Minutes of	Huber Heights City	Council	Meeting
www.pfpettibone.com FORM NO. 10148	In Council Chambers		
Held	6131 Taylorsville Road	August 26, 20	19

- The Huber Heights City Council met in a Regular Session on August 26, 2019. Mayor Gore called the meeting to order at 7:01 p.m.
- The Invocation was given by Pastor Randy Griffith of the Free Methodist Church located at 6875 Old Troy Pike, Huber Heights, Ohio.
- Pledge of Allegiance and Flag Ceremony Wayne High School Junior ROTC Honor Guard

Roll Call

Councilmembers present for this meeting were Richard Shaw, Seth Morgan, Mark Campbell, Nancy Byrge, Glenn Otto, Ed Lyons, Andy Hill, Don Webb, and Mayor Jeff Gore.

5. Approval of Minutes

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6. Special Presentations/Announcements

A. New Hire Swearing In Presentation For Huber Heights Fire Division Personnel -Fire Chief Mark Ashworth and Mayor Jeff Gore

Fire Chief Mark Ashworth said there are five new members of the Huber Heights Fire Division being sworn in. He said some of the new hires are a result of retirements, but several are a result of Council's continued support for the Fire Division's staffing levels. He then introduced the five new Firefighter/ Paramedics - Mr. Caleb Dersch, Mr. Zach Holbrook, Mr. John Ries, Mr. Timothy Madden, and Mr. Matthew Webb. He said Mr. Webb will be a secondgeneration firefighter with the Huber Heights Fire Division. Chief Ashworth then swore in the five new Firefighter/ Paramedics.

Mayoral Proclamation Presentation To Sergeant Jaelen R. Bobo, Miami Valley Young Marines - Mayor Jeff Gore

Mayor Jeff Gore read and presented a Mayoral Proclamation to Sergeant Jaelen Bobo for his outstanding service and leadership for the past five and a half years in the Miami Valley Young Marines.

Mayoral Proclamation Presentation To Master Sergeant John P. Sollinger, Miami Valley Young Marines - Mayor Jeff Gore

Master Sergeant John Sollinger was unable to attend the meeting this evening, so no presentation was made.

D. Miami Valley Young Marines Flag Dedication Mayoral Proclamation Presentation - Mayor Jeff Gore

Mayor Jeff Gore read and presented a Mayoral Proclamation to the Miami Valley Young Marines for its unique display of patriotism and esprit de corps.

Mr. Ray Girard said the Miami Valley Young Marines have been headquartered in Huber Heights for many years and have certainly enjoyed exceptional and outstanding support from this City. He said they hope to be here many years to come and thanked the City and Council for the ongoing support.

7. Citizens Comments

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There were no Citizens Comments this evening.

8. Citizens Registered to Speak on Agenda Items

Deputy Clerk of Council Karen Powell said there were three citizens registered to speak on Agenda Item 11-A.

9. City Manager Report

Held

City Manager Rob Schommer said some time ago the City entered into an agreement with for a City promotional video with CGI Companies. He said the final draft video has been sent to City Staff, but no photographs of the City were in the video. He said City Staff contracted with a photographer and provided CGI with photographs to use. He said the photographs should be in the final editing and incorporation into the video itself. Mr. Schommer said there are a couple projects going on related to technology. He said City Staff has received input from the beta group for the new City application and website information and input. He said all input is being considered along with redesigned headings for the website. He said those adjustments will be made to the application to mirror the new changes to the website. He said Mr. Shaw provided information from a group that wanted to look at collaboration for Drive Electric Dayton regarding electric vehicles. He said there are opportunities for electric vehicle displays at the food truck festival at the Rose Music Center and perhaps the Marigold Festival. He said there is the possibility of having the U.S. Census Bureau and the Complete Count Committee start its campaign of information sharing as well during those events. Mr. Schommer said there were issues in the past with the at large animals ordinance when an individual was charged for harboring cats and feeding cats in open areas. He said the City won that appeal, but the individuals are still harboring and feeding the cats. He said the individuals have been charged again, and it is still in the court process with motions back and forth for suppression, etc. Mr. Schommer stated he has had a meeting with Josh King regarding a couple of pending agenda items for the Parks and Recreation Board and some recommendations. He said this will be an agenda item for discussion at the next Council Work Session. He said the three topics were sports field fees, a park naming policy, and the long-term field lease agreements.

