

RECORD OF PROCEEDINGS
Huber Heights City Council

In Council Chambers
GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148
6131 Taylorsville Road
March 25, 2024
Held

1. Call The Meeting To Order - Vice Mayor Don Webb

The Huber Heights City Council met in a Regular Session on March 25, 2024. Vice Mayor Don Webb called the meeting to order at 6:00 p.m.

2. Invocation - Randy Griffith Of The Free Methodist Church At 6875 Old Troy Pike, Huber Heights, Ohio

3. Pledge of Allegiance

4. Roll Call

Present: Scott Davidson, Kathleen Baker, Mark Campbell, Nancy Byrge, Fred Aikens, Anita Kitchen, Don Webb

Absent: Brian Looney, Jeff Gore

Staff Present: Clerk Of Council Anthony Rodgers, City Manager Richard Dzik

Mrs. Byrge moved to excuse the absences of Mayor Gore and Mr. Looney; Ms. Baker seconded the motion.

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

5. Approval of Minutes

- A. City Council Meeting Minutes - February 12, 2024
- B. City Council Meeting Minutes - February 26, 2024
- C. City Council Meeting Minutes - March 11, 2024

The minutes for the February 12, 2024, February 26, 2024, and March 11, 2024, City Council Meetings were approved by the Huber Heights City Council as submitted.

6. Special Presentations/Announcements

- A. Ohio Law Enforcement K9 Association Ballistic Vest Donation Presentation - Police Chief Mark Lightner And Vice Mayor Don Webb

Vice Mayor Don Webb joined members of the Police Division and the Ohio Law Enforcement K9 Association for the presentation. Ms. Lorna Furderer from the Ohio Law Enforcement K9 Association provided K9 Samo with a bulletproof vest. She said the Ohio Law Enforcement K9 Association makes sure the K9 officers are covered and protected with the same technology provided to human officers.

Officer Shawn Waler said it is comforting to know that K9 Samo has the same protection as other police officers.

Lieutenant Anthony Ashley thanked Ms. Furderer and the Ohio Law Enforcement K9 Association and said the donation is very much appreciated.

- B. Fair Housing Month Proclamation Presentation To Mr. John T. Zimmerman, Vice President, Miami Valley Fair Housing Center, Inc. - Vice Mayor Don Webb

Vice Mayor Don Webb read and presented a mayoral proclamation designating April, 2024 as Fair Housing Month to Mr. John T. Zimmerman, Vice President of the Miami Valley Fair Housing Center, Inc. Mr. Zimmerman said he left brochures regarding housing assistance in the lobby. He encouraged residents of Huber Heights who have a housing problem to call the center. He said all of the services the Miami Valley Fair Housing Center, Inc., provides are free.



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Held 6131 Taylorsville Road

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### C. Welcome Dayton Countywide Presentation - Mrs. Nancy Byrge, At Large Councilmember, And Members Of Welcome Dayton Countywide

Councilmember Nancy Byrge gave a presentation on Welcome Dayton Countywide, which began as an initiative to help new Americans transition into a new life in Dayton, whether a refugee or new American citizen. She said acknowledging there is widespread immigration throughout Montgomery County, Welcome Dayton Countywide was established. Mrs. Byrge discussed the distinct differences between a refugee and a new American. She said there are two major agencies that support refugees in the Dayton/Miami Valley Area, the Catholic Social Services of the Miami Valley and Advocates For Basic Legal Equality, Inc. She said new Americans need assistance in obtaining basic needs such as obtaining ID's, enrolling children in schools, and navigating the legal system and banking services just to name a few. She said there have been three listening sessions; one each in Riverside, Centerville, and Miamisburg. She said Huber Heights will host the fourth listening session. She said the attendees include immigrants, City Staff, Police Division Staff, and school, community members, and nonprofit representatives. She said the goal of the listening session is to provide an opportunity to hear from new Americans about the challenges they face and how to help those immigrants successfully integrate into the community. She said for foodies, there is a website called [www.ethnoshdayton.com](http://www.ethnoshdayton.com) and the organization holds monthly dinners from different cultures. She said the next step for Huber Heights is to evaluate the new American needs through a community needs assessment and inclusion of those needs in the AARP livable communities initiative to help new Americans integrate and become productive members of the community. She said the next listening session for new Americans will be held at the Huber Heights Library on April 23, 2024 from 6:00 p.m. to 8:00 p.m.

