

# RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

## In Council Chambers

GOVERNMENT FORMS & SUPPLIES 844-224-3538 FORM NO. 10749

Held 6131 Taylorsville Road

January 9, 2023

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

The Huber Heights City Council met in a Special Session on January 9, 2023. 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. Pledge Of Allegiance**

**4. Roll Call**

Present: Richard Shaw, Kathleen Baker, Mark Campbell, Nancy Byrge, Glenn Otto, Ed Lyons, Anita Kitchen, Don Webb, Jeff Gore.

**5. Approval Of Minutes**

- A. City Council Special Meeting Minutes - December 15, 2022

**6. Special Presentations/Announcements**

- A. Hu-Bear Book Presentation To The City Of Huber Heights And The Wayne Township/Huber Heights Historical Society - Mayor Jeff Gore And Mrs. Cindy Davidson, Peace And Tranquility Lake Corporation

Mayor Gore joined Mrs. Cindy Davidson who presented the Hu-Bear Book to the City of Huber Heights and the Wayne Township/Huber Heights Historical Society. The book was based on Hu-Bear's activities during the City of Huber Heights' 40th anniversary in 2021. Mrs. Davidson described the book and said a children's book based on this story is being written by author, Sasha Blaine. She said both books have been approved for the collection at the Dayton Metro Library.

- B. Mayoral Proclamation Presentation To Huber Haunts - Mayor Jeff Gore

Mayor Jeff Gore read the mayoral proclamation to recognize Huber Haunts and presented the proclamation to Mr. and Mrs. Scott and Cindy Davidson along with another representative of Huber Haunts.

Mrs. Davidson said Huber Haunts has grown over the years from 13 participants to over 100 participants.

Mayor Gore said people come from out of state to see the homes during Huber Haunts.

- C. Health For Humanity Yogathon Mayoral Proclamation Presentation To Mr. Sriram Kakani Of The Hindu Swayamsevak Sangh, USA Inc. - Mayor Jeff Gore

Mayor Gore presented a mayoral proclamation to Mr. Sriram Kakani of the Hindu Swayamsevak Sangh, USA Inc. designating the period of January 14, 2023 to January 29, 2023 in recognition of the Health For Humanity Yogathon.

Mr. Kakani said yoga is a unification of mind and body. He said this event is a great opportunity for everyone to learn about yoga.

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**D. Mayoral Proclamation Presentation To Mrs. Marva Colston – Mayor Jeff Gore**

Mayor Gore presented a mayoral proclamation to Mrs. Marva Colston for special recognition for significant achievements and lifelong service to cultural and diversity issues and service to the Huber Heights community. She was also presented a key to the City.

Mrs. Colston thanked the City Council and also the Culture and Diversity Citizen Action Commission for the proclamation.

**7. Citizens Comments**

Mr. Jeff Morford of Bethel Township read information from the Bethel Township newsletter and commented on property lines, borders, annexation, and the Ten Commandments.

Ms. Beth Van Haaren of Bethel Township said the Miami County Commissioners received the Writ of Mandamus and had to approve the annexation petition. She asked the City Council to vote no on the annexation.

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

Clerk of Council Anthony Rodgers said there are two citizens registered to speak on Item 10-A.

**9. City Manager Report**

Interim City Manager Bryan Chodkowski said members of City Staff, Bethel Township, and Miami County will meet later this week to discuss the potential of a traffic signal at the intersection of Carriage Trails Boulevard and Brandt Pike. He said Monday, January 16, 2023 is Martin Luther King, Jr. (MLK) Day. He said the Culture and Diversity Citizen Action Commission will be hosting a MLK Unity Walk at Wayne High School at 9:30 a.m. and there is a formal program event at 11:00 a.m. in the Performing Arts Center at Wayne High School on that day. He said City offices will be closed that day. He said waste collection services will not be delayed in Huber Heights due to the holiday. He said the deadline is approaching for submissions for the Community Art Exhibition as the exhibition is on February 11, 2023 and submissions must be made by January 27, 2023.

Mr. Lyons said in the last Council Work Session, Fire Chief Keith Knisley said four potential hires are going through background checks. He asked Mr. Chodkowski how long it will take to hire these individuals.

Mr. Chodkowski said he does not know and he will need to follow up with Human Resources and Fire Chief Keith Knisley. He said he would communicate that information back to Mr. Lyons and the City Council.

Mrs. Kitchen asked if the pipe had been ordered for this year's Water Main Replacement Program?

Mr. Chodkowski said he talked to the City Engineer and the vendors are waiting on the final measure of the length of the pipe from the City Engineer. He said he would get a more detailed update on that issue from City Staff.



