

**RECORD OF PROCEEDINGS**  
Huber Heights City Council

Minutes of

Meeting

**In Council Chambers**  
GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10128  
6131 Taylorsville Road

July 10, 2023

Held

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

The Huber Heights City Council met in a Regular Session on July 10, 2023. Mayor Jeff Gore called the meeting to order at 6:00 p.m.

**2. Invocation - Pastor John Gakwaya Of The Compassion Free Methodist Church At 6875 Old Troy Pike, Huber Heights, Ohio**

Pastor Randy Griffith of the Free Methodist Church gave the Invocation in Pastor Gakwaya's absence.

**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 - June 26, 2023**

The minutes for the June 26, 2023 City Council Meeting were approved by the Huber Heights City Council as submitted.

**6. Special Presentations/Announcements**

**A. Presentation Of Newly Hired Personnel Within The Fire Division - Fire Chief Keith Knisley And Mayor Jeff Gore**

Fire Chief Keith Knisley explained the precautions that the Fire Division has taken since the beginning of the Covid 19 pandemic to now. He said a lot has happened during that time, including a new Fire Chief, two new Battalion Chiefs, four promoted Lieutenants, two new Captains, and a Medical Director. He said the Fire Division was bogged down trying to keep the wheels moving along with the hiring and onboarding of new staff. He introduced the following newly hired Firefighter/Paramedics: Zach Jones and Garrett Buttelworth, hired February 3, 2020; Michael Lewis, hired April 27, 2020; Norb Hongosh, hired March 29, 2021; Matt Pawlak, hired May 2, 2021; Emma Salisbury, hired May 3, 2021; Conner Cantrell, hired January 10, 2022; Keagan Putnam, hired February 7, 2022; Aaron Kimmel, Tim Guyer, and Ian Finch, hired January 3, 2023; Katelynn Heuing, hired January 4, 2023; Morgan Murchland, hired February 6, 2023, Danielle Walter and Samantha Stein, hired April 24, 2023; and Latasha Coleman, hired May 22, 2023. Fire Chief Knisley introduced new Fire Inspector Doug Baumgartner, hired June 28, 2021 and Captain Brendan Deere, hired June 19, 2023. Fire Chief Knisley listed the names of the newly hired Firefighters/Paramedics who could not be in attendance: Jon Pawlak, hired March 22, 2021; Damion Cook, hired August 30, 2021; Nick Kamaka, hired February 21, 2023; and Julian Gilbert, hired May 31, 2023. He said Dr. Chris McIntosh has been a volunteer for years, and through a grant that was applied for, the Fire Division was able to hire Dr. McIntosh as a full-time Wellness Coordinator and Medical Director. He introduced Mr. Mike Schuder who just retired in December 2022 after 22 years of service.

Mayor Gore welcomed everyone and said he was glad to have them as part of the Huber Heights Fire Division.



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7. Citizens Comments

Mr. Rodgers reviewed the guidelines for Citizens Comments.

Mr. Jeff Morford thanked the Councilmembers who planned to vote no to the contested annexation request, and he listed many items that a no vote covers. He said the Miami County Commissioners, the Bethel Township Trustees, citizens, and many residents of Huber Heights are against the annexation. He said the annexation agreement the Bethel Township Trustees signed was signed under duress and not supported by the community. He said the agreement reminds him of a steel trap set out by the developers, and Bethel Township has its leg caught in the trap, bleeding and suffering and trying to survive. He discussed his feelings about annexation.

8. Citizens Registered To Speak On Agenda Items

There were no citizens registered to speak on agenda items.