Ms. Baker asked if the City can partner with the Huber Heights City Schools and add this information to the school system's website?

Mrs. Byrge said she will be contacting Mr. Jason Enix and the superintendent of Bethel Local Schools to advertise this information. She said the intent is to reach out to as many people as possible.

Vice Mayor Don Webb asked if this event is an informal get together or a structured meeting.

Mrs. Byrge said there is a facilitator, attendees break into groups, and there is feedback and shared information and experiences. She said the meeting is open and welcoming.

### 7. Citizens Comments - Agenda Items

There were no citizens comments on agenda items.

### 8. City Manager Report

City Manager Richard Dzik said Republic Services is still experiencing issues with trash pickup due to staffing issues. He said the Code Enforcement Division has suspended violation notices for trash receptacles. He asked residents to leave trash cans at the curb until Republic Services picks up the trash. He said Council's guidance a few meetings ago regarding park improvements has allowed the Parks Manager and the Public Works Manager the ability to move quickly with the necessary repairs and upgrades. He said the fence at the Dog Park will receive an upgrade the first week of May, 2024, replacement panels have been ordered for Shullgate Park, and the new playset for Shullgate Park is expected August 1, 2024. He said City Staff have also placed new picnic tables at the pickleball courts in Twin Creeks Park. He said the designs are new and the Parks Manager welcomes feedback from the public on the look and durability of the picnic tables. He said the Dial Park gazebo is expected to be delivered May 6, 2024. He said there will also be



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landscaping with trees, wildflowers, and grasses around the gazebo and in Dial Park once the designs are approved. He said in less than 48 hours, the City distributed 100 free trees to residents in honor of Arbor Day. He said free solar eclipse glasses can be picked up at City Hall or the YMCA. He said City Staff are encouraging residents to view the eclipse from home as a large number of visitors are expected in the region. He said the City is organizing an at-home scavenger hunt through an app called Goose Chase, and once the details are complete, the code to join will be available on the City's website. He said vendor registration is open for Star Spangled Heights, and vendors can apply on the City's website. He said Popeyes is holding a grand opening at 11:00 a.m. on March 26, 2024.

Mr. Davidson said in his neighborhood, the trash cans are in the middle of driveways which causes problems with mail delivery. He asked residents to place trash cans at the curb.

Mr. Aikens asked if Council will be at Popeyes to represent the City.

Clerk Of Council Anthony Rodges said Mrs. Byrge will attend the event in place of Mayor Gore.

Mr. Dzik reminded residents of the cybersecurity training at the library on April 15, 2024. He said notices went out to affected residents from the City's cyberattack.

## 9. 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 17; And Repealing Ordinances And Resolutions In Conflict Therewith.

(second reading)

Mr. Rodgers said this legislation is to adopt Supplement 17 as an update to the City Code, which represents the codified legislation of the City Council for the fourth quarter of 2023. He said this legislation is at the second reading.

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

- B. An Ordinance Vacating And Extinguishing Certain Utility Easements At The Former Marian Meadows Property.

(second reading)

Mr. Dzik said this legislation is to vacate six utility easements that will allow the new roadway to be built at the former Marian Meadows property for the Authentix project.

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

- C. A Resolution Authorizing The City Of Huber Heights To Enter Into An Agreement With Coolidge Wall Co., L.P.A. For Legal Services As City Attorney/Law Director For The City Of Huber Heights, Ohio.

(second reading)

Mr. Rodgers said this item was discussed at the last City Council Meeting when the City Council went into Executive Session to discuss the Law Director agreement. He said after feedback from Council, a discussion was had with Coolidge Wall, and Council is being presented with an updated Law Director agreement as Exhibit A. He



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March 25, 2024

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10.

New Business

CITY COUNCIL

Anthony Rodgers, Clerk of Council

- A. A Motion to Amend the 2024 City Council Meeting Schedule To Reschedule The April 8, 2024 Regular City Council Meeting To The April 10, 2024 Regular City Council Meeting Due To Security Arrangements And Emergency Response Protocols Related To the April 8, 2024 Solar Eclipse.

Mr. Rodgers said on the recommendation of the City Manager, it was decided to reschedule the City Council Meeting scheduled on April 8, 2024 to April 10, 2024 due to the solar eclipse.

