

# RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

## In Council Chambers

GOVERNMENT FORMS & SUPPLIES 814-221-0330 FORM NO. 1010

Held 6131 Taylorsville Road November 14, 20 22

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

The Huber Heights City Council met in a Regular Session on November 14, 2022. Mayor Jeff Gore called the meeting to order at 6:00 p.m.

**2. Invocation - Pastor John Gakwaya Of The Compassion Free Methodist 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, Glenn Otto, Ed Lyons, Anita Kitchen, Don Webb, and Mayor Jeff Gore.

**5. Approval Of Minutes**

- A. City Council Meeting Minutes - October 24, 2022

**6. Special Presentations/Announcements**

- A. Mayoral Proclamation Presentation To Mr. Don Stewart - Mayor Jeff Gore

Mayor Gore read the proclamation to Don Stewart and presented Mr. Stewart with a plaque from the City of Huber Heights in appreciation for Mr. Stewart's years of service to the City.

Mr. Stewart said he is glad to be here to receive the plaque and that everyone has been his inspiration these past months. He said he is on another journey now and has pancreatic cancer which is between Stage 2 and 3. He said he has not pulled away from home, he is just on a new journey right now. He said Huber Heights is still his home and everyone here is still his family. He discussed his changes, blessings, and outlook on life and doing God's work.

- B. 2022 Small Business Saturday Mayoral Proclamation Presentation To Representatives Of The Huber Heights Chamber Of Commerce - Mayor Jeff Gore

Mayor Gore read the Small Business Saturday proclamation and he presented the proclamation to representatives of the Huber Heights Chamber of Commerce who thanked Council on behalf of Huber Heights local businesses.

**7. Citizens Comments**

Mr. Jeff Morford said he has been a Miami County/Bethel Township resident for over 50 years. He said over the years Huber Heights has allowed parcels of land equaling approximately 1,000 Miami County acres to be annexed into Huber Heights, rezoned and developed. He said in the future, he imagines other Miami County properties will be in the crosshairs. He asked Council to stop accepting the continued expansions into Miami County and said the Councilmembers can vote no. He asked them to look closely at the complications annexation and development causes for those in Bethel Township. He asked Councilmembers to be a good neighbor and asked how they would like it if a neighboring community were able to affect Huber Heights' plans and future with no recourse. He asked Council to take

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GOVERNMENT FORMS & SUPPLIES DIVISION

In-Council Chambers

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care of its own community and allow Bethel Township residents to take care of their community and decide what direction they want to go and at what pace. He said the New Carlisle City Council just voted no to a 300-home development with annexation from Miami County/Bethel Township. He said it is not always about the almighty dollar. He asked Council to vote no to any future annexation requests.

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

There were no citizens registered to speak on agenda items.

**9. City Manager Report**

Interim City Manager Bryan Chodkowski said 6629 Harshmanville Road is scheduled for a permanent injunction hearing on December 12, 2022 in an effort to address exterior property maintenance issues. He said that on December 13, 2022 at 6:00 p.m., the City will hold an informational meeting for those residents impacted by the 2022 Water Main Replacement Project. He said an example of the letter mailed to property owners has been provided to Council tonight. He said information about this meeting will also be added to the City's website and social media platforms as the official meeting date approaches. He said he and Anthony Rodgers met with LWC last week to sign off on the civic side of the proposed new Civic Center. He said LWC will be making updates to that plan based on that conversation and then will take the plan to meet with representatives from the Huber Heights Senior Center. He said the City received notice last week that it is a recipient of a 2022-2023 Community Development Block Grant. He said the amount of that grant is \$80,000 and those funds will be applied to the \$200,000 cost of resurfacing the walking paths at Thomas Cloud Park. He said this project will be bid in 2023 with other similar projects in an attempt to gain pricing considerations. He said the grant is required to be completed by December 31, 2023. He said the City is now the owner of the 22.5 acres on the east side of the Carriage Trails Subdivision abutting Brandt Pike. He said former owners of this property include State Route 201, LLC and Carriage Point Limited. He said the City took possession of that property early in November, 2022. He said there are tax and assessment issues that still need to be resolved, and he thanked Judge Wall and the Miami County Prosecutor's office for their diligence on that matter. He announced the hiring of Kyren Gantt to the position of Assistant to the City Manager. He said Mr. Gantt holds a Bachelor's degree in Political Science from Arizona State University and an MPA from Villanova University. He said Kyren currently works for the City of Dayton as a Community Engagement Specialist, is an Air Force veteran, and is a Huber Heights resident. He said his first day will be Monday, November 28, 2022.