9. City Manager Report

Interim City Manager Bryan Chodkowski said the Engineering Division has completed a typical order of events sheet for ongoing water main replacement projects. He said while the order of events will remain consistent for all projects, the time dedicated to each item on this list will vary. He said project specific sheets will be created in the future, and as a trial effort, City Staff will be loading the sheets onto the City's website next week for the current Hubbard Drive/Alter Road project and next month's Cruxten Drive project. He said the City executed an Ohio Public Works Commission agreement last week paving the way for the widening of Fishburg Road from Old Troy Pike to Tomberg Street, but limited on the south side. He said this project is the only portion of Fishburg Road between Old Troy Pike and Brandt Pike which has not yet been widened. He said this project will come before Council to authorize bidding in early August 2023. He said this project is expected to be completed in the spring of 2024. He said with respect to Council's previous discussion on Item 11-J, L.J. DeWeese has agreed to reduce the length of the Old Troy Pike Widening Project from 570 days to 370 days. He said this commitment will be reflected in the final contract pending Council's approval of that contract. He said starting July 11, 2023, Bellefontaine Road between Shull Road and Taylorsville Road will be closed Monday through Friday from 7:00 a.m. to 5:00 p.m. to expedite the installation of new water main which will connect Center Point 70 to the rest of the City's water distribution system. He said the section of Bellefontaine Road between Taylorsville Road and Chambersburg Road is scheduled to reopen to unrestricted traffic next week.

Mr. Webb asked if City Staff had identified any other issues that might affect the residents regarding the Bellefontaine Road work. He said he noticed residents would have access to driveways even though the road is closed.

Mr. Chodkowski said no other concerns have been brought to his attention, but in the event City Staff come across information, it will be placed online as quickly as possible in order to get the relevant social media traffic.

Mr. Shaw said at the last meeting it was discussed that the Ohio Department of Transportation (ODOT) connection had been approved along with the light timing on Old Troy Pike (State Route 202). He asked for the anticipated time of completion for this work.

Mr. Chodkowski said the City Staff meeting is tomorrow, so he should have an update for Council following this meeting.



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Mr. Shaw said it was mentioned during the last meeting that Rozzi Fireworks had an issue with the automated shooting system. He said in the City's agreement with Rozzi Fireworks that Council passed in 2022, the agreement authorizes a \$50,000 a year show. He said page 5 of the agreement speaks to rain dates and malfunctions. He asked if City Staff had reviewed those measures and determined what action would be taken.

Mr. Chodkowski said Fire Chief Knisley is speaking with Rozzi Fireworks about how that issue will be addressed and once City Staff has a final disposition, Council will be updated.

Mr. Shaw confirmed that Mr. Chodkowski mentioned at the last meeting that in September 2023, Council will be receiving a complete City Staff recommendation regarding the splash pad at Thomas Cloud Park.

Mayor Gore told Mr. Shaw that people had reached out to him regarding the light signaling on Old Troy Pike (State Route 202) stating they had green lights all the way from Taylorsville Road to I-70. He said he is hoping that the syncing of the traffic lights has been completed.

10. Pending Business

There was no Pending Business.

11. New Business

CITY COUNCIL
Anthony Rodgers, Clerk Of Council

- A. A Motion To Appoint Amanda Henry To The Arts And Beautification Commission For A Term Ending June 30, 2026.

Mr. Rodgers said this appointment was the recommendation of the City's interview panel and the necessary background checks have been completed on Ms. Henry.

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, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, Mr. Webb, and Mr. Shaw voted yea; none voted nay. The motion passes 8-0.

- B. An Ordinance Approving The Editing And Inclusion Of Certain Ordinances And/Or Resolutions As Parts Of The Various Component Codes Of The City Code Of Huber Heights, Ohio; Providing For The Adoption And Publication Of New Matter In The Updated And Revised City Code As Supplement 14; And Repealing Ordinances And Resolutions In Conflict Therewith. (first reading)

Mr. Rodgers said this item is the standard legislation to codify legislation that has been passed by Council into a supplement to the City Code. He said this item is Supplement 14 which represents legislation passed from January 1, 2023 through March 31, 2023. He said appropriate legal notice of Supplement 14 has been made as required by the City Charter.

