

RECORD OF PROCEEDINGS
Huber Heights City Council

Minutes of

Meeting

In Council Chambers
GOVERNMENT FORMS & SUPPLIES 844-221-3333 FORM NO. 10748

Held 6131 Taylorsville Road August 21, 2023

1. Call The Meeting To Order - Mayor Jeff Gore

The Huber Heights City Council met in a Regular Session on August 21, 2023. Mayor Jeff Gore called the meeting to order at 6:00 p.m.

2. Pledge Of Allegiance

3. Roll Call

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

4. Approval Of Minutes

A. City Council Meeting Minutes - July 24, 2023

The minutes for the August 21, 2023 City Council Meeting were approved by the Huber Heights City Council as submitted.

5. Special Presentations/Announcements

There were no Special Presentations or Announcements.

6. Citizens Comments

There were no Citizens Comments.

7. Citizens Registered To Speak On Agenda Items

There were no citizens registered to speak on agenda items.

8. City Manager Report

Interim City Manager Bryan Chodkowski said he and City Planner Aaron Sorrell met with representatives of LWC regarding the future City Governance and Senior Center. He said City Staff hope to have a final siting layout and elevation drawing to show Council in another three weeks. He said City Staff released the Request For Proposals (RFP) for the property the City acquired at the intersection of Carriage Trails and Brandt Pike which is approximately 25 acres. He said the RFP is open from now until September 13, 2023. He said City Staff continue to work on the Carriage Trails Boulevard and Brandt Pike traffic signal issue. He said the City now needs an updated legal description for the land that would become the new right-of-way for the intersection, and City Staff have begun drafting that language to keep the process moving forward. He said the next step would be to meet with the affected property owners. He said this week, City Staff will be finishing up interviews for the Parks Manger position. He said the exterior of the Huber Heights Community Center has been painted, new basketball court surfaces have been laid down; and the painting of those surfaces will happen in a few weeks. He said regarding the inside of the Community Center, the contractor will begin staging within the building later in September, 2023 with renovations to begin in October, 2023. He said final siting for the new Public Works Division building is complete, and that project will go to bid later in September, 2023.

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9. Pending Business

- A. 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.
(second reading)

Mr. Chodkowski said this item is recurring legislation and empowers the City to assess for outstanding fees associated with property maintenance and various other functions of the government that are levied on behalf of property owners to be placed on the tax roll.

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

Mr. Otto moved to adopt; Mrs. Byrge 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.

10. New Business

ADMINISTRATION

Bryan Chodkowski, Interim City Manager

- A. A Resolution Providing For Title Sponsorship Of The Big Hoopla's Hometown Heroes Military Appreciation Night At The Rose Music Center.
(first reading)

Mr. Chodkowski said this year the City will be hosting the Dayton Development Coalition's (DDC) Military Appreciation Night at the Rose Music Center. He asked that Council consider providing for a Title Sponsorship so that as the owners and operators of that facility, the City would be able to provide military members of the community and the Miami Valley with tickets to this event to come and enjoy the facility. He said it was the Council Work Session recommendation that this item be adopted.

Ms. Baker 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.

- B. An Ordinance To Approve Vacating Thorngate Drive, North Of Waynegate Road, To Transfer The Remnants Of The Public Right Of Way To The Adjacent Property Owners, And To Accept The Recommendation Of The Planning Commission (Case RP 23-18).
(first reading)

Mr. Chodkowski said this item would vacate a stub of Thorngate Drive which was intended to be extended, but never was and through the course of time turned into a large, open stormwater collection location. He asked that Council adopt this item as was the recommendation at the Council Work Session.

Mr. Rodgers said the recommendation was to pass this item to a second reading. He said if Council wanted to approve this item tonight, the second reading could be waived.

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Mr. Chodkowski apologized for misreading the recommendation.

Mr. Webb asked if there was any hurry on this item.

Mr. Chodkowski replied there is not.

