

RECORD OF PROCEEDINGS

Minutes of

Huber Heights City Council

Meeting

GOVERNMENT FORMS & SUPPLIES 644-224-3066 FORM NO. 10-142
In Council Chambers

Held 6131 Taylorsville Road

June 26, 20 23

1. Call The Meeting To Order - Mayor Jeff Gore

The Huber Heights City Council met in a Regular Session on June 26, 2023.
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, Mark Campbell, Nancy Byrge, Glenn Otto, Ed Lyons, Anita Kitchen, Don Webb, Jeff Gore

5. Approval Of Minutes

A. City Council Meeting Minutes – June 12, 2023

The minutes for the June 12, 2023 City Council Meeting were approved by the Huber Heights City Council as submitted.

6. Special Presentations/Announcements

There were no Special Presentations or Announcements.

7. Citizens Comments

Ms. Tanya Wells said she is a former resident of Huber Heights and a current resident of Bethel Township. She discussed comments she made at the May 22, 2023 City Council Meeting and she reviewed statistics of students added to the district, economically disadvantaged students, and the number of languages teachers have to know in order to teach students. She said Mayor Gore likes to point out that the former school superintendent wanted to take the students from the annexation because the school district wanted the money. She said you cannot simply say, "I am going to take the students." She said the Ohio Board of Education has to accept a change and there are rules. She said no matter the amount of money the district could receive, whether it is Bethel Schools or Huber Heights City Schools, neither side can adjust to the influx of students. She said she understands the need for growth; but she does not know how any Councilmember can approve of growth without truly understanding everything that goes with it. She said she does not understand how someone can blindly vote to poach from another county because the City sees quick money without seeing the true consequences of everything. She said greed has been at the core of the entire annexation.

Ms. Terry Lussier said she saw a comment that the Huber Heights City Council had not heard from enough Huber Heights residents against annexation. She said she is against the annexation. She read a statement made by Mayor Gore on September 15, 2021, and he said that he would in no way, shape or form recommend to the City Council to enter into an agreement to annex any property until having the opportunity to complete the due diligence and that he is expecting a cost analysis to be done to know for sure the annexation makes sense. She read more of Mayor Gore's statements. She said if Council is sitting up there and are willing to vote on this annexation without having done the due diligence that was promised to all on September 15, 2021, shame on you. She thanked any Councilmember willing to wait to have this due diligence done.

Mr. Jeff Morford said he believes any sensible and just individual can see this annexation as a problem that can be averted with Council voting no. He said if Council were parents and had kids in a school district with the overall problems Bethel Schools are facing, the Councilmembers would be up in arms. He said

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obviously the citizens who live in Bethel Township are opposed to the annexation which is a threat to the residents' chosen way of life. He said if Council takes the time to survey Huber Heights citizens, Council might find most are happy with Huber Heights as is. Most will tell you the City is big enough and the traffic is heavy enough. He then referenced the past looming annexation of Wayne Township. He asked Council to do the right thing and vote no. He wished Council a nice holiday and said it is July 4 also known as Independence Day. He asked Council to allow Bethel Township to enjoy its independence.

Ms. Janell Smith said Hubbard Drive was on its nineteenth water main break not long ago. She said the City had put out a bid for the work for the curbing to be done, and the contractor subcontracted the work out, and all the curbs that got laid all have to be pulled up and replaced because the work was not done to specifications. She said she wanted people in Ward 3 and Ward 4 to know there will be a mess for probably another year. She asked if Council as a whole endorses or publicly supports Mayor Gore's comments on social media? She asked if Council accepts that Mayor Gore is the face of Huber Heights along with being the spokesperson of Huber Heights? She said the information is shared by only the Mayor, especially the latest information on the annexation; whereas residents such as herself or her husband ask for a public records request on the cost benefit analysis and are denied, but the Mayor is the only person who can put out that information. She said also the Mayor has not addressed the Police Division, and the City has the same amount of police officers as in 2002. She said she is concerned with the direction of the City and the attacks the Mayor puts out towards his colleagues and private residents such as herself. She said it is unacceptable, it is unprofessional, and it is making the City look worse than it ever has.

Ms. Donna Hughes said Huber Heights and Bethel Township have been good neighbors and she was thrilled when the City stopped the invasion by Dayton. She said if Huber Heights chooses to annex that 200 plus acres, who will benefit if it is added? Will Huber Heights be able to take care of more people, more roads, more traffic? She said she made a mistake and went to Kroger on Friday at 3:00 p.m. on Old Troy Pike, and she had forgotten about the tremendous traffic. She said on her way back when she turned east on State Route 40, it was peaceful, quiet, and serene. She asked Council to please say no to annexation.

8. Citizens Registered To Speak On Agenda Items

Mr. Rodgers said he has one citizen who is registered to speak on Item 11-B.