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

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**ADMINISTRATION**

**Bryan Chodkowski, Interim City Manager**

- C. An Ordinance Providing For The Continuation Of An Existing .25 Percent Levy On Income Effective January 1, 2025 And Expiring December 31, 2034, And To Submit This Ordinance To The Electorate For Approval Or Rejection And Contingent Upon Such Election Approval, Amend Section 192.012(B) Of Chapter 192, Income Tax, Of Title 9, Taxation Part I, Administration To Reflect The Tax Continuation, And Declaring An Emergency.  
(first reading)

Mr. Chodkowski said this matter is one of two items which is required to ensure the 0.25 percent public safety renewal levy makes the ballot in November 2023. He asked Council to move this item to a second reading and to adopt this item as emergency legislation at the next City Council Meeting.

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

- D. A Resolution Specifying November 7, 2023 As The Date For Submitting To The Electorate Of The City Of Huber Heights A Proposal To Provide For The Continuation Of An Existing .25% Levy On Income Effective January 1, 2025, And Expiring December 31, 2034 And Directing The Board Of Elections Of Montgomery County And Miami County, Ohio To Place The Issue On The Ballot.  
(first reading)

Mr. Chodkowski said this item is the companion piece to the previous item and directs the matter to be placed on the ballot in November 2023 following Council's adoption of the ordinance previously read.

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

Mr. Shaw asked that this item be on the agenda at the next Council Work Session.

Mayor Gore directed Mr. Rodgers to add this item to the agenda at the next Council Work Session.

Mr. Lyons asked if there would be a presentation by The Impact Group at the next Council Work Session and a little more comprehensive layout from City Staff about what the November 2023 renewal levy initiative and promotion is looking like.

Mr. Chodkowski said he will need to have a conversation with The Impact Group about its ability to be able to present that information in such a timely manner, but he said City Staff will be able to provide some additional comments at that point in time about this measure and what it would look like going forward through November, 2023.

Mr. Shaw said Mr. Chodkowski can see the importance that if Council is going to vote to put this measure on the ballot, he at least wants to hear what the City is going to do to get this renewal levy passed. He said he does not want to put something on the ballot that does not have much initiative, not much planning, and not much of a success for passing.

Mr. Otto said he asked at the Town Hall Meeting prior to the primary election in May 2023 what type of cuts the City would be looking at if the levy had failed, and Mr. Chodkowski responded that if the levy failed, the proposed cuts would



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be discussed prior to the next election. He asked if the Council would be receiving that information as well.

Mr. Chodkowski said City Staff will be prepared to have City Staff recommendations for Council for budget reductions in order to accommodate the necessary operational costs should this levy fail. He said he anticipates this information being part of the discussion at the next Council Work Session.

Mayor Gore said this item will be moved on to the next Council Work Session for further discussion and it will be passed to a second reading at the next City Council Meeting.

- E. A Resolution Imposing A Temporary Moratorium For A Period Of Three Hundred Sixty-Five Days (One Year) On The Acceptance, Consideration And/Or Granting Of Any Applications For Zoning And The Issuance Of Zoning, Occupancy, Or Other Permits For New Self-Storage Facilities Within The City Of Huber Heights, Ohio.  
(first reading)

Mr. Chodkowski said this legislation is brought forth pursuant to Council's request to provide an opportunity for the City Planner to review and evaluate the most appropriate locations for storage units within the City of Huber Heights.

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

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

Mr. Otto said Council has not been told what the issues are that are being caused by the storage facilities. He said a storage facility is one of the lowest impact businesses one can have near a development. He said storage facilities have low volume, low noise, and are typically well maintained. He said he has not heard those things and until he understands what those things are, he will not be able to support this item.

Mrs. Byrge said when the storage units went in behind the Windbrooke Subdivision, there was a lot of discussion before the storage facility was built and especially after it was built. She said Council received a lot of negative comments about having that storage facility so close to the residences. She said that concern is the point of the whole moratorium, so the Planning Commission could look at all the issues associated with storage units and propose the optimum location types, not to specify any location within the City but to provide guidelines on how to approach approving storage facilities in the future. She said it would be hard for those who are not back to back with a storage facility to understand what the impact of having one would be. She said Mr. Sorrell wants to do a comprehensive look at the issue and look at other communities and come back with recommendations.

Mr. Otto said he has been told people have concerns about what they are seeing, but he does not know what they are seeing. He said, additionally, when this matter was discussed last year, there was discussion about City Staff looking into this issue and coming back to Council with information, but it never came back.