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

C. A Resolution Authorizing The Execution Of A Development Agreement With Metro Rose, LLC.
(first reading)

Mr. Chodkowski said this legislation gives approval of a development agreement between the City and Metro Rose, LLC. He said the project includes 300 market rate apartments across the street from the Rose Music Center and also includes a four acre parcel for a restaurant/pub development. He said the City is actively marketing that parcel and there is a pending proposal on that item now.

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

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

Mr. Campbell said he would like to discuss Metro Rose, LLC as it related to any other items Council had talked about and agreed to. He said Council discussed signage at Dial Park, and he asked Mr. Shaw to confirm that he had hoped that the signage would have been completed before the passage of this legislation.

Mr. Shaw confirmed that signage was discussed back in March, 2023 and in several conversations since then.

Mr. Campbell asked for an update on the signage at Dial Park.

Mr. Chodkowski said the sign had been ordered and delivered. He said he reported at a previous City Council Meeting that he personally went out and marked the location for that sign to be placed at Dial Park. He said the sign company was called to have the sign installed, and that is the last information he had. He said Fast Signs is the vendor that is installing the sign. He said Fast Signs is the same company the City has ordered all of the park signs from in the past.

Mr. Campbell confirmed with Mr. Shaw that the agreement was to have that signage in place before the passage of this legislation along with a few other items discussed by Mr. Campbell, Mrs. Kitchen, and Mr. Shaw.

Mr. Shaw requested this item be passed to an additional reading or voted on tonight as he was good either way. He said he expects that the negotiation and compromise items will get taken care of.

Mr. Chodkowski said he would follow up with the Public Works Manager who is coordinating that signage. He said City Staff continue to advance the items that were asked to be advanced. He said some timetables are not as quick as City Staff would like them to be, and several items that he reported on in the City Manager's Report were also part of that list. He said City Staff are very conscientious and thoughtful of the conversation that

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happened in April, 2023 and will continue to try to advance the items as best as possible.

Mr. Otto said he appreciated Mr. Campbell bringing that issue up, but a park is more than just a sign and he thinks the agreement was for a lot more than just a sign. He said he had seen no movement on that park, and he gets razzed by Mr. Shaw all the time, asking if he had seen the new stuff at Dial Park. He said he personally expects more than a sign.

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.

- D. A Resolution Authorizing An Amendment To A Lease For CR Dayton Unit #9 Addressed As 6061 Brandt Pike.
(first reading)

Mr. Chodkowski said this legislation authorizes an amendment to an existing lease for Posh Salon at the CR Dayton property and allows City Staff to enter into discussions with the owner to relocate the business from the north building, which is scheduled to be razed, to the south building. He said this item is one of the components necessary to complete the task of renovating the south building and razing the north building.

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

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

Mr. Webb asked Mr. Chodkowski, what is the timeline for the movement of the tenant?

Mr. Chodkowski said City Staff had a conference call on Friday morning about the status of what to do and how to go about doing it. He said the hangup is being able to execute the amendment, and once the amendment is executed, City Staff can sit down with the owner and talk about the various components of what the relocation and new space would look like. He said the business is moving from a larger space to a smaller space, so concessions need to be made with regard to the initial lease. He said City Staff are not authorized to have those discussions because this legislation has not been passed. He said permitting is in process with Montgomery County, and the contractor is beginning to order supplies and products needed to begin work onsite the first week of September, 2023.

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

- E. A Resolution Authorizing The City Manager To Solicit, Advertise, And Receive Bids From Qualified Firms For The Construction Of The Fishburg Road Improvement Project.
(first reading)

Mr. Chodkowski said this legislation is to widen the south side of Fishburg Road between Tomberg Street and Old Troy Pike. He said it is the last remaining section to be widened. He asked Council to authorize the legislation so that City Staff may proceed with the project in a timely manner as it is funded through Issue II grant funds.

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

- F. A Resolution Declaring The Necessity Of Repairing Sidewalks, Curbs, Gutters, Driveway Approaches And Appurtenances Thereto On Portions Or All Of Certain Streets In The 2024 Sidewalk Program, Providing That Abutting Owners Repair The Same.
(first reading)

Mr. Chodkowski said this item is recurring legislation in support of the 2024

Mr. Chodkowski said this item is recurring legislation in support of the 2024 Sidewalk Program. He asked that this item be adopted so that the program can be completed on schedule.