Mrs. Kitchen asked if City Staff is no longer doing the 2022 Water Main Replacement Project meeting on December 5, 2022 and only on December 13, 2022.

Mr. Chodkowski said the meeting needed to be rescheduled as it was going to be held at City Hall but City Staff realized there may not be enough room to accommodate the number of attendees.

**10. Pending Business**

There is no pending business.

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Minutes of

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GOVERNMENT FORMS & SUPPLIES DIVISION FORM NO. 6110

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### 11. New Business

#### CITY COUNCIL

**Anthony Rodgers, Clerk of Council**

- A. A Motion To Reappoint Seth Brewer And Samuel Robinson To The Citizens Water And Sewer Advisory Board For A Term Ending January 1, 2026.

Clerk of Council Anthony Rodgers said Items 11-A through 11-D are reappointments to various positions on the City's boards and commissions. He said, where appropriate, background checks have been updated on these individuals. He said the recommendation was to make these reappointments.

Mayor Gore said on Item 11-A, the Council Work Session recommendation was to adopt this item.

Mr. Campbell moved to adopt; Mrs. 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.

- B. A Motion To Reappoint Jean Newby And Tara Purvis To The Culture and Diversity Citizen Action Commission For A Term Ending December 31, 2025.

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

Mr. Otto moved to adopt; Mr. Webb 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.

- C. A Motion To Reappoint Keesan Lasley And Danna Plewe To The Military And Veterans Commission For A Term Ending December 31, 2025.

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

Mrs. Byrge moved to adopt; 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.

- D. A Motion To Reappoint Leona Gray, John Roberts, And Richard Winkler To The Property Maintenance Review Board For A Term Ending December 31, 2025.

Mayor Gore 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. 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. A Motion To Approve The 2023 Council Work Session And City Council Meeting Schedules.

Mr. Rodgers said the attached meeting schedules are for the 2023 Council Work Sessions and City Council Meetings. He reminded Council that Council had agreed

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Huber Heights City Council

Meeting

GOVERNMENT FORMS & SUPPLIES CONTACT: 937.233.3333  
In Council Chambers

Held 6131 Taylorsville Road November 14, 20 22

to revisit the issue of a summer schedule when the Rules of Council are discussed in January, 2023.

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. 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.

- F. A Motion To Direct The Clerk Of Council To Respond To The Ohio Division Of Liquor Control With No Objections In Reference To Transfer Of Liquor Permit #41422500005 For Madge C. Inman Estate At 5130 Brandt Pike, Huber Heights, Ohio, 45424 To Liquor Permit #1233496 For Cape Lounge, Inc. DBA Cape Lounge At 5130 Brandt Pike, Huber Heights, Ohio 45424.

Mr. Rodgers said this item is a liquor permit transfer for the Cape Lounge at 5130 Brandt Pike as discussed at the Council Work Session.

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

- G. A Motion To Direct The Clerk Of Council To Respond To The Ohio Division Of Liquor Control With No Objections In Reference To New Liquor Permit #3079899 For Gavin Quick Stop, LLC DBA Marathon 7851 At 7851 Old Troy Pike, Huber Heights, Ohio, 45424.

Mr. Rodgers said this item is part of the legal settlement discussed at the Council Work Session in which the Marathon gas station at 7851 Old Troy Pike would put in hold its current D5 liquor permit in return for approval of C1 and C2 liquor permits.

Mr. Shaw moved to adopt; Mr. Webb 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.

## ADMINISTRATION

**Bryan Chodkowski, Interim City Manager**

- H. A Resolution Authorizing The Purchase Of Employee Health Insurance Services For The City Of Huber Heights For The Fiscal Year 2023 And Waiving The Competitive Bidding Requirements.  
(first reading)

Mr. Chodkowski said this legislation empowers City Staff to change the City's insurance providers to ensure the lowest premium rate increase for the employees and to have adequate time to enroll all of those employees in this benefit plan.

Mr. Webb moved to adopt; Mrs. Kitchen 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.

# RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

GOVERNMENT FORMS & SUPPLIES DIVISION  
In Council Chambers

Held 6131 Taylorsville Road November 14, 20 22

- I. 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 said this supplemental appropriation is to make amendments to the current budget to support temporary staffing in the Tax Division as the City continues to bring individuals onboard in that division as well as to provide the funding necessary to train the emergency dispatchers on the new CAD software system.

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

Mrs. Byrge moved to waive the second reading; 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.

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.

- J. An Ordinance For Making Appropriations For Expenses 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 represents the 2023 City Budget as has been reviewed with City Council at previous meetings. He said this budget is similar in size to this year's budget and he asked for this item to be moved on to a second reading.

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

- K. A Resolution Authorizing The Execution Of A Development Agreement With Horizon Line Development, LLC.  
(first reading)

Mr. Chodkowski asked that this legislation be adopted as it represents a new and improved development agreement and project with Horizon Line Development. He said this project is estimated to net just over \$14 million over 30 years and it is a catalyst for 500 new multi-family market rate apartments as well as 13 acres of restaurant and retail space.

Mr. Campbell moved to adopt; Mr. Shaw seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Webb, Mr. Shaw, Ms. Baker, and Mr. Campbell voted yea; Mr. Otto, Mr. Lyons, and Mrs. Kitchen voted no. The motion passes 5-3.

- L. A Resolution Approving The Collective Bargaining Agreement With The IAFF Local 2926 Representing Firefighters and Lieutenants In The Division Of Fire For The Time Period January 1, 2023 Through December 31, 2025.  
(first reading)

# RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

## In Council Chambers

GOVERNMENT FORMS & SUPPLIES 04-23-2016 FORM NO. 0000

Held 6131 Taylorsville Road November 14, 20 22

Mr. Chodkowski said, as was discussed in the Executive Session at Council Work Session on November 7, 2022, City Staff requests that Council adopt this measure. He said it should be noted that this contract was ratified by the IAFF membership late last week.

Mr. Rodgers said Exhibit A was received after the meeting packet had gone out. He said it was distributed to Council and publicly posted as required. He said this item requires a motion to amend the legislation to add Exhibit A to the resolution and then a motion to adopt.

Mr. Campbell moved to amend; Mrs. Kitchen 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. Otto moved to adopt; Ms. Kitchen 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.

- M. A Resolution Authorizing The City Manager To Enter Into An Agreement With The Rozzi Fireworks Company, Inc. For The Purpose Of Providing A Municipal Fireworks Display In Celebration Of The Fourth Of July National Holiday For The Years Of 2023 Through 2026.  
(first reading)

Mr. Chodkowski said this agreement reflects a multi-year scope of four years for the City's annual fireworks display and includes the utilization of the same licensed shooter for these shows as the City has had the last several years.

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

- N. A Resolution Authorizing The City Manager To Renew An Agreement With Community Planning Insights, LLC For Planning Services As City Planner For The City Of Huber Heights, Ohio For The Time Period Of January 1, 2023 Through December 31, 2023.  
(first reading)

Mr. Chodkowski said this contract represents a continuation of the relationship the City has had with Community Planning Insights and its principal, Aaron Sorrell, through 2023.

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

- O. A Resolution Amending A Lease Agreement With The Huber Heights Softball Baseball Association For The Use Of Sports Fields At Thomas Cloud Park And Monita Field Park.  
(first reading)

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GOVERNMENT FORMS & SUPPLIES BY THE PUBLIC ADMINISTRATION

Held 6131 Taylorsville Road November 14, 20 22

Mr. Chodkowski asked Council to adopt this legislation. He said this resolution adds Field #1 at Thomas Cloud Park to the existing lease which was previously excluded at the time of the initial lease due to another party's interest in utilization of that field. He said that party is no longer interested in utilizing Field #1. He said all of the fields at Thomas Cloud Park and Monita Field will fall under the purview of the Huber Heights Softball Baseball Association.

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

Mr. Webb moved to adopt; Mr. Otto 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.

- P. A Resolution Authorizing The City Manager To Enter Into A Five-Year Copier Lease Agreement With ProSource Corporation And Waiving The Competitive Bidding Procedures.  
(first reading)

Mr. Chodkowski said this measure allows City Staff to replace the multi-function office machines. He asked that Council adopt this item.