Mrs. Byrge said since City Staff did not do it, this moratorium will give City Staff time to do it.

Mr. Shaw said he was not at the Council Work Session, so he would like time allowed to make these comments. He said during the February 8, 2022 Council



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Work Session, the Law Director said it was a good idea to put a moratorium on these types of facilities as those companies will see this moratorium coming and buy up all the land. He said the Law Director said the moratorium would allow City Staff to come back to Council and say here is what was found out about storage units. He said that meeting was 517 days ago. He said the Law Director stated that you usually put a moratorium on something if you are concerned about what is being done, or it is something new and you want to take a moment to figure it out. He said at that same meeting, Mrs. Byrge, Mr. Webb, and himself directed City Staff through the Mayor requesting more action. He said at the end of the conversation, the Clerk of Council advised the Mayor of the next date of the Council Work Session which was February 22, 2022. He said Mrs. Byrge said that meeting would be an opportunity for all of Council to be present to have that discussion as some Councilmembers were missing. He said that direction was provided; however, that discussion never took place. He said Mrs. Byrge alluded to having issues with storage facilities in neighborhoods as it takes away from the peace; and Mayor Gore had stated that storage units do not add anything to the local economy and provide no tax revenue benefit to the City. He said Mayor Gore said in that same meeting that storage units are a necessity, and in the same sentence, he said storage facilities are not a desirable business. He said since that time, Council has requested research on gasoline stations that has been provided to Council in August 2022, stating there is an above-average amount of gas stations in this community as a community this size should only have 15, and the City has 22 in this community as a community this size should only have 15, and the City has 22 with more on the way. He said the City Manager stated in that meeting due to current staffing and projects, this matter would not be a priority. He said the staffing and projects had not changed, and he asked how has this item become a priority for City Staff. He said this topic took 483 days to appear on agenda at the June 6, 2023 Council Work Session. He said during Mayor Gore's conversation with Mr. Otto on the annexation, Mayor Gore stated he cannot direct City Staff without a majority to prepare anything to bring forth to Council. He asked Mayor Gore to advise him of the five members of Council that provided City Staff direction to complete the legislation in front of Council on this topic.

Mayor Gore said there was a lack of majority objection, but there were four Councilmembers in favor.

Mr. Shaw said a majority of Council, five Councilmembers, must be able to direct City Staff on a Council item according to the Rules of Council to provide legislation and give authorization to the Law Director to review the legislation. He said Mr. Otto asked during the annexation discussion to have City Staff prepare legislation and Mr. Otto was denied the same request that Mrs. Byrge was availed. He said because this legislation was prepared incorrectly and without due diligence of the Rules of Council, he asked that the first and second on the motion for adoption be removed and this item be tabled.

Mr. Campbell discussed with Mr. Chodkowski if Mr. Sorrell were to complete his review within six months, what would happen?

Mr. Chodkowski said the City Planner would present a report to the Planning Commission and ultimately to the City Council. He said if it was determined there was information worth acting on, Council would be able to adopt an amendment to the City Code reflective of those recommendations, and the moratorium would be removed, or the report would come back and would identify the current practices meet best practices or standards and the moratorium would be removed.



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After discussion, Mr. Campbell confirmed with Mr. Chodkowski that the Planning Commission could do the review and come back and tell Council everything is satisfactory.

Mayor Gore asked Mr. Chodkowski who asked Mr. Sorrell to prepare this legislation.

Mr. Chodkowski said he asked Mr. Sorrell to prepare the legislation based on the commentary at the Council Work Session regarding this matter and the fact that this item was a matter previously discussed by Council.

After discussion between Mayor Gore and Mr. Chodkowski, it was stated that Mr. Chodkowski was allowed to direct the City Planner to prepare the legislation and this direction was made due to the previous conversations Council had had on this topic.

Mrs. Kitchen confirmed with Mr. Chodkowski that Mr. Sorrell could be directed to look at this subject without placing a moratorium.