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

- B. A Motion To Amend the 2024 City Council Meeting Schedule To Reschedule The May 13, 2024 Regular City Council Meeting To The May 9, 2024 Regular City Council Meeting Due To City Council/City Staff Attendance At Economic Development/Training Events The Week Of May 13, 2024 That Will Preclude A Required City Council Quorum In Attendance At the May 13, 2024 Regular City Council Meeting As Scheduled.

Mr. Rodgers said there will not be a quorum present for the original City Council Meeting date of May 13, 2024 due to City Staff and Council attendance at an economic development/training event, so there is a need to reschedule the City Council Meeting to Thursday, May 9, 2024.

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

ADMINISTRATION

Richard S. Dzik, City Manager

- C. A Resolution Approving The Countywide 911 Services Final Plan As Approved By The Countywide 911 Program Review Committee.  
(first reading)

Mr. Dzik said the Countywide 911 Committee had to adopt a new plan, and that plan requires acceptance by 60 percent of the representatives of the population of Montgomery County. He said this plan preserves the funding that Huber Heights currently receives from the State Of Ohio 911 Fund to operate the City's Dispatch Center and it leaves the City's finances whole.



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

- D. A Resolution Appointing Jonathan J. Downes, Esquire Of The Law Firm Zashin & Rich As Special Legal Counsel To The City Of Huber Heights To Represent The City With Regard To Employment Matters.  
(first reading)

Mr. Dzik said Mr. Downes has represented the City previously in labor relations and collective bargaining matters. He said Mr. Downes is considered an expert in the State of Ohio, and he will provide employment and labor counsel as needed in lieu of the Law Director.

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

Mr. Webb asked Mr. Dzik to clarify what the City is looking at with this law firm versus the previously approved agreement with Coolidge Wall.

Mr. Dzik said even when the City was represented by PS&E, Mr. Downes and his firm were brought in to represent the City's employment matters because of the firm's expertise. He said he has worked with Mr. Downes previously in Mount Vernon and he is well regarded in the State of Ohio. He said even Coolidge Wall would agree that Huber Heights wants the best representation possible, and Mr. Downes and his firm bring great legal representation to the City.

Mrs. Kitchen asked if there is anything current that the City would need this type of legal counsel this year as she thought the City had already been through all of the labor negotiations.

Mr. Dzik said throughout the year the City may need legal counsel on various issues, whether they are disciplinary matters or policy development or a variety of issues that may arise where the City would want a labor attorney on retainer to answer those questions.

Mrs. Kitchen asked if there is a maximum contract with Mr. Downes.

Mr. Dzik said currently the City cannot spend more than \$75,000 based on spending limits for each vendor, and he does not see the City coming close to that amount.

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

- E. An Ordinance Authorizing Transfers Between Various Funds Of The City Of Huber Heights, Ohio And Amending Ordinance No. 2024-O-2625 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2024 And Ending December 31, 2024.  
(first reading)

Mr. Dzik said there are a variety of supplemental appropriations in this legislation that Council heard about at the last Council Work Session. He said the item he wants to touch on are the questions related to 4th Of July. He apologized that Council did not receive responses to questions posed until 5:00 p.m. He said the City has sought sponsors for these events, the Arts and Beautification Commission will have a barn brunch, and Kroger is a partner on the Star Spangled Heights celebration. He said there will be three times the amount of rides this year, and the vendor will sell a \$10 wristband which is good for the entire day. He said what the City is getting for the \$43,000 appropriation is triple the amount of rides and more fun for families and children. He said the City is confident that the insurance company is providing the necessary coverage and that the City is protected where it needs to be.



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GOVERNMENT FORMS & SUPPLIES 647-224-3338 FORM NO. 10148

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Mrs. Kitchen asked will the City receive the \$10 from the wristbands sold or will the ride company receive that money.

Mr. Dzik said the vendor keeps the money and this plan was designed to keep the City's costs down. He said \$43,000 is not that much to get three times the amount of rides.

Mrs. Byrge said there were concerns about the length of the fireworks show and she asked if the City Staff had advised Rozzi that the City would like more quality over quantity this year.

Mr. Dzik said 20 minutes is the attention span most people have so he will try to get a 20-minute show.

Mr. Rodgers said the vendor last year had some misfires and other issues and Rozzi rebated the City some amount of the contract as a result.

