

RECORD OF PROCEEDINGS

Huber Heights City Council

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3686 FORM NO. 10746
In Council Chambers

Held 6131 Taylorsville Road

July 24, 2023

1. Call The Meeting To Order - Mayor Jeff Gore

The Huber Heights City Council met in a Regular Session on July 24, 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

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

Absent: Ed Lyons

Mayor Gore said Mr. Lyons emailed Anthony Rodgers requesting that his absence be excused.

Mr. Otto moved to excuse Mr. Lyons' absence; Mrs. Kitchen seconded the motion. On a call of the vote, Mr. Otto, Mrs. Kitchen, and Mr. Shaw voted yea; Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Webb voted nay. The motion fails 3-4

5. Approval Of Minutes

A. City Council Meeting Minutes - July 10, 2023

The minutes for the July 10, 2023 City Council Meeting were approved by the Huber Heights City Council as submitted.

6. Special Presentations/Announcements

A. Introduction Of New Huber Heights Chamber Of Commerce Executive Director Carolyn J. Stefanik

Ms. Carolyn Stefanik said she has been with the Huber Heights Chamber of Commerce for eight weeks as the new Executive Director. She discussed her goals for the Chamber of Commerce over the next few months, including increasing membership, getting back to activities that people really want to participate in, and making the Chamber of Commerce a valuable resource for the businesses in Huber Heights to help the businesses grow, save money, and feel connected to the community. She said she looks forward to partnering with the City, especially with the Economic Development Staff, to make that goal happen and to show unity in creating a positive business environment.

Mayor Gore said it looks like Ms. Stefanik is getting off to a great start and the City is glad to have her in the position.

Mr. Webb discussed the new members who have joined the Chamber of Commerce with Ms. Stefanik.

B. Veolia Water 2022 Annual Report Presentation - Ms. Pam Whited, Operations Manager, Veolia Water

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Ms. Pam Whited from Veolia said Council received the 2022 Annual Report earlier in the year, and she reviewed the highlights of that report. She introduced the Veolia Staff and Citizens Water and Sewer Advisory Board members in attendance at the meeting. She said Veolia produced 1,470,000,000 gallons of water last year with the peak month being in June. She said repairs were made on Well #6 which is the largest producing well. She said communications upgrades were performed to enhance the new cybersecurity rules that are coming out. She said the EPA will have a large program on cybersecurity that is upcoming. She reviewed all of the highlights and maintenance for the City's water system from 2022 along with revenues and expenses. She discussed hydrant painting with Mrs. Byrge, and she noted for Mr. Campbell that she has been working with the City's Water Division since 1975.

7. Citizens Comments

Mr. Rodgers read the guidelines for Citizens Comments.

Ms. Donna Hughes said she wanted to thank whoever put the reflective material on the poles between Executive Boulevard and Shull Road. She said going eastbound on Shull Road, the left-hand turn lane is equal to the right-hand turn lane. She requested that the left-hand turn lane be moved five feet back because trucks, large vans, and semi-trucks almost hit drivers at the white line.

Mr. Jeff Morford read his thoughts on the five-minute rule on Citizens Comments. He discussed his opinions on government officials, annexation, and Issue 1.

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 regarding the interconnectivity project between the traffic signals on Old Troy Pike from Executive Boulevard to Chambersburg Road, adjustments are being made throughout the week and will be tweaked to make sure traffic is moving as effectively and efficiently as possible on Old Troy Pike. He said, according to Acting Police Chief Tony Ashley, there was an increase in criminal activity in the area of Hemmingway Road, LeMans Lane, and Leyden Lane over the weekend. He said an increased police presence in that area is being planned. He said the Ohio Department of Transportation (ODOT) has announced plans to resurface Brandt Pike from Thomas Cloud Park north to Fishburg Road and will begin work on or about August 14, 2023. He said the project is anticipated to last six weeks between the hours of 7:00 p.m. until 6:00 a.m. He said this weekend the Pandora Project will be playing at the Eichelberger Amphitheater. He said August 1, 2023 is National Night Out and he encouraged all to come out to Wayne High School to meet and visit with the Public Safety Staff, especially this year with the public safety renewal levy measure on the ballot in November, 2023.