Mrs. Byrge said the risk is that more storage companies may come to the City in the meantime, and if the revised changes to the City Code come back for approval, it would not affect any business in the queue. She said that reason is why Council is asking for a moratorium. She reiterated her reasons for wanting the moratorium which she had stated in previous meetings.

Mr. Shaw restated his confusion as to how this legislation was brought forward to Council. He discussed the large amounts of gas stations and fast food chains in the City. He said storage facilities are a viable business. He said these businesses pay taxes, and these businesses may only have one employee, but nail salons and credit unions only have a few employees. He said if this Council is going to direct that a business is only viable by the amount of tax dollars or employees that the business has, it is a disingenuous precedent to set.

Mayor Gore said Mrs. Byrge is not recommending a ban, and if it were, he would not support a ban. He said he read the same article as Mrs. Byrge. He said Mr. Shaw's comments would be disingenuous in making anyone think that this proposal is a ban.

Mr. Webb discussed the Zoning Code and the Planning Commission, and the items that do and do not go before the Planning Commission. He said there are certain businesses that do not require Planning Commission approval due to the Zoning Code.

Mayor Gore said Flying Ace is a good example of a business that was approved without Planning Commission or Council approval and the issues that were not addressed.

After lengthy discussion, Mr. Webb made a motion to call the previous question. There was no second for the motion to call the previous question.

Mr. Campbell said the concern is straight zoning that does not need to go to the Planning Commission for approval.

Mr. Chodkowski said there are five zoning districts in the City where storage facilities can be built - B-2, B-3, Employment Park, I-1 and I-2. He said those submittals go directly to City Staff for approval.

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Mr. Campbell said that issue is a concern for him. He proposed a compromise with a six-month time period for the moratorium.

Mr. Rodgers said the first and second for the motion to adopt would need to be withdrawn, then a motion to amend the title and sections of the resolution to read six months or 180 days where it states one year or 365 days would be needed.

Mr. Campbell said he was not aware of the ratio of gas stations until Mr. Shaw brought it up, and he said maybe that issue needs further discussion. He said there are a lot of things that can be looked at by the Planning Commission so Huber Heights is balanced.

Mrs. Byrge and Ms. Baker withdrew the first and second on the motion to adopt.

Mr. Campbell moved to amend the resolution to change any references in the title, sections, and body of the legislation from one year to 180 days; Ms. Baker seconded the motion.

Mrs. Kitchen said she is okay with the compromise if Council started looking at the gas station moratorium issue.

Mayor Gore said a discussion about a gas station moratorium could be added to the next Council Work Session.

Mr. Campbell said he could support that addition.

Mr. Webb agreed.

Mr. Shaw said from social media comments, chicken places, pizza places, and dollar stores have also been discussed.

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.

Mr. Webb moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mrs. Byrge, Mrs. Kitchen, Mr. Webb, Ms. Baker, and Mr. Campbell voted yea; Mr. Otto, Mr. Lyons, and Mr. Shaw voted nay. The motion passes 5-3.

- 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 provides for advances for two projects: the rehabilitation of the CR Dayton strip mall and the widening of Old Troy Pike from Merily Way to I-70. He asked that Council waive the second reading and adopt this legislation.

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

Mr. Shaw moved to waive the second reading; 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.



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Mr. Webb 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.

- G. An Ordinance Amending Certain Sections Of Part Eleven, Planning And Zoning Code, Of The City Code Of Huber Heights. (first reading)

Mr. Chodkowski said this legislation brings together several requested housekeeping items from Council and the Planning Commission. He asked Council to move this item to a second reading.

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

- H. A Resolution Authorizing The City Manager To Contract For The Purchase Of An Emergency Medical Ambulance With Horton Emergency Vehicles Utilizing The State Of Ohio Procurement Schedule And Waiving The Competitive Bidding Requirements. (first reading)

Mr. Chodkowski said this legislation is brought forward to ensure that the City can order the medic vehicle today and have it delivered in time for its scheduled placement into the fleet. He asked Council to adopt this item. He said the vendor has been pre-qualified through the State of Ohio Department of Administrative Services. Mayor Gore said the Council Work Session recommendation was to adopt this item.

Mrs. Byrge 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.

