

RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3686 FORM NO. 46140

In Council Chambers

Held 6131 Taylorsville Road May 8, 2023

1. Call The Meeting To Order - Mayor Jeff Gore

The Huber Heights City Council met in a Regular Session on May 8, 2023. Mayor Jeff Gore called the meeting to order at 6:00 p.m.

2. Invocation - Mr. Nick Brusky

The Invocation was given by Mr. Tim Cahill, Miami Valley Young Marines Chaplain.

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 Meeting Minutes – April 24, 2023

The minutes for the April 24, 2023 City Council Meeting were approved by the Huber Heights City Council as submitted.

6. Special Presentations/Announcements

A. National Police Week Mayoral Proclamation Presentation To The Huber Heights Police Division - Mayor Jeff Gore

Mayor Gore read the proclamation for National Police Week and presented the proclamation to Police Chief Mark Lightner and representatives of the Huber Heights Police Division.

Police Chief Lightner said National Police Week is the week when the nation pays tribute to, recognizes, and acknowledges all the men and women in law enforcement who have paid the ultimate sacrifice. He said these police officers have lost their lives trying to do what all of us do and that is to make the place where we work and live a better place. He said it is not only about those who paid the ultimate sacrifice, he also wants to thank the men standing here and the men and women on the street in Huber Heights who are out every day risking their lives to make Huber Heights a better place. He said he has spent the past thirty years in this Police Division, and he has met a lot of great officers. The Huber Heights Police Division personnel in attendance introduced themselves. Police Chief Lightner said the community is fortunate to have a fine group of men and women patrolling the streets in the City.

B. Special Recognition Mayoral Proclamation Presentation To J. Keagan Miller, Unit Commander, Miami Valley Young Marines - Mayor Jeff Gore

Mayor Jeff Gore read the proclamation for special recognition and presented the proclamation to J. Keagan Miller , Miami Valley Young Marines Unit Commander, along with a Key to the City.

Mrs. Nancy Byrge said, on behalf of the Huber Heights Community Cares non-profit, she is proud that Mr. Miller is a Hometown Hero, and she cannot think of anyone that deserves the award more. She said Mr. Miller has done so much not only for Huber Heights but also for the Miami Valley.

Mayor Gore said Keagan Miller is friends with and has relationships with a lot of members of Council, and he offered Councilmembers the opportunity to comment.

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Mrs. Kitchen said she is blessed that Keagan Miller is part of the FOA family that has helped and supported FOA over the years. She thanked Mr. Miller for his leadership and for everything he does to help.

Mr. Otto said this recognition was extremely well deserved, and it was an honor to write a recommendation for Mr. Miller for the award.

7. Citizens Comments

Mr. Jeff Morford reviewed the duties of City Council and he listed the abundance of businesses, goods and services, and health care facilities in Huber Heights. He said Huber Heights has grown to the size that it needs to be divided into wards with an elected representative so the residents have a voice. He said Councilmembers' votes as elected officials should be a direct reflection of the community and personal beliefs and goals should not be taken into account. He discussed his efforts to go door to door to encourage residents to speak out. He asked Council to randomly survey ward representatives regarding Huber Heights and the annexation.

Minister Todd Hawley, Sr. of the Apostolic House of Prayer said he represents a church trying to be a help to the community of Huber Heights and the Miami Valley. He extended an invitation to the drive-through prayer held at 5300 Brandt Pike on Saturday, May 20, 2023 from 12:00 p.m. to 2:00 p.m. to the public and first responders of the Fire Division and the Police Division. He said the church is trying to find ways to provide spiritual help in times of need.

8. Citizens Registered To Speak On Agenda Items

Clerk of Council Anthony Rodgers said there is one citizen registered to speak on Item 10-E.