10. Pending Business

- A. 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.
(second reading)

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Mr. Rodgers said this item is to approve Supplement 14 to the Huber Heights City Code which covers the first quarter of 2023. He said the recommendation would be to adopt this item.

Ms. Baker moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, Mr. Webb, Mr. Shaw, and Ms. Baker voted yea; none voted nay. The motion passes 7-0.

- B. 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.
(second reading)

Mr. Chodkowski said this levy provides approximately \$2.75 million worth of annual funding to the City's public safety services. He said it was the recommendation at the Council Work Session that this item be adopted.

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

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

Mrs. Kitchen interrupted the vote and asked if the City is going to use the Impact Group this time. She said \$74,000 was paid to The Impact Group and for what?

Mr. Chodkowski said yes, based on where the City is at relative to this measure going into November, 2023. He said he has engaged The Impact Group to support the City's efforts to continue to market and promote this measure to the extent possible. He said the services that the City engaged from The Impact Group were provided. He said, unfortunately, the strategy that was utilized for that measure was not successful. He said he has full faith and confidence that with Council's commitment to this measure going forward in November, 2023 and with a reinvigoration of support from organizations outside the City with respect to this matter, the effort that City Staff and The Impact Group will bring to the table will make this levy successful. He discussed with Council the renewal of and the details of the contract with The Impact Group. He said City Staff can share as much factual information as possible, but there have to be advocates in support of the levy. He said members of Council have an ability to advocate in support of or against this measure. He said The Impact Group is one component of what has to be a successful measure, but The Impact Group is not the only component. He said whether or not The Impact Group does everything it says it does, the levy still cannot be successful if the levy is not championed by the people who support it. He said that is an area where the City lacked in the primary election because to the best of his knowledge, there was no one advocating for the levy. He said City Staff made what they thought were appropriate strategic communications about the factual components of the levy, but City Staff were not in a position to be able to advocate one way or another. He said The Impact Group brings value to the table. He said many years ago, the City went through a similar situation when these two measures were brought forward and were not successful, and it was The Impact Group's involvement that many folks credited for the success of those two measures.

Mrs. Kitchen said there were no yard signs, no mailers, or anything during the last levy campaign and it was difficult to go out and advocate with no materials.

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Mr. Chodkowski said the City cannot provide those items, it can only provide information that encourages people to vote. He said the City cannot provide advocacy materials, and he said it is a misnomer or a misunderstanding that these materials are something the City can provide.

Law Director David Montgomery said he sent an opinion out today stating the City has the ability to use taxpayer dollars for the purpose of promoting a levy issue, specifically an income tax levy issue. He said there is nothing in the City Charter prohibiting Councilmembers from partaking in that process and there is nothing in the Ohio Revised Code that he found to prohibit such actions. He said the opinion did not address the threshold between the advocacy and general promotion of the levy, and he is having that issue researched now and he will report back.

Mr. Shaw discussed the new contract with The Impact Group and the contract that was approved last year. He asked if the language was still in the contract regarding postcards, mailing, and printing being extra and being billed separately?

Mr. Chodkowski said the language is in the current contract, and The Impact Group will be providing the proofs for printing but will not be handling any of the printing or mailing of these materials.

Council discussed The Impact Group at length.

Mr. Webb said he does not see the six required votes to put this item on the ballot and the City is obligated to The Impact Group; he asked what options are available.

Mayor Gore asked what extent Council is obligated to that \$24,000 contract with The Impact Group that has been signed already?