9. City Manager Report

Interim City Manager Bryan Chodkowski said July 1, 2023 is the Star Spangled Heights celebration. He said the event begins at 10:00 a.m. with a parade on Brandt Pike, a car show at 11:00 a.m., and then the flag raising and festival begins at 12:00 p.m. and runs until 8:00 p.m. He said the festival will include food trucks, bands, a petting zoo, a kids' zone, a beer garden, a family game night, and vendors. He said the main stage would have bands beginning at 2:00 p.m. until 10:00 p.m., at which point in time the main stage will go quiet and fireworks will be displayed. He said City Hall will be closed in recognition of the holiday on July 4, 2023. He said on July 5, 2023, City Staff will have a preliminary meeting with TEC Engineering, the firm helping with the Old Troy Pike traffic study. He said TEC Engineering will provide preliminary findings as well as initial recommendations on potential solutions and improvements to the traffic congestion. He said once the traffic study report is finalized, a formal presentation will be provided to the City Council at a Council Work Session at a date to be determined. He said City Staff received a report last week from Energy Alliances, the City's partner in aggregation. He said the residents received almost a total of \$89 in lower electric bills on average over

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the last six months when compared to customers on the current AES market rate. He said the City is also partnering with twelve other jurisdictions in an effort led by the Miami Valley Communications Council (MVCC) with respect to gas aggregation. He said the Request For Proposals (RFP) is scheduled to go out from MVCC in July 2023 and the City looks to have a new vendor selected and a new supplier in place by year's end.

Mrs. Byrge said on June 6, 2023, she requested that legislation for a moratorium on self-storage units be brought before a Council Work Session. She said since then, a neighboring city is proposing a moratorium, and she does not want to see the City become the hub for future storage facilities. She requested legislation be placed on the next Council Work Session agenda so Council can move on this issue as soon as possible. She said Mr. Chodkowski was to bring legislation to a future Council Work Session. She said since it did not happen at the last Council Work Session, she would like to request it be brought forward at the next Council Work Session.

Mayor Gore asked Mr. Chodkowski if he has the information Mrs. Byrge is talking about.

Mr. Chodkowski said discussion was had at the City Staff level about having legislation prepared and brought forward. He said if there is no legislation available, it should be available shortly. He said there is a City Staff meeting tomorrow, and he is happy to follow up and make sure that it is on the agenda at the next Council Work Session.

Mr. Lyons said it has been two City Council Meetings since the announcement was made that there were 42 firefighters/paramedics on staff. He asked when the new firefighters will be brought to Council to be introduced with their families?

Mr. Chodkowski said Fire Chief Keith Knisley has had a conversation with the Clerk of Council about making sure the Fire Division personnel hired since COVID have an opportunity to come before Council.

Mr. Rodgers said that the presentation of Fire Division personnel is scheduled tentatively for the next City Council Meeting on July 10, 2023.

10. Pending Business

- A. 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.
(second reading)

Mr. Chodkowski said this item is the first in a series of legislation to establish a tax incentive district associated with the Heathermere Woods Project at the intersection of Kitridge Road and Bellefontaine Road. He said proceeds from this tax incentive district would help improve pedestrian access to Thomas Cloud Park as well as making vehicle safety improvements through that corridor and ultimately bringing resources to support capital investments and improvements in Thomas Cloud Park.

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

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

Mayor Gore asked if Mr. Chodkowski has an estimate of the revenue generation from that tax incentive district.

Mr. Chodkowski said, based on tax rates for 2021, it is estimated over the course of 30 years based on information provided to City Staff by the developer, the tax incentive district will generate approximately \$5.64 million.

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On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Webb, and Ms. Baker voted yea; Mr. Otto, Mr. Lyons, Mrs. Kitchen, and Mr. Shaw voted nay. Mayor Gore cast a tie-breaking vote and voted yea. The motion passes 5-4.

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

Mr. Chodkowski said this legislation is ongoing annual legislation and lays out a conceptual plan of where the City thinks it will invest in capital infrastructure. He said adopting this legislation does not appropriate or obligate funding to any of the components within the plan. He said it was the Council Work Session recommendation that this item be adopted.

Mayor Gore said a motion to amend is needed. He said Mr. Shaw had sent an email asking for clarification on the Capital Improvement Plan (CIP), Mr. Rodgers gathered and distributed the information, the changes have been made, and the legislation needs a motion to amend before adoption.

Mr. Shaw moved to amend; Mr. Campbell seconded the motion.

Mr. Rodgers said the amendment is to amend Exhibit A with an amended Exhibit A which was originally provided with the resolution.

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

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

Mrs. Kitchen confirmed that the amendment included the adjustments for water main replacement. She said she somehow missed that information.

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

11. New Business

CITY COUNCIL

Anthony Rodgers, Clerk Of Council

- A. A Motion Reappoint Gregory Fox To The Arts And Beautification Commission For A Term Ending June 30, 2026.

Clerk of Council Anthony Rodgers said this item is a reappointment to a new term, and the necessary background check has been completed and updated.

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

- B. A Resolution Appointing Christopher R. Conard, Esquire, Of The Coolidge Wall Law Firm, As Special Counsel To The City With Regard To Matters Of Pending Or Imminent Litigation.
(first reading)

Mr. Rodgers said this item is an appointment in a matter of pending or imminent litigation that was discussed in Executive Session. He said the recommendation was adoption of this item.

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

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Mr. Lyons asked Law Director David Montgomery if the City had been sued at this time?