Mrs. Kitchen said regarding water, in lieu of what the Council found out last week that the City is not getting the additional funds and the City is going to spend \$750,000 for the water treatment plant, what is the plan? She said the residents were promised an increase in water main replacement funds for 2025 and now that will not happen until 2031.

Mr. Dzik said he does not know how this relates to the 4th Of July, but he knows the City is engaging a firm for a rate study to determine what the water rates should be. He said as City Manager he is authorized to initiate a water rate increase up to the cost of living calculation, but the City is going to continue to look for ways to generate revenue, whether it be additional homes in the City, TIF revenues, or other things. He said he does not have an answer for Mrs. Kitchen today, but the City will continue to work on that question.

Mrs. Kitchen asked if the filtration system is working correctly?

Mr. Dzik said some of the filter media is washing out, and it was unexpected. He said the most important thing the City needs to invest in is the water plant. He said if the plant goes down, it does not matter how good the water lines are, no one is getting any water.

Mrs. Byrge moved to waive the second reading; Ms. Baker seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Aikens, Mrs. Kitchen, Mr. Webb, Mr. Davidson, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 7-0.

Mrs. Byrge moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mr. Aikens, Mr. Webb, Mr. Davidson, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; Mrs. Kitchen voted nay. The motion passes 6-1.

- F. A Resolution Authorizing The Director Of Finance To Remove \$963.20 In Grass/Weeds Assessment Fees From The Property At 7220 Kirkview Drive. (first reading)

Mr. Dzik said this property changed hands before the City was able to list assessments with Montgomery County. He said City Staff did not think it was fair to assess the new property owners for something they did not do and City Staff are asking the City Council to waive those assessments through this legislation.

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



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GOVERNMENT FORMS & SUPPLIES 644-224-3336 FORM NO. 10745

In Council Chambers

6131 Taylorsville Road

March 25, 2024

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- G. A Resolution To Increase The Not To Exceed Amount For S.B. Friedman & Company For Land Development Study For The Economic Development Department In Calendar Year 2024.  
(first reading)

Mr. Dzik said as Mr. Bryan Chodkowski had discussed with Council, the City will be obtaining a market analysis on a number of projects across the City.

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

- H. A Resolution Authorizing The City Manager To Enter Into A Contract For The Pressure Filter Improvement Project.  
(first reading)

Mr. Dzik said the filters at the water treatment plant are working properly and filtering water correctly but the filters should not be losing as much filter media as is being lost. He said this legislation authorizes bringing in a firm to study the filters. He said this project is probably only one of a couple of projects needed to upgrade and improve the water plant.

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

Mrs. Kitchen asked how long the project is supposed to last.

Mr. Dzik said the study is based on the timeline of the consultant. He said he would imagine once engaged, the company could complete the study within a couple of months. He said he will look into the timeline and get back with Council.

Mr. Webb asked where the media is going?

Mr. Dzik said he will find out.

Mr. Davidson said when Council toured the facility, they were told the media is going into the soft water tubes and clogging that area.

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

- I. A Resolution Accepting Certain Streets And Public Improvements For The Quail Ridge Subdivision.  
(first reading)

Mr. Dzik said with new developments the City has to accept those streets and the naming of those streets and this dedication is for the Quail Ridge Subdivision.

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

- J. A Resolution Authorizing The City Manager To Award And Enter Into Contracts For The 2024 Street Program.  
(first reading)

Mr. Dzik said Council authorized City Staff to go out to bid for the 2024 Street Program and this legislation is for the award of that bid.

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



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GOVERNMENT FORMS & SUPPLIES ON FILE 5005 FORM REV 10/16

In Council Chambers

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- K. A Resolution Authorizing The City Manager To Enter Into Contracts For The 2024 Sidewalk Program And The Concrete Portion Of The 2024 Street Program.  
(first reading)

Mr. Dzik said this legislation is an award on a previous bid for the 2024 Sidewalk Program and the concrete portion of the 2024 Street Program.

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

Mr. Webb asked if this information is available to the public on the City's website.

Mr. Dzik said this information is available in the meeting packet which contains the bids and a list of the locations.

Mrs. Kitchen said that the City Council had discussed sending 2025 notices out to people at this time of year to allow time for residents to do the repairs themselves or hire a contractor to complete repairs. She said in doing it the old way, residents did not receive letters until September or October, and by that time it was too late to hire a concrete contractor.