9. City Manager Report

Interim City Manager Bryan Chodkowski said Safety Town enrollment is now open. He said anyone with a kindergartner who might be interested should sign up today. He said the program will run June 5-9, 2023 as well as June 12-16, 2023. He said Safety Town is held at Valley Forge Elementary School and is a fun, educational experience. He said for more information contact Officer Nick Lambert at (937) 237-5367 or by email. He said information is also available on the City's website. He said the Dayton Metro Library on Chambersburg Road closed on May 6, 2023 to prepare to relocate to 6243 Brandt Pike. He said the new location is 27,000 square feet and the second-largest branch in the library system. He said there is a community celebration and grand opening planned for June 2, 2023 and the library will be open for regular business starting Monday, June 5, 2023. He gave an update on the 2022 Water Main Replacement Program and he said Phase 2 began last week and is expected to last about seven weeks. He said Phases 3 and 4 are forthcoming. He said residents will receive notice 48 to 72 hours prior to the work start date for each phase. He said more information is available on the City's website by visiting the Engineering Division page. He said the widening of Old Troy Pike is continuing to move forward. He said there will be an addition of a northbound lane from what was Huber Court north to the I-70 eastbound on ramp. He said a portion of Merily Way will be widened to accommodate traffic flow through that area. He said Council should expect to see the request for award of that contract on the June 26, 2023 City Council Meeting agenda.

Mr. Otto said a month ago he asked for an update on the current status of the Brandt Pike Revitalization Project at Marian Meadows and Mr. Chodkowski said he would be bringing that information to Council, and he had not heard anything,

Mr. Chodkowski said City Staff had talked about providing a presentation to Council at one of the two Council Work Sessions in May, and it was his intent to

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bring it forward at the next Council Work Session providing the agenda will allow it.

Mr. Otto said, in reference to the recent failure of the tax levy, a public meeting was held at City Hall and questions were asked about potential cuts if there were failures. He said Mr. Chodkowski responded that these proposed cuts would be discussed, and those potential cuts would be put out if the levy failed. He asked when Council could expect to receive those proposed cuts.

Mr. Chodkowski said the discussion will begin about specifically identified reductions in service at the City Staff meeting on May 16, 2023. He said City Staff will put together a list of recommended cuts and service reductions and will bring it forward to Council in advance of the measure headed towards the general election in November, 2023.

Mr. Otto asked if Council will have that information in early June, 2023.

Mr. Chodkowski said all of that information will be available as soon as City Staff can make it available for Council to review and evaluate.

Mr. Otto said he had noticed that there has been a Police Division presence for a couple of months during public meetings and he asked if anyone knows why. He said it seems odd to him.

Mr. Chodkowski said what he can share is that there was a concern about safety, and he wanted to address that concern, so he asked that police officers be present for the foreseeable future at these public meetings until the concerns brought to his attention were not concerns any longer. He said that is why there has been a police officer in attendance.

Mrs. Byrge asked with the failure of the levy being by a margin of less than one percent, had Mr. Chodkowski heard anything about a recount or does the City have to wait until the election is certified before any discussion of a recount?

Mr. Chodkowski said that any recount would be following the certification of the election, but at this point, City Staff are going to move forward under the assumption that even if a recount were to happen, the margin would prevail for the opposition to the tax levy and City Staff are preparing the strategy for the November, 2023 election.

Mrs. Byrge asked, if any cuts would occur, would the cuts happen after 2025?

Mr. Chodkowski said those issues would be policy and procedure discussions that Council is going to need to discuss. He said the intent was to go forward with this measure so the community could have an opportunity to consider the measure and do so without the threat of service reduction. He said there is time for the community to still consider this measure without the loss of service, and City Staff want to be mindful in the recommendations made to Council about how to present this measure going forward, because the last thing City Staff want to do is to recommend a condition to Council that does not represent the best interests of the City with respect to services being provided and when those services might have to change. He said that is why City Staff are trying to be mindful about the commentary and about how information is presented on the levy.

Mrs. Byrge said she received a couple of emails from residents, and these residents are concerned about the water main replacement and road work going on and that they will be blocked out of their driveways. She asked if provisions would be made to make sure residents can get in and out.

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Mr. Chodkowski said every resident should be able to enter and leave their property at their leisure during construction without significant delay. He said any citizens that contact Mrs. Byrge should be directed to the Engineering Division with their concerns about access.