Mr. Montgomery said this item is a matter of conflict of interest for him and his firm, so he cannot report as to the status of anything that has transpired in regard to this matter.

Mr. Lyons asked Mr. Chodkowski if the City was sued?

Mr. Chodkowski replied that at this point, the City had not been served.

Ms. Janell Smith asked if anyone in the room voting on this issue had ever hired this firm for personal business. She asked again if any Councilmember had hired or been affiliated with the Coolidge Wall Law Firm, either in their capacity as an elected official or as a resident. She asked if the firm had done any business on the annexation.

Mayor Gore addressed Mrs. Smith and said this time is for citizens' comments and is not a question and answer time.

Mrs. Smith said her comments are about the people losing confidence in Council, and she said when people lose confidence in the City Council that causes decreased trust. She said the loss of confidence erodes trust and citizens may question Council's decision-making, motives and the ability to represent the citizens' interests effectively. She said the lack of confidence can lead to reduced civic participation and engagement. She said people may become less likely to attend City Council Meetings or participate in local elections.

Mayor Gore asked what these comments have to do with the item? He said the comments being made have nothing to do with the hiring of this special counsel and he said if Mrs. Smith has comments regarding this item, Council is more than happy to hear them.

After a short exchange between Mayor Gore and Mrs. Smith, Mrs. Smith stepped away from the podium.

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

C. A Public Hearing Scheduled For June 26, 2023 By The Huber Heights City Council For Discussion Of The 2024 Tax Budget.

Mayor Jeff Gore opened the Public Hearing for discussion and approval of the 2024 Tax Budget.

Interim City Manager Bryan Chodkowski said the legislation is a formality and is only required by the Miami County Budget Commission. He said this legislation is the beginning of the 2024 City Budget process. He said a notice of this Tax Budget Public Hearing was advertised on June 9, 2023 in an edition of the Daily Court Reporter and announced on the City's website beginning June 15, 2023. He said the 2024 Tax Budget was reviewed last week at the Council Work Session. He said the Tax Budget produces the Certificate of Estimated Resources from the County Auditor, and that is an estimate of the revenues the City will have available to spend in 2024. He said this document is amended many times during the year based on the amount of revenues received or not received relative to projections. He said the Tax Budget allows the City to participate in the Local Government Fund distribution from the State of Ohio, and if the City does not act on the Tax Budget in a timely manner, the City may not be able to receive Local Government Fund revenues in 2024. He said in 2023, revenues distributed from the Local Government Fund are

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estimated to be \$650,000.00. He said the Tax Budget also includes a list of all of the current property tax levies, and the County Auditor will provide an estimate of the revenues to be generated by those levies in the next three months. He said Council will then need to approve those levies and estimated revenues in September or October, 2023, and the City cannot collect property taxes without the Tax Budget. He said the Tax Budget itself is only an estimate of revenues and does not appropriate anything for 2024, and the actual appropriation process will be done later this year under a separate ordinance approving the annual appropriations for 2024. He said the Ohio Revised Code requires adoption of the Tax Budget by City Council unless waived by the County Budget Commission before July 15, 2023. He said City Staff is asking that Council adopt this legislation following the Public Hearing.

Mayor Gore asked if Law Director David Montgomery had any comments.

Seeing none, Mayor Gore asked if there was anyone present to speak in favor of the approval of this issue.

Seeing none, Mayor Gore asked if there was anyone present to speak against the approval of this issue.

Seeing none, Mayor Gore asked if there was any member of the City Council to make comments or to provide additional information.

Mrs. Byrge asked if this Tax Budget can be designated as the Miami County Tax Budget in the legislation?

Mr. Rodgers said it is specifically stated that the Miami County Budget Commission is the only budget commission that requires the submission of the Tax Budget.

Mrs. Byrge said if this legislation is pulled up at some future date, it could be misinterpreted as being the Tax Budget for Montgomery County rather than Miami County.

Mr. Rodgers said it applies to both counties even though Miami County is the only budget commission that requires the City to submit this information. He said the City submits it to Montgomery County as a formality, but it is required by Miami County to receive the Local Government Fund disbursement.

Mayor Gore asked if there was any other member of City Council to make comments or to provide additional information.

Seeing none, Mayor Gore asked one last time if there was anyone to speak in favor of or against the approval of the 2024 Tax Budget.

Mayor Jeff Gore said, barring further comments, this Public Hearing of the City Council for the 2024 Tax Budget is hereby closed.

ADMINISTRATION

Bryan Chodkowski, Interim City Manager

- D. A Resolution Adopting A Preliminary Tax Budget For Revenues Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2024 And Ending December 31, 2024.
(first reading)

Mr. Chodkowski said he had no additional comments.

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

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

- E. A Resolution Authorizing The City Manager To Enter Into An Agreement To Provide Insurance Coverage For General Liability, Property, Boiler And Machinery, Inland Marine, Automobile, Crime, Law Enforcement Liability, Public Officials Liability, And Other Necessary Insurance Coverage For The City Of Huber Heights, Ohio, Waiving The Competitive Bidding Requirements, And Covering The Costs Of Services Ordered By The City.
(first reading)

Mr. Chodkowski said this measure will provide insurance through two particular providers at a cost that does not exceed last year's expense for the same purchase.