10. Pending Business

An Ordinance Adopting And Approving A Revised Public Records Policy For The City Of Huber Heights Consistent With The Ohio Public Records Law. (second reading)

Law Director Gerald McDonald said this item was put together by the Public Records Commission and brought to Council at the Council Work Session. He said the only real substantive change is to strike out a provision that said the City may accommodate certain requests even though by law it is not required to do so. He said the decision was made to take that section out completely. He said definitions from the Ohio Revised Code were added to better explain public records, what it means, how to make requests, and things of that nature. He said the recommendation at the Council Work Session was to adopt this item.

Mr. Hill moved to adopt; Mr. Shaw seconded the motion.

Mr. Morgan said he understood also that the amount of time for retention of certain records was being reduced. He said he does not see that in the policy and asked if he misunderstood.

Mr. McDonald stated that is a records retention policy and is not part of this ordinance. He said this is a Public Records Policy on how to obtain public

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records. He said the length of time to keep a record is something that must go through the Public Records Commission and then sent to the Ohio Historical Society to be approved. He said City Staff has not set any new retention schedules yet.

Mr. Otto said he believes this is unnecessary and further restricts access to the City's public records. He said he will be voting against this measure.

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

Executive Session

Mayor Gore said, prior to moving on to Item 11 – New Business, there was a need for an Executive Session this evening and proposed an agenda amendment to go into Executive Session regarding the purchase and sale of real estate property.

Mr. Webb moved to go into Executive Session regarding the purchase and sale of real estate property; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw, and Mr. Morgan voted yea; none voted nay. The motion passes 8-0.

The Executive Session began at 7:29 p.m. and the Executive Session concluded at 7:49 p.m.

Mayor Gore said two items need to be added to the agenda as amended items which would be Item 11.1 and Item 11.1A. He asked for a motion to amend the agenda to add those two items.

Mr. Hill moved to amend the agenda; Mr. Webb seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw, Mr. Morgan, and Mr. Campbell voted yea; none voted nay. The motion passes 8-0.

11. New Business

ADMINISTRATION Robert Schommer, City Manager

11.1. A Resolution Establishing The Transformational Economic Development Program And Authorizing The City Manager To Take All Necessary And Proper Actions To Implement Said Program And To Acquire, Finance, Convey And Develop Certain Land As Part Of That Program. (first reading)

City Manager Rob Schommer said in November, Council passed a resolution to create the Transformational Economic Development Fund (TED). He said the purpose and discussion around that was to look at available opportunities and resources the City could put into an economic development fund that be used to transform parts of the community and allow City Staff to address and develop targeted areas, which includes any and all areas that are either ripe for development or redevelopment. He said this resolution establishes the program in terms of defining the logistical steps to make use of that program and the fund. Mr. Schommer read and discussed the points in the resolution. He said the first project is an opportunity to acquire nearly 52 acres of land in the area called The Heights. He said the second part of the resolution authorizes the purchase of the property at a cost not to exceed \$3.75 million

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for that particular parcel. He said the resolution comes with a companion ordinance for financing. He explained the City would be issuing a note and purchasing that note, using the City's own money to reinvest into the community. He said it would be a one-year note.

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

Mayor Gore reiterated that in November, Council established the Transformational Economic Development Fund, and this was the fund that came from the sale of the Gander Mountain property and the Windbrooke property. He said that fund was established last year. He said this is not a new topic for Council.

Mr. Campbell said the discussion included ways the City could spur economic development and grow the tax base. He said the transformational fund has monies in it currently, and he hopes the City can build that fund and make this one of several projects.

Mr. Schommer said this Council has challenged itself to be smarter in its approach to establish good policy in a program and to listen to and capture the objectives from the community regarding areas that need redevelopment.

Mr. Shaw said this gives the City an opportunity to do what other areas have failed to do – to go after opportunities to grow the economic base, and that a one-year note should show the community the aggressiveness to get this done.