Mr. Chodkowski said, based on his conversations with The Impact Group, he is sure The Impact Group will be more than understanding and would charge the City for the work that has been done and terminate the contract. He said he does not have the ability and capacity to do everything that Council is asking him to do in the various roles Council is asking him to serve to be able to do the work that Council is now asking him to do if that is the expectation of Mr. Shaw. He said that is a decision Council has to make, but he does not have the ability to do the work necessary to support this levy without someone like The Impact Group. He said with it almost being August, he thinks the City would be hard pressed to find another firm to assist the City in support of a meaningful measure in November, 2023. He said this item is the first of two renewal levy measures that have to pass by the end of 2025.

Mrs. Byrge said if this item is not passed tonight, Council will not be able to consider it again until the same time next year and she explained why.

Ms. Baker and Mr. Shaw discussed possible cuts and monies already spent on amenities that could face closure.

Mr. Shaw said his views and conversations on the dais have not changed since the Impact Group put out a hit piece on him and others. He said part of his issue is a vendetta and part of it is funding and what the City is getting from the contracts.

Council's discussion moved to the City's parks and recreational facilities and amenities, the value to the community, and the projects that have not been completed.

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Mr. Campbell confirmed with Mr. Chodkowski that there is a need for someone to assist Mr. Chodkowski in the levy campaign. He asked Mr. Montgomery about private funding for signs, mailings, etc.

Mr. Montgomery said that issue is part of his subsequent research. He said the City has the ability to use taxpayer dollars to support it, and the question is where does the advocacy come in. He said the City would have the ability to print some of the materials and the advocacy part has not been answered. He confirmed for Mr. Campbell that residents could fund the entire campaign and use no City money, and citizens could raise funding to cover the cost of consultants like The Impact Group.

Mr. Campbell asked Mr. Chodkowski what he needed to stop the contract with The Impact Group.

Mr. Chodkowski said from the comments he is hearing, if this legislation and the next measure passes, it is his understanding that the approval would be contingent upon the separation of the City's services from The Impact Group. He said he would have a conversation with Tom Speaks tomorrow morning to develop an exit strategy with regard to Council's direction this evening. He said it would be prudent to have an amendment to the legislation to note the approval is contingent upon the termination of services with The Impact Group so it is clear and on the record.

Mr. Rodgers said that direction could be a motion to direct the City Manager to act and link the two items together separate from the legislation. He said he does not think that needs to be in the legislation because it will be filed with the Boards of Elections. He said Mr. Campbell and Ms. Baker need to withdraw the first and second on the motion to adopt the legislation first.

Mr. Campbell and Ms. Baker withdrew the first and second on the motion to adopt.

Mayor Gore and Mr. Rodgers discussed a motion to direct the City Manager to take that action to terminate the contract with The Impact Group in the morning contingent on the approval of items 10-B and 10-C.

Mr. Montgomery agreed.

Mr. Shaw requested that the Clerk of Council supply confirmation to Council that the contract had been dismantled prior to Mr. Rodgers filing the legislation with the Boards of Elections.

Mr. Campbell moved to adopt the motion as discussed; Ms. Baker seconded the motion.

Mr. Otto asked for clarification on the specific motion.

Mr. Rodgers said the motion is to direct the City Manager to terminate the contractual relationship with The Impact Group effective immediately contingent on the approval of Items 10-B and 10-C by the City Council. He said he had the understanding as well that until that happens and Mr. Chodkowski has given him confirmation of the contract termination, he is not to submit this ordinance and this resolution to the Boards of Elections.

Mr. Webb asked as advocates, and less than a quorum, is there anything prohibiting one, two, or three Councilmembers volunteering to assist the City Manager

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immediately to put together a citizens' campaign. He asked if individual members of Council can jump in and grab hold of this matter. He said Council has loaded a lot on Mr. Chodkowski.

Mr. Montgomery said he does not see a problem, but his caveat to this opinion is the firm is in the process of researching where that line is. He said he could render a more formal opinion on that issue. He said, as private citizens, there is a line between acting as a citizen and acting as an elected official.

On a call of the vote, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 7-0.

Mr. Campbell moved to adopt Item 10-B; Ms. Baker 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; none voted nay. The motion passes 7-0.