- I. A Resolution Authorizing The City Manager To Enter Into Contracts For The 2023 Water Main Replacement Project. (first reading)

Mr. Chodkowski said this item authorizes the next round of water main replacement projects scheduled to begin in September 2023.

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

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

Mrs. Kitchen said she would like to amend the contract to state that the work on Alter Road and Chesham Drive has to be done after Memorial Day of 2024 because of proximity to schools. She said she would like that matter clearly stated in the contract because it is a big problem, if the contractor has all the equipment onsite, to try to get people moved through to get to the schools.

Mr. Rodgers said the contract is not part of the legislation, so it would be more an issue of Mr. Chodkowski taking Council's direction regarding the contract.

Mr. Chodkowski said City Staff can work with the contractor to make sure the work being done does not impact or minimally impacts the schools. He said he had conversations with the City Engineer in particular about those roads being paved on the weekend as opposed to during the week.



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Mrs. Kitchen said Mr. Chodkowski's idea of minimal impact may be different from her idea of minimal impact. She asked if this work could be completed after Memorial Day.

Mr. Chodkowski said he is happy to make that request, but not knowing what the contractor's plans are, not knowing what the schedule is going to be, and a variety of factors which may or may not impact the schedule, he cannot commit to that schedule without talking to the City Engineer. He said he can commit to putting forward every effort the City can to make sure there is minimal impact. He said it may be that the work can be done after Memorial Day, but he cannot guarantee it until he talks to the City Engineer and the contractor.

Mrs. Kitchen said she had been clear even prior to this whole process about what needed to happen. She said she is frustrated that this limitation was not part of the original contract or agreement.

Mayor Gore said his concern is that the contractor might finish everything in March 2023 and those are the last two projects to be done, and would a contractor be willing to stop work all together and then come back to those streets later. He asked if that work would be a whole new part of a project in another phase?

Mr. Chodkowski said he cannot make any commitments because he has not spoken to the contractor; but he can say City Staff clearly heard that Council would like for City Staff to endeavor to take every effort to minimize the impact the project will have on the schools. He reiterated that he cannot promise and deliver this guarantee today. He said if this issue is a concern, Council can table the matter and City Staff can have a conversation with the contractors and come back in and try to provide more clarity.

Mr. Campbell asked if this legislation could be moved to a second reading. He said he remembers driving to Studebaker School when the water lines were being put in, and it was an absolute nightmare. He said he was trying to support Mrs. Kitchen's concern, and he asked if taking this resolution to another reading was a problem.

Mr. Chodkowski confirmed for Mrs. Kitchen that it is possible that taking this resolution to another reading will delay the work. He said at the moment it is possible, but right now the delay is pipe delivery. He said he thinks it is unlikely, but it is possible.

Mrs. Byrge confirmed a projected start date of September 1, 2023 for the project. She said this legislation does not address the wording in the contract. She said this legislation authorizes Mr. Chodkowski to enter into a contract, but he still has to finalize the contract. She gave scenarios of how to word the contracts for the work schedule to be made around Council's suggestions.

Mr. Webb asked Mr. Chodkowski when he can meet with Mr. Bergman and the contractors and come back with the pages all colored in as to what might possibly happen addressing Mrs. Kitchen's concerns.

Mr. Chodkowski explained the process and he said he would have that information by the time Council convenes again at the July 24, 2023 City Council Meeting.

Mr. Shaw said he would caution Mrs. Kitchen on any suggestion of delaying this legislation in fear of future political repercussions of delaying a water main system. He said he has heard this Council direct City Staff a multitude of times



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regarding Mrs. Kitchen's request regarding the work near the schools and why this discussion is at the 11th hour and Council is still having this discussion is beyond him. He cautioned Mrs. Kitchen again on any delay and he said he would pass it and hope, which is all Council can do, that this conversation will occur and the schools are not interrupted.

Mrs. Kitchen said from here on out, this consideration should not be an issue, it should be in the contract up front. She said this expectation should be made a part of the bidding process.

Mr. Campbell asked if the contract could be amended tonight.