Mr. Lyons said he was contacted by a resident asking about Huber Heights Police Division overtime and he said this resident was giving him information. He said he wanted to check and verify or debunk the information. He asked, regarding Huber Heights Police Division mandatory overtime, if Mr. Chodkowski could give an idea of how much overtime is mandatory and a general idea of how much that dollar amount was for the last couple of years to give him an idea of what that looks like.

Mr. Chodkowski said City Staff will put together that information for Mr. Lyons.

Mr. Shaw said a while back, Council had inquired about preliminary soil boring work that was done on soil corrosion. He asked if there are any updates?

Mr. Chodkowski said he does not have an update from the City Engineer, but it is his understanding that the report is supposed to be available this week. He said he would follow up with the City Engineer tomorrow morning and communicate back out to Council about what that update entails.

Mr. Shaw said he would second Mr. Lyons' request regarding a full staffing update from the Huber Heights Police Division regarding overtime, how many officers have been hired, and the current status. He said there has been some discussion regarding the failed levy, and he said it is his opinion that the marketing firm or tactics used in the previous go-round should not be used again. He said these are comments he has shared with the City Manager prior to the most recent levy failure, and he would like to make sure that this action is a policy decision moving forward, that this entity is not used, and the City finds other means of marketing and providing facts for the residents.

Mayor Gore said once that time comes or once there is more information from the City Manager, that issue could definitely be put on a Council Work Session agenda for discussion,

Mr. Otto said he had received similar requests to what Mr. Lyons had referred to concerning the Police Division, and with Mr. Shaw's comments, he said he joins both of them in that request.

Mayor Gore said he thinks that is a good idea as well, and he told Mr. Chodkowski that Council looks forward to that report.

10. Pending Business

- A. An Ordinance To Approve A Rezoning From Planned Commercial (PC) To Agriculture (A) For The Property Located Behind And North Of 8101 Old Troy Pike And Further Identified As Parcel Number P70 02025 0012 On The Montgomery County Auditor's Map And To Accept The Recommendation Of The Planning Commission (Case RZ 23-03).
(second reading)

Mr. Chodkowski said this legislation would approve a Basic Development Plan and Rezoning for the acreage north of Camping World and west of Lowe's with the intent of fostering a campground development at that location. He said it was the recommendation that this item be adopted.

Mr. Webb moved to adopt; Mrs. Kitchen seconded the motion. 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.

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- B. An Ordinance To Approve A Major Change To The Basic Development Plan For The Property Located At 7730 Brandt Pike And Further Identified As Parcel Number P70 02114 0003 On The Montgomery County Auditor's Map And To Accept The Recommendation Of The Planning Commission (Case MJC 23-07). (second reading)

Mr. Chodkowski said this legislation would allow for the Rezoning of the property and approval of a Major Change for what is the former bank in front of Walmart to be converted into a Flying Ace Car Wash.

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

Mr. Webb asked Mr. Chodkowski if all the covenants were met for Walmart.

Mr. Chodkowski said to the best of his knowledge the covenants were met, and he deferred the question to City Planner Aaron Sorrell.

Mr. Sorrell said Flying Ace is working with Walmart on any issues, and they have worked with Walmart in the past and do not feel there are any issues. He said he had instructed Flying Ace that the Detailed Development Plan review through the Planning Commission would not begin until those covenants are met.

Mrs. Byrge said at the Planning Commission meeting and at the Council Work Session, there was conversation about signage, a left turn lane for better traffic control, and a gate to the car wash. She asked why those types of things are not included in the Decision Record so these issues can be tracked long-term.

Mr. Sorrell said the gate is in the Decision Record. He said it is part of the ordinance as a condition. He said the others items are not site-related and are within the public right of way, and the City is going to handle those issues separately.