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

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

Mr. Shaw said, in reviewing the resolution, he was unable to find any term dates listed. He said Council recently approved legislation to extend Travelers' insurance coverage until July; however, there is no term listed as to when this coverage begins or ends.

Mr. Chodkowski said he will follow up with Council in an email communication apart from this measure. He said the coverage period is normally for a twelve-month period, but in this particular instance, City Staff has bifurcated coverage through two different providers and that is why those particular terms and measures do not appear here.

Mrs. Byrge stated that the current coverage ends on July 1, 2023, so there is no time to bring this legislation back.

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

- F. 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.
(first reading)

Mr. Chodkowski said this legislation provides amendments to provide the costs associated with the City's online auction relationship with Montgomery County for disposal of assets as well as for additional mold remediation expenses to be addressed by Council later in this meeting. He asked that Council adopt this legislation as it was the recommendation at the Council Work Session.

Mayor Gore said Mr. Jim Bell asked Council to waive the second reading.

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

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

Mr. Webb thanked Mr. Chodkowski for forwarding the information on net proceeds from said auctions as it helped clarify things.

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Mr. Shaw thanked City Staff also for providing that information. He said having seen that information in great detail, he did not wish to pursue that topic any further at this time.

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

- G. A Resolution Authorizing The City Manager To Increase The Not To Exceed Amount For Environmental Doctor And To Award A Contract For Services Related To Providing Mold Remediation Services.
(first reading)

Mr. Chodkowski said this legislation allows the City to engage the necessary professionals to remediate mold that has been identified within the Police Division building, and he asked Council to adopt this legislation.

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

- H. A Resolution Authorizing The City Manager To Increase The Not To Exceed Amount For Pinpoint Behavioral Health Solutions For Contractual Services Through December 31, 2024 For The Behavioral Wellness Program For The Fire And Police Divisions.
(first reading)

Mr. Chodkowski said this project was originally competitively bid and awarded through the utilization of grant funds from the State of Ohio. He said the grant funds were more than the expense of the original contract. He said this legislation would amend the contract to also include behavioral health and wellness services for the Police Division, thereby utilizing the full maximum value of the grant.

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

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

Mr. Otto thanked the members of the Fire Division for bringing in another grant.

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

- I. An Ordinance To Levy Special Assessments For The Repair And Reconstruction Of Sidewalks, Curbs And Gutters, Driveway Approaches And Appurtenances Thereto On Parts Or All Of Certain Streets In The City Of Huber Heights Referred To As The 2023 Sidewalk Program, And Declaring An Emergency.
(first reading)

Mr. Chodkowski said this item is the authorizing legislation to complete the 2023 Sidewalk Program. He said all of the parties affected by this program received previous notice about this program. He said City Staff are asking Council to waive the second reading and to adopt this item as emergency legislation in an effort to provide residents who are impacted by this program with the maximum amount of time to be able to pay the invoice for service prior to the documents being sent for assessment. He said adoption was the recommendation at the Council Work Session.

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

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

- J. A Resolution Authorizing The City Manager To Award A Contract For Services Related To Providing For The Repair And Refurbishment Of Basketball Courts. (first reading)

Mr. Chodkowski said this item was discussed at length at the Council Work Session, and it was the recommendation that this item be adopted. He said City Staff contacted the contractor recommended as the best/lowest, and the contractor did confirm that, if awarded the contract, the work could be completed before year-end.

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

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

Mrs. Byrge said she thought this item was going to be sent back to be re-bid because it could not be done this year anyway.

Mayor Gore said that was part of the discussion at the Council Work Session. He said even though there was discussion about sending this item back, there was not a majority objection to keep it off of tonight's agenda, so it was moved forward for a vote.

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

- K. A Resolution Authorizing The City Manager To Award A Contract For Services Related To Providing For The Repair And Refurbishment Of Pickleball Courts. (first reading)

Mr. Chodkowski said pursuant to the discussion at Council Work Session, he calls Council's attention to Section 2 of the recitals in the legislation. He said he could confirm the City received measured drawings of the pickleball courts as requested by Council. He said the drawings were received on Friday; and a more detailed proposal was received late today.

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

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

Mrs. Kitchen said if the City is doing this project, she absolutely wants the courts to be ready for tournament play. She said it was in the newspaper about the City of Kettering increasing its courts and getting tournaments. She said she wants it done and she wants it done as soon as possible, but she would feel better if this item was moved to a second reading. She said maybe City Staff could have someone who runs a pickleball tournament look at the specifications. She said these courts were done haphazardly the first time, and she did not walk away warm and fuzzy with the guy who was here at the Council Work Session, as he knew more about tennis than pickleball.

Mr. Webb said he is in agreement with Mrs. Kitchen, and he would like to see this item moved to a second reading for more time to study the documents Mr. Chodkowski received.