Law Director Katie Wahl said it is her understanding that there is not a finalized agreement and this legislation is simply to provide the authorization for the City Manager to negotiate the terms of that contract. She said Mr. Chodkowski can make those proposals and requests, but if the other party to the contract does not accept the language, there is the possibility of a standstill in getting a final contract done and the approval to start work on September 1, 2023.

Mr. Campbell asked Mr. Chodkowski if this language is not in the contract because City Staff had discussed this matter with the contractor and the contractor would not agree to it?

Mr. Chodkowski said no, and he said he cannot say it is or is not in the contract. He said City Staff is aware and very cognizant of the fact that Council is concerned about interrupting and disturbing the schools' functions during operational hours. He said those issues are typically worked out through the pre-construction meeting and planning and phasing of the contracts. He said there is a more conventional method as to how construction schedules are set when projects are put together at the pre-construction meeting. He said if the will of Council is that this is specific language Council would like in the contract, City Staff will put it in the contract. He said City Staff has heard Council's request and are trying to be responsive to that request based on how a conventional process for managing construction projects goes. He said if Council is that adamant, City Staff are not objecting to placing the language in the contract.

Mrs. Byrge asked Mr. Chodkowski if Council passes the legislation tonight and the contractor has a problem with meeting that requirement, would he come back to Council and advise Council about that issue before awarding the contract?

Mr. Chodkowski said yes, that is correct, because it may delay the project. He also said the contractor may demand more money.

Mrs. Byrge said she feels the risk is low in authorizing this action and the responsibility is on the City Manager to come back before the contract is signed and let Council know the terms and if there is any impact.

Mrs. Kitchen reiterated her concern and she said she is not going to delay this project. She said there needs to be some way to write this language in the bidding and the contracts in the future.

Mayor Gore said he has heard Mr. Bergman say, every time Mrs. Kitchen asked, that City Staff will talk and try to work with the contractor to make sure the schedule could be followed. He said he has always heard City Staff say they will try to work with the contractor, but Council is tying Mr. Bergman's hands by trying to demand a specific time that the work gets done.



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Held

July 10, 23
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After lengthy discussion, Mayor Gore said Council needs to prioritize what is important.

Mr. Campbell suggested to Mr. Chodkowski, in moving forward, if he could, have the Engineering Staff spell that expectation out more clearly.

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.

- J. A Resolution Authorizing The City Manager To Enter Into A Contract For The Old Troy Pike Northbound Roadway Widening Project. (first reading)

Mr. Chodkowski said this item authorizes the completion of the most eastern northbound lane from Taylorsville Road to I-70.

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

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

Mr. Shaw said he will not be able to support this legislation as Section 1 of the current resolution states a cost not to exceed \$2.1 million as set forth and the timeline is set forth with the bid calculations. He said there is nothing in this resolution that holds this contractor or the City to the verbal statement the City Manager provided regarding the 370 days saving six months from the original time period of January 2025. He said if Council would like to have unanimous support, he would like to see this item amended in Section 1, "to advise that 370 days on or before July 30, 2024." Ms. Baker and Mrs. Kitchen withdrew the first and second on the motion to adopt.

Mr. Shaw moved to amend the resolution as stated above; Mr. Campbell seconded the motion.

Mr. Chodkowski said the language should be 370 days from the date of the contract's execution. He said the date of the execution would probably be within the next 30 days.

Mayor Gore asked Mr. Shaw and Mr. Campbell if they would be agreeable to August 15, 2024 or August 30, 2024?

Mr. Shaw said he was agreeable with this language.

Mr. Campbell asked if Mr. Chodkowski can shorten the thirty-day period to execute the contract.

Mr. Chodkowski said City Staff will go as fast as possible to get this contract done.

Mr. Campbell said he was agreeable with this language.

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.



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

### 12. City Official Reports And Comments

Mr. Otto welcomed all the new Firefighter/Paramedics and he said it was great to see all of the new faces; and he congratulated those who were elevated.

