Minutes of Huber Heights City Council

Meeting

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

The Huber Heights City Council met in a Regular Session on February 13, 2023. Mayor Jeff Gore called the meeting to order at 6:00 p.m.

- Invocation Mister Raby Of The New Seasons Ministry At 5711 Shull Road, Huber Heights, Ohio
- 3. Pledge Of Allegiance
- 4. Roll Call

Present: Kathleen Baker, Mark Campbell, Nancy Byrge, Glenn Otto, Ed Lyons, Don Webb, Jeff Gore

Absent: Richard Shaw, Anita Kitchen

Mayor Gore said Mr. Shaw and Mrs. Kitchen are absent. He asked for a motion to excuse the absences of Mr. Shaw and Mrs. Kitchen.

Mr. Campbell moved to excuse the absences of Mr. Shaw and Mrs. Kitchen; Ms. Baker seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, and Mr. Webb voted yea; none voted nay. The motion passes 6-0.

## 5. Approval Of Minutes

A. City Council Meeting Minutes - January 23, 2023

## 6. Special Presentations/Announcements

A. Dayton Metro Library Presentation - Mr. Adam Schwiebert, Government Relations Director, Dayton Metro Library

Mr. Adam Schwiebert said he is relatively new to the position of Government Relations Director for Dayton Metro Library. He gave an overview and update of the Huber Heights branch of the Dayton Metro Library. He said his job is to connect with the elected officials at the federal, state, and local levels. He said if there are things that can be done better or there are ways to better serve the community, he would like to hear from Council and City Staff. He said during January 2023, Huber Heights residents have checked out over 35,000 items, which includes physical books, digital media, and e-books. He said in terms of circulation, the Huber Heights branch is second or third to the main branch in downtown Dayton. He said construction of the Huber Heights library should be wrapped up by late March to early April 2023. He said there would be a ribbon cutting and grand opening shortly thereafter. He said the Dayton Metro Library system received a \$250,000 grant from the Ohio Department of Education. He said the funds will be utilized for the Homework Help Program for the K-12 population and a kindergarten club which provides kids with basic level skills as the kids enter the school environment. He briefly discussed the programs. He discussed the library's workforce development efforts and described the associated programs.

Mayor Gore said the City is incredibly excited about the new branch opening.

Mrs. Byrge asked if the new location would have a makerspace?

Mr. Schwiebert said most of the new branches have a makerspace and said he will check into that matter.

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Mr. Webb said he has always heard that the Huber Heights library was second or third in terms of the number of people visiting the library. He asked if this is a new metric or something that the library has always tracked.

Mr. Schwiebert said the Dayton Metro Library keeps detailed data on circulations. He said this information is publicly available on the State of Ohio's library website.

 B. Greater Dayton RTA Presentation - Mr. Brandon Policicchio, Chief Customer And Business Development Officer, Greater Dayton RTA

Mr. Brandon Policicchio said a Huber Heights bus is coming out this year and will be on the road for the length of the bus life. He discussed service areas and staff positions. He said 65 percent of customers are going to places of employment, healthcare appointments, and educational opportunities. He said this year is the 50th anniversary of the Greater Dayton RTA. He discussed the tap pay system and said this system allows riders to pay as they go. He discussed multiple payment options for riders. He discussed Connect On Demand, Paratransit, and the 5310 Program. He said service routes 18 and 19 have been in Huber Heights for quite some time, but the company is looking to expand services. He discussed the system redesign public outreach program. He said under the redesign, RTA is looking to create more cross city connections so riders do not have to go to downtown Dayton. He said the redesign will make improvements, reaching over 70 percent of Montgomery County residents, and 80 percent of individuals living in poverty will have access to transportation under this program. He discussed how the On Demand service works. He said this system allows customers to get further beyond the bus route service and get to places not easily accessible from the bus routes. He discussed the east connector which will provide a direct connection from Huber Heights to Kettering.

Mayor Gore said a lot of the high school students use the RTA bus system to get to school. He said students have to get on the bus at 6:20 a.m. to 6:30 a.m. when school does not start until 7:40 a.m. He asked if any conversations have happened with the Huber Heights City Schools to find out if anything can be done to help those students.

Mr. Policicchio said he will have a conversation with the Huber Heights school district to see if anything can be done and to also get a good understanding of how many students are riding and where the students are riding.

Mrs. Byrge asked if there are student rates because the daily rate for students is expensive.

