

RECORD OF PROCEEDINGS

Huber Heights City Council

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 44-2203-001 FORM NO. 1114
In Council Chambers

Held 6131 Taylorsville Road

June 13, 2022

1. Call The Meeting To Order - Mayor Jeff Gore

The Huber Heights City Council met in a Regular Session on June 13, 2022. Vice Mayor Mark Campbell called the meeting to order at 6:00 p.m.

2. Invocation - Pastor Festus Rucigitaramo Of The Dayton Compassion Church At 6875 Old Troy Pike, Huber Heights, Ohio

3. Pledge Of Allegiance

4. Roll Call

Present: Richard Shaw, Kathleen Baker, Mark Campbell, Nancy Byrge, Ed Lyons, Anita Kitchen, Don Webb

Absent: Glenn Otto, Jeff Gore

Vice Mayor Mark Campbell moved to excuse the absences of Mr. Otto and Mayor Gore; Mr. Lyons seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Lyons, Mrs. Kitchen, Mr. Webb, and Mr. Shaw voted yea; none voted nay. The motion passes 7-0.

Mr. Lyons moved to amend the agenda to add Item 11-L for the appointment of Gerald Smith as City Manager; Mr. Shaw seconded the motion.

Mr. Shaw said he appreciated the communications he received from the President of the Dayton Chapter of the NAACP and with the Culture and Diversity Citizen Action Commission. He said the willingness of all to be involved and supply opinions and beliefs on how the City Manager search process should move forward is appropriate. He said in reading the communication from the Dayton Chapter of the NAACP, an action was requested this evening. He thanked Mr. Lyons for bringing this matter before Council.

Clerk of Council Anthony Rodgers said to clarify, this is a motion to amend the agenda to add this item and it is not approval of the appointment of Mr. Smith.

On a call of the vote, Mr. Shaw, Mr. Lyons, and Mrs. Kitchen voted yea; Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Webb voted nay. The motion fails 3-4.

5. Approval Of Minutes

- A. City Council Meeting Minutes - May 23, 2022

6. Special Presentations/Announcements

- A. Huber Heights Lemonade Day Proclamation Presentation

Mr. Rodgers said the date of this event is June 18, 2022.

Vice Mayor Campbell read the proclamation for Lemonade Day.

Mr. Rodgers interrupted and notified the A/V operator that the issue of no sound on the live stream of the meeting had been reported.

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GOVERNMENT FORMS & SUPPLIES 344-22-0000 In Council Chambers

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June 13, 2022

7.

Citizens Comments

There were no Citizens Comments.

8.

Citizens Registered to Speak on Agenda Items

Mr. Rodgers said one citizen is registered to speak on Item 11-K.

9.

City Manager Report

Interim City Manager Bryan Chodkowski said from 2:00 p.m. to 4:00 p. on June 16, 2022, is the first \$4 Tuesday at the Kroger Aquatic Center. He said the free summer movie events begin at the parks with Homeward Bound on June 17, 2022. He said the Summer Music Series at the Eichelberger Amphitheater continues with the Fries Band on June 18, 2022. He said Culture Week will begin on June 19, 2022, sponsored by the Culture and Diversity Citizens Action Commission. He said the Juneteenth Music Festival kicks off that night with the Fly City Funk Band, which starts at 5:00 p.m. at the Eichelberger Amphitheater. He said all of the Culture Week events can be found on the home page of the City's website.

Mr. Shaw confirmed with Mr. Chodkowski that the Culture Week events are also displayed on the digital boards.

Mr. Lyons said the agenda was absent the City Manager's second reading for the resolution to appoint John Russell as City Manager, and he asked Mr. Chodkowski why it was not on the agenda?

Mr. Rodgers said this item was considered a dead matter since it had been considered at the last City Council Meeting and it was referred to a City Council Special Meeting which never took place. He said that is why the resolution was not on the agenda.

Mr. Lyons said he assumed once there is a resolution and a reading, it has to have an action of Council, otherwise it goes to the next meeting per Robert's Rules of Order. He asked Law Director Gerald McDonald why he did not address the City Charter in his legal opinion regarding the Campbell Berling development across from The Oaks. He said the City Charter is very specific in the fact it takes five affirmative votes. He said according to Mr. McDonald's opinion, Mr. Lyons walking out was an acquiescence, and Mr. McDonald did not address how an acquiescence becomes an affirmative vote.

Mr. McDonald said he did not believe it was necessary or relevant to his opinion. He explained that an affirmative vote means yes, as opposed to a negative vote, which would be no, and Mr. Lyons' vote was deemed as an affirmative vote.

Mr. Lyons said he sent Vice Mayor Mark Campbell and Mayor Gore an email on Friday with a legal opinion he obtained, and he assumes that Mr. McDonald's opinion today was the answer to that issue. He thanked all for

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

RECORD OF PROCEEDINGS

Huber Heights City Council

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GOVERNMENT FORMS & SUPPLIES 1344-200-0000-0000 In Council Chambers

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Mr. Chodkowski said this legislation certifies approximately \$19,000.00 in monies owed past due to the City. He said this item is at the second and final reading.