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Mrs. Byrge said she is all for moving this item forward, but it has to be done right. She said it is really easy - you go on the internet and look at the Professional Pickleball Association, and it gives you the dimensions for the courts to be tournament ready. She said there is nothing in the discussion or the latest information provided to Council by the City Manager that identifies any specifications. She said the sketch provided to Council does not have the recommended 10 feet around the perimeter of the courts to allow people to reach when playing and she said it does not answer a lot of questions that she has raised in

the past. She said she wants to see written specifications that will provide the City with tournament ready pickleball courts. She said she hates to risk moving it to the next season, but she will not support spending another dollar on these courts until Council has the specifications in front of it and the proposed contractor understands there are specifications established and he presents those specifications in the contract. She said this matter is too vague right now, and Council has been asking for this project for quite a while. She said she does not understand why this contractor is having a hard time giving Council something that is readily available on the internet. She said Mr. Alex Black from the Parks and Recreation Board is in the audience, and he is the City's pickleball person. She said she gave Mr. Black, the sketch the City Manager forwarded, and she would like to get his comments.

Mr. Alex Black said he looked at the two sets of drawings, and in the one drawing, an additional four feet was added to the courts that are to the north. He said obviously the players would like to have that change. He said the set of drawings that the City has now are the same configuration as it is now, and would meet the specifications needed to have a pickleball tournament. He said the problem was not that there was not enough room in the court area, the problem was the courts were positioned too close on one end to the center fence, which means all six courts are useless. He said had the courts been placed in the center, it would have been okay. He said either of the drawings would be more than adequate for pickleball play.

Mr. Otto confirmed with Mr. Black that what he sees right now will satisfy the needs.

Mr. Black said the gentleman here before was basing the surface on tennis specifications and that is more than adequate. He said the issue is, and he does not know if it is clarified, is there a certain depth required here in Ohio for the net poles. He said, other than that, he can see no issues that need to be addressed.

Mrs. Byrge asked Mr. Black if he would be amenable to moving forward if Council got an opportunity to see the final write-up that the Legal Department does to make sure everything Council wants is included and it is in there before the contract is awarded?

Mr. Black confirmed to Mrs. Byrge, if the specifications went into the contract, it would be satisfactory to him.

Mr. Campbell confirmed with Mr. Chodkowski that he will make sure the poles are the correct depth and the drawing is in the contract.

Ms. Baker asked Mr. Chodkowski if he needs another two weeks to accomplish these tasks.

Mr. Chodkowski said, based on the language included in the legislation, and after reading Section 2 of the declarations, the contract is subject to the approval of the Law Director to ensure that it was a non-biased party being responsible for validating the concerns Council had. He said that was the language put into the legislation based on the comments and conversation from the Council Work Session.

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Ms. Baker asked if the drawings are in the meeting packet?
Mr. Chodkowski said it is not included in the meeting packet, because the drawings did not come until after the meeting packet was distributed. He said the drawings will be included as part of the contract and that the contract will eventually reside in the hands of the Clerk of Council when everything is resolved and approved to the satisfaction of the Law Director.
Mayor Gore referenced Mrs. Kitchen's request to move this item to a second reading.
Mrs. Kitchen said she would revoke that request after hearing the information and the schematics would be added to the actual agreement.
On a call of the vote, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, and Mr. Webb voted yea; none voted nay. The motion passes 8-0.

12. City Official Reports And Comments

Mrs. Kitchen said the First Suburbs Consortium just completed a strategic plan and is in the process of reviewing it. She said she will be providing Council with that report as soon as it is reviewed. She said the First Suburbs Consortium is having a networking event at the Fraze in Kettering on August 9, 2023. She thanked the Culture and Diversity Citizen Action Commission for the Juneteenth event. She said there were easily 600 people in attendance. She said she was unable to make it to the Multicultural Festival. She said lastly, she would like to bring up some social media stuff. She said yes, she did have a text with Mayor Gore on March 7, 2022, fourteen plus months ago. She said she did state she was very sad to have this annexation, she needed something, and she asked can the City do a moratorium, or can the City do something? She said since then, she has done her due diligence and last summer she was accused of not being at meetings. She asked Mr. Lyons, Mr. Shaw, and Mr. Otto if she was a part of any conspiracy to not attend meetings, because she was here for all of the votes. She said the Mayor canceled meetings back in March, 2023, and Mr. Shaw, Mr. Campbell, Mr. Chodkowski, and she met. She asked those three to confirm if she said if this was about Carriage Trails, then she was a "no" and she was not going to discuss it. Mr. Campbell and Mr. Shaw agreed that Mrs. Kitchen did say that. She said she was a no vote from the beginning. She said this position was not something that was unknown by this Council. She said this weekend she was slammed by the Mayor about how nobody knew this information, and she was wasting Bethel Township's time and money. She said she would like a public apology because she has been slammed twice and falsely accused of information that is not correct and she is tired of it. She said she was elected like everyone else and for whatever reason, whether because she is the newbie, or a woman, or whatever the reason is, she is being accused of things but she is done. She said she would like a public apology for everything she has gone through. She said she is not going to go on Facebook and make these comments. She said this discussion is for the dais. She said she will answer anything on the dais, but she is done with arguing on Facebook. She said anyone who wants to see the texts between herself and Mayor Gore can make a public records request as she is more than happy to share the texts.
Mayor Gore said from the social media perspective, all of Council are open to criticism from residents. He said he has taken his fair share and most people on the dais have also. He said he and Mrs. Kitchen had a conversation after Bethel Township took a vote, and Mrs. Kitchen told him she would give him a call, as she was going to Florida and she would call when she got back, and that was almost a month ago, and she has not contacted him. He said there was a vote on the annexation services letter and during that vote it failed 4-3. He said Mr. Shaw