Mr. Policicchio said the student rate is the regular \$55 monthly pass rate and it is cheaper than the bulk rate. He said it would be good to sit and have a discussion and understand the ridership. He said those jurisdictions that buy the passes and distribute them to the students are jurisdictions that RTA sells passes to. He said Dayton is one of those jurisdictions.

Mayor Gore asked Mr. Chodkowski to make sure Mr. Policicchio gets the Huber Heights school superintendent's contact information.

Ms. Baker asked if there is a curfew for riders.

Mr. Policicchio said RTA does not have a curfew.

Ms. Baker asked about cleaning and care of the RTA bus shelters.

Mr. Policicchio said if the bus shelters were purchased through the Community Grants Program, the City would be responsible for the cleaning and care of the bus shelters. He also discussed the ability to service transportation to large events.

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#### 7. Citizens Comments

Mr. Kevin Carter said at the February 7, 2023 Council Work Session, a Councilmember posed a question during the Tri-Cities presentation regarding a sanitary sewer increase and the lack of long range planning and budgeting. He spoke about his concern over that statement. He talked about the continued rate increases, water softening, system pressure increase north of I-70, and replacement of aging water mains. He talked about how Council ridiculed and demeaned a resident who presented water quality reports before Council. He asked if residents need to be concerned about water quality and what happened to the \$30 million in the Water Fund, and how many of the aging water mains noted as the cause of the needed rate increases in 2018 have actually been replaced. He said the City paid \$87,000 for a water study which was completed in November 2022, and there still has been no discussion about the water study and the discussions are being delayed another month. He said residents have been told so many stories about pipes, and the residents do not know what to believe. He said the Finance Director made it clear the City does not have the funds for repairs, but tonight Council is going to pass an ordinance to transfer funds from the Gasoline Tax Fund to the Carriage Trails Infrastructure Fund as an emergency and those funds will not be repaid. He spoke about suggested assessments on residents' property taxes to finance the water main replacements and he stated that concept is ludicrous and unfair. He asked if it would be fair that the developers pay for all of the costs and damages associated with the increased demand on the water systems and that no further rate increases are imposed on the residents. He discussed his concerns in greater detail and asked if City Staff or Councilmembers have ever considered the amount of impact the new developments are having on the water infrastructure. He said the vision needs to change from "Come Grow With Us" to "Let's Take Care of Us". He said all residents should have the right to voice opinions and concerns without fear of retaliation and he spoke about Mayor Gore's role in leading Council, City Staff, and residents. He also addressed a Facebook post made by Mayor Gore commenting on the waste of City resources for public records requests that Mr. Carter was submitting. He said Mayor Gore's statement was inexcusable.

Mr. Andrew Waldman said he lives on Rolling Glen Drive, and the sound from the Rose Music Center is disturbing to a lot of people. He said the City bought \$35,000 worth of curtains to help with the issue, but the curtains are not being used at all. He said he is concerned about the approval of the apartments on Executive Boulevard. He said there was a new zoning law regarding sound buffers and he asked what happened to that law and asked if a hill with trees would be built as a barrier. He asked if the apartments have already been approved?

Mayor Gore said the City only took ownership of the property within the last couple of years and it was farmland, so he does not believe the City could make the owners build berms. He said the Basic Development Plan for the apartments has been approved, but the developer has not brought back a Detailed Development Plan.

Mr. Chodkowski said the preliminary plan for the Neubauer property directly across from the Rose Music Center will be presented to the Planning Commission tomorrow. He said Horizon Line has not been in for preliminary review with the Planning Commission. He said many of the questions would be addressed at a future meeting of the Planning Commission prior to the arrival of the case before Council.

Mayor Gore explained that Mr. Waldman could attend the Planning Commission meeting to express his comments and he described the process.

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## 8. Citizens Registered To Speak On Agenda Items

Mr. Paul Schaeffer registered to speak on multiple agenda items.

Mr. Anthony Rodgers asked Mr. Schaeffer to address all of the items at this time.