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

- C. An Ordinance To Approve A Rezoning From Planned Employment Park (PEP) To Planned Mixed Use (PM) For The Property Located At 7125 Executive Boulevard And Further Identified As Parcel Numbers P70 03190 0080 And P70 03190 0081 And A Basic Development Plan For Parcel Number P70 01820 0003 And Lot #1 And Lot #4 Of The Pride One Subdivision On The Montgomery County Auditor's Map And To Accept The Recommendation Of The Planning Commission (Case RZ BDP 23-08). (second reading)

Mr. Chodkowski said this matter would authorize a Rezoning of certain pieces of property as well as provide for a Basic Development Plan approval at the location of a portion of the Lehman farm on the north side of Executive Boulevard. He said in follow up to Council's dialogue at the last Council Work Session, there are some additional concept drawings to demonstrate communication with the developer. He said a representative of the developer is present to answer any questions Council may have before the vote is taken. He said the Clerk of Council has copies of the updated information to provide Council.

Mr. Sorrell gave a PowerPoint presentation and he reviewed the residential buildings behind the commercial area. He said parking structures are set back to provide some transition from the commercial areas to the residential areas then to the smaller neighborhood type of residential in the rear of the site. He said there have been some slight changes to the elevation of the house design. He said the barn doors are no longer garage doors, and the doors are more contemporary. He said as the Planning Commission works with the applicant through the Detailed Development Plan phase, the Planning Commission will work with the applicant on

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exterior cladding and make it more Huberesque. He said the way the two 50 unit residential buildings are designed, the buildings are effectively stacked townhouses so there are two-story units stacked on top of each other. He said there is drive-in parking underneath the buildings as well as covered parking. He said the end caps are single-story units. He said the conversation with the developer after the Council Work Session was positive, and the developer understands Council's desires as far as making this project a contemporary development as well as fulfilling the desire of the community entertainment district and marketing to a younger demographic.

Mrs. Byrge moved to adopt; Mr. Campbell seconded the motion.

Mrs. Byrge said that plan is quite a change from the original plan, and she asked if it is safe to approve the Basic Development Plan knowing the changes have been brought today.

Mr. Sorrell said the discussion at the Planning Commission about the Rezoning from Planned Employment to Planned Mixed Use and the Basic Development Plan was more about density. He said he tried to be up front that he thought the details would change as the project evolved, but the developer was in a tight timeline to get to closing and the developer was really just looking for density entitlements as well as access points.

Mrs. Byrge thanked the developer for his flexibility.

Mr. Webb thanked the developer on coming forth with the revised concept plan so quickly.

Mr. Campbell thanked the Mayor and Mr. Shaw for voicing their opinions on what had been proposed. He said because of that feedback, this plan is what Council is seeing tonight. He thanked the developer for expediting this project and getting the images right. He asked Mr. Chodkowski how he feels about this project.

Mr. Chodkowski said this development is a good project and it is a good balance of what Council wanted, what the market is going to bear, and it supports the City's ability to move forward with what it is wanting to do which is to increase the bar/restaurant/tavern vibe. He said there is still additional acreage on the Lehman Farm property to develop and this project puts both the City and the developer in a good position to pivot and it provides a draw for more commercial. He said this layout and design gives the City the best of both worlds in either continuing residential or pivoting to the future commercial and retail, so he is very happy.

Mr. Shaw thanked the developer for listening to Council's concerns. He said the Planning Commission still has a great task ahead when it comes to the Detailed Development Plan. He said he knows he and other Councilmembers may be in attendance to those meetings to make sure this project will get from Point A to Point B successfully. He said this legislation will get his support in hopes of a continuing dialogue in the future to make this development a successful venture.

Mr. Iarussi said he appreciated the compliments. He said the company anticipates it will get into the details, and there are details to be figured out. He said this plan, what has been shown from the two buildings in the front from a conceptual standpoint, is right on, but architecturally the details and the materiality have to blend and work together.

Mr. Campbell said when the other developer assigned this project to the new developer, Council extended the process. He asked if this closing was on schedule.

Mr. Chodkowski said the agreement requires closing on or before May 15, 2023 and it is his understanding that the developer is on schedule to close.

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Mr. Campbell asked how many acres the developer was purchasing and how many acres does that leave?

Mr. Chodkowski said the City originally acquired 52 acres, plus or minus. He said two acres have been sold to Sheetz on the southeast corner of the site, leaving the City with 50 acres. He said this sale is approximately 17 acres,; leaving 33 acres to be developed.