Vice Mayor Mark Campbell said the Council Work Session recommendation was to adopt this item.

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

11. New Business

CITY COUNCIL

Anthony Rodgers, Clerk of Council

- A. A Motion To Appoint Lisa Jeter To The Citizens Water And Sewer Advisory Board For A Term Ending January 1, 2025.

Vice Mayor Mark Campbell said the Council Work Session recommendation was to adopt this item.

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

- B. A Public Hearing Scheduled For June 13, 2022, By The Huber Heights City Council For Discussion Of The 2023 Tax Budget.

Vice Mayor Mark Campbell opened the Public Hearing for discussion and approval of the 2023 Tax Budget.

Interim City Manager Bryan Chodkowski said this hearing is a requirement of the Ohio Revised Code and presents the City's anticipated tax revenues for Fiscal Year 2023, beginning on January 1, 2023. He said relative to last year's projected tax revenues, the revenues have increased about \$11 million or so.

Vice Mayor Campbell asked if Law Director Gerald McDonald had any comments.

Seeing none, Vice Mayor Campbell asked if there was anyone present to speak in favor of the approval of this issue.

Seeing none, Vice Mayor Campbell asked if there was anyone present to speak against the approval of this issue.

Seeing none, Vice Mayor Campbell asked if there was any member of City Council to make comments or to provide additional information.

Seeing none, Vice Mayor Campbell asked one last time if there was anyone to speak in favor of or against the approval of the 2023 Tax Budget.

Huber Heights City Council

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I. A Resolution Authorizing The City Manager To Submit An Application And To Accept Grant Funds From The State Of Ohio For The American Rescue Plan Act (ARPA) First Responder Wellness, Recruitment, Retention And Resiliency Grant Program.
(first reading)

Vice Mayor Mark Campbell said the Council Work Session recommendation was to adopt this item.

J. A Final Resolution For ODOT To Resurface Old Troy Pike (State Route 202) From 200 Feet North Of Fishburg Road To The South City Limit.
(first reading)

Vice Mayor Mark Campbell said the Council Work Session recommendation was to adopt this item.

K. A Resolution Authorizing The City Manager To Solicit Requests For Qualifications From Engineering Qualified Consulting Firms To Provide Engineering Design For The Chambersburg Road West Improvements Project.
(first reading)

Mr. Rodgers said one citizen was registered to speak on this item, and he called Mr. Scott Davidson to the podium.

7

RECORD OF PROCEEDINGS

Huber Heights City Council

Minutes of

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GOVERNMENT FORMS & SUPPLIES 44-2200-01-01 In Council Chambers

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June 13, 20 22

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

12. City Official Reports and Comments

Ms. Baker asked for an update on the Riverside/Dayton housing development near Huber Heights.

Mr. Chodkowski said he had no specific update. He said the legislation previously discussed regarding resolving the issue of the thirteen homes is scheduled to be on the agenda at the next Council Work Session.

Mr. Shaw said Council needs to look outside the box at a capital improvement within the community. He said the Public Works Division facility has been a top priority of his. He said an amount of anywhere from \$10 to 15 million is needed to see the facility and improvements all the way through. He requested that conversation start immediately with the State of Ohio Representatives and State of Ohio Senators about making a state budget request in excess of \$10 million in order to fund the entire Public Works Division facility. He said outside a grant opportunity through the federal government, he does not believe the City has ever made a state capital budget request. He said a state capital budget request for any leftover American Rescue Plan Act (ARPA) funds that may be available would be a prime opportunity. He said he would like to start to engage in those conversations if needed in conjunction with the City Manager. He said the City has one shot to get the best Public Works Division facility.

Mr. Campbell asked if this engagement is something Council or City Staff would do?

Mr. Shaw said providing direction to the City Manager's Office to make that conversation happen and to get on schedules and radars is important.

Mrs. Byrge asked Mr. Shaw who he contacted when he went after the money for The Barn project as he said he had said he was going to contact state elected officials to get \$100,000 for The Barn.

Mr. Shaw said he was willing to make those contacts, but he received no support from the City Manager's Office.

Mrs. Kitchen said she went to the bike park dedication on Saturday and it was well attended. She said she loves the relationship built with the church next door. She said it was a really nice event.

Mr. Lyons said, regarding the direction Mr. Shaw mentioned, he is fine with putting that item on the agenda for the next Council Work Session for discussion or if Council is entertaining directing the City Manager, he is fine with that course as well.

Vice Mayor Mark Campbell said if it is placed on the Council Work Session agenda, he would hope there would be information to present at the Council Work Session.

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June 13, 20 22

Date _____