

# RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

www.plpettibone.com FORM NO. 10148

Held In Council Chambers  
6131 Taylorsville Road September 26, 20 22

**1. Call The Meeting To Order - Mayor Jeff Gore**

The Huber Heights City Council met in a Regular Session on September 26, 2022. Mayor Jeff Gore called the meeting to order at 6:00 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, Anita Kitchen, Don Webb, Jeff Gore

**6. Approval Of Minutes**

A. City Council Meeting Minutes – September 12, 2022

**7. Special Presentations/Announcements**

There were no Special Presentations or Announcements.

**8. Citizens Comments**

There were no Citizens Comments

**9. Citizens Registered to Speak on Agenda Items**

There were no Citizens Registered To Speak On Agenda Items.

**10. City Manager Report**

Interim City Manager Bryan Chodkowski said in spite of the recent activities of the Federal Reserve, development is in full swing in Huber Heights. He said last week involved and next week will involve meetings with Horizon Line, Metropolitan Holdings, Homestead Development, and Vandercar to continue and advance many of the projects City Staff has been talking with Council about. He said the City Engineer and the Public Works Manager have interviewed three firms regarding the facilities/asset management plan and they will be interviewing a fourth firm later this week. He said proposals should be in on or about October 14, 2022. He said later this week, the Human Resources Department and he will be interviewing two candidates for the Assistant to the City Manager position. He said that position will be an opportunity to lighten the load and to take on some additional tasks requested by Council. He said at the Eichelberger Amphitheater on September 30, 2022, from 6:00 p.m. to 9:00 p.m., the Great Northern String Band will play. He said on October 8, 2022 is Bites In The Heights at the Rose Music Center from 11:00 a.m. to 6:00 p.m. He said Trick or Treat is on Monday, October 31, 2022 from 6:00 p.m. to 8:00 p.m.

Mrs. Byrge said on October 2, 2022 from 3:00 p.m. to 6:00 p.m., the Huber Haunts Zombie Walk and the Zombies, Heroes and Villains event is being held at Thomas Cloud Park.

Mrs. Kitchen asked Mr. Chodkowski if the City is close to having the water integrity study completed.

Mr. Chodkowski said City Staff were optimistic the City would have all the information available by September 1, 2022. He said they were advised by Burgess & Niple that the completion of the study was delayed approximately six weeks by data coming from Veolia Water's contractor who manages all of its GIS



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22

and data information. He said City Staff had been advised a draft report would be available to utilize as intended to help influence the 2023 City Budget discussion by October 14, 2022.

## 11. Pending Business

- A. An Ordinance To Amend The Codified Ordinances Of The City Of Huber Heights, Ohio To Provide Amendments To Certain Sections Of The Traffic Code And To Certain Sections Of The General Offenses Code; To Provide For Codification; To Provide For Severability; And To Repeal Conflicting Ordinances.

(second reading)

Clerk of Council Anthony Rodgers said he had no additional comments from those stated at the Council Work Session.

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

Mr. Campbell left the room at approximately 6:09 p.m. and was not present at the time of vote.

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

- B. An Ordinance Amending Section 922.27 Of The Codified Ordinances Of Huber Heights By Increasing The Monthly And/Or Annual Stormwater Sewer Rate Beginning November 1, 2022.

(second reading)

Mr. Chodkowski said he had no additional comments on this item.

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

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

Mrs. Byrge stated that Mr. Campbell is coming back to the room.

Mr. Rodgers said the vote on this item had already been called.

Mayor Gore moved the agenda along to Item 12 - New Business.

## 12. New Business

### CITY COUNCIL

Anthony Rodgers, Clerk of Council

- A. An Ordinance Approving The Editing And Inclusion Of Certain Ordinances And/Or Resolutions As Parts Of The Various Component Codes Of The City Code Of Huber Heights, Ohio; Providing For The Adoption And Publication Of New Matter In The Updated And Revised City Code As Supplement 11; And Repealing Ordinances And Resolutions In Conflict Therewith.

(first reading)

Mr. Rodgers said this item is a standard update to the City Code to codify ordinances that have been passed by City Council for the second quarter of 2022. He said this item can go to a second reading.

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



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## ADMINISTRATION

**Bryan Chodkowski, Interim City Manager**

- B. An Ordinance Amending Ordinance No. 2021-O-2511 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2022 And Ending December 31, 2022.  
(first reading)

Mr. Chodkowski reminded Council this item needed to be amended, and he also asked Council to waive the second reading on this item.

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

Mr. Rodgers said the amendment is in front of Council and the only change to the supplemental appropriations legislation from the Council Work Session is the amount for the Fire Capital work, which is the work on the ladder truck. He said it had been discussed to increase that supplemental appropriation from \$39,000.00 to \$55,000.00. He said the amount was changed in the legislation to increase the not to exceed amount for the vendor, but the Finance Director did not have that information when the meeting packet went out.

Mayor Gore asked for a motion to amend as specified by Mr. Rodgers.

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

Mrs. Byrge moved to waive the second reading; Ms. Baker 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.

Mr. Webb moved to adopt; Mr. Shaw 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.

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

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

Mr. Rodgers said Finance Director Jim Bell spoke to the City's Bond Counsel about the emergency clause in the three items of legislation on the agenda for the issuance of renewal notes. He said the recommendation from the City's Bond Counsel was that these three items of legislation have two readings and then be adopted as emergency legislation in order to allow enough time to go out on the market for the reissuance of the notes.