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

- D. An Ordinance To Approve A Rezoning From General Office (O-1) To Commercial (B-1) For The Property Located At 6740 Brandt Pike And Further Identified As Parcel Number P70 00705 0001 On The Montgomery County Auditor's Map And To Accept The Recommendation Of The Planning Commission (Case RZ 23-09). (second reading)

Mr. Chodkowski said this Rezoning would empower the reuse of a vacant office building to be repurposed for a laundry facility.

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

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

Mrs. Byrge asked if the applicant expressed any desire to put in dry cleaning machines.

Mr. Sorrell said no, and he was specific that dry cleaning it is not permitted there. He said the City is dealing with the effects of a dry cleaner down the street and he does not want to perpetuate that problem for the next generation.

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

- E. A Motion To Refer Case RZ BDP 22-35 Back To The Planning Commission For Additional Review And Recommendation Regarding A Rezoning To Planned Industrial (PI) And A Basic Development Plan For The Property Located At The Southeast Corner Of Technology Boulevard And Artz Road And Further Identified As Parcel Number P70 03903 0007 On The Montgomery County Auditor's Map.

Mr. Chodkowski said this project is for a tractor/trailer facility, and there was discussion about the existing plan which was approved by the Planning Commission and recommended to this body which was a smaller use footprint. He said there was discussion at this level regarding a larger footprint, and further discussion from City Council indicated there might be a desire to remand this case back to the Planning Commission, and this item is in response to that discussion. He said there was no recommendation for action at the Council Work Session.

Mayor Gore explained the options which are to proceed with the smaller option and vote on it, send it back to the Planning Commission to look at the plan for the larger lot, or make a motion to approve the larger lot as it stands without sending it back to the Planning Commission, which would be a Major Change and would take a supermajority vote to approve. He asked how the Council wanted to proceed.

Mr. Otto said he would be okay with any option, pushing it through as a smaller package, sending it back to Planning Commission for a larger package, or if some prefer, to pull it all together. He said his concern was for Mr. Dusa and his team who have been in and out of here since January 2023 and that is far too long. He said there may be members of Council who do not like trucking-type activities. He said if that is the case, he would like that made known so Council can move on and

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not do it. He said this process is time and money for Mr. Dusa and Council have received approval from the Planning Commission once and Council continues to debate it. He said Council needs to make a decision soon.

Mayor Gore said he agrees with Mr. Otto 100 percent.

Mrs. Byrge said she is concerned about sending it back to the Planning Commission because of the capacity change. She said the majority of Council concerns were voiced about the operation of the business, not the size. She asked Mr. Sorrell why the Planning Commission's opposition to overnight stays was not included in the Decision Record.

Mr. Sorrell said the original application stated there would not be any overnight stays. He said it did not evolve until this last letter that was received. He said he did not think it was an issue, and during the discussion with the Planning Commission, it was expressed again that there would not be overnight stays. He said not to speak for the Planning Commission, but his gut tells him if overnight stays were included it probably would not move forward out of the Planning Commission.

Mr. Dusa asked if Item 10-F is an option and he asked how to proceed through this process.

Mayor Gore explained that Item 10-F is the legislation that was proposed a while ago, so the legislation has to be dealt with. He said this item is to approve a motion to send it back to the Planning Commission. He said if that motion fails, then Council would be left with someone to make a motion to approve the legislation presented the first time or approved as last discussed.

Mr. Dusa said he is willing to do whatever it is that Council needs. He said the reason the overnight stays were left out was that Council came up with issues, and he was asked to come up with a larger version. He said when he came back with the letter, he brought those things up. He said there is somewhat of a technicality because that plan is not what was approved. He requested that if this case has to go back to the Planning Commission, could Council be specific as to what Council is asking to be approved and to not open up this whole thing again unless Council wants the Planning Commission to do so. He said if it is the size, fine, and if it is the size and security, then state exactly what it is.

Mayor Gore said if the motion is made on Item 10-E, it would be very specific as to what is being reviewed. He said just the size is what is being asked to be reviewed.

Mr. Otto said there has been a lot of conversation and a lot of back and forth, and he feels Mr. Dusa had reached across the fence to make way to get the project done. He asked Mr. Dusa if he had a preference on the size or expanded footprint.