- C. 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. (second reading)

Mr. Chodkowski said this matter directs the placement of the continuation of the existing 0.25 percent renewal levy on the ballot on November 7, 2023. He said it was the recommendation at the Council Work Session that this item be passed.

Mrs. Byrge moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; none voted nay. The motion passes 7-0.

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

Mr. Chodkowski said this legislation brings together several requested amendments to the Planning and Zoning Code that were requested by both Council and the Planning Commission.

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

Mr. Webb moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, and Mrs. Kitchen voted yea; none voted nay. The motion passes 7-0.

11. New Business

CITY COUNCIL

Anthony Rodgers, Clerk Of Council

- A. A Motion To Appoint Ashley Berg To The Arts And Beautification Commission For A Term Ending June 30, 2026 And To Appoint Lori Woodruff To The Arts And Beautification Commission For A Term Ending June 30, 2025.

Mr. Rodgers said there are two appointments to fill vacancies on the Arts and Beautification Commission. He said the background checks have been completed on both individuals.

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Mrs. Kitchen moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, and Mr. Webb voted yea; none voted nay. The motion passes 7-0.

ADMINISTRATION

Bryan Chodkowski, Interim City Manager

- B. An Ordinance Approving Individual Assessments Amounts And Directing The Director Of Finance Or His/Her Designee To Certify The Amounts To The Applicable County Auditor For Collection, And Declaring An Emergency. (first reading)
Mr. Chodkowski said this legislation occurs regularly before this body and seeks to provide for the reimbursement of expenses to the City through assessments for work performed to bring certain properties in compliance with the City Code. He said it was the Council Work Session recommendation that this item be moved to a second reading.
Mrs. Byrge said this legislation is emergency legislation.
Mr. Rodgers said the emergency legislation is tied to the effective date and this ordinance will be effective immediately when it is passed at the second reading to meet the deadline for filing the assessments with the County Auditor.
Mayor Gore said this item will be passed to a second reading.
C. A Resolution To Increase The Not To Exceed Amount For Zashin & Rich For Additional Professional Services For The City Of Huber Heights In Calendar Year 2023. (first reading)
Mr. Chodkowski said Zashin and Rich and, specifically, Attorney Jonathan Downes represent the City in labor matters. He said City Staff are asking that the not to exceed amount be extended to \$50,000 for 2023 for the various matters for which the City is represented by Zashin and Rich.
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, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, Mr. Webb, and Mr. Shaw voted yea; none voted nay. The motion passes 7-0.
D. A Resolution Approving The Plan Of Operation And Governance For The Miami Valley Communications Council Natural Gas Aggregation Program For The Purpose Of Jointly Establishing And Implementing A Natural Gas Program. (first reading)
Mr. Chodkowski said this legislation would authorize the City's participation in a joint effort with multiple jurisdictions with respect to the purchase of aggregated natural gas. He said it was the recommendation at the Council Work Session that this item be passed.
Ms. Baker moved to adopt; Mr. Webb seconded the motion.
Mrs. Kitchen asked who pays this group.

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Mr. Chodkowski said the fee for this group is included in the rate structure and that information was provided to all of Council last week.

On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, Mr. Webb, Mr. Shaw, and Ms. Baker voted yea; none voted nay. The motion passes 7-0.

E. A Resolution Authorizing The City Manager To Prepare And Submit An Application To Participate In The Ohio Public Works Commission State Capital Improvement And/Or Local Transportation Improvement Program(s) And To Execute Contracts As Required For The Powell Road S Curve Realignment Project.
(first reading)

Mr. Chodkowski said this legislation allows the City to make an application utilizing the Issue II program to make improvements to Powell Road at a future date. He said it was the recommendation of Council that this item be adopted.

Mrs. Kitchen moved to adopt; Mr. Otto 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; none voted nay. The motion passes 7-0.

