

RECORD OF PROCEEDINGS
Huber Heights City Council

Minutes of

Meeting

In Council Chambers
6131 Taylorsville Road

September 25, 2023

Held

1. Call The Meeting To Order - Mayor Jeff Gore

The Huber Heights City Council met in a Regular Session on September 25, 2023. Mayor Jeff Gore called the meeting to order at 6:14 p.m.

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

3. Flag Ceremony - Wayne High School Junior ROTC Honor Guard

4. Pledge Of Allegiance

5. Roll Call

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

6. Approval Of Minutes

A. City Council Meeting Minutes - September 11, 2023

The minutes for the September 11, 2023 City Council Meeting were approved by the Huber Heights City Council as submitted.

7. Special Presentations/Announcements

There were no Special Presentations or Announcements.

8. Citizens Comments

Mr. Rodgers read the guidelines for Citizens Comments.

Mr. Jeff Morford addressed past, present and future City Councilmembers and citizens and asked all to pay attention to the actions of the Mayor. He discussed the topic of annexation. He said in the eleventh hour, Mayor Gore did not like how the vote was going to go and said he would not be bringing it forward due to the makeup of the Council. He said he can only surmise the Mayor will start the process over when the City Councilmembers he believes will vote no are gone and new members are in office. He said the Mayor has been able to change the possible results of a democratic process. He said why have a Huber Heights City Council at all? He addressed issues the annexation would cause Bethel Township and quoted the Golden Rule.

9. Citizens Registered To Speak On Agenda Items

Mr. Rodgers said there is a citizen registered to speak on Item 11-A.

10. City Manager Report

City Manager Rick Dzik said the restriping of Old Troy Pike was completed overnight on Friday, October 6, 2023, and that project was delayed a day due to contractor equipment failure. He said after reviewing the traffic pattern today, he worked with the City Engineer who has determined to create a brief left turn onto Merily Way and Waynetowne Boulevard to clear out the turn lane. He said there has been some confusion with when to turn and when not to turn from that turn lane. He said City Staff will continue to monitor traffic flow in the area. He said

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facade work is ongoing for the CR Dayton project and the internal remodeling is on schedule. He said architects met with the Huber Heights Senior Center Staff and shared the updated location for the new Governance Center and Senior Center. Additionally, he said the architects reported the Huber Heights Senior Center Staff were very happy with the new location and there were minor discussions about parking and bathroom modifications, mainly for an adult changing station. He said the first layer of asphalt was laid today for the City's pickleball courts. He said sleeves and net posts will be installed next. He reviewed the timeline of installations and said City Staff are expecting the pickleball courts to be completed in two months. Mr. Dzik said on Saturday, September 30, 2023, from 6:00 p.m. to 9:00 p.m., Premium Blend will be playing at the Eichelberger Amphitheater as part of the Summer Concert Series.

Mrs. Kitchen said at the last City Council Meeting, Mr. Dzik said City Staff were close to hiring a Parks and Recreation Manager. She asked if that hire has happened yet.

Mr. Dzik said a candidate has been selected and will be joining the City very soon, but he does not know the date.

Mr. Lyons said he talked to Mr. Dzik earlier last week and asked Mr. Dzik for the staffing number of non-supervisor firefighter/paramedic positions.

Mr. Dzik said he does not have that total number, and he said he would send that information to Mr. Lyons.

Mayor Gore said the left turn arrow at Merily Way and Waynetowne Boulevard as well as the striping will be welcome.

Mr. Shaw said he requested at the last City Council Meeting the unredacted traffic study that was to be completed, and he said he has not received the traffic study. He asked if that information is expected to be out this week.

Mr. Dzik said he thought he sent an email stating the study needs to be finalized yet as it is in a draft form. He said as soon as that final version is complete, he will send it out to Council. He said he wants to make sure that the information Council receives does not change a week or two after being sent out.

Mr. Otto asked to amend the agenda. He moved to add the legislation from the prior Council Work Session for Item 3-O - Police Division Staffing to this City Council Meeting agenda. He said he would also like to amend the legislation to remove a direct reference to a Traffic Control Unit.

Mr. Rodgers said there are no references to a Traffic Control Unit in the legislation. He said the legislation includes the normal staffing chart that fixes the number of positions. He said this legislation would change the number of police officers to 47 and there is a supplemental appropriations ordinance to go along with that legislation. He said the motion would be to add the two items of legislation from the September 25, 2023 Council Work Session listed as Item 3-O - Police Division Staffing to the City Council Meeting agenda.

Mr. Otto said he would be happy to make that motion; Mrs. Kitchen seconded the motion.

Mr. Lyons said in the August 28, 2023 City Council Meeting, Mr. Douglas Behringer, general counsel for the Ohio Labor Council, stated that the membership were receiving a complete lack of support. He said at the next City Council Meeting on September 11, 2023, Council spoke and added four additional police



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officers through a simple motion. He said in this City Council Meeting, that legislation which was part of the process to come forward was absent from this agenda. He said as a result, Councilmembers had a discussion at the Council Work Session just prior to this meeting, two of the votes had changed, and now Council has to go through this motion and process for the actual City Council Meeting to add four additional police officers to the roster. He said Councilmembers have already been informed in the Council Work Session that this Council is not going to follow through with that motion and are not going to add any additional police officers at this time. He said the statement that the Fraternal Order Of Police (FOP) made through a lawyer that the police received a complete lack of support is continuing through the speaking and vote of this very Council tonight.

Ms. Baker said she refutes what Mr. Lyons said. She said as she understands, three police officers are on the way to be hired, one is in the works, and there are three more police officers in the pipeline.

On a call of the vote, Ms. Baker voted yea. Once asked about her vote, she said she thought she was voting on Item 11-A. Mr. Rodgers confirmed that Ms. Baker's vote was a no vote. On continuation of the call of the vote, Mr. Otto, Mr. Lyons, Mrs. Kitchen, and Mr. Shaw voted yea; Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Webb voted nay. The vote on the motion tied 4-4.

Mayor Gore said he knows what the FOP attorney said while present at an earlier meeting, and Council has heard from Police Chief Mark Lightner that he has talked to and spoke with the labor units and the units are okay with waiting until the data comes back to determine what the best allocation of those resources are. He said he is standing behind the word of the Police Chief and the recommendation of the City Manager, and his vote is nay. He said the motion fails 4-5.

11. Pending Business

- A. An Ordinance To Approve A Rezoning Of Approximately 2.44 Acres From Office (O1) To Planned Commercial (PC) And To Approve A Basic Development Plan Of 5.41 Acres For The Property Located At 4949 Chambersburg Road And Further Identified As Parcel Numbers P70 04004 0017 And P70 04004 0026 On The Montgomery County Auditor's Map And To Accept The Recommendation Of The Planning Commission (Case BDP 23-17).  
(second reading)

Mr. Dzik said this item was discussed in depth at the last Council Work Session.

Ms. Patricia Dyer said she is a long term resident of Huber Heights. She said she prays that Council will vote no because another gas station on Old Troy Pike is not needed. She said there are 12 gas stations from Needmore Road to State Route 40 on Old Troy Pike. She said there is already a gas station on the corner. She said she had gone to a Wawa in Virginia and there is nothing special about that gas station. She asked Council to get something better for the City and let Wawa build elsewhere in the City.

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

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

Mr. Otto said he is conflicted about this issue. He said the company is great, the project would be nice, and he thinks traffic issues can be worked out. He said unfortunately, he is very let down as Council has asked for detailed data to speak



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to the number of fueling stations within this town because the City was well over the limit a while back and all the City has done is just add more.

Mrs. Kitchen said she has nothing against Wawa, but she does not like that location, and she sees an accident waiting to happen with the grade of the road. She is concerned about the brownfields the City is going to have, and there is no plan for this problem.

Mr. Shaw said he will not be supporting this legislation because of the massive traffic concerns in the area. He said it is not an appropriate site for this facility. He said he is still waiting on a complete and vetted City Staff report on fueling stations, the impacts to the area, and what will happen when the smaller gas stations close down and the City has to go in and remediate those areas. He said he was sad to see this gas station is not going to immediately incorporate an electric vehicle modification which has been supported by the Miami Valley Regional Planning Commission and the Dayton Coalition as well as Governor DeWine.

On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Webb, and Ms. Baker voted yea; Mr. Lyons, Mrs. Kitchen, and Mr. Shaw voted nay. The motion passes 5-3.

- B. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$1,800,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Improving The Municipal Fire Safety Facilities By Constructing, Furnishing And Equipping A New Fire Station, And Otherwise Improving The Site Therefor, Together With All Necessary Appurtenances Thereto.  
(second reading)

Mr. Dzik said this legislation is in reference to Fire Station 23.

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

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

Mrs. Kitchen said she asked at the last meeting with all of the bonds coming up, what the estimated cost of each of these projects is, not the initial project but the overall project. She said she has not received that information. She said she is a no vote on down the road until she receives total numbers on these projects. She said these items are just the tip of the iceberg, and the City needs to be fiscally responsible to add more police officers and water lines. She said City Staff has not come up with a way to fund these projects. She said Council has asked for debt reduction and the City is adding more debt.

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

- C. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$7,262,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Approximately 19.5 Acres Of Real Property Near The Intersection Of Brandt Pike And Fishburg Road,

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Providing For The Site Preparation Thereof, Improving And Rehabilitating Certain Of The Buildings And Razing Certain Other Buildings Located Thereupon, All In Support Of Economic Development And Job Creation Within The City.  
(second reading)

Mr. Dzik said this legislation is related to the former Marian Meadows project both for land acquisition and renovation.

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

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

Mr. Otto said this legislation will extremely pain him because as much as he would like to see something happen in that location and he has been behind that thought for many years, at this point the way he sees it, the project has been flipped upside down, run over, and is nothing close to what residents wanted, asked for, or supported. He said he cannot be in support of this project any longer.

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

Mayor Gore said there is frustration among Council in approving the bonds. He said the time to have voiced a no vote and opinion on this amount of money being spent would have been back before the work was commissioned to be done and not waiting until the project started and the money had been spent already to get the project started, and then make a decision to not fund the completion. He said the time to vote no should have been back when the process started, and since that did not happen, and everyone has supported this project up to this point, his vote is yes. Mayor Gore voted yea breaking the tie. The motion passes 5-4.

Mr. Shaw said minds can change.

Mrs. Kitchen said she has never been okay with the Marian Meadows project and she has always been a no vote. She said her position did not change.

- D. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$6,238,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Improving The City's Facilities By Constructing, Furnishing And Equipping A New Building To House The Public Works Department, Including Landscaping, Site Improvements, Any Necessary Utility Improvements, Constructing Related Parking Facilities, And Acquiring Real Property And Interests Therein In Connection Therewith, All Together With The Necessary Appurtenances Thereto.  
(second reading)

Mr. Dzik said this legislation is for the design and land acquisition for the new Public Works Division facility.

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

Mrs. Kitchen asked for the overall cost of the project.

Mr. Dzik said he would have to talk to the Finance Director.



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Mrs. Kitchen said she asked for the totals at the last meeting, and she does not want to approve items she may not want to vote for in the future.

Mayor Gore addressed Mr. Chodkowski stating Mr. Chodkowski was the Interim City Manager over this project. He said Council saw the presentation for the project, everyone was in support back then, and he asked what the numbers are for the cost of the project.

Mr. Lyons said that is a Finance Director question and Mr. Chodkowski is no longer in charge of the Finance Department.

Mr. Dzik said the cost of the Public Works Division facility construction listed on the spreadsheet is \$15,200,000.00 and the cost of the land purchase is \$587,400.00.

Ms. Baker said if anyone on Council gets the meeting packet, reads, follows, and understands the meeting packet and has a question, that person needs to email the Clerk of Council or the City Manager. She said waiting until the meeting is so inappropriate.

Mr. Lyons asked if that is like an agenda item not showing up for Council when it is supposed to be on the agenda. He said the minority will do its jobs and Ms. Baker can do her job. He said the minority will try to run the City the best it can in the minority. He said if the City does not have enough money to support basic infrastructure and the Police Division, then Ms. Baker needs to think about what she is doing along with the Mayor and the Councilmembers who voted no.

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

- E. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$2,800,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of The Meadows Infrastructure Project Including Constructing, Reconstructing, Extending, