

RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

GOVERNMENT FORMS & SUPPLIES 844-227-3369 FORM NO. 16743
In Council Chambers

Held 6131 Taylorsville Road

June 12, 2023

1. Call The Meeting To Order - Mayor Jeff Gore

The Huber Heights City Council met in a Regular Session June 12, 2023. Vice Mayor Kathleen Baker 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: Kathleen Baker, Mark Campbell, Nancy Byrge, Ed Lyons, Anita Kitchen, Don Webb

Absent: Richard Shaw, Glenn Otto, Jeff Gore

Mrs. Kitchen moved to excuse the absences of Mayor Gore, Mr. Shaw, and Mr. Otto; Mr. Lyons seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Lyons, Mrs. Kitchen, and Mr. Webb voted yea; none voted nay. The motion passes 6-0.

5. Approval Of Minutes

A. City Council Meeting Minutes – May 22, 2023

The minutes for the May 22, 2023 City Council Meeting were approved by the Huber Heights City Council as submitted.

6. Special Presentations/Announcements

A. Special Recognition Mayoral Proclamation Presentation To Al Bailey, Board Member And President, Honor Flight Dayton - Mayor Jeff Gore

Vice Mayor Baker read the proclamation and presented the proclamation to Mr. Al Bailey in recognition of his work with Honor Flight Dayton.

Mr. Bailey thanked the City Council for this honor for not only himself, but for all of the volunteers who do this work for the love of country and for what it is doing for veterans in the community. He said he has done 171 trips, but every trip is unique. He discussed the history and progress of Honor Flight Dayton.

B. Announcement: The City Is Required To Make A Public Notice And Announcement Of The Final Cost To Property Owners Of The 2023 Sidewalk Program Prior To Beginning The Assessment Process. The 2023 Sidewalk Program Is Complete And The Final Cost For Property Owners Is \$95,439.35.

Clerk of Council Anthony Rodgers read the announcement regarding the 2023 Sidewalk Program.

7. Citizens Comments

Ms. Jane Deeter invited City Officials and residents to meet with amateur radio operators from the Huber Heights Amateur Radio Club at Cottonwood Park at the annual Field Day event on June 24-25, 2023. She discussed the multiple uses of ham radios.

Ms. Beth van Haaren said she wanted to clear the air and she reviewed information on the annexation and discussed a timeline of events and meetings regarding the annexation. She said Huber Heights requested Bethel Township pass the annexation agreement first and then Huber Heights would pass it at the next meeting. She said

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the agreement states, per the request of Huber Heights, "The Township agrees to support this current annexation based upon the City agreeing to an annexation moratorium as set forth in this agreement." She said in exchange for a moratorium, Bethel Township was willing to sign a document stating that support. She said, per posts on social media, not all of the City Council were made aware of this agreement. She said the agreement was sent to the City Attorney. She discussed the contents of the agreement. She read a statement, "Huber Heights agrees to no annexation north of U.S. 40, west of State Route 202, and east of State Route 201 for a period of 50 years." She said the agreement is a win/win. She said residents just learned that another 35 acres in Bethel Township is under contract with the same developer as the 260 acres. She said the next time the City decides it thinks it wants to work on an annexation agreement with anybody, perhaps the channels of communication could be better, so that Bethel Township does not take a huge hit and get blasted on social media for something Bethel Township knows it worked with the Huber Heights community on, and then the community says oh no, you absolutely did not.

Mr. Jeff Morford discussed annexation and he stated the negative effects the annexation would have on Bethel Township. He discussed comments made by Bethel Township residents at the last City Council Meeting.

Ms. Donna Hughes said she lives in Bethel Township and she said she loves shopping here, but she no longer shops at State Route 202 and I-70 between the hours of 4:00 p.m. and 9:00 p.m. or on Saturdays and Sundays because of the traffic that she is hoping will not be on U.S. 40. She said she was glad Huber Heights was incorporated by the City of Dayton because she wanted Dayton to stop the immoral annexation. She said she is also asking Huber Heights not to annex any land in Bethel Township and she listed many reasons.

Ms. Janell Smith read a post Mayor Gore put out a few years ago regarding the annexation. She said she requested public records and she received a denial on the cost/benefit analysis. She said the Huber Heights Police Division is understaffed. She asked how it is fair to ask police officers to cover more area when the resources are not what they should be. She said the City Council is not doing its due diligence but are telling people they are. She said everyone understands that Mayor Gore wants to kick the annexation down the road until the new City Council comes in, but residents are going to hold this City Council and the new City Council accountable.

8. Citizens Registered To Speak On Agenda Items

There were no citizens registered to speak on agenda items.

9. City Manager Report

Acting Interim City Manager Katie Knisley had no City Manager Report.

10. Pending Business

- A. An Ordinance Amending Ordinance No. 2022-O-2562 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2023 And Ending December 31, 2023.
(second reading)

There was no discussion on this item.

Mrs. Byrge moved to adopt; Mr. Webb seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mrs. Kitchen, Mr. Webb, and Ms. Baker voted yea; Mr. Lyons voted nay. The motion passes 5-1.

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11. New Business

CITY COUNCIL

Anthony Rodgers, Clerk Of Council

- A. A Resolution Authorizing The Adoption Of A Modified City Benevolence Policy And Authorizing The Expenditure Of City Funds For Such Purposes. (first reading)

Mr. Rodgers said this resolution, which was discussed in Council Work Session, makes modifications to the existing City Benevolence Policy. He said City Staff are requesting adoption of this resolution.

