Minutes of

Meeting

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Held	6131 Taylorsville Road June 13, 20	22
1.	Call The Meeting To Order - Mayor Jeff Gore	
	The Huber Heights City Council met in a Regular Session on June 13, 20 Vice Mayor Mark Campbell called the meeting to order at 6:00 p.m.	22.
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, H Lyons, Anita Kitchen, Don Webb	d
	Absent: Glenn Otto, Jeff Gore	
	Vice Mayor Mark Campbell moved to excuse the absences of Mr. Otto at 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, a 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 b 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	
А	. 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)

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RNMENT FORMS & SUPPLING Council Chambers 6131 Taylorsville Road June 13, 22 20 Held Mr. Campbell continued reading the proclamation for Lemonade Day. Mr. Shaw thanked those involved for the past support of this event and he asked for this event to be added to the calendar on the City's website. 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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	hearing him out and listening to his opinion. He said if Council has a
	desire to change that decision, it can only be done tonight.
	Mr. Campbell asked Mr. Lyons if he would like to make a motion to
	reconsider.
	Mr. Lyons said he did not think he could make a motion to
	reconsider and he deferred to Gerald McDonald.
	Mr. McDonald said the original issue was on May 9, 2022, and on May
	23, 2022, it was his opinion it was deemed to be passed on May 9, 2022,
	which in theory would mean a motion to reconsider would have had to be
	made at the last City Council Meeting. He said the issue of referendum was discussed, which is a constitutional issue, and he felt, from a
	constitutional standpoint, the thirty-day referendum period could not have
	started on May 9, 2022, because no one would have reason to know they
	needed to file a referendum at that time and that it would not be until May
	23, 2022. He said he does not believe there is any case law, and legally he
	cannot advise one way or another. He said from an equitable standpoint, a
	motion to reconsider today is probably a fair interpretation. He said he
	does not see anything legally to prevent a motion to reconsider. He said
	anyone in the affirmative could make a motion to reconsider, and that could be Mr. Lyons.
	could be with Lyons.
	Mr. Lyons said the opinion from his attorney is that he did not vote in the
	affirmative. Mr. Lyons said his opinion is he didn't vote in the affirmative,
	but he wanted to give Council the opportunity to make a motion to
	reconsider, which is the reason he sent emails to the Vice Mayor and
	Mayor and copied everyone on Council to let them know that a motion to reconsider would have to come from one of them who voted in the
	affirmative.
	annihative.
	Vice Mayor Campbell asked Mr. Lyons what he thought would come from
	the Councilmembers.
	Mr. Lyons replied a motion to reconsider and then further discussion from
	Mr. McDonald on the legality and making sure his legal opinion is rock
	Mr. McDonald on the legality and making sure his legal opinion is rock solid. He said he would not expect Council to take anyone's opinion over
	Mr. McDonald on the legality and making sure his legal opinion is rock
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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 Cou to adopt this item.	ncil Work Session recommendation was	
	Mr. Webb moved to adopt; Mrs. Kitchen vote, Mr. Campbell, Mrs. Byrge, Mr. Lyo Shaw, and Ms. Baker voted yea; none vo	ns, Mrs. Kitchen, Mr. Webb, Mr.	
11.	New Business		
	CITY COUNCIL Anthony Rodgers, Clerk of Council		
	 A. A Motion To Appoint Lisa Jeter To The Board For A Term Ending January 1, 202 	Contraction of the second seco	
	Vice Mayor Mark Campbell said the Course recommendation was to adopt this item.	ncil Work Session	
	Ms. Baker moved to adopt; Mrs. Byrge s the vote, Mrs. Byrge, Mr. Lyons, Mrs. K Baker, and Mr. Campbell voted yea; non 7-0.	tchen, Mr. Webb, Mr. Shaw, Ms.	
	 B. A Public Hearing Scheduled For June 13 Council For Discussion Of The 2023 Tax 		
	Vice Mayor Mark Campbell opened the approval of the 2023 Tax Budget.	Public Hearing for discussion and	
	Interim City Manager Bryan Chodkowsk requirement of the Ohio Revised Code an tax revenues for Fiscal Year 2023, begin relative to last year's projected tax revenu about \$11 million or so.	nd presents the City's anticipated ning on January 1, 2023. He said	
	Vice Mayor Campbell asked if Law Dire comments.	ctor Gerald McDonald had any	
	Seeing none, Vice Mayor Campbell aske speak in favor of the approval of this issu		
	Seeing none, Vice Mayor Campbell aske speak against the approval of this issue.	d if there was anyone present to	
	Seeing none, Vice Mayor Campbell aske Council to make comments or to provide		
	Seeing none, Vice Mayor Campbell aske anyone to speak in favor of or against the Budget.		

