K. A Resolution Authorizing The City Manager To Enter Into A Contract To Purchase Two (2) Class Seven Snowplow Dump Trucks And Appurtenant Equipment Thereto For The Public Works Division And Waiving The Formal Bidding Requirements.  
(first reading)
- Mr. Chodkowski said City Staff ask that Council pass this legislation to ensure the Public Works Division will have the appropriate equipment needed.
- Mayor Gore said the Council Work Session recommendation was to adopt this item.
- Mr. Lyons moved to adopt; Mrs. Kitchen seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, Mr. Webb, Ms. Baker, and Mr. Campbell voted yea; Mr. Shaw voted nay. The motion passes 7-1.

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- L. A Resolution Authorizing The City Manager To Solicit Bids And Award A Contract For Services Related To The Maintenance, Repair And Minor Construction Of Traffic Signals And Outdoor Decorative Lighting.  
(first reading)

Mr. Chodkowski said the City requires assistance from specialized firms to provide support for various apparatus. He asked that Council authorize this legislation so City Staff may solicit bids to ensure the City is receiving the best, lowest, and qualified services.

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

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

## 12. City Official Reports and Comments

Mrs. Byrge said she had the honor of attending a spectacular event at the Huber Heights Community Center this weekend. She said the Arts and Beautification Commission did a wonderful job putting on an art show. She said it was very well attended and also highlighted the fact that there is insufficient parking at the site. She said there are graduation parties and weddings scheduled that will bring in a lot of cars. She said she hopes something can be placed on the next Council Work Session agenda to address expanding that parking lot.

Mayor Gore asked Mrs. Byrge to email him with that agenda item.

Ms. Baker said she also attended the art show, and it was a wonderful function. She said she is very proud of Rushmore Elementary as the fourth grade put up a wonderful art display. She said she sees the need for a sign to be located out front of the Huber Heights Community Center.

Mayor Gore asked Ms. Baker to email him with that agenda item also.

Mr. Otto said he would like to ask everyone on the dais to give due consideration to Ms. Van Haaren's request for a public meeting between the two government bodies to discuss the future together.

### 13. Executive Session

Mayor Gore said Mr. McDonald notified him that there is a need for an Executive Session.

Mr. Rodgers said a motion to go into Executive Session to discuss pending litigation is needed.

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

City Council went into Executive Session at 6:40 p.m.

City Council adjourned from Executive Session at 6:56 p.m.

Mayor Gore said no formal actions were being taken following the Executive Session.

#### 14. Adjourning

Mayor Gore adjourned the Regular Session City Council Meeting at 6:56 p.m.



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GOVERNMENT FORMS & SUPPLIES, INC. • 2000 • FORM NO. 100-1

In Council Chambers

Held 6131 Taylorsville Road February 14, 20 22

Anthony C. Rodes  
Clerk of Council

3-1-22  
Date

Mayor

3-2-22  
Date