

RECORD OF PROCEEDINGS

www.plpettibone.com FORM NO. 10148 In Council Chambers
Held 6131 Taylorsville Road August 22, 20 22

1. Call The Meeting To Order - Mayor Jeff Gore

The Huber Heights City Council met in a Regular Session on August 22, 2022. Mayor Jeff Gore called the meeting to order at 6:00 p.m.

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

3. Pledge Of Allegiance

4. Roll Call

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

Absent: Mark Campbell

5. Approval Of Minutes

There were no minutes for approval.

6. Special Presentations/Announcements

A. Presentation Of Newly Promoted Personnel Within The Police Division – Police Chief Mark Lightner And Mayor Jeff Gore

Police Chief Mark Lightner said he is proud to introduce two new Sergeants and two new Lieutenants. He said a Sergeant is a first line supervisor and is assigned to a road patrol shift, a detective section, or public affairs. He said Sergeants supervise the police officers on those shifts and in those units. He introduced Officer Cory Siegrist and Officer Duwayne Hush, who are now being promoted to Sergeant. He said Lieutenants are part of the command staff. He introduced Sergeant Brad Reaman and Sergeant Brian Carr who are now being promoted to Lieutenant. He said Lieutenant Reaman will oversee the patrol unit and Lieutenant Carr will oversee the detective section and public affairs. The newly promoted Sergeants and Lieutenants were sworn in by Police Chief Mark Lightner.

B. Montgomery County Treasurer Presentation - Mr. John McManus, Montgomery County Treasurer

Montgomery County Treasurer John McManus said the Treasurer serves as the County's banker, investment officer and property tax collector. He said he has been Treasurer for 11 months. He said last year \$920 million was collected, and Montgomery County has a little over a quarter million real estate parcels. He thanked Council for the invitation and the request for information. He discussed building partnerships with local governments. He said he was asked to provide a list of all tax delinquent parcels in the City of Huber Heights. He said the Treasurer's Office has programs to help people and he encouraged Council to help those in their wards. He explained the options for those in arrears on property taxes.

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Mr. Shaw thanked Mr. McManus for providing data and he said this information will be traveling with him to Kansas City in November 2022 to highlight the Treasurer's work and what is being done in the Dayton area.

Mayor Gore said, in looking at the numbers of parcels in Huber Heights, over 16,000, there are 164 delinquencies. He said this number is one half of one percent of the total parcels. He said Huber Heights is the third largest city in Montgomery County.

Mr. McManus said this data is a real testament to property owners here and it shows the property owners make a very conscious effort to meet their responsibilities.

Mr. Lyons discussed the property adjacent to Gander Mountain and the rapid foreclosure process that allowed the City to gain over 60 acres, and programs available that provide incentives for owners to pay property taxes.

Mr. McManus discussed the effect non-payment of taxes has on school districts and municipalities. He thanked Council for what they do and said he absolutely loves Huber Heights.

7. Citizens Comments

Mrs. Shannon Teague said she is on the Arts and Beautification Commission. She said she would like to address questions and concerns that were mentioned at the Council Work Session in August, 2022. She said the Arts and Beautification Commission has a calendar that is set up at the beginning of the year. She said the commission has a budget and the commission knows how much it is going to spend at the beginning of the year and that is a public record. She said in the two years she has been on the commission, there has always been a quorum. She said members attended a City Council Meeting in April, 2022 and spoke about events the commission was doing. She said since then, the commission has had difficulty getting back on the agenda. She said the commission did look into the Marigold Festival for other possible dates but could not find a good date based on all the other festivals going on. She said advertising was brought up and how it is not getting done in a timely manner. She said it is her understanding advertising events is the City's job and not the volunteers' job. She said the calendar is completed in January, so if it is not getting done in a timely manner, she does not know what step needs to be taken. She said at the 4th of July event, all the volunteers except for two were present that day. She said the commission does the parade also, so half of the members were at the parade and half were at the 4th of July celebration. She said there were 15 other volunteers helping support that event from different organizations. She said the commission looked into making the 4th of July event bigger, but the commission was told it was not part of the budget and tickets could not be sold. She said the commission would be excited about a three-day 4th of July celebration, but it would need a bigger budget. She said, regarding sponsorship, she does not know if the City wants volunteers working on big money fundraising, and she does not know who does that part at the City. She said, regarding volunteers not giving enough time, she added up all the time that the commission spends, and she spent over 100 hours on events, meetings, calls, and emails and that is just the average. She said some do more. She said the Arts and Beautification Commission is important to the City. She said it brings the community together in a way that brings businesses, volunteers, and organizations together. She said many