F. A Resolution Terminating The Lease Between The City Of Huber Heights And The Huber Heights Softball Baseball Association For Monita Field Park.
(first reading)

Mr. Chodkowski said this legislation terminates the Huber Heights Softball Baseball Association's lease for the two fields at Monita Field. He said it was the recommendation at the Council Work Session that this item be adopted.

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

Mr. Shaw said at the last Council Work Session he asked how much use the Huber Heights Softball Baseball Association had on those fields. He asked Mr. Chodkowski for those numbers.

Mr. Chodkowski said he does not have numbers, but to the best of his knowledge, the fields were not utilized by the association for those purposes.

Mr. Shaw said he finds it unfortunate that Council passed on an opportunity for an organization to sign a five-year lease that would have provided dugouts, tournament play, new fence painting, and field assessment at no cost to the City. He said this Council wanted to go down a different path, which was commendable. However, he said now an organization who a few months ago asked for fees to be waived is now asking to get out of a five-year-long agreement which was signed in November 2021 or 2022, and the organization picked up additional fields at Thomas Cloud Park. He said he feels Council may have missed out on an opportunity to make Monita Field more of an asset and gem once the skate park gets completed. He said it is his hope the City can re-engage with that organization who may still be interested in using those assets.

Mr. Webb said that at the Council Work Session, Mr. Otto agreed with him that they would like to see those fields maintained. He said he would be in favor of what Mr. Shaw is proposing as well.

On a call of the vote, Mr. Otto, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; none voted nay. The motion passes 7-0.

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- G. A Resolution Authorizing The City Manager To Enter Into A Contract To Purchase Two (2) Class 7 Snowplow Dump Trucks And Appurtenant Equipment Thereto For The Public Works Division And Waiving The Formal Bidding Requirements.
(first reading)

Mr. Chodkowski said this legislation allows the City to purchase the two snow plows based on the lead time for receiving the trucks, which is currently estimated at a year plus. He said it was the recommendation at the Council Work Session that this item be adopted.

Mr. Campbell moved to adopt; Mrs. Baker seconded the motion. On a call of the vote, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; none voted nay. The motion passes 7-0.

12. City Official Reports And Comments

Mr. Shaw said another successful City shredding event took place this weekend and he thanked all of the volunteers. He said a suggestion came up that next year the City engage the services of Republic Services to provide canisters or a dumpster for the individuals bringing shredding in boxes. He said Shred-It did an amazing job and a couple times they were so busy they had to have double lines of cars.

Mrs. Byrge said there were fewer people this year at the City's shredding event than in the past and she suggested the event should not be scheduled on the Dayton Air Show weekend. She said a suggestion was made about getting a receptacle to place the cardboard in. She said Shred-It has a separate division that could bring a box truck out to put the cardboard in.

Mr. Rodgers said the Clerk's of Council Office will look into those suggestions. He said Shred-It will provide as many trucks as the City wants, but there is a cost associated with each truck.

Mr. Webb said he received a postcard from the Board of Elections, and he wanted his ward constituents to know some of the polling places have changed for this special election on August 8, 2023. He said his polling place used to be the YMCA and it has been moved to the New Seasons Ministry.

Mr. Shaw said his polling location changed from Wayne High School to the Faith Presbyterian Church due to construction, and it is now back at Wayne High School. He asked if the Boards of Elections could be contacted and find out what precincts have changed so City Staff could send out information to residents who may not read that postcard.

Mayor Gore said his polling place had changed also for this special election.

Mr. Shaw said the Executive Director of the Montgomery County Board of Elections was present at one point in time, and it is his understanding the City was to be notified when polling locations changed. He said if that has not happened, the individuals from the Board of Elections need to honor their commitment to the community and this Council.

Mr. Webb asked Mr. Chodkowski to make sure the polling location information gets put onto the City's website.

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13. Executive Session

There was no need for an Executive Session

14. Adjournment

Mayor Gore adjourned the Regular Session City Council Meeting at 7:57 p.m.

Anthony C. Rudger
Clerk of Council

08-22-2023
Date

[Signature]
Mayor

8/22/23
Date