- D. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$945,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Certain Real Property Which Will Be Used As A Site For One Or More Governmental Facilities And Providing For General Site Preparation Thereof And Improvements Thereto, Together With All Necessary Appurtenances Thereto, And Declaring An Emergency.  
(first reading)



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Mr. Chodkowski said similar to the previous legislation, it was asked that when this item is considered by Council at the next City Council Meeting, it is adopted as an emergency measure.

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

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

Mr. Chodkowski asked that this legislation be moved to a second reading and adopted as an emergency measure at that time.

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

- F. A Resolution Accepting The Amounts And Rates As Determined By The Budget Commission Of Montgomery County, Ohio, Authorizing The Necessary Tax Levies And Certifying Them To The Montgomery County Auditor.  
(first reading)

Mr. Chodkowski said this item is annual recurring legislation before this body. He said this legislation affirms the anticipated revenue to be collected through property tax for Montgomery County.

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

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

- G. A Resolution Accepting The Amounts And Rates As Determined By The Budget Commission Of Miami County, Ohio, Authorizing The Necessary Tax Levies And Certifying Them To The Miami County Auditor.  
(first reading)

Mr. Chodkowski said this legislation is annual recurring legislation and certifies the anticipated property tax revenue collected by Miami County.

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

Mr. Otto moved to adopt; Mrs. Kitchen seconded the motion. 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 Director Of Finance To Execute An Extension Agreement With The Auditor Of State And Plattenburg & Associates For The Audit Of The Combined Financial Statements Of The City Of Huber Heights For The Period January 1, 2022 Through December 31, 2026 And Authorizing The Director Of Finance To Enter Into Agreements For Other Professional Services As Needed With Plattenburg & Associates.  
(first reading)



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Mr. Chodkowski said this legislation authorizes the City to extend its arrangement with the current private auditor in lieu of utilizing the Ohio Auditor of State for its annual audit. He said the City has consistently received outstanding performance metrics from the State of Ohio using Plattenburg & Associates and he asked Council to approve this legislation.

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

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

Mr. Webb thanked Finance Director Jim Bell for clarifying this information during the Council Work Session and giving Council a great explanation as to the services performed by Plattenburg & Associates.

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 To Increase The Not To Exceed Amount For The Repair And Rebuild Of A Firefighting Aerial Truck With Ohio CAT For Calendar Year 2022 And Waiving The Competitive Bidding Requirements.  
(first reading)

Mr. Chodkowski said this legislation is necessary to address a malfunction with a ladder truck in the Fire Division. He asked that this item be adopted so the Fire Division could complete the repair and get the vehicle back in service as quickly as possible.

Mrs. Byrge moved to approve; Mrs. Kitchen 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 Authorizing The City Manager To Increase The 2022 Not To Exceed Amount With Joe's Landscaping For The Purpose Of Landscape Services For The Rose Music Center And For The City Of Huber Heights And Waiving The Competitive Bidding Requirements.  
(first reading)

Mrs. Kitchen had stated at the Council Work Session that she would recuse herself from this item and she left the room at 6:21 p.m.

Mr. Chodkowski said this legislation empowers the City to contract with Joe's Landscaping to provide some additional updates to the landscaping at the Rose Music Center.

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

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

Mr. Webb asked Mr. Chodkowski to explain to the residents why the competitive bidding requirements are being waived.

Mr. Chodkowski said the City already has a contract with Joe's Landscaping. He said the total package for services being performed is approximately \$23,000.00. He said City Staff solicited multiple quotes for this work, and Joe's Landscaping was the lowest bidder. He said because the City has contracts with the company, the limit the City can spend with this vendor is now being exceeded.



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

Mrs. Kitchen returned to the dais at 6:23 p.m.

Mrs. Byrge said before moving on, she would like some clarification on why, when the vote was being taken on Item 11-B and Mr. Campbell stepped out of the room, and she told Mr. Rodgers that Mr. Campbell was on his way back to the room, why Mr. Campbell was not allowed to vote when he came back. She asked for the precedent for that action.

Mr. Rodgers made an explanation of the roll call process and rotation. He said Mr. Campbell was the first to be called in the vote rotation on this item and Mr. Campbell was not present in the room to vote when his name was called in the roll call.

Mrs. Byrge said the vote had not been completed when she told Mr. Rodgers that Mr. Campbell was coming back.

Mr. Rodgers said by the time Mr. Campbell entered the room, Mr. Campbell had already been called in the roll call and the vote had been completed.

Mrs. Byrge continued questioning the reasoning and she discussed several scenarios of being out of the room during a vote.

Mr. Rodgers explained the proper parliamentary procedure would be following the roll call vote in the order prescribed. He said once that roll call vote is completed, typically the Clerk of Council would not go back to revisit that rotation after the vote had been called. He said the Mayor could have delayed the vote and waited for Mr. Campbell to come back, but that did not happen. He said Mr. Campbell was the first person to be called on for that vote, and he was not present. He explained the legislative item can be brought back in an amended form as a new item to another City Council Meeting.

Mayor Gore said he believed the roll call vote had been completed when Mr. Campbell came back into the room.

Mrs. Byrge said if this item comes back, she is going to ask Mr. Chodkowski to explain to Council and the public what the ramifications are if the item is not passed.

## 13. City Official Reports and Comments

Mr. Otto congratulated the Quail Ridge Development on its Grand Opening last Saturday. He thanked the Fire Division for an awesome Open House last Sunday. He said the Fire Division Open House is always well attended and a great event.

## 14. Executive Session

There was no need for an Executive Session.

## 15. Adjournment

Mayor Gore adjourned the Regular Session City Council Meeting at 6:28 p.m.

  
Clerk of Council

  
Mayor

  
Date

  
Date