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organizations partner with the commission in keeping the City beautiful and creating cool events. She said the commission is the social face and represents Council and the City. She said it would be a great loss to lose this commission. She said the commission would not be able to do as much by combining boards and commissions together. She said Geri Hoskins is the Staff Liaison, and she is an excellent leader. She said Cindy Davidson is the Chair and she has all kinds of fresh ideas. She said the comments made as heard by the volunteers and organizations the commission partners with sounded like the commission is not working toward the goals the City was looking for and maybe the commission was not effective. She asked Council to assure the volunteers and partner organizations that Council has not lost faith in the commission.

Mr. Shaw said he listened to the comments during the Arts and Beautification Commission meeting, and he also found some of the comments made during that time concerning. He said he has always spoken about empowering the boards and commissions to give them more areas for ideas. He said anytime the Arts or Beautification Commission or any commission or board has come before Council to ask for a budget increase, he has never said no. He said a request just needs to be made by the Staff Liaison to get that on the agenda. He said when he heard the Arts and Beautification Commission Chair was trying to get on an agenda for four months, he was speechless. He said he has not yet had that conversation with the Mayor or the Clerk of Council to find out why it had taken four months. He said the Council made a recommendation that it wanted to hear from the Chairs of the boards and commissions on a regular basis. He said it is his hope this conversation will be at an upcoming Council Work Session where further discussion will take place. He said he has not lost faith in any of the boards and commissions, and in fact, he wants to empower the boards and commissions more. He said it is concerning that there is a Citizens Water and Sewer Advisory Board and at no point in time during any of the major infrastructure projects has the board weighed in. He said Council has not heard from the Parks and Recreation Board Chair in quite a while. He said Council needs to hear unfiltered information from the board and commission members so they feel empowered that they are there to make a difference. He said these are the things he wants to know from the members.

Mrs. Teague said she cannot speak for the other boards and commissions, but she does feel empowered and excited about spending time in the community working towards a goal.

Mr. Rodgers said he would have to go back and look at a timeline of the comments, but there has been no obstruction on the part of the Clerk of Council's Office or the Mayor in terms of scheduling the Arts and Beautification Commission on the agenda for a Council Work Session. He said the last recollection he has is around the beginning of July, 2022, the Chair scheduled a meeting and then later canceled that date and she said she had another conflict. He said he wanted to bring some clarity to that issue.

Mrs. Teague said she tried to get on the schedule for September 6, 2022 Council Work Session and there was a conflict there.

Mr. Rodgers said that the agenda for the September 6, 2022 Council Work Session has not been finalized and is still a work in progress. He said there has been discussion in the past about having a set time or month that different boards and commissions would just come to the meeting automatically, and

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that has not been formalized, but it would be an option to prevent these types of issues with scheduling.

Mrs. Teague asked what Council and the Mayor are looking for out of the Arts and Beautification Commission? She asked if the commission met Council's expectations?

Mr. Lyons thanked Shannon Teague for showing up and asked her to take back to the commission from him that he really appreciated their effort and work.

Mrs. Kitchen said she appreciates the commission but she said when she was on the Arts and Beautification Commission the issue was what events should the Parks and Recreation Board do and what events should the Arts and Beautification Commission do. She said maybe cleaning up some of the who is supposed to do what would help. She said the 4th of July is such a big event and maybe both groups need to show up and pitch in on it.