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

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

Mrs. Kitchen asked for a copy of the letter that went out to residents. She said she remembers when her sidewalk was replaced, the letter gave such a short timeframe to try to find another contractor to do the replacement work.

Mr. Chodkowski said a portion of the season is during the winter months when a resident may not be able to get contractors to respond in a timely manner before the City initiates the process. He said he will have a conversation with the City Engineer and confirm what the notice letters are, the requirements, as well as what the advanced timelines are, to be sure the City is being as thoughtful and as mindful of the timelines for both City Staff and citizens, so in the future, City Staff can make sure all of those concerns were thought of in giving the residents the best option on how to address this matter.

Mr. Webb confirmed that four months is the notification that is given. He asked Mrs. Kitchen to comment.

Mrs. Kitchen said when she received her notification, it was September and she was not going to be able to find a contractor in time based on the City's deadlines.

Mr. Chodkowski said he recognizes that if you are a resident who only has one or two panels to be replaced, that may not be enough to entice a contractor to come out and perform that work, and finding a bidder to respond may be more difficult. He said he will talk with the City Engineer and look at those timelines and report back on whether what City Staff are doing is the best way or if there is a better way to do it.

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

- G. A Resolution Amending Resolution No. 2021-R-7055 To Increase The Not To Exceed Amount For The Design Of The East Sanitary Sewer Extension Project. (first reading)

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Mr. Chodkowski said this measure is being asked for to provide additional funds for the engineering of pump stations associated with this project to make sure that they are appropriately designed to carry the necessary capacity and flow of this project. 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, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; Mr. Shaw, Mr. Otto, Mr. Lyons, and Mrs. Kitchen voted nay. Mayor Gore voted yea, breaking the tie vote. The motion passes 5-4.

- H. A Resolution Authorizing The City Manager To Enter Into A Contract For The Design Of The Powell Road S Curve Realignment Project And Waiving The Competitive Bidding Requirements.
(first reading)

Mr. Chodkowski said this legislation allows City Staff to enter into a design

Mr. Chodkowski said this legislation allows City Staff to enter into a design contract for the S curve realignment on Powell Road. He said this project has future grant funding abilities, and he asked Council to adopt this measure so that the City is in a place to apply for the grant funds in the future.

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

Mrs. Kitchen asked if competitive bidding has to be waived in order to get this funding?

Mr. Chodkowski said this measure is about being able to have the material available at the time of the grant cycle. He said it is not that City Staff is choosing to waive, because they do not want to, but it is that the City is under timelines and time constraints. He said if this project is bid, and the City misses the cycle this time around, then the City will miss the application cycle this time around.

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

- I. A Resolution Authorizing The City Manager To Award A Bid For Services Related To The Replacement And Repair Of City Property Located At Thomas Cloud Park At Shelter #1 Located At 4707 Brandt Pike For The City Of Huber Heights Parks And Recreation Division.
(first reading)

Mr. Chodkowski said this legislation is to authorize the City to move forward with the replacement of the Shelter #1 roof at Thomas Cloud Park. he said it was the recommendation that this item be adopted.

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

Mr. Otto said he noticed on the proposal for Maxim that page one listed a total price, with labor and materials, of \$35,350, which falls into the \$39,000 that Council is looking to approve tonight. He said in the notes it mentions prevailing wages are excluded. He asked if this project needed to include prevailing wages for the project and, if so, would it increase the total?

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Mr. Chodkowski said that the project does not meet the threshold for prevailing wages.

Mrs. Byrge asked what is the threshold for prevailing wages?

Mr. Chodkowski said it depends on the particular measure. He said he will look up the statute and follow up with Mrs. Byrge tomorrow.

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

- J. A Resolution Amending The Contract Between The City Of Huber Heights And Total Tennis, Inc. For Services Related To Providing For The Repair And Refurbishment Of The City's Pickleball Courts.
(first reading)

Mr. Chodkowski said this item provides for an amendment to the current project with Total Tennis, Inc. to allow for the additional four feet to make the entire playing area compliant with the Pickleball Association rules and regulations rather than just the metrics of the court itself. He said it was the recommendation at the Council Work Session that this item be adopted.