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	Vice Mayor Mark Campbell said, barring further comments, this Public	
	Hearing of the City Council for the 2023 Tax Budget is hereby closed.	
	ADMINISTRATION Beneral Chadleserabil Interim City Managar	
	Bryan Chodkowski, Interim City Manager	
C.	A Resolution Approving The City Of Huber Heights Five-Year Capital	
	Improvement Plan For 2023-2027.	
	(first reading)	
	Mr. Chodkowski said this legislation is the adoption of the City's Capital	
	Improvement Plan (CIP). He said over the next five years, this CIP is the	
	City's long-term planning tool and it is a City Charter requirement.	
	Vice Meyer Merk Comphell sold the Coursell World Course	
	Vice Mayor Mark Campbell said the Council Work Session recommendation was to adopt this item.	
	Mrs. Byrge moved to adopt; Ms. Baker seconded the motion.	
	Mrs. Byrge asked Mr. Chodkowski if he received feedback from the IT	
	Director regarding the questions she raised regarding equipment.	
	Mr. Chodkowski said there has been no detailed discussion since Mrs.	
	Byrge presented that information. He said the IT Director had been on vacation, but those are comments that have been put into the 2023 City	
	Budget. He said City Staff will look into incorporating what the City is	
	able to incorporate at that time.	
	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.	
D.	A Resolution Adopting A Preliminary Tax Budget For Revenues Of The	
	City Of Huber Heights, Ohio For The Period Beginning January 1, 2023 And Ending December 31, 2023.	
	(first reading)	
	Mr. Chodkowski said this legislation adopts the proposed 2023 Tax	
	Budget as discussed earlier in the Public Hearing. He said this legislation is a statutory requirement.	
	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. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell,	
	Mrs. Byrge, and Mr. Lyons voted yea; none voted nay. The motion passes	
	7-0.	
E.	A Resolution Establishing And/Or Amending The City Of Huber Heights	
2.	Organizational Chart And Authorizing The New Personnel Staffing Levels	
	As Detailed Below.	
	(first reading)	
	Mr. Chodkowski said this legislation authorizes the creation of the	
	Director of Planning and Community Development and fully stands up the	
	position of Economic Development Director.	

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	Vice Mayor Mark Campbell said the Counc	il Work Session
	recommendation was to adopt this item.	
		1.1.0
	Mrs. Byrge moved to adopt; Mr. Webb seco	onded the motion.
	Mr. Lyons said after careful consideration in	n standing up a Director of
	Planning and Development and then fundin	
	of this item tonight based on the fact that th	e City had not hired the
	additional firefighters he had requested.	
	On a call of the vote, Mr. Webb, Ms. Baker	Mr Campbell Mrs Byrge
	and Mrs. Kitchen voted yea; Mr. Shaw and	
	motion passes 5-2.	
	 An Ordinance Amending Certain Sections Code Of The Huber Heights Codified Ordin 	
	(first reading)	lances.
	(mst reading)	
	Mr. Chodkowski said this item includes tec	
	Administrative Code of the Huber Heights	
	previously approved legislation for staffing	changes legal.
	Vice Mayor Mark Campbell said the Counc	cil Work Session
	recommendation was to waive the second re	
	Mr. Webb moved to waive the second readi	ing: Mrs. Burge seconded the
	motion. On a call of the vote, Ms. Baker, N	
	Mr. Webb voted yea; Mr. Shaw, Mr. Lyons	
	The motion fails 4-3.	
	Vice Mover Mark Comphell said this item	will move on to a second
	Vice Mayor Mark Campbell said this item v reading.	will move on to a second
	Touching.	
(B. A Resolution Establishing And/Or Amendia	•
	Wage Levels For Employees Of The City C	Of Huber Heights, Ohio.
	(first reading)	
	Mr. Chodkowski said this legislation provid	des the salary ranges for the
	positions approved previously on tonight's	
	Ms. Baker moved to adopt; Mrs. Byrge sec	
	the vote, Ms. Baker, Mr. Campbell, Mrs. By Webb voted yea; Mr. Lyons and Mr. Shaw	
	2.	voted hay. The motion passes 3-
	The second se	
Н		
	Letter Of Intent For 1.32 Acres (+/-) Of Rea	al Property On Executive
	Boulevard. (first reading)	
	(mscreading)	
	Mr. Chodkowski said pursuant to discussion	ns with Council in Executive
	Session, this piece of legislation authorizes	the City to enter into this Letter
	of Intent, effectively empowering City Staf	f to begin more formal
	negotiations with the interested party.	
	Vice Mayor Mark Campbell said the Counc	ril Work Session
	recommendation was to adopt this item.	IN WOIR DESSION
	recontinentation was to adopt this nelli.	

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	Mr. Webb moved to adopt; Ms. Baker 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.
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)
	(Inst reading)
	Mr. Chodkowski said this grant would allow the City to fund three
	firefighters and one medical director for a period of two years. He said the
	application deadline is imminent.
	Vice Mayor Mark Campbell said the Council Work Session
	recommendation was to adopt this item.
	Mrs. Kitchen 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.
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)
	Mr. Chodkowski said this work is scheduled work by the Ohio Department
	of Transportation. He said the City's share of this project will be slightly
	less than \$170,000.00.
	Vice Mayor Mark Campbell said the Council Work Session
	recommendation was to adopt this item.
	Ms. Baker moved to adopt; Mrs. Kitchen seconded the motion. 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.
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. Chodkowski said this legislation authorizes City Staff to solicit and seek
	a Request for Qualifications (RFQ) from engineering firms to determine the
	best qualified firm to begin the design work for this project.
	Mr. Rodgers said one citizen was registered to speak on this item, and he
	With Rougers said one entitien was registered to speak on this riem, and he
	called Mr. Scott Davidson to the podium.
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	called Mr. Scott Davidson to the podium. Mr. Davidson passed out information to Council. He said this project is
	called Mr. Scott Davidson to the podium. Mr. Davidson passed out information to Council. He said this project is right on his property line and has an easement that goes to Chambersburg Road. He said he understands the road expansion and the curb, but a
	called Mr. Scott Davidson to the podium. Mr. Davidson passed out information to Council. He said this project is right on his property line and has an easement that goes to Chambersburg Road. He said he understands the road expansion and the curb, but a sidewalk cuts into the woods and brush on his property. He said the aerial
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DVERNMENT FORMS & SUPPLIIN4 Council Chambers 6131 Taylorsville Road 22 June 13, 20 Held one house on Endicott Road on the Fishburg Road side and one house on Endicott Road on the Chambersburg Road side. He said he understood a sidewalk on the north side of Chambersburg Road. He asked City Staff to bring this matter to the City Engineer's attention. He said he did not know the rules for having a bike path. Mr. Chodkowski said he was happy to pull up the preliminary design concepts and forward those to Mr. Davidson. He said the bulk of the work is happening on the north side. Mr. Campbell thanked Mr. Davidson and said the Interim City Manager will reach out and set up a time to discuss this matter. Ms. Baker moved to adopt; Mrs. Byrge seconded the motion. Mr. Lyons thanked Mr. Davidson. He asked Mr. Chodkowski if the Request For Qualifications is very early in the process? Mr. Chodkowski said that is correct. He said he does not believe construction is planned until 2024. He said the total process from award to construction is five years. Mr. Lyons asked about the preliminary plan to have the sidewalk on that particular side of the road. If Council views it as important to the issue Mr. Davidson brought up, is there still plenty of time to change the plan if that is the decision of Council? Mr. Chodkowski said the City is still in the position to make certain amendments to the project, but there are qualification factors measured by the Ohio Department of Transportation (ODOT), so City Staff will need to make sure any modifications meet the qualifying factors. Mr. Lyons told Mr. Davidson that he is early, and the issue can still be remedied if Council deems it needs to be changed. Mr. Lyons said the sidewalk/bike path is a concrete bike path that doubles two for one. He said a sidewalk can be put in for roughly the same price as a bike path which is a couple of feet wider than a normal sidewalk. He said he believes this sidewalk is a requirement of the Miami Valley Regional Planning Commission (MVRPC). He said he is not the authority on this matter. Mr. Shaw said the MVRPC does hold public hearings on these matters. He said after these projects are passed by this body, and before the projects are fully approved and funded, those public hearings do take place. He said there could still be changes. He said the City does have to be cognizant of growth as it takes place to make sure the development and road widening for the ultimate master plan works out for all parties. Mr. Davidson asked if the City of Dayton was on board to continue the sidewalk down to the Villas or would it just stop there. Mrs. Byrge said MVRPC's role is not to put requirements on the City. She said Council passed a resolution that bike paths/sidewalks are to be installed with any new developments. She explained the process for grant requirements and funding. She said the City of Dayton is ready to partner with Huber Heights to take the sidewalk from west of Endicott Road down to the bike path. She said the City has not sat down yet with the City of Dayton to devise a plan.