Mrs. Teague said she thinks if you want to make the 4th of July great, bringing all the boards and commissions together with a committee of Vice Chairs and Chairs, and bringing all the boards and commissions together instead of a whole new committee is the best way.

Mayor Gore said he made some of the comments at the last meeting, but those comments were not made by him off the cuff. He said the information had flown up to him from different boards and commissions. He said he had a conversation with Geri Hoskins at the 4th of July event and his conversation about creating a committee to do the 4th of July events came up specifically because of a conversation he had with Geri Hoskins at the 4th of July festival. He said the reason this matter became a discussion is because of what people were telling him internally. He said that is where that information came from.

Mrs. Teague said her concern was that people in the community and people the commission partners with hear this information, and she does not want them to lose faith in the Arts and Beautification Commission and not want to partner with the commission because they think the City Council is not behind it.

Mrs. Byrge said Council appreciates everything the Arts and Beautification Commission does, and she said the City has so many more activities than ever before. She said the commission does a phenomenal job. She said Shannon Teague had taken the initial comments too personally, as if the comments were aimed at the Arts and Beautification Commission, where the discussion, as she understood it, involved multiple boards and commissions. She said it was thought there would be more efficiencies if the boards and commissions combined people and there would be more volunteers to help. She said whether it is called the Arts and Beautification Commission or something else, it is still a wonderful group of volunteers. She said everyone was called out. She said no matter how good you are doing, you can always do better. She talked about responsibilities and budgets.

Mr. Otto said he appreciates what the commission does, and he loves the events. He said like Mr. Shaw, he would like to give more to the commission and to allow more flexibility.

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Mayor Gore asked Mr. Chodkowski how often the boards and commissions get budget updates.

Mr. Chodkowski said he cannot speak about past practice, but what he can say is, after some of the discussion at the last meeting, City Staff were directed to provide both the board and commission Staff Liaisons and Chairs with a copy of the budget every month.

Mr. Webb said probably the most troubling thing he heard Shannon Teague say was that the commission was planning to make changes to an event, but was told they could not. He said Council has not told the commission they cannot do anything. He asked where they were going for their answers? He said he thinks there is a communication gap and he would welcome any ideas about budget requests and whatever they think needs to happen to make the City activities bigger and better every year. He said, as stated in the Council Work Session, his biggest concern is that there seems to be a mindset that that is how we have always done it and you cannot make any changes. He said let Council know, and Council can make those changes.

Mr. David Gompers approached the dais and spoke with Mayor Gore and Mr. Rodgers privately. He went to the podium and said serving on Council cannot be for personal gain, it has to be for the City and for the constituents that have faith in you and voted for you. He told a story of Rodney Beach, the third Mayor, and he said when he was transferred to another City, he stood at the corner of State Route 201 and Taylorsville Road and got numerous favorable honks and waves. He said if Mayor Gore stood on the corner of State Route 202 and Taylorsville Road, he would not get the same thing that Mr. Beach got. He said he is all in favor of a Sheetz gas station, but not where the Mayor wants it located. He talked about Sheetz's popularity and revenue. He said personal preference rather than being together on the selection of the important position of City Manager has slowed this procedure. He told Mayor Gore he is supposed to get everyone together and create assension and not dissension. He said hail to Anita Kitchen and Mark Campbell on Tuesday night for trying to table a non-agenda item that was going nowhere. He said the business leaders on his list that helped start this City would never take this long to select a City Manager. He said he hopes Huber Heights does not develop into a Moraine and have articles in the Dayton Daily News from here on out. He pointed, and he said back there is where Council is supposed to work out their differences, not in the local newspapers. He said he would like to know about the traffic signal two weeks from now. He said he would like to know what Council thinks about the recognition of the business leaders and Councilmembers who worked hard for Huber Heights to become a City. He said he would like to know why State Route 201 was not considered for Sheetz instead of choking everything off on State Route 202.