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

11.1A. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$3,750,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Approximately 51 Acres Of Real Property Near The Intersection Of Brandt Pike And Executive Boulevard And Providing For The Site Preparation Thereof, All In Support Of Economic Development And Job Creation Within The City, And Declaring An Emergency. (first reading)

City Manager Rob Schommer said this ordinance authorizes an issuance of a note. He said the Sewer Fund will be purchasing the note and the proceeds of that note will then go into the Transformational Economic Development Fund, and those funds will be used to facilitate this land purchase.

Mayor Gore said this item is declared as an emergency item and asked for a motion to waive the second reading on this item.

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

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

Mr. Morgan congratulated Mr. Schommer on not only the continuation of the TED and the development of the program, but also the creative solution with the \$3.75 million. He said that having dollars laying around in certain funds are not to the citizens' benefit and utilizing sewer money to make this happen is smart.

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

A. A Motion To Reconsider A Resolution Generally Approving The Addition Of A New Amenity To The City's Parks And Recreation Facilities By Constructing A Veterans Memorial To Be Located Within The Center Of Thomas Cloud Memorial Park On Brandt Pike To Include Among Other Things, Monuments, Plaques, Pathways, Landscaping, Benches, Signage And Other Necessary Appurtenances.

(first reading)

City Manager Rob Schommer said this item was brought forth from a discussion at the Council Work Session and is proposed as a motion for reconsideration of the resolution.

Mr. Morgan said that Mr. Schommer sent out an email earlier in the day attempting to clarify some of the conversation from last week. He said he had wanted to see more effort in reviewing all of the possible sites throughout the City and not just parks. He said he thought he had heard from the Military and Veterans Commission that it had only reviewed parks. He asked Mr. Schommer to elaborate.

Mr. Schommer said he sent the email not as City Manager, but as the staff liaison to the Military and Veterans Commission. He said he reached out to members of the subcommittee and asked to meet to make sure that the subcommittee clarified what had been done thus far and to structure a thought process to begin looking at any different direction that might come about as a result of the reconsideration. He said there was discussion about previous locations. He said he was not involved in that review, that the subcommittee had done that on its own. He said the subcommittee had examined some additional locations outside of parks, and he discussed the reasons why it had considered parks.

Mr. Morgan read a portion of the email regarding parks and the decision to place the memorial in Thomas Cloud Park. He read that portion of the email to Mr. Al Griggs and asked him to confirm that report.

Mr. Griggs said he could confirm it to the extent that the subcommittee did not get up and go outside and look at these places. He said there was discussion about different places and based on that discussion the subcommittee felt a park would be the best location, especially a park that has a number of activities and accessibility for the public to get to. Mr. Griggs said the subcommittee would continue to focus on Thomas Cloud Park as it is the best solution for what it is looking at.

Mr. Morgan said his concern was that a limited set of sites was considered. He said he is prepared to bring an amendment which would do nothing more than provide for instructions and an opportunity for review, which it seems would yield the same response.

Mr. Morgan moved to reconsider; Mr. Hill seconded the motion.

Mr. Otto said the City spent a substantial sum of money a couple years ago for a professional organization to come in and review the park system and provide a park survey. He said this report outlines Thomas Cloud Park as a very sports centric park that should be focused on sports, and that it was crowded as it was, and that the City should look to disseminate future activities

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throughout other parks. He said he does not like paying professionals to tell the City how it should move forward with the parks and then disregard the report.

Mr. Shaw said there are no subcommittee notes to review, and he does not know what other locations were looked at. He said he had stated previously that if a sixty to ninety day period was given for a review, and if Thomas Cloud Park was picked, he would support the decision. He said if the Council moves ahead with the vote tonight, it is simply disregarding the voice of his residents and his ward and that request.

Mr. Steve Zbinden, 7729 Mark Avenue, said he supports the veterans' memorial, but as a sports parent he feels Thomas Cloud Park is ridiculously busy. He said the private organization that was heading up the memorial before had done the legwork and a design, and he does not hear any of that discussion and it is concerning that resources and efforts are being doubled.