Mr. Dusa said obviously the way they will get a return is to have spaces to rent. He said they have the land for it, but they were advised when they started out to not take out too much and they can always go back if they find it is a success. He said he could live with going back to the Planning Commission as he would have a better return with more spaces.

Mr. Otto made a motion to refer Case RZ BDP 22-35 back to the Planning Commission for additional review and recommendation; Mrs. Kitchen seconded the motion.

Mayor Gore stated this review is for the larger size lot as that is the only reason it would go back to the Planning Commission.

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Mr. Webb asked Mr. Sorrell to give a brief synopsis of his understanding of what Council is asking the Planning Commission to do.

Mr. Sorrell replied that the Planning Commission is being asked to review a new Basic Development Plan and Rezoning that would have 31 semi-truck parking spaces as opposed to 12 spaces along with the required automobile parking for the commercial repair facility. He said he would see if Mr. Dusa wants to do a Combined Basic and Detailed Development Plan to save time; however, until the sewer extension is completed, he cannot get a sewer tap anyway. He said the commercial part will not come online until, at best case, the end of the year.

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

- F. An Ordinance To Approve A Rezoning To Planned Industrial (PI) And Basic Development Plan For The Property Located At The Southeast Corner Of Technology Boulevard And Artz Road And Further Identified As Parcel Number P70 03903 0007 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Case RZ BDP 22-35). (third reading)

Mr. Rodgers said this item requires a motion to postpone action until the results of the Planning Commission review are returned to Council and then Council can revisit this case at that time.

Mr. Webb moved to postpone action on Case RZ BDP 22-35 until the results of the Planning Commission review are returned to Council; 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.

11. New Business

CITY COUNCIL
Anthony Rodgers, Clerk Of Council

- A. A Motion To Appoint Lee Cromer To The Property Maintenance Review Board For A Term Ending December 31, 2026.

Mr. Rodgers said this was the recommendation of the City's interview panel and the Human Resources background check has been completed.

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

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

ADMINISTRATION
Bryan Chodkowski, Interim City Manager

- B. A Resolution Waiving Huber Heights Softball Baseball Association Field Lease Fees For Calendar Year 2023. (first reading)

Mr. Chodkowski said this item waives the HHSBA's fees for this year for capital improvement investments HHSBA made outside the scope of the lease last year.

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

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Mr. Campbell moved to adopt; Ms. Baker 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.

- C. A Resolution Authorizing The City Manager To Enter Into An Agreement To Provide Insurance Coverage For General Liability, Property, Boiler And Machinery, Inland Marine, Automobile, Crime, Law Enforcement Liability, Public Officials' Liability, And Other Necessary Insurance Coverage For The City Of Huber Heights, Ohio, Waiving The Competitive Bidding Requirements, And To Cover The Costs Of Services Ordered By The City.

(first reading)

Mr. Chodkowski said this matter provides for an extension of the City's current insurance policy while waiting for other firms to quote coverage. He said the Council Work Session recommendation was to adopt this item.

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

Mr. Shaw asked why there was a delay when this coverage is set to expire in three days.

Mr. Chodkowski said the insurance providers are constantly asking that the City update the information with more specificity about what it is the City is insuring. He said two of the things requiring the delay included questions about IT infrastructure and security and additional training the Fire Division wanted to put into place, so there were additional technical details that were needed. He said there have been a lot of questions and follow up with multiple agencies asking the questions and some asking for more details.

Mr. Shaw confirmed that the City is buying two-month gap coverage until quotes are received.

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.

- D. A Resolution Authorizing The City Manager To Execute A Lease For 6015 Brandt Pike.
(first reading)

Mr. Chodkowski said this matter provides for a new lease for a tenant at the former CR Dayton property, and he said it was recommended that this item be adopted.

Mrs. Byrge moved to adopt; Mrs. Kitchen 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.

- E. An Ordinance Establishing The ARPA First Responders Grant Fund.
(first reading)

Mr. Chodkowski said the City was the recipient of ARPA First Responder Grant funds, and as a result, the City is required to establish this fund for tracking purposes. He said it was the recommendation that this item be moved to a second reading.