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### 10. Pending Business

- A. An Ordinance To Approve A Rezoning From Agricultural (A) To Planned Industrial (PI) And A Lot Split For The Property Located At 9416 Taylorsville Road And Further Identified As Parcel Number P70 03902 0018 On The Montgomery County Auditor's Map And To Not Accept The Recommendation Of The Planning Commission (Case RZ 22-17).  
(fourth reading)

Mr. Chodkowski said it is the recommendation of City Staff to vote this item down for the Rezoning of the property. He said, in working with the City Planner, a series of recommendations for text amendments will be coming forward from the Planning Commission to the City Council for consideration. He said it is Mr. Aaron Sorrell 's recommendation that addressing any non-conformity issues with this property should utilize that process. He said the property owners had a conflict this evening and reached out to him. He said Mr. and Mrs. Skilwies are aware of this recommendation and are supportive of the recommendation.

Mayor Gore said the Council Work Session recommendation was denial of this item. He said the legislation is written in the affirmative.

Mrs. Kitchen made a motion to adopt; Mrs. Byrge seconded the motion.

Mrs. Byrge asked when the text amendments would move to the Planning Commission.

Mr. Chodkowski said the text amendments will be on the next Council Work Session agenda and there will be public hearings for the text amendments at the last City Council Meeting in January 2023.

Ms. Rachel Goodspeed said her home is the immediate neighbor of the property in question. She asked Council to disapprove this request. She mentioned concerns about safety, health, land quality, property values, and noise. She said she does not run a bed and breakfast, she has a farm. She said that claim was a false statement from her neighbor. She said the text amendments proposed to incorporate automotive and vehicle repair did not pass the Planning Commission. She said the building where the neighbors do the repair work is less than 30 feet from the property line, which is not at the proposed 40 feet or commercial setback of 50 feet. She said approving this Rezoning sets a bad precedent for others.

Ms. Cynthia Rosengarten said she is speaking to continue her strong objection to the proposed Rezoning and lot split of the Skilwies' property. She said she and her husband were not the people who filed the complaint. She said Mrs. Skilwies made a false accusation in a previous meeting that they were operating a woodworking business out of their residence. She said the Goodspeeds' are not operating a bed and breakfast. She said they resent the fact that Mrs. Skilwies made up these lies and caused more grief in an already stressful situation. She said the truck repair business has been operating for over ten years out of compliance with Huber Heights zoning regulations. She stated her concerns.

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



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### 11. New Business

#### CITY COUNCIL

#### Anthony Rodgers, Clerk of Council

- A. A Motion To Appoint Charles Hancock To The Military And Veterans Commission For A Term Ending December 31, 2023 And Larry Johnson, II 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.

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.

- B. A Motion To Appoint Justus Bonnoront To The Parks And Recreation Board For A Term Ending March 31, 2026.

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

Mr. Shaw moved to adopt; Mrs. Kitchen 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.

- C. A Motion To Appoint Christy Trotter 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.

Mrs. Byrge 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.

- D. 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 #6074542 For MNIR Ventures, LLC DBA Sands Seafood And Sports Bar At 6250-6254 Chambersburg Road, Huber Heights, Ohio 45424.

Clerk of Council Anthony Rodgers said there were no objections from the Police and Fire Divisions, and the recommendation is to make no objections to the approval of this liquor permit.

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. 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.

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- E. 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 At 7851 Old Troy Pike, Huber Heights, Ohio 45424.

Law Director David Montgomery said subsequent to the Council Work Session, a communication was received from the Ohio Division of Liquor Control that this notice had been sent in error. He said it is his recommendation that this item be removed from the agenda as the motion is no longer needed.

Mayor Gore said, seeing no objections from Council, this item would be removed from the meeting agenda and no action will be taken on this item.

- F. A Motion To Direct The Clerk Of Council To Respond To The Ohio Division Of Liquor Control With Objections And To Request A Hearing On The Advisability Of Issuing A Transfer Of Liquor Permit In Reference To Liquor Permit #4044836 For Huber Petroleum, LLC At 5186 Brandt Pike, Huber Heights, Ohio, 45424.

Mr. Rodgers said this item was discussed at the Council Work Session and the recommendation was to request a hearing with the Ohio Division of Liquor Control in opposition to granting the transfer of this liquor permit.

Mr. Otto moved to adopt; Mrs. Kitchen 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 Appoint The City Of Huber Heights Vice Mayor For 2023.

Mr. Rodgers said this item was discussed at the Council Work Session and several nominations were made for the 2023 Vice Mayor. He said the City Charter requires that at the first regular meeting of Council each year, that Council elect a Vice Mayor.

Mayor Gore said Kathleen Baker was the first one nominated.

Mr. Campbell moved to appoint Kathleen Baker as the 2023 Vice Mayor; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea, Mr. Shaw, Mr. Otto, Mr. Lyons, and Mrs. Kitchen voted nay. Mayor Gore voted yea and breaking the tie vote. The motion passes 5-4.