Mr. Dzik said the City is making a contract for an entire city, and he hopes the City is getting the best pricing over an individual contractor. He said he would try to get the notices out as soon as possible.

Mrs. Byrge said she remembers the City Engineer saying if people want to hire a contractor on their own, there is a list of approved contractors available from the Engineering Division.

Mr. Webb said what Mrs. Kitchen is talking about was discussed with Council by the City Engineer. He said the intent is to start rolling those notices forward if not all at once, at least a little bit each year, until people have more advance notice. He said it is the desire of Council to see the notices come out sooner to give residents more time to get the sidewalk work done on their own.

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

- L. A Resolution Authorizing The City Manager To Enter Into A Contract For The Installation Of Crosswalk Stamping At Different Intersections Project.  
(first reading)

Mr. Dzik said the City Council previously authorized this item to go to bid, and this legislation is to award the contract for the crosswalk stamping at various intersections in the City.

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

Mr. Aikens asked Mr. Dzik how long the crosswalk stamping lasts.

Mr. Dzik said it depends on traffic, and he will have to check with the City Engineer. He said the crosswalk stamping could last anywhere from many years to just a couple of years. He said there was discussion previously about seeing which vendors have been used and which product lasted longer. He said it is the City Engineer's goal to make sure the City uses the best and cheapest contractor.

Mr. Webb discussed the contractor and said the crosswalk stamping at Chambersburg Road and Brandt Pike is holding up very well. He compared this work to the work on Little York Road. He said the City Engineer said this process would be the same as what was done at Chambersburg Road.



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6131 Taylorsville Road

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Mr. Dzik said there is a lot of evaluation that goes into the bid process. He said there is a balance of cost versus quality.

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

- M. A Resolution Authorizing The City Manager To Purchase A Vac Truck And Appurtenant Equipment And Waiving The Formal Bidding Requirements.  
(first reading)

Mr. Dzik said a new sewer vac truck is needed for sewer lines and water line repairs.

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

Mrs. Kitchen asked Mr. Dzik why the formal bidding requirements are being waived.

Mr. Dzik said these vehicles are designed to the needs of the City Staff. He said it is a lot like a fire truck or an ambulance in that the City Staff designs the equipment based on the need, and a vendor is picked that can most closely match that need.

On a call of the vote, Mr. Webb, Mr. Davidson, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Aikens voted yea; Mrs. Kitchen voted nay. The motion passes 6-1.

## 11. Citizens Comments - General

Mrs. Lori Hartman said she has been a vendor at the Farmers Market in Huber Heights since its inception in 2020. She said she was utilized by City Staff as a reference for what vendors needed in order to participate in the Farmers Market. She said she told City Staff that one of the most important things needed was liability insurance that also names the City of Huber Heights and the Farmers Market At The Heights as secondary insured. She said the Parks Manager came back and stated the City did not wish to make that requirement because the City wanted all entrepreneurs interested in participating to be able to participate. She said the City did not want that financial burden placed on the vendors, so the City was making the Farmers Market an event and a City Staff member would be present in order to have insurance protection for the Farmers Market. She said recently a decision was made to remove the City Staff member from the Farmers Market, removing that event protection from the Farmers Market. She said her insurance provider stated this decision puts her as a vendor at a higher liability as she could have a file claimed against her for any damage caused by accidents with other vendors or participants. She gave several examples of incidents where a claim could be filed against the insured vendors and said her insurance rates would go up over \$1,000 per year. She said she had to cease participation in the Farmers Market due to that fact. She said she was told by City Staff that there was an application for a contracted position on the vendor's application, and that contracted position would be a 1099 employee. She said her insurance company explained the issues with a contractor versus a City Staff member. She said she made the decision not to participate, but she feels a responsibility towards all the vendors as they have become a family that helps each other. She said she informed the vendors of the changes, and there are people concerned who have already paid to be a vendor but now do not know if they want to participate. She said someone who does not carry liability insurance could possibly lose their home.

Mr. Dzik said he received Mrs. Hartman's email of March 6, 2024 and he asked if she had an opportunity to meet with the Assistant City Manager or the Parks Manager?

Mrs. Hartman said she has not been contacted.