8. Citizens Registered to Speak on Agenda Items

There were no citizens registered to speak on agenda items.

9. City Manager Report

Interim City Manager Bryan Chodkowski said the 2023 City Budget season had begun. He said department/division budgets were due from City Staff today and will be reviewed and evaluated over the upcoming weeks, and he expected to begin briefing Council in October, 2022. He said 2022 is the year of collective bargaining and the City will be negotiating all seven collective

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bargaining agreements this year, which expire December 31, 2022. He said City Staff have identified several engineering firms to assist with a potential asset management plan. He said City Staff will be following up with those companies in the next week or two to get more information and to advance Council's will. He said David Payne and the Midwest Business Machines will be playing at Eichelberger Amphitheater on Friday, August 26, 2022 and the Farmer's Market is on Saturday from 10:00 a.m. to 2:00 p.m.

10. Pending Business

- A. An Ordinance Amending Section 922.27 Of The Codified Ordinances Of Huber Heights By Increasing The Monthly And/Or Annual Stormwater Sewer Rate Beginning October 1, 2022, Again October 1, 2023, And Providing An Annual Adjustment To The Rate Thereafter.
(second reading)

Mr. Chodkowski said this item is to increase the stormwater utility rate from \$2.00 to \$3.00.

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

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

Mr. Shaw confirmed with Mr. Chodkowski that the plan within the meeting packet includes a CIP after 2023 as that was City Staff's recommendation as the amendment was not requested by a majority of Council.

Mrs. Byrge and Ms. Baker voted yea; Mr. Otto, Mr. Lyons, Mrs. Kitchen, Mr. Webb, and Mr. Shaw voted nay. The motion fails 2-5.

11. New Business

CITY COUNCIL

Anthony Rodgers, Clerk of Council

- A. A Motion To Appoint Jennifer Beard To The Personnel Appeals Board For A Term Ending March 31, 2024.

Clerk of Council Anthony Rodgers said the background check has been completed by Human Resources on Jennifer Beard. He said there was one applicant for the one remaining vacancy on the Personnel Appeals Board. He requested Council's approval for this appointment.

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

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

- B. A Motion To Direct The Clerk Of Council To Respond To The Ohio Division Of Liquor Control With No Objections In Reference To New Liquor Permit

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#01802530464 For AMVETS Post 464 At 5420 Brandt Pike, Huber Heights, Ohio 45424.

Mr. Rodgers said there were some questions from Council at the last Council Work Session and the request was made for him to contact AMVETS Post 464 to clarify the purpose of the liquor permit. He said the information was conveyed to Council in an email last week which was followed by an email from the Law Director which contains some explanation on the specific permissions for the different types of liquor permits. He said the AMVETS Post 464 currently has a D4 and D6 permit, and the applicant is asking to get a D5 permit to replace the D4 permit and retain the D6 permit.

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

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

Mr. Lyons said he is a lifetime member of AMVETS and he recused himself from voting.

Mr. Shaw said State Representative Rodney Creech was in the audience and he recognized him for helping Council and the City with hopefully a permanent resolution to a previous liquor control issue in the community.

Mr. Webb thanked Mr. Rodgers for the legwork on this issue.

Mr. Lyons left the dais at 7:29 p.m.

On a call of the vote, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, Mrs. Byrge, and Mr. Otto voted yea; none voted nay. The motion passes 6-0.

Mr. Lyons returned to the dais at 7:30 p.m.

ADMINISTRATION
Bryan Chodkowski, Interim City Manager

- C. An Ordinance Authorizing Advances And Transfers Between Various Funds Of The City Of Huber Heights, Ohio And Amending Ordinance No. 2021-O-2511 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2022 And Ending December 31, 2022.
(first reading)

Mr. Chodkowski said this legislation was reviewed with Council by Finance Director Jim Bell, and he said it is requested that the second reading be waived.