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walked out of the meeting and prevented a tie vote, so it failed. He said after that, Mrs. Kitchen made a motion to reconsider, and it passed 5-2 or 5-3 at the next meeting. He said the annexation discussion continued after the services letter. He said had the services letter not passed, annexation would have been done then because the annexation could not move forward without the approval of a services letter. He said Mrs. Kitchen made that motion to reconsider, no one else. He said during that text, Mrs. Kitchen's conversation was not of concern for the Bethel Township residents, but the big concern was the amount of money the developer would make. He said Mrs. Kitchen asked him specifically if a moratorium could be placed on annexation. He said he responded that he believed that was something the Bethel Township Trustees would ask for anyway, so he would certainly be open to that discussion. He said Mrs. Kitchen's next comment was then that is what she would consider a compromise and she would vote yes to approve the annexation. He said there was no due diligence done at that point, there was no information anyone had about the annexation other than Mrs. Kitchen requesting a moratorium. He said there have been other meetings since then, and this information has been on the minutes, and Mr. Chodkowski let Council know the City is working with Bethel Township to develop an annexation agreement that Bethel Township would support and approve; and not one time did Mrs. Kitchen voice any opposition, say no, or approach him and tell him no. He said Mr. Chodkowski showed the agreement that has the moratorium in it to Council. He said Mrs. Kitchen's concern was water and sewer, and the agreement put all of the water and sewer responsibility on Bethel Township so it could provide water and sewer to generate revenue for Bethel Township. He said this Council or the half of this Council that is in support of this annexation would not have let this process move forward and expended City Staff and Law Director time and money and Bethel Township's time and money to move this annexation forward if Council members did not believe Mrs. Kitchen was going to vote yes based on her information to Council. He said then Council let Bethel Township and its Trustees call a meeting and have a very difficult vote, and get lambasted by Bethel Township residents because they voted yes on this annexation agreement because the Trustees believed Council was going to do what it said it was going to do. He said all of that went through, Bethel Township Trustees made that vote, and approved the annexation agreement by 3-0 on May 23, 2023. He said the next day, he contacted Mrs. Kitchen to make her aware of what Bethel Township had done, and she said she was on vacation, she did not want to talk about anything, and she said if this was about the annexation, she was a no vote. He said that was the first time in a year and a half Mrs. Kitchen had relayed to him that she was a no vote on annexation because the annexation agreement had all the terms and conditions that she asked for, and then she voted no. He said then while he was gone, Ms. Beth Van Haaren comes to the podium and blasted Council for being shady and called Council shady on Facebook, and he defended himself and the rest of Council. He said that is what happened and that is the timeline, and he is not apologizing for speaking the truth. He said when he speaks the truth, he is being mean and calling people out. He said when everyone else wants to be transparent, that is just transparency and letting people know what they need to know. He said this discussion is not because Mrs. Kitchen is a woman, it is because she is an elected official who had a conversation with him requesting a moratorium in exchange for a yes vote, and he did what she asked, and then she said no after the Bethel Township Trustees voted yes in a public meeting.

Mrs. Kitchen asked the Mayor, since he brought up Executive Session on Facebook, did she not ask for the net income and all of the expenses? She said Council kept hearing the gross amounts, but did she ask for the net income? She said someone even agreed with her.

Mayor Gore said Ms. Wells made a good point this evening when she talked about cost analysis and those things and she brought up Mr. Paul Schaeffer's post. He said

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there is a general lack of understanding about this annexation. He said Ms. Wells said the City is annexing farmland. He said that is true, and the City is not annexing property a developer can just start building houses on. He said it is 260 acres of farmland. He said the amount of legislation that would need to be passed before the first house can be built there is monumental. He asked Mr. Shaw to confirm that there have been conversations about impact fees with the City Manager. He said the City can charge the developer any amount per lot the City feels necessary to offset any costs that might be incurred to the City. He said those things are unknown as of yet, but they have not been discussed yet because the annexation agreement has not been approved. He said at any point in time, impact fees will pay for a new fire station, help cover street maintenance, and all kinds of other costs that can be charged to the developer in the form of impact fees to regain that money back. He said at any time during the process of the City acquiring 260 acres of farmland, that annexation can be voted down at multiple different times throughout that process. He said the City knows what revenue will be generated because there are already 1,100 houses up there that the City is collecting the same amount of property tax on, taxes have gone up, and it is going to be more money. He said it is very easy to estimate how much revenue this City will obtain. He said the net income cannot yet be calculated. He said it is impossible to know what the costs are, and the City has a way to offset those costs.