Ms. Ninetta Hawkins, 4625 Santa Anita Place, said her late husband was a retired Air Force veteran who spent two tours of duty in Vietnam. She feels the memorial should have a prominent location in the City where it would be seen by a great number of people. She said hiding the memorial in any small neighborhood park makes her feel the City is ashamed of veterans. She commented on military life, community, and family and gave her suggestions as to what should be considered in picking a location for the memorial.

Mr. Matt Truman, 7655 Stonecrest Drive, said this memorial is to recognize those who were willing to do whatever it took to defend all of us from those willing to do whatever it takes to destroy our way of life. He asked the Council to make the location a perfect one, one all can be proud of. He further discussed why Thomas Cloud Park is not a good location and discussed the lack of site visits by the commission. He asked what the recordkeeping rules are, the rules in general for the subcommittee, and where can the public view the research done by the subcommittee. He said the Huber Heights Veterans Project has all its records, but the City has taken this over now and he wants to see those records.

Mr. Shaw asked for the list of City-owned property, excluding parks, and asked about the recordkeeping policy of the subcommittee's notes.

Mr. Schommer cited the properties that were discussed.

Mr. Shaw asked about the recordkeeping policy of the subcommittee's notes. He said he could not find the Military and Veterans Commission minutes.

Mr. Schommer replied that the subcommittee's meetings were not actual public meetings. He said the subcommittee reported and discussed the business at the actual Military and Veterans Commission meetings.

Mrs. Byrge said the subcommittee meetings were informal discussions for recommendations to take back to the main commission and that final recommendations become part of the commission's meeting minutes.

Mr. Otto discussed the subcommittee and compared it to past established Council committees, stating there should be official records kept.

Mr. Schommer discussed the difference between the working subcommittees and the formal City Council committees that were established through the Rules of Council.

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

Mr. Morgan passed out a proposed amendment to Agenda Item 11-A. He said the amendment is not intended to stop the process, but to give a 90-day period, 60 days with the commission and 30 days with the City Manager, to review any and all possible parcels.

Mr. Morgan moved to amend; Mr. Otto seconded the motion.

Mr. Shaw offered to allow citizens in attendance to review the amendment before voting for transparency.

Mayor Gore called a recess in the meeting at 8:45 p.m. to allow for review of the proposed amendment.

Mayor Gore resumed the meeting at 8:57 p.m.

Mr. Schommer said there is a valid recommendation from a legitimate commission, and he does not feel any of the credibility is being questioned at all. He discussed validating some of the points Mr. Otto brought up regarding the Parks and Recreation Study, to contact the consultants, and to have a contingency period, and barring any significant findings that this is an adverse location, that the location does move forward.

Mrs. Byrge said going back to the consultants and validating what the commission has worked on is an insult. She said this is nothing more than a stalling tactic.

Mr. Morgan said he is frustrated by the way it is being characterized. He encouraged the Mayor to call the vote on his amendment. He said he is not going to let people recharacterize the proposed amendment into something it is not.

Mayor Gore asked Mr. Morgan if he would consider as part of this amendment what Mr. Schommer had mentioned.

Mr. Morgan said he is not opposed to the concept, but he is not sure how he would redraft it in five minutes. He said the amendment does not stop the progress, it simply creates a 90-day period of review.

Mr. Webb commented on the first page, Section 1 of the proposed amendment, and stated he had asked those exact questions of the Chair of the commission in the last meeting and the questions were answered by Mr. Griggs.

On a call of the vote, Mr. Shaw, Mr. Morgan, and Mr. Otto voted yea, Mr. Campbell, Mrs. Byrge, Mr. Lyons, Mr. Hill, and Mr. Webb voted nay. The motion fails 3-5.

Mrs. Byrge moved to adopt the original resolution; Mr. Morgan seconded the motion. On a call of the vote, Mr. Morgan, Mr. Campbell, Mrs. Byrge, Mr. Lyons, Mr. Hill, and Mr. Webb voted yea; Mr. Otto and Mr. Shaw voted nay. The motion passes 6-2.