### ADMINISTRATION

#### **Bryan Chodkowski, Interim City Manager**

- H. A Resolution Amending And/Or Establishing The City Of Huber Heights Organizational Chart And Authorizing The New Personnel Staffing Levels As Detailed Below.  
(first reading)

Mr. Chodkowski said this resolution provides for Council's desire to maintain the position of Parks Manager within the Table Of Organization.



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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. 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 Establishing And/Or Amending The Salary Ranges And Wage Levels For Employees Of The City Of Huber Heights, Ohio.  
(first reading)

Mr. Chodkowski said this resolution establishes the appropriate salary range and wage level for the position of Parks Manager.

Ms. Baker moved to adopt; Mr. Webb 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 Enter Into A Contract For The 2023 Abatement And Mowing Program.  
(first reading)

Mr. Chodkowski said this legislation authorizes City Staff to hire a contractor to assist with City Code compliance efforts with abatement and mowing. He said it was the Council Work Session recommendation to adopt this item.

Mrs. Byrge 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.

- K. A Resolution Authorizing The City Manager To Enter Into A Contract For The Design Of The New Public Works Facility.  
(first reading)

Mr. Chodkowski said this legislation authorizes the hiring of Kueny Architects to design the City's new Public Works Division facility.

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. 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.

- L. A Resolution Authorizing The City Manager To Award A Contract To RA Consultants, LLC For The Water Survey – Phase III And Waiving The Competitive Bidding Requirements.  
(first reading)

Mr. Chodkowski said this item is Phase III of a three-phase project. He said this legislation is to hire RA Consultants to geolocate assets of the water and utility system in order to have appropriate and accurate measurements and a survey as the City continues to design and update water infrastructure.



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Mr. Campbell moved to adopt; Mr. Webb 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.

- M. A Resolution Authorizing The City Manager To Engage TEC Engineering For The Purpose Of Conducting A Traffic Analysis.  
(first reading)

Mr. Chodkowski said this legislation authorizing contracting with TEC Engineering to help identify solutions to the traffic congestion, specifically in the area of Old Troy Pike and Waynetowne Boulevard/Merily Way. He said this study will include the intersections of Executive Boulevard, I-70 ramps at Old Troy Pike, Waynetowne Boulevard and Merily Way, the Broad Reach access location, and Taylorsville Road.

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

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

Mr. Shaw said he would like to have this legislation amended and have the locations specified by Mr. Chodkowski put into the resolution as the resolution currently only lists Merily Way. He said he would like to withdraw his motion to adopt and asked that his colleague withdraw her motion and then make a motion to amend legislation to add those locations.

Mr. Chodkowski said under the declarations, a reference to Exhibit A could be specifically listed in the resolution which would then include the proposal from TEC Engineering which lists those locations.

Mr. Shaw and Ms. Baker withdrew the motion and the second to adopt.

Mr. Otto moved to amend the resolution to add the reference to Exhibit A in the resolution and to add the proposal from TEC Engineering which lists those locations as Exhibit A as Mr. Chodkowski had mentioned; Mr. Campbell 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.

Mr. Shaw moved to adopt; Mr. Campbell 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 Purchase A Street Sweeper And Appurtenant Equipment Thereto For The Public Works Division And Waiving The Formal Bidding Requirements.  
(first reading)

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

Mr. Chodkowski said this item is to purchase a second street sweeper, not a replacement, to accommodate obligations under the stormwater management permit to be able to maintain the stormwater collection infrastructure.

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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.

**12. City Official Reports and Comments**

Mr. Otto asked Council to reconsider restarting the City Manager search process.

Mrs. Byrge said there is a new development in Heathermere, SMDH Holdings. She said the developer has done some excessive clearing and she wondered if the preservation zone or buffer that was there has been exceeded. She asked Mr. Chodkowski to have someone look into that issue.

Mr. Webb said sometimes in the noise and complaints on social media and elsewhere, people forget about the great things happening in the City. He said tonight's meeting started off with four presentations that showcase what this City is capable of and what a great place it is to live. He thanked Cindy Davidson for things like Huber Haunts and the giant panda bear. He said he would like to see more focus on the good things.

Mr. Shaw thanked his colleagues for the objection to the liquor permit. He said there is still another entity that needs to be dealt with, and he hopes Council, City Staff, and the legal department are able to come to a conclusion. He requested this Council start working on the bigger picture with the Ohio General Assembly in making changes regarding liquor permits.

**13. Executive Session**

There was no need for an Executive Session.

**14. Adjournment**

Mayor Gore adjourned the Regular Session City Council Meeting at 7:07 p.m.

Anthony C. Rodigas  
Clerk of Council

01-24-2023  
Date

[Signature]  
Mayor

1-25-2023  
Date