Mr. Dzik said it was his understanding there would be a followup meeting to discuss Mrs. Hartman's concerns, and he said he would make sure that meeting gets scheduled.



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Huber Heights City Council

Meeting

GOVERNMENT FORMS & SUPPLIES UNIT 2023 FORM 100-102

In-Council Chambers

Held 6131 Taylorsville Road

March 25, 2024

Mrs. Byrge said this is the first she has heard that the City was removing a City Staff member from the Farmers Market and she said it was interesting the City would do that without knowing the ramifications.

Mr. Dzik said he has overseen farmers markets where space was provided and the vendors manage on their own. He said he will look into this issue.

Mr. Bruce Dumler said he owns Circle R&H Farm and he has been a vendor at the Farmers Market since it opened in 2020. He said he lives in Washington Township and he has had the opportunity to go to farmers markets much closer to home, but he participates in the Huber Heights Farmers Market because of the loyal customers here in Huber Heights and the ability to support those in need through the Seniors Farmers Market Nutrition Program, WIC, and SNAP. He said the risk to his business now is too much. He said he cannot afford this insurance and he cannot put his business at risk if the changes occur. He said he loves the customers he has here in Huber Heights, and it is a very family-oriented market.

Mrs. Byrge asked Mr. Dumler if he experiences the same issue with insurance at other Farmers Markets?

Mr. Dumler replied yes. He said he thinks that some of the craft vendors who attend do not make in a year what the liability insurance would cost.

Mrs. Byrge asked Mr. Dzik, if when he is investigating this issue, he would include an analysis on how many people take advantage of the WIC program and Seniors Farmers Market Nutrition Program.

Mr. Dzik said he wants to get an idea from the Law Director about farmers markets in general. He said farmers markets have some broad allowances. He said he would like to have the Law Director dig in to the Ohio Revised Code.

Ms. Baker asked if the City provides insurance for the 4th Of July vendors.

Mr. Dzik said he does not believe so, he thinks the vendors insure themselves.

Ms. Baker asked if the City is treating all of the vendors the same.

Mr. Dzik said the City treats all of the vendors the same, but he has to dig into the insurance requirements. He said he does not believe the City requires liability insurance.

Mr. Aikens asked for clarification on if it is because of the insurance that the City is not providing insurance or is it because of not having the employees to cover it.

Mr. Dzik said as he understands it from Mrs. Hartman, because a City employee is not on site, the vendors' insurance companies do not consider the Farmers Market to be a City sanctioned event. He said the City in general as a government entity has a lot of exclusions from liability. He said he is also curious how other cities handle farmers markets without having City Staff present.

Vice Mayor Don Webb said he has been to a lot of farmers markets throughout the region, and he cannot imagine there is something in Huber Heights that is so different that it would mess up this farmers market. He asked Mr. Dzik to work on this problem as the Huber Heights Farmers Market is really important.

Mr. Campbell said having a farmers market is a policy decision that Council must have agreed upon, and he is shocked to hear that administratively the City has done something different to cause this big change. He confirmed that Mr. Dzik, Mrs. Hartman, and Mr. Dumler would be available tomorrow to have a meeting so this matter could be wrapped up by Wednesday or Thursday.



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In-Council Chambers

Held 6131 Taylorsville Road March 25, 2024

Mrs. Hartman clarified that the lack of a liability insurance requirement from the City of Huber Heights is something different from the other farmers markets she has participated in. She said for every farmers market she has participated in, she has had to have liability insurance coverage with the farmers market listed as a secondary insurance. She said the Huber Heights Farmers Market is the only farmers market she has participated in that does not require liability insurance.

Ms. Julie Reese said she is against the annexation. She discussed her opinion on how she feels the developer obtained the land and had help from members of the City of Huber Heights government. She said the Huber Heights Zoning Code allows extremely high density development. She said Bethel Township is more of a rural environment and prefers less density. She said Bethel Township has the choice to have its own zoning regulations or to rely on the county's zoning code. She said Bethel Township has its own zoning code because residents have a vision of how they would like Bethel Township to grow and to plan for such growth. She said annexation is bombarding Bethel Township with growth. She said there is no time to plan for the rate of growth that annexation causes. She discussed the purpose of Bethel Township's zoning code.