Mr. Schaeffer said he is opposed to Item 10-B regarding home occupations and he takes issue with expanding home businesses to include one additional person who does not reside at the home. He said if a home business has grown to require additional people, the business should relocate to an area zoned to conduct business. He said he also takes issue with the addition of one non-illuminated sign being permitted on the building of a home business. He said neighborhoods are residentially zoned areas within the community and are not substitutes for strip malls. He said he cannot believe the City wants to encourage more transient traffic in the neighborhoods by permitting storefront advertising. He continued with a list of issues on that topic. He said he is opposed to Item 10-C regarding bed and breakfast establishments and he listed his issues along with the inconsistencies in the City Code. He said he was opposed to Item 10-D due to inconsistencies in the City Code and environmental issues. He said he is opposed to Item 11-E as the grant is provided via supplemental appropriations and makes the City responsible and accountable for Millat Industries. He said City funds should not be placed at risk. He said he is opposed to Item 11-F on the agenda due to specific elements such as the transfer of \$400,000 from the Sewer Fund to the Sewer Capital Fund for the East Sanitary Sewer Extension Project. He said the funds should be used to support current customer requirements. He listed in detail his objections to this item. He said he conditionally supports Item 11-G based on the elimination of the transfer of \$440,000 from the Sewer Fund to the Sewer Capital Fund for the East Sanitary Sewer Extension Project. He said that funding should be used first to offset future rate increases necessary to support the existing infrastructure. He said he is opposed to the approval of Item 11-N authorizing a contract for the East Sanitary Sewer Extension Project and he listed his reasons. He said entering a contract without having identified an acceptable revenue source should not be allowed.

### 9. City Manager Report

Interim City Manager Bryan Chodkowski said the City met with representatives from Bethel Township to begin discussing the potential terms of the annexation agreement should that matter move forward. He said a first draft of the boundary adjustment agreement with Miami County and Bethel Township to address the issue of the traffic signal at the intersection of Carriage Trails Boulevard and Brandt Pike has been forwarded to Miami County and Bethel Township for review. He said City Staff are meeting later this week with the developer associated with the Heathermere Woods project in an effort to take advantage of potential incentives as a means to leverage additional income for the City. He said on Friday, February 24, 2023, the City is scheduled to close on the acquisition of the 5001 Taylorsville Road property for the new Public Works Division facility. He said on Presidents' Day, February 20, 2023, City Hall will be closed, but Republic Services will continue regular trash service on that day. He said on February 21, 2023, from 10:00 a.m. to 10:30 a.m. at the Huber Heights branch of Dayton Metro Library is Toddler Storytime with the Huber Heights Police Division. He said the event is targeted for 2-3 year olds.

### 10. Pending Business

A. An Ordinance To Approve A Rezoning From Light Industrial (I-1) To Residential (R-1) For The Properties Located At 7677 And 7777 Wildcat Road And Further

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> Identified As Parcel Numbers P70 04009 0024 And P70 04009 0028 On The Montgomery County Auditor's Map (Case RZ 22-41). (second reading)

Mr. Chodkowski said this item is to rezone two residential properties that are currently zoned Industrial. He said this Rezoning is to facilitate improvements to one of those properties, and the Planning Commission was in favor of this zoning change.

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

Mr. Campbell moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Webb, and Ms. Baker voted yea; Mr. Lyons voted nay. The motion passes 5-1.

B. An Ordinance Amending Certain Sections Of Part Eleven, Planning And Zoning Code, Of The City Code Of Huber Heights Regarding Home Occupations (Case TA 22-42.1). (second reading)

Mr. Chodkowski said this legislation makes modifications to the City's Home Occupation provisions. He said the Planning Commission recommended in favor of this amendment. He said there was no recommendation made by Council.

Mr. Otto moved to adopt; Mr. Webb seconded the motion.

Mr. Webb said this legislation allows for a four square foot wall sign, and the residential requirement for wall signs is two square foot. He said Mr. Schaeffer mentioned it conflicts with other sign ordinances, but in particular, the four square feet conflicts with the City Code. He asked if this ordinance can be amended or if Council and City Staff could take a look at the City Code.

Mr. Chodkowski said the conflict was not intentional. He said if Council is not comfortable approving this item tonight, he is happy to have a conversation with Mr. Aaron Sorrell to address the conflict.

Mr. Otto and Mr. Webb withdrew the motion to adopt and the second to the

Mayor Gore said this item will be moved to a third reading to give Mr. Sorrell an opportunity to clarify that part of the City Code.

An Ordinance Amending Certain Sections Of Part Eleven, Planning And Zoning Code, Of The City Code Of Huber Heights Regarding Bed And Breakfast Establishments (Case TA 22-42.2). (second reading)

Mr. Chodkowski said this ordinance provides for the terms and conditions under which bed and breakfast establishments may be operated within the City. He said the Planning Commission recommended approval of this ordinance

Mayor Gore said there was a recommendation for an amendment to the legislation.