Mr. Shaw said, as a clarifying point on that matter, during a conversation with Mr. Campbell and the City Manager, he made mention previously when he was provided soft estimates on the impact fees, that he said at that time he could potentially be a soft yes vote once the additional research is done. He said at that time, Mr. Campbell mentioned that he could not even support this annexation because he did not have all the research. He said from March 2023 to this date, he has not seen any updated figures or anything else that had led him to continue that soft yes support. He asked Mr. Campbell if that was a correct statement.

Mr. Campbell asked Mr. Chodkowski if he and City Staff had completed the due diligence on annexation?

Mr. Chodkowski said City Staff have not at this time.

Mr. Campbell said one thing he remembers when Mr. Shaw, Mrs. Kitchen, Mr. Chodkowski, and himself were talking, that Mr. Chodkowski brought up that Bethel Township was interested in supporting the annexation. He said he remembers saying to him, are you serious, and he said yes, if the City offers a moratorium, Bethel Township would support the annexation, and he remembers saying, "can you believe that Anita?" He said this matter is fluid, and the City is nowhere near completion on the due diligence, and he has not made any decision on the annexation. He said he believes Mr. Shaw has gone from a hard no to a soft yes, and probably parallel to where he is at based on their discussions.

Mr. Shaw said he and Mr. Campbell were looking for additional information and a different conversation with Bethel Township, and unfortunately, the clock ran out.

Mr. Campbell said Mr. Shaw mentioned at that meeting and might have mentioned to him one time before that meeting about impact fees. He said Mr. Chodkowski clarified what those impact fees could be and where it ended was there may be something different than an impact fee, but just some way to cover costs and overhead. He said he thinks the City could get to a net number. He said the only number the City could have would be a gross number if we know the number of homes and then use the estimate of how many taxes are collected from the first Carriage Trails development.

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Mr. Shaw said after a meeting, he stood with Mayor Gore near the American flag, and he relayed to the Mayor that same conversation he just mentioned to Mr. Campbell and said he was a soft yes at that time. He confirmed with Mayor Gore that they had that conversation and that the Mayor asked him to please keep an open mind as he is going into this matter. He asked Mayor Gore if they had any additional conversation where he said he was a hard no, a no, a hell no, or a soft yes.

Mayor Gore said that was the last conversation he and Mr. Shaw had. He said he was not trying to throw Mr. Shaw under the bus, he was just trying to say that he knew Mr. Shaw discussed the idea of an impact fee. He said there are tons of options on the table for ways to offset costs once the City knows what the costs are.

Mr. Shaw said he and Mayor Gore had a lengthy conversation regarding that issue and he told the Mayor of his issues and his beliefs on additional growth; however, he wanted to see the numbers first. He said he had conveyed that information to everybody on the dais and in the public. He said he wanted to make sure that the conversation was out there in total transparency. He said those were very civil conversations. He said putting the whole conversation and the whole failure of the annexation on Mrs. Kitchen did not hold complete merit.

Mayor Gore said that is not what he did. He said his issue is that had she said no or relayed her information to Council before letting the agreement be worked out and sent to Bethel Township, before Council let the Bethel Township Trustees hold a public meeting and vote yes, none of that would have had to happen. He said that is the real issue. He said that is the reason why he pulled it from the meeting agenda, because there were not enough votes. He said he had several conversations with Ms. Van Haaren. He said this whole thing started because Ms. Van Haaren reached out to him. He said he still had the voicemails requesting a meeting with him, the City Manager, and Mr. Campbell. He said that is where all of this matter started from. He said Ms. Van Haaren came to a meeting while he was gone and lambasted all of Council about leaving the Bethel Township Trustees hanging out to dry because they were operating in good faith and had a public meeting where they took a lashing from their own constituents. He said why would the City have put the Bethel Township Trustees in that position, knowing there was not enough support to begin with. He said he hears about how Huber Heights should be good neighbors. He said the City could have started just by being honest and saying do not vote on that agreement because there are not enough votes to support it. He said the first time Mrs. Kitchen told him she was going to vote no was the day after Bethel Township voted on May 23, 2023. He said Mrs. Kitchen messaged him on May 24, 2023 and said she was a no vote. He said that is the issue.

Mr. Shaw asked Mayor Gore why he did not contact him if Mrs. Kitchen told him no at that time?

Mayor Gore said that is a great question. He reiterated the conversation he and Mr. Shaw had before. He said at that time, he told Mr. Shaw he could be a champion for the Bethel Township residents. He said he believed and Mr. Shaw agreed that this annexation was going to come back again when the new Council is in, and Mr. Shaw should consider voting yes for this annexation because that is the way to secure a moratorium which is what Mrs. Kitchen had requested. He said Mr. Shaw said he did not know why Council had to vote on this matter now because it is going to come back when he is not on Council anyway. He said since Mr. Shaw said that, why would he have reached out to him. He said Mr. Shaw had already told him it did not matter because it was going to come back in January, 2024 when he was no longer on Council. He said it did not make any sense to reach out to him, especially when he had a text from Mrs. Kitchen that she would vote yes if there was a moratorium.

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Mr. Shaw said earlier in the dialogue, Mayor Gore agreed Mr. Shaw was a soft yes at that time, and he would have been interested in being a champion for the neighbors had all the information been present. He said after the conversation with Mayor Gore and Mrs. Kitchen, that would have been an opportune time to give him a call and ask based on that conversation, has anything changed? He said that would have given him a solid definition of where this matter would go.

Mayor Gore said tomorrow is the deadline, so it does not matter anyway. He said this annexation petition will probably come back. He said he has said on social media that he does not know what the appetite of a new Council is going to be when it comes to tying the hands of this Council for 50 years with a moratorium. He said that time may have come and gone. He said he is just being honest. He said he does not know that the appetite for a moratorium exists come January, 2024. He said that is why he told Mr. Shaw to think about voting yes because that would ensure a moratorium moving forward because it was in the annexation agreement. He reiterated the text messages between Mrs. Kitchen and himself.

Mr. Shaw said he appreciates the civil dialogue. He said a conversation with him would have precluded a lot of the press and social media conversations. He said unfortunately, as he stated with Mr. Campbell the facts to be known, the time has ran out and a new annexation petition will have to be submitted.

Mr. Otto said without getting into the he said/she said, he also took issue with the article in the Dayton Daily News, and it was not because of who said what but the fact that as already stated tonight, after this day is over, the petition is dead. He said it was not on last week's Council Work Session agenda and it was not on tonight's agenda, and he is really curious why the Mayor felt the need to go out and contact a member of the press and lambast another Councilmember when this matter was not even a topic Council was going to be dealing with.

Mayor Gore said the timeline of that article was that the interview was given almost a month ago, and he does now know why it just came out now. He said his response, and people can believe whatever they want, but his response was based upon Ms. Van Haaren coming to that podium and calling Council shady because Council let them vote on something that lacked the necessary Council support. He said the reason Council let it go forward was because Mrs. Kitchen told him she would give a yes vote in exchange for a moratorium. He said that is the third or fourth time Ms. Van Haaren has attacked him personally and on social media. He said he is not going to sit by and let that take place and let her blame him or any other Councilmember. He said he sees two Bethel Township Trustees in the audience, and he is sure they would have liked to not have had that meeting and vote to approve an annexation agreement that the township residents were completely against.

Mr. Otto said he would have liked to have known that all this stuff was being negotiated and agreed upon without the entirety of Council behind it. He said there are a lot of things he would like. He said he was not happy with the article because there was no purpose for it, and there have been conversations in recent history about why not stop with the shenanigans and making ourselves look bad in the public through news articles and that kind of mess, and this was just another example.

Mrs. Kitchen said one reason she did not call Mayor Gore back was because within 24 hours Council received an email stating this annexation was dead and it is not being brought forth. She said if that was the case, why did she need to call him back?

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Mr. Campbell addressed the Bethel Township Trustees and said he would like to take the opportunity publicly to thank both of them. He said he has talked to Ms. Van Haaren and thanked her for passing that legislation. He said he thinks he knows why they passed it, knowing that the annexation in their minds was going to move forward, and this agreement at least protected the boundaries for a long, long time north of State Route 40. He said he respects the compromise that the Trustees showed, and he is sorry it played out the way it did. He said he cannot speak for anyone else on the dais, but if this matter does come back, he would support a moratorium. He said, as he told Ms. Van Haaren, he did not have the time to examine the document, but he had initially spoken to Ms. Van Haaren and he stated he would be in favor of a 40-year moratorium. He said he is not sure that he supports a forever moratorium. He said a moratorium is the neighborly thing, and he has not yet decided what position he is going to take on the annexation. He said the gross income is easy to figure, the water and sewer is not an issue, and the City will not be putting any TIF money into the infrastructure at that site. He said that TIF money would be spread out through the City of Huber Heights, mainly on water mains. He said Mr. Chodkowski has done the homework and paid for and had studies done that prove that this arrangement can be done. He said not to debate the terms of what the Bethel Trustees passed, but he applauds them.

Mr. Don Black said the City of Huber Heights is absolutely killing Bethel Township with this annexation. He said he knows the relationships with DEC and the City, and DEC is up there already getting agreements or trying to get agreements and tie up more of the ground without even getting this annexation. He said it is not fair to Bethel Township, it is not fair to the residents, and it is not fair to the people that want to sell the ground. He said DEC is tying the land up without telling the seller how much money they will get, when it is going to go through, or anything else. He said there has to be a line in the sand that Huber Heights is going to leave Bethel Township alone. He said a short moratorium does no good because it took the City 20 years to build out the last development which is not complete.

Mr. Lyons said he attended the Multicultural Festival on Sunday, and it was absolutely fantastic. He thanked the City Staff involved along with the Culture and Diversity Citizen Action Commission. He said he missed the educational forum last Thursday and he heard it was an excellent forum and he is looking forward to watching the video. He said the Culture and Diversity Citizens Action Commission is doing an excellent job.

13. Executive Session

There was no need for an Executive Session.

14. Adjournment

Mayor Gore adjourned the Regular Session City Council Meeting at 7:38 p.m.

Anthony C. Roden
Clerk of Council
[Signature]
Mayor

07-11-2023
Date
7-11-23
Date