Mr. Jeff Morford reviewed and discussed Mayor Gore's comments on Mr. Morford's citizens comments at the last City Council Meeting. He asked the City Council to change the City Charter regarding referendums to match the State of Ohio's referendum requirements. He said if the City Council is truly welcoming of citizens' comments and actions, Councilmembers would see the injustice and change that part of the City Charter as soon as possible. He said if a governing body uses any device to silence or subdue actions of the community, it is a transgression of unforgiveable magnitude. He said the City Council would object if after annexation the land were to be used for any type of cannabis business or gentlemen's club in an effort to protect the residents. He said Bethel Township looks at past high density developments and proposed high density developments with the same reasoning, and those type of developments have hurt the Bethel Township community. He asked Council to vote no on annexation. He discussed his opinions on what is a favorable annexation.

Ms. Terri Lussier said she lives in Ward 6. She said she made a social media post regarding annexation which brought on a lot of conversation. She read comments made on the social media post in an effort to make the comments part of the public record. She said the most popular comment was that this annexation is a negative for Huber Heights and Bethel Township and neither school district can support this many new families. She said a recurring theme is enough is enough; there are people in other cities complaining how bad it is in Huber Heights when they travel through. She read many more comments of discontent regarding annexation. She read a comment from a gentleman who remembers the way the City came together and fought annexation from Dayton and he thought it was a great moment in Huber Heights history and he cannot understand why Council would do the same to its neighbors.

12. City Official Reports And Comments

Ms. Baker read an email she received approving the annexation. She thanked Ms. Lussier for encouraging residents to email Council.

Mrs. Byrge said she keeps hearing remarks about the schools, but the City Council met with the Huber Heights Schools Superintendent and the School Board who went through analysis and showed charts affirming to Council that based on growth and projections that the schools can handle the expansion even if the annexation was approved. She said that issue is a misnomer out there.

An unidentified member from the audience interrupted the meeting and said that the school district will be Bethel Local Schools and not affect Huber Heights City Schools.



RECORD OF PROCEEDINGS

GOVERNMENT FORMS & SUPPLIES CENTER 3330 FORMS 11/18  
In Council Chambers

Held

6131 Taylorsville Road

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Mrs. Byrge said she understands that distinction.

Mr. Jamie Lussier interrupted the meeting asked if the City of Huber Heights is planning on sending the students resulting from the annexation to Huber Heights City Schools?

Vice Mayor Don Webb said if Mr. Lussier had wanted to speak, he should have registered prior to the meeting and spoken during the citizens comments portion of the meeting.

Mr. Lussier said he realizes Mr. Webb is not a fan of open discussion at a meeting.

Mr. Webb said he is a fan of open discussion at a meeting; however, there are rules and protocols Council tries to follow. He said this forum is not a back and forth between anyone who happens to be sitting in the meeting and the City Council. He said there is a comment he would like to make that has nothing to do with annexation. He said he does not know if many realize how incredible it is that Huber Heights has a K9 unit and that K9 is so valuable it requires a bulletproof vest like any police officer on the force. He said at the point where annexation is on the agenda and all of Council has had an opportunity to review it, then there will be time for open discussion as it will be an agenda item that can be discussed back and forth. He said he does not approve of back and forth open dialogue and arguing back and forth at the end of a meeting. He said if Mr. Lussier calls that not being a fan of open dialogue, then so be it.

Mrs. Kitchen asked if there is a way to have a meeting with Bethel Local Schools before the vote takes place because the annexation is going to affect Bethel Local Schools.

Ms. Baker said Council had that meeting.

Mrs. Kitchen said not since she has been on Council.

Mr. Aikens said he agrees with Mrs. Kitchen. He said he recalls several conversations about having a Town Hall meeting in regard to the annexation so that Council can discuss the benefits and detriments with both school districts. He said he stopped just short of trying to compel that meeting, but he is sure there are folks on the dais that would be interested in seeing a Town Hall meeting. He said a Town Hall meeting is something that should be considered.

Mr. Webb said he agrees and hopes that the rest of the City Council agrees. He said there is due diligence to be done and there is information that Council needs to have prior to a vote on annexation. He said there will be a lengthy discussion when annexation is before the City Council.

13. Executive Session

There was no need for an Executive Session.

14. Adjournment

Vice Mayor Don Webb adjourned the Regular Session City Council Meeting at 7:39 p.m.

  
Clerk of Council

  
Mayor

04-11-2024  
Date

04-11-2024  
Date