Mr. Webb moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Lyons, Mrs. Kitchen, Mr. Webb, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 6-0.

ADMINISTRATION

Bryan Chodkowski, Interim City Manager

- B. An Ordinance To Approve An Economic Development Plan And To State That The City May Hereafter Proceed With Approval Of A Tax Increment Financing Incentive District. (first reading)

Mrs. Knisley said this legislation is to create a residential TIF District, and it was recommended that this item be passed to a second reading.

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

- C. A Resolution Approving The City Of Huber Heights Five-Year Capital Improvement Plan For 2024-2028. (first reading)

Mrs. Knisley said the Capital Improvement Plan (CIP) is a five-year outlook for the anticipated capital projects. She said it was the recommendation to adopt this item.

Mrs. Kitchen said she would like to move this item to a second reading because the infrastructure for the water mains is at \$1.8 million still, not the \$4 million that was discussed. She said Council asked for a maintenance study about the City's properties, and that study is not being taken into account in the CIP.

Mr. Campbell said he could support the request to pass this item to a second reading.

Mrs. Byrge asked if this item was tied to the passage of the 2024 Tax Budget.

Mr. Rodgers said it was, and Mr. Jim Bell briefed Council at the Council Work Session that this item could be passed on the same night as the 2024 Tax Budget which is scheduled for the June 26, 2023 City Council Meeting. He said this item would have to be passed prior to the adoption of the 2024 Tax Budget legislation.

Mrs. Byrge said this CIP is not a budget, it is a projection. She said there would not be time for additional studies to be done between now and June 24, 2023. She said because it is not a budget, she would not be in favor of moving it to a second reading. She said she did not know what could be done between now and June 24, 2023.

Mrs. Kitchen said the amounts could be changed and brought to the Council Work Session next week, and this also gives time for City Staff to look at the study that

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GOVERNMENT FORMS & SUPPLIES 144-020-3001 FORM NO. 10-11-13 In Council Chambers

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June 12, 2023

the City just paid money for before coming back to actually vote on the CIP. She said she wants to stick with her motion to move this item to a second reading.

Mr. Rodgers said this matter did not need a motion to be moved to a second reading. He said if there is no motion to adopt this item, with a second, then this item would automatically be passed to a second reading.

Seeing no motion to adopt, Vice Mayor Baker said this item will be passed to a second reading.

- D. A Resolution Authorizing The City Manager To Acquire Needed Right Of Way, Drainage, And Temporary Easements For The Old Troy Pike Roadway Widening Project.
(first reading)

Mrs. Knisley said this legislation would authorize the acquisition of easements and right of way needed for the Old Troy Pike Widening Project. She said the Council Work Session recommendation was to adopt this item.

Mr. Campbell moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mrs. Kitchen, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; Mr. Lyons voted nay. The motion passes 5-1.

- E. A Resolution Authorizing The City Manager To Enter Into Contracts For Sanitary Sewer Repair At Different Locations.
(first reading)

Mrs. Knisley said this legislation authorizes contracts with Durst Brothers Excavating and C. G. Construction & Utilities to repair sanitary sewers at five different locations. She said the recommendation was that this item be adopted.

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

Mrs. Kitchen said she had a discussion with the Interim City Manager regarding this item. She said this item is something she can get behind, but she thinks it is odd that Council is getting this legislation after the fact that this money has already been spent. She said she thinks the City needs to do better and make sure things are approved before spending the money.

Mr. Webb asked regarding the sewer lining that is to be done, where the pipe is being replaced, will the sewer lining occur within the replaced pipe as well?

Mrs. Knisley said she did not know, but she would get back to Mr. Webb with an answer.

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

- F. A Resolution Rejecting The Fact Finder's Report Associated With The Collective Bargaining Negotiations Between The City Of Huber Heights And The Fraternal Order Of Police, Gary Sherman Lodge 161.
(first reading)

Mrs. Knisley said this legislation would reject the Fact Finder's Report associated with the collective bargaining negotiations between the City and the Fraternal Order of Police (F.O.P.) She said the recommendation was that this item be adopted.

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

Mr. Lyons discussed with Law Director David Montgomery what information Council is able to talk about in public.

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GOVERNMENT FORMS & SUPPLIES 644-224-3664 FORM NO. 46143 In Council Chambers

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Mr. Montgomery said anything discussed in Executive Session is not permissible to be discussed in an open forum.

Mr. Rodgers said he was told by labor counsel that the Fact Finder's Report is not releasable until both the collective bargaining unit and the City vote on the Fact Finding Report.

Mr. Lyons said he is not supporting the City Staff recommendation, and he finds this opinion to be an issue of the labor unions and employees of the community. He said this matter is a really raw deal as to what Council is doing and it would be a terrible situation for the employees and the unions of the City if he were to support this item.

On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mrs. Kitchen, and Mr. Webb voted yea; Mr. Lyons voted nay. The motion passes 5-1.

12. City Official Reports And Comments

Mrs. Kitchen thanked everyone involved with Safety Town event and she said it was amazing, and it is a great program.

13. Executive Session

There was no need for an Executive Session.

14. Adjournment

Mayor Gore adjourned the Regular Session City Council Meeting at 7:19 p.m.

Anthony C. Roden
Clerk of Council

06-27-2023
Date

Jeff Gore
Mayor

6/28/23
Date