B. A Resolution Approving The Montgomery County Intermunicipal Waste Services Agreement.

(first reading)

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City Manager Rob Schommer said this is a resolution that all municipalities have agreed to as part of the waste services agreement. He said the one exception is that the City's particular agreement would include that portion of Huber Heights in Miami County which was amended within the agreement by Mr. McDonald.

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

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

C. A Resolution Creating The 2020 Complete Count Census Committee To Plan Conduct Local Educational Initiatives, Publicity And Promotional Activities To Increase Community Awareness And Participation In The 2020 Census. (first reading)

City Manager Rob Schommer said this resolution would formally establish the Complete Count Census Committee. He said the committee would be comprised of five to seven members appointed by the Mayor, including the Chair, and comprised of members from education, minority groups, religious groups, the media, community organizations, and no more than two appointed City Staff members. He said it is recommended that this item is moved forward as presented in last Council Work Session.

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

Mr. Shaw said it was his intention to ask for an amendment to Section 3 to increase the number of members to nine. He said he does not see any relation to the business community.

Mrs. Byrge said from discussions at Miami Valley Regional Planning Commission, the social and faith-based organizations and the Chambers of Commerce are very much involved in this effort because these groups are more connected to the citizens, especially the hard to reach citizens.

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

D. An Ordinance Authorizing Transfers Between Various Funds Of The City Of Huber Heights, Ohio And Amending Ordinance No. 2018-O-2357 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2019, And Ending December 31, 2019.

(first reading)

City Manager Rob Schommer said there is a need to transfer from the State Highway Maintenance Fund to the Capital Improvements Fund for the upcoming Mast Arm Installation Project. He said it is recommended that this item be passed to a second reading.

Hearing no objections, Mayor Gore said this item will be passed to a second reading.

 E. A Resolution Establishing an Investment Policy for the City of Huber Heights, Ohio.
 (first reading)

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City Manager Rob Schommer said each municipality is required by state law to adopt an investment policy. He said the updated policy was one of the goals for the City's Finance Department to make sure that it reflects the applicable changes within the Ohio Revised Code.

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

F. An Ordinance Amending Part Nine - Streets And Public Services Code; Title One - Street And Sidewalk Areas; Chapter 903 - Construction And Improvements In Public Right Of Way; Section 903.02 - Permit Required For Excavation Or Construction Of The Huber Heights City Code. (first reading)

City Manager Rob Schommer said this item is scheduled to go to a second reading, so he will await further comments to present at the second reading.

Hearing no objections, Mayor Gore said this item will be passed to a second reading.

G. A Resolution To Increase The Not To Exceed Amount And Authorize The City Manager To Enter Into A Contract For The Brandt Pike And Chambersburg Road Mast Arm Installation Project. (first reading)

City Manager Rob Schommer said this resolution allows the awarding of that contract for the Mast Arm Installation Project that was presented at the Council Work Session and was part of the Brandt Pike Revitalization discussion. He said it is not just the mast arms; but a repaving of the area, denoting the crosswalks more significantly with patterned and colored pavement, and accessible ramps redone at each location at the four points of crossing.

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

 H. A Resolution Authorizing The City Manager To Solicit Bids And Award A Contract For Services Related To Traffic Marking Striping Of State Route 235.
 (first reading)

City Manager Rob Schommer said this item is for the thermal marking that would be on the highway grade pavement that is on State Route 235 and State Route 4. He said there is a bit of a discrepancy noted on the fiscal impact information which shows \$25,000, but he said the resolution is correct at a not to exceed amount of \$45,000.

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

12. Executive Session

Mayor Gore said there was not a need for another Executive Session this evening.

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	12	City Offic	sial Donowto s	and Commonts	·	·		
	13.	13. City Official Reports and Comments						
		Mr. Lyons said in the Sunday edition of the Dayton Daily News there was a very favorable article written about the Rose Music Center.						
		Mayor Gore said he read the article as well. He said he read that half a million tickets have been sold over the course of the time the Rose Music Center has been here.						
	14.	Adjournn	nent					
		Mayor Gore adjourned the Regular Session Council Meeting at 9:29 p.m.						
		Deputy C	lerk of Counc	well il	Date Date	10/19		