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 asked Mr. Chodkowski to clarify why Council is waiving the competitive bidding.

Mr. Chodkowski said there are provisions within the City's Codified Ordinance that allow City Staff to waive the competitive bidding when replacing equipment on leases. He said this equipment was previously leased and will continue to be leased. He said these provisions are the basis for the non-competitive bidding.

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

- Q. A Resolution To Increase The Not To Exceed Contract Amount And Authorizing The City Manager To Enter Into A Contract Modification With Veolia Water Contract Operations USA, Inc. For Fiscal Year 2023.  
(first reading)

Mr. Chodkowski said this legislation allows for the modification of the City's contract to authorize Veolia Water to make certain capital expenditures that have been previously identified throughout 2022 and to allocate money so that work can be done in 2023.

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. 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.

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GOVERNMENT FORMS & SUPPLIES DIVISION  
**In Council Chambers**

Held 6131 Taylorsville Road November 14, 20 22

- R. A Resolution Authorizing The City Manager To Enter Into Necessary Agreements And Make Necessary Purchases Of Goods And Services With Certain Vendors And Suppliers For The Purchase, Maintenance And Service Of Equipment, Professional Services, And Miscellaneous Operating Expenses By Various Departments And Divisions Of The City Of Huber Heights For Fiscal Year 2023 And Waiving The Competitive Bidding Requirements.  
(first reading)

Mr. Chodkowski said this item is annual recurring legislation to empower City Staff to enter in to all the necessary agreements to ensure City Staff can continue to conduct business on the first day of 2023.

Ms. Baker moved to adopt; Mr. Otto seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Otto, Mr. Webb, Mr. Shaw, Ms. Baker, and Mr. Campbell voted yea; Mr. Lyons and Mrs. Kitchen voted nay. The motion passes 6-2.

- S. A Resolution Authorizing The City Manager To Purchase Various Goods And Services Required For The Ongoing Needs Of The Public Works Division For Fiscal Year 2023 And Waiving The Competitive Bidding Requirements.  
(first reading)

Mr. Chodkowski said this legislation is similar to the previous item on the agenda. He said this item is related to the specific needs of the Public Works Division. He asked that Council adopt this item so the Public Works Division will be in the position to adequately conduct work on January 1, 2023.

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

Mrs. Byrge moved to adopt; Mr. Otto seconded the motion. On a call of the vote, Mr. Otto, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; Mr. Lyons, and Mrs. Kitchen voted nay. The motion passes 6-2.

## 12. City Official Reports and Comments

Mrs. Byrge said the Ignite The Heights event was very well put on by Yard and Company. She said there was a good turnout and response.

Mayor Gore said he agreed and it was a great evening.

Mr. Shaw requested at the next Council Work Session that Council be fully provided any and all updates regarding the annexation proposal voted down by the Miami County Commissioners. He said Council needs a public update on this matter.

Mrs. Kitchen asked if at the next Council Work Session, Council could talk more about the Water Integrity Study Report as she thinks it will impact the 2023 City Budget.

Mr. Webb said he wanted to go back to Ignite The Heights event and how that event ties into an earlier agenda item regarding the retention of Aaron Sorrell. He said he was able to eavesdrop as Mr. Sorrell engaged with citizens who had questions at the Ignite The Heights event. He said Mr. Sorrell was so comfortable and he gave them the exact information they needed. He said congratulations on the Ignite The Heights event and congratulations on the retention of Mr. Sorrell. He said he is a real asset to the City.



# RECORD OF PROCEEDINGS

Minutes of

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GOVERNMENT FORMS & SUPPLIES 547-227-8309 FORM NO. 1014  
In Council Chambers

Held 6131 Taylorsville Road November 14, 20 22

Mr. Otto said he would like to support Mr. Shaw's and Mrs. Kitchen's recommendations regarding the upcoming discussions.

Mr. Campbell said he would also like to support Mr. Shaw and Mrs. Kitchen in their recommendations and he asked that those two items be on the agenda at the next Council Work Session.

**13. Executive Session**

There was no need for an Executive Session.

**14. Adjournment**

Mayor Gore adjourned the Regular Session City Council Meeting at 6:44 p.m.

Anthony C. Rudge  
Clerk of Council

11-28-22  
Date

Ray Gore  
Mayor

11/28/22  
Date