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

- F. An Ordinance Amending Ordinance No. 2007-O-1687 Regarding Certain Limitations In Accepting Cash Sureties To Be Deposited In The #802 Cash Surety Fund.
(first reading)

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GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 18140

In Council Chambers

Held 6131 Taylorsville Road

May 8, 2023

Mr. Chodkowski said this item empowers the City to do business in a more versatile way. 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.

- G. An Ordinance Authorizing 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 the Council Work Session recommendation was to waive the second reading and to adopt this item.

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

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

- H. A Resolution Authorizing The City Manager To Enter Into An Agreement With Plattenburg & Associates For Additional Services Relating To Compliance Under The Operations And Maintenance Agreement Between The City Of Huber Heights And Veolia Water. (first reading)

Mr. Chodkowski said this item is for a five-year audit contract to ensure the terms and conditions of the agreement with Veolia Water are met with respect to each party's commitment. He 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. 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.

- I. An Ordinance Amending Chapter 193 – Transient Guest Tax, Section 193.02 – State Definitions Incorporated Of The Huber Heights Codified Ordinances. (first reading)

Mr. Chodkowski said this legislation amends the City's definition of uses which would qualify for the Transient Guest Tax to include properties that might be commonly listed under Airbnb or VRBO.

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

- J. A Resolution Authorizing The City Manager To Enter Into A Contract For Preparation Of Engineering Plans And Specifications For The Design Of New Well #7 At The Rip Rap Road Water Treatment Plant. (first reading)

Mr. Chodkowski said this item would allow the City to begin the identification and design work for new Well #7. He said it was the recommendation that this item be adopted.

Ms. Baker moved to adopt; Mr. Webb 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.

RECORD OF PROCEEDINGS

GOVERNMENT FORMS & SUPPLIES 844-229-3338 FORM NO. 10148

In Council Chambers

Held

6131 Taylorsville Road

May 8,

20

23

- K. A Final Resolution For ODOT To Resurface Brandt Pike (State Route 201) From The South Corporation Limit To Fishburg Road.
(first reading)

Mr. Chodkowski said this legislation empowers the City to partner with the Ohio Department of Transportation (ODOT) for the purpose of resurfacing Brandt Pike from the south corporation line to Fishburg Road. He 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. 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.

- L. A Resolution Authorizing The City Manager To Solicit, Advertise And Receive Bids From Qualified Firms For The 2023 Water Main Replacement Program.
(first reading)

Mr. Chodkowski said it was the recommendation at the Council Work Session to adopt this item.

Mrs. Byrge 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

12. City Official Reports And Comments

Mrs. Byrge said she would like to request a moratorium on storage facilities be placed on the next Council Work Session agenda.

Ms. Baker said she agrees.

Mrs. Byrge said when she was watching the Planning Commission meeting, Aaron Sorrell was doing a spectacular job of explaining the differences and everything, but when he went to the screen, his voice was lost. She asked if a microphone could be obtained that would travel with him.

Mr. Rodgers said there is a hand held microphone and a clip on microphone, but Mr. Sorrell may not have been aware of it. He said he will show Mr. Sorrell how to operate the microphones.

Mr. Webb referred to a Facebook post from the Huber Heights Police Division which is timely and a good reminder for the City. He said the post was about establishing a 9:00 p.m. routine which includes removing valuables from vehicles; locking vehicle doors; and closing and locking garage doors, exterior doors and windows. He said it seems so simple, but there are more and more reports of car thefts. He said the simplest things can make a huge difference to the Police Division as far as manpower and allocation. He asked residents to visit the Police Division Facebook page.

13. Executive Session

There was no need for an Executive Session.

14. Adjournment

Mayor Gore adjourned the Regular Session City Council Meeting at 7:19 p.m.

RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

GOVERNMENT FORMS & SUPPLIES 8-44-220-385-1 FORM NO. 10-03
In Council Chambers

Held 6131 Taylorsville Road May 8, 20 23

Anthony C. Rucinski
Clerk of Council

05-22-2023
Date

Kyle B. Doe
Mayor

5-23-2023
Date