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

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

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- D. 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.
(first reading)

Mr. Chodkowski said this item is related to the notes associated with the purchase of the former Lehman property. He asked Council to waive the second reading and to adopt this item.

Mr. Webb moved to waive the second reading; Ms. Baker seconded the motion.

Mrs. Byrge asked if the City could pursue an ED/GE grant for the economic development listed in this item.

Mr. Chodkowski said there is no project that has been approved by Council. He said he is hoping to brief Council on a potential project on September 6, 2022. He said this item is for the re-issuance of short-term bonds.

Mr. Otto confirmed with Mr. Chodkowski for the residents that this is a refunding of a current item and it is not a new purchase.

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

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

- E. 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 matter was briefed to Council by the Finance Director during the Council Work Session and he asked that Council waive the second reading and adopt this legislation tonight. He said the reason for this emergency measure is to account for the County Auditor's timetable and for no other purpose.

Ms. Baker moved to waive the second reading; Mr. Lyons seconded the motion.

Mr. Shaw said it is his hope that Council and the Finance Department work collectively with the County Auditor to adjust these timeframes to where these items are not passed as emergency measures and the City and Finance Department are not rushed to provide this information to the County Auditor. He said this matter started roughly two years ago, and he would like to find an economical and feasible way that this information can be reported to the County Auditor's Office. He said this city is not the only community that

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has this issue, so he does not know if this is an issue First Tier Suburbs needs to take up or a cognizant Council of Governments to put some push back on the County Auditor.

Mayor Gore said he understands Mr. Shaw's frustration and he asked Mr. Chodkowski if he has any comments as to where the City can go from here.

Mr. Chodkowski said these procedures are a response to the additional burden that came from the County Auditor's Office with respect to changes in operations and procedures. He said City Staff has the desire to put the most accurate information on to ensure the City can collect as quickly as possible, which is another reason why City Staff wait rather than allow delinquents to fester for a six-month period or additional time frame. He said Council's concern is duly noted, and he is looking to make additions to the staff in the Finance Department and that was an item included in the budget this year by Council. He said the City is not in control of all of the rules that regulate this process.

Mr. Shaw said if City Staff must follow the policy that is set forth by the County Auditor, then Council may need to meet with the County Auditor to see what changes can be made.

Mayor Gore asked Mr. Rodgers to reach out to the County Auditor to see if he could come before Council and address this issue and explain why some issues have taken place and to hear Council's concerns.

Mr. Rodgers said he will contact the County Auditor. He said this legislation is a process only required by the Montgomery County Auditor.

Mayor Gore asked Mr. Rodgers to see if the County Auditor himself can come to address Council's issues.

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

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

- F. A Resolution Authorizing The City Manager To Solicit, Advertise And Receive Bids From Qualified Firms For The Demolition Of 6121 Brandt Pike. (first reading)

Mr. Chodkowski said this resolution is for the demolition of the Dogtown structure so that the City can stay on track with the development partner, Homestead, at Marian Meadows.

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

Mr. Otto asked if Dogtown had made arrangements to have a space between now and the time it moves into the new place?

Mr. Chodkowski said the City has provided Dogtown a lease that was the former Funky Monkey space in the event the City needs to demolish the existing structure before the new permanent home is complete.

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Mr. Lyons asked if this resolution would come back to Council after the bidding process and would not continue as an acceptance of the bid.

Mr. Chodkowski said this resolution is specifically to solicit bids for the demolition. He said if the City needs to demolish the building, it will come back to Council for authorizing legislation as well as an appropriation to fund that demolition.

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

12. City Official Reports and Comments


There were no City Official Reports and Comments.

13. Executive Session

There was no need for an Executive Session.

14. Adjournment

Mayor Gore adjourned the Regular Session City Council Meeting at 7:42 p.m.


Clerk of Council

9-13-22
Date


Mayor

9/14/22
Date