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

Mr. Otto said he hopes it will be soon that residents can see the pickleball courts ready to host tournaments and bring lots of people in to play on the courts.

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.

11. City Official Reports And Comments

Mr. Lyons asked regarding the Fraternal Order of Police (FOP) contracts, if the adjustment had been added to all the unions and employees in the City?

Mr. Chodkowski said City Staff had not moved forward with any particular measures because the conciliator's report is not back, and it is due this week. He said because the City and the FOP agreed to proceed with conciliation with both parties filing the fact finder's report as the last best offer, by statute the conciliator needs to write and submit a report. He said that report becomes the contract and there is no vote by the City Council, there is no ratification by the union, and it becomes the contract. He said, based on the conciliation hearing earlier in the month, the conciliator committed to have the report to City Staff this week. He said once the report is received, that becomes the contract, and City Staff will be able to move forward with the Sergeants' and Lieutenants' contracts which are derivatives of the Patrol Officers' contract as a percentage of wages. He said that is a matter that will be discussed with Council tomorrow at the Council Work Session as it has been reviewed previously with Council in Executive Session at the last Council Work Session.

Mr. Lyons asked Mr. Montgomery if he was following that conversation.

Mr. Montgomery said he was following along. He said to refresh everyone's memory, the City has separate labor counsel outside of his firm, so he is on

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the fringes of this issue so to speak. He said he understood everything Mr. Chodkowski said and concurs with everything he said.

Mrs. Kitchen thanked the City of Huber Heights Schools. She said she went to the convocation last week and received a warm welcome, and she is so glad she could attend.

Mayor Gore said there has been some email traffic about how many people are going to not be at the Council Work Session tomorrow based on the development meeting happening at the Huber Heights Athletic Foundation; and if there is not going to be a quorum for the meeting, it will have to be canceled and moved to some other evening. He discussed other options. He said there are items on the agenda that should be discussed, like the FOP contract.

Mr. Shaw said in order to have a quorum, he would rescind his absence notification, as Mrs. Kitchen and Mr. Otto will be at the Huber Heights Athletic Foundation as representatives of that area.

Mr. Campbell said he would not be able to attend the Council Work Session. After a count, it was decided there would be enough Councilmembers for a quorum.

12. Executive Session

Mayor Gore said there is a need for an Executive Session, and Mr. Rodgers read the motion.

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

Council entered into Executive Session at 6:32 p.m.

Council returned from Executive Session at 8:16 p.m.

Mayor Gore said there would be action taken by Council.

Mr. Rodgers said the first motion needed is to amend the agenda to add Item 10-K which is an ordinance to appoint the City Manager of Huber Heights.

Mr. Otto moved to amend the agenda to add Item 10-K, an ordinance to appoint the City Manager of Huber Heights; 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.

- 10-K. An Ordinance To Appoint Richard S. Dzik To The Position Of City Manager Of The City Of Huber Heights, And Declaring An Emergency. (first reading)

Mr. Rodgers said Item 10-K was added to the agenda and he read the title of the ordinance - An Ordinance To Appoint Richard S. Dzik To The Position Of City Manager Of The City Of Huber Heights, And Declaring An Emergency (first reading).

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He said a motion to waive the second reading of the ordinance is needed first.

Ms. Baker moved to waive the second reading; Mrs. Kitchen 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.

Mrs. Kitchen 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, and Mr. Otto voted yea; Mr. Lyons voted nay. The motion passes 7-1.

Mayor Gore congratulated Mr. Richard Dzik and said Council will lay out a time frame for a Meet and Greet with the new City Manager. He said Mr. Dzik wants to engage with the community.

13. Adjournment

Mayor Gore adjourned the Regular Session City Council Meeting at 8:20 p.m.

Anthony C. Rudy
Clerk of Council

08-29-2023
Date

[Signature]
Mayor

8/29/23
Date