Mr. Rodgers said Mr. Sorrell submitted an alternative ordinance, but the specific recommendations were not highlighted.

Mr. Montgomery said it is his recollection that the change related to Mr. Shaw wanting clarification within the ordinance as to the word "reside" and what that term actually meant.

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Mr. Rodgers read the original language and the amended language in the legislation.

Mrs. Byrge moved to amend the legislation as recommended; Ms. Baker seconded the motion.

Mayor Gore said the amendment reads that the owner has to be present while the building is being used as a bed and breakfast establishment.

Mr. Chodkowski further explained the amendment to Council.

Mr. Montgomery said his office worked with Mr. Sorrell in putting the language together.

Mr. Rodgers said because this amended legislation is a modification from the Planning Commission recommendation, the legislation requires six votes in the affirmative to adopt the legislation.

On a call of the vote, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Webb, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 6-0.

Mr. Webb moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mr. Otto, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; Mr. Lyons voted nay. The motion fails 5-1.

D. An Ordinance Amending Certain Sections Of Part Eleven, Planning And Zoning Code, Of The City Code Of Huber Heights Regarding Automotive/Vehicle Repair Facilities (Case TA 22-42.3). (second reading)

Mr. Chodkowski said this legislation provides provisions under which automotive and vehicular repair facilities may occur as a special use within Agricultural districts. He said this item came from the Planning Commission without a recommendation for approval and there was no recommendation made at the last Council Work Session.

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

Mr. Campbell said he would be voting no on this item.

Mrs. Cindi Rosengarten said she feels like the definition of a vehicle is too vague and leaves it open to semi-trucks and other industrial vehicles being able to go onto the Agricultural zoned property to be repaired. She said she has concerns about the environmental impact and asked how hazardous materials are being disposed of. She asked who would be monitoring that the work was being done indoors. She listed her concerns and said she and her husband strongly oppose the proposed amendment regarding vehicle repair as a special use on Agricultural zoned properties.

On a call of the vote, Ms. Baker voted yea; Mr. Lyons, Mr. Webb, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted nay. The motion fails 1-5.

E. An Ordinance Amending Certain Sections Of Part Eleven, Planning And Zoning Code, Of The City Code Of Huber Heights Regarding Self Storage Facilities (Case TA 22-42.4). (second reading)

Mr. Chodkowski said this amendment is being proposed to add clarifying language to the City Code regarding self-storage facilities and where those facilities may be located and how those facilities may be operated. He said the Planning Commission made a recommendation in favor of this legislation.

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Mayor Gore said there was no Council Work Session recommendation.

Mr. Webb moved to adopt; Mr. Otto seconded the motion.

Mr. Otto asked if this ordinance loosens or tightens the current requirements in the City Code regarding self-storage facilities.

Mr. Chodkowski said this legislation tightens the requirements by providing additional definitions and clarification on the location of self-storage facilities.

On a call of the vote, Mr. Webb, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; Mr. Lyons voted nay. The motion passes 5-1.

#### 11. New Business

### CITY COUNCIL

Anthony Rodgers, Clerk Of Council

A. A Motion To Appoint David Cassity To The Planning Commission To A Term Ending On January 31, 2028.

Mr. Campbell moved to adopt.

Mr. Rodgers said his comments will speak to Items 11-A through 11-D. He said these motions are all appointments or reappointments to City boards and commissions. He said all of the candidates have been screened either through the City's interview panel or by the City Council.

Ms. Baker seconded the motion.

On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, and Mr. Webb voted yea; none voted nay. The motion passes 6-0.

B. A Motion To Appoint Lester Vaughn to the Property Maintenance Review Board To A Term Ending December 31, 2026.

Mr. Otto moved to adopt; Mr. Webb seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Webb, and Ms. Baker voted yea; none voted nay. The motion passes 6-0.

C. A Motion To Reappoint Alexander Black To The Parks And Recreation Board For A Term Ending March 31, 2026.

Mrs. Byrge moved to adopt; Mr. Otto seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Webb, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 6-0.

D. A Motion To Reappoint Kenneth Herstine To The Personnel Appeals Board For A Term Ending March 31, 2026.

Mr. Otto moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Otto, Mr. Lyons, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; none voted nay. The motion passes 6-0.

## **ADMINISTRATION**

Bryan Chodkowski, Interim City Manager

E. A Resolution Authorizing The City Manager To Enter Into An Agreement With Millat Industries For The Purposes Of Distributing A Grant Associated With The Economic Development/Government Equity (ED/GE) Agreement Between The City Of Huber Heights And Montgomery County.