Mr. Shaw suggested that an agenda item be added to the next Council Work Session to discuss the Republic Services trash contract. He said he has been in conversation a multitude of times with the City Manager and he has recently learned as of June 29, 2023, that Republic Services has a contract time within its database of 5:00 a.m. to 5:00 p.m. He said it was also noted that the regional supervisor has been relocated and now all of the direction for Republic Services for the Huber Heights division comes out of Indianapolis. He said an unsolicited employee with Republic Services had advised him that there are major staffing issues within the Dayton market and these shortages will continue to worsen until management hires more staff. He said these are serious items that he, Mr. Webb, and others have brought up as the current contract states Republic Services cannot start trash services before 7:00 a.m. and he said that time is also in the City's Codified Ordinances. He said the City Manager has had trouble contacting Republic Services and there have been residents who had missed pickups over the holiday week who were supposed to be on a delay but service ran on the same day. He said the City needs to have a touch point with Republic Services to make sure it is upholding its end of the contract.

Mrs. Byrge asked if that issue is not something the City Manager would arrange, as she was not sure what Council could accomplish.

Mr. Shaw said the City Manager said he had a meeting set up with an individual with Republic Services and that meeting did not take place. He said the City Manager at that time had no idea why that meeting had not taken place. He said, in his opinion, Republic Services is not adaptable to the City Manager's emails and conversations, and that the issue should be brought forth before Council. He said this matter is a serious issue that needs to be corrected.

Mr. Otto said although he has no issues with his personal service, he seconds Mr. Shaw's request that this item be added to the agenda.

Mayor Gore said the item could be added to the agenda.

Mrs. Kitchen said she sent Mr. Chodkowski a picture of her trash being picked up between 5:30 a.m. and 5:45 a.m.

Mr. Chodkowski explained the chain of events that have taken place in his communications with Republic Services. He said after a conference call was scheduled, the Operations Supervisor left the company. He said he did not receive an updated Operations Supervisor contact until Thursday or Friday last week. He said he would be following up with the new Operations Supervisor to talk about these issues and concerns. He said City Staff are continuing to advance the will of Council to address these issues.

Mayor Gore asked if this matter is a discussion Council needs to have at the next meeting, or should Council wait for Mr. Chodkowski to get information and bring it back to Council.



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Mrs. Byrge said Council should give Mr. Chodkowski a chance to do what he can.

Ms. Baker asked Mr. Chodkowski to provide for Council, when this matter comes back, the length of contract, how much longer the contract has to go, and if coupling trash with water would gain any benefit, and what would it cost to break this contract.

Mr. Shaw said as three Councilmembers have compelled this item to be placed on the Council Work Session agenda, between now and then would be a great opportunity for the City Manager to provide a resolution to this issue. He said if Council receives an update that is satisfactory prior to the Council Work Session, he has no problem with having this item removed from the agenda. He said until there is an update, he would like to have this matter as an agenda item.

Mr. Webb said one issue is the trash pickup outside of specified hours, but he said there is a laundry list of items and he would not mind having the conversation and he agrees with Mr. Shaw.

Mayor Gore said Council will see this agenda item at the next Council Work Session.

13. Executive Session

Mayor Gore said there is need for an Executive Session.

Mr. Rodgers said a motion is needed to go into Executive Session to consider the employment and appointment of applicants for the Huber Heights City Manager position.

Mr. Webb made a motion to go into Executive Session to consider the employment and appointment of applicants for the Huber Heights City Manager position; Mrs. Kitchen seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, Mr. Webb, and Mr. Shaw voted yea; none voted nay. The motion passes 8-0.

The City Council entered into Executive Session at 8:11 p.m.


Mrs. Byrge left the meeting at 8:11 p.m. before the start of the Executive Session.

The City Council adjourned from Executive Session at 8:28 p.m.

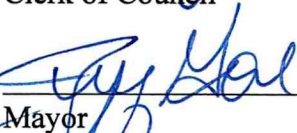
Mayor Gore said there were no formal actions by the City Council after the Executive Session.

14. Adjournment

Mayor Gore adjourned the Regular Session City Council Meeting at 8:28 p.m.

  
Clerk of Council

07-25-2023  
Date

  
Mayor

7/25/23  
Date