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	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.	
10		
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.	
	Ma David Ma Characha ha an an an da har ha an a Caraba	
	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.	
	state elected officials to get \$100,000 for The Bank	
	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.	
	entiten next door. One sald it was a really mee 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.	
	the Council work Dession.	

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	Mr. Lyons said if Mr. Shaw would be a f	irst he himself would be a	
	second, and if there is a third, that would		
	next Council Work Session agenda.		
	Mr. Shaw said he would be happy to be o	on the phone with state officials	
	tomorrow with a bullet list.		
	Mrs. Kitchen asked for an update on the	Community Park playground	
	equipment.		
	Mr. Chodkowski said he has no update for	or tonight. He said the regularly	
	scheduled City Staff meeting is tomorrow		У
	to follow up then and send an email so C share with constituents.	ouncil has that information to	
	M. Debrateld May Kitchen that the also	und a minut is up at the	
	Ms. Baker told Mrs. Kitchen that the play Eichelberger Amphitheater.	yground equipment is up at the	
	Vice Maren Mark Committeell said Mr. Sh	any had mantianed when the	
	Vice Mayor Mark Campbell said Mr. Sh motion was made that Dr. Derrick L. Fov		
	comply with his letter. Mr. Campbell rea		
	asking for a decision by 5:00 p.m. Tuesd date is tomorrow, not tonight. He said M		1.1
	everyone of the Huber Heights Library g	roundbreaking ceremony at 11:00	D
	a.m. tomorrow.		
13.	Executive Session		
	There was no need for an Executive Sess	sion.	
14.	Adjournment		
	Vice Mayor Mark Campbell adjourned the	he Regular Session City Council	
	Meeting at 6:56 p.m.		
A	thay C. Rade	6-29-22	
Clerk of	Council		
A	the	20/22	
Mayor	Date	fortee	
).0		