(first reading)

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Mr. Chodkowski said this legislation authorizes the City to enter into an agreement with Millat Industries to support a HVAC improvement project as well as the reinvigoration of one of Millat Industries' CNC machines. He said Millat Industries is within the top 25 percent of City taxpayers and is a direct supplier to NDC Technologies and Trimble Technologies.

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Mrs. Byrge moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mr. Webb, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; Mr. Lyons voted nay. The motion passes 5-1.

F. An Ordinance Authorizing Advances And Transfers Between Various Funds Of The City Of Huber Heights, Ohio And Amending Ordinance No. 2022-O-2562 By Making Supplemental 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 addresses several financial matters of the City including the necessary funds to support the East Sanitary Sewer Extension Project, the property for the new Public Works Division facility, as well as to support the ED/GE grant previously approved by Council. He said it was the recommendation at the Council Work Session that the second reading be waived and this legislation be adopted.

Mrs. Byrge moved to waive; Ms. Baker seconded the motion. On a call of the vote, Mr. Webb, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto, voted yea; Mr. Lyons voted nay. The motion fails 5-1.

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

 G. An Ordinance Increasing The Sewer Rates In Section 934.03 Of The Codified Ordinances Of Huber Heights.
 (first reading)

Mr. Chodkowski said this legislation provides for a sanitary sewer rate increase to offset the rate increase through Tri-Cities North Regional Wastewater Authority. He said this increase is in advance of the \$100 million improvements noted at the Tri-Cities facility for wet well retention as well as facility upgrades.

Mayor Gore said it was the recommendation to pass this item to a second reading.

Mr. Lyons said he understands the need for upgrades and normally he would be supportive of those upgrades in the future. He said the problem is the second survey is not due until spring of 2023. He said he has no intention of supporting an increase until he sees that study.

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

H. An Ordinance Authorizing A One-Time Transfer Of Monies From The Gasoline Tax Fund To Document An Advance Previously Made To The Carriage Trails Infrastructure Fund, And Declaring An Emergency. (first reading)

Mr. Chodkowski said this item will address what was originally intended to be an inter-fund loan to simply an inter-fund transfer. He said the City will not require repayment from the Carriage Trails Infrastructure Fund to the Gas Tax Fund. He said it was the recommendation at the Council Work Session that this item be passed to a second reading.

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

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I. A Resolution Amending Resolution No. 2022-R-7197 And 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 legislation addresses the day to day business of the City. He said there are provisions in the City Code that require Council to approve expenditures above a certain threshold even if the expenditures are associated with competitive bidding.

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, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, and Mr. Webb voted yea; Mr. Lyons voted nay. The motion passes 5-1.

J. A Resolution Authorizing The City Manager To Solicit A Request For Proposals From Behavioral Health Providers To Provide Behavioral Support Services For Members Of The Fire Division. (first reading)

Mr. Chodkowski said in accordance with the provisions of the grant funding source, it has been the request of the federal government that the City solicit a Request For Proposals (RFP) for mental health services for the Fire Division. He said this RFP is being done to meet the grant requirements.

Mr. Campbell moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Webb, and Ms. Baker voted yea; none voted nay. The motion passes 6-0.

K. A Resolution Authorizing The City Manager To Solicit, Advertise And Receive Bids From Qualified Firms For The 2023 Street Improvement Program, Non-Concrete Work. (first reading)

Mr. Chodkowski said this item is annual recurring legislation and it is the initiating legislation for the annual street improvement program.

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, Mrs. Byrge, Mr. Otto, Mr. Webb, Ms. Baker, and Mr. Campbell voted yea; Mr. Lyons voted nay. The motion passes 5-1.

L. A Resolution Authorizing The City Manager To Enter Into An Agreement To Conduct Bridge Repair On Various Structures In District 7 Including SFN 5709504 MOT SR 201 8.870 In The City Of Huber Heights. (first reading)

Mr. Chodkowski said the City partners with the Ohio Department of Transportation for the inspection and repair of various bridges within the City's jurisdiction.

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

Mr. Campbell moved to adopt; Mr. Webb seconded the motion. On a call of the vote, Mr. Otto, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; Mr. Lyons voted nay. The motion passes 5-1.

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M. A Resolution Authorizing The City Manager To Solicit, Advertise And Receive Bids From Qualified Firms For The Construction Of The Old Troy Pike North Bound Widening Project. (first reading)

Mr. Chodkowski said this item is the City's obligatory share of the partnership with Broad Reach for infrastructure improvements from Taylorsville Road north to I-70. He said it is the recommendation of City Staff that Council adopt this item.

Mr. Webb moved to adopt; Mr. Otto seconded the motion.

Mr. Otto said this project is long overdue, and the only discerning thing is the fact the City had to wait so long. He said this project should have been done a couple of years ago when it was first discussed as it is sorely needed.

Mr. Webb thanked Mr. Chodkowski for the inclusion of the map as requested.

On a call of the vote, Mr. Webb, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; Mr. Lyons voted nay. The motion passes 5-1.

N. A Resolution Authorizing The City Manager To Enter Into A Contract For The East Sanitary Sewer Extension Project. (first reading)

Mr. Chodkowski said this measure provides for a new sanitary sewer trunk line to connect Center Point 70 with the City of Fairborn wastewater treatment plant.

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

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

Mr. Lyons said several of his votes tonight have been no and for the first time since he has been on the dais, he has voted no on an ED/GE grant, to pay bills, and on bridge repair. He said the reason for his no votes is the priority of 42 firefighters. He said it is a high concern for him, but he does not believe it is a high concern for City Staff or Council based on the most recent Council Work Session. He said he wanted to see this project done 10 years ago, and he supported it up to this time. He said it is particularly difficult, but he plans on voting no on this item.

On a call of the vote, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; Mr. Otto and Mr. Lyons voted nay. The motion fails 4-2.

 O. A Resolution Accepting Certain Streets And Public Improvements For Old Dominion Way.
 (first reading)

Mr. Chodkowski said this item is to ensure that Old Dominion Way is accepted into the City as part of its public infrastructure portfolio.

Ms. Baker moved to adopt; Mr. Campbell seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, and Mr. Webb voted yea; Mr. Lyons voted nay. The motion passes 5-1.

P. A Resolution Authorizing The City Manager To Award A Contract To Burgess & Niple For A Street Safety Study And Waiving The Competitive Bidding Requirements. (first reading)

Mr. Chodkowski said in accordance with the wishes of Council, this street safety study is needed to have the City qualify for additional funding made available through the bipartisan infrastructure legislation.

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Mr. Campbell moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Webb, and Ms. Baker voted yea; Mr. Lyons voted nay. The motion passes 5-1.

## 12. City Official Reports And Comments

Mr. Lyons said he hopes with last week's Council Work Session and tonight's conversations, Council can find a way to make it a priority with City Staff and Council to fully fund 42 firefighters and to get quality firefighters hired quickly. He said Council passed legislation for additional money in 2022 and it is included in the 2023 City Budget this year. He said the process normally takes three to four months, and it is past six months now. He said he hopes that hiring is a priority Council sets.

Mayor Gore asked Mr. Chodkowski since there is money invested in the East Sanitary Sewer Extension Project and this project has been worked on for two years, where does the City go from here?

Mr. Chodkowski said there will need to be a conversation between legal counsel and Council. He said he appreciates the opinions expressed tonight at the dais, but he wants to remind Council that City Staff provided an extensive briefing on this project in August, 2021. He said the City has a commitment to the Ohio EPA to provide service to Center Point 70, in particular to Old Dominion, and the obligation must be met by June, 2023. He said additionally, as part of the briefing Council was provided, this option protects the City's interests as it relates to controllable commitments because the only other way to ensure sanitary sewer is made available to Center Point 70 beyond this project is to acquiesce to significant demands made by Clark County and Bethel Township/Clark related to an existing Joint Economic Development District (JEDD) agreement. He said by failing to adopt this legislation, the City is agreeing to pay 50 percent of all infrastructure to be constructed in the future as part of this JEDD, and more importantly, the JEDD can be amended by two of its members meaning that Bethel Township/Clark and Clark County have the ability to extend the existing JEDD based on the terms and conditions of the agreement as proposed and which these parties are unwilling to amend, to expand that JEDD to all 500 acres of developable industrial property which currently abuts the existing JEDD. He said that is an issue the City will have to address because he is not sure how the City will be able to build and control the funding associated with those commitments in the future. He said there are serious and significant long-term consequences to tonight's vote.

#### 13. Executive Session

There was no need for an Executive Session.

## 14. Adjournment

Mayor Gore adjourned the Regular Session City Council Meeting at 7:40 p.m.

Clerk of Council

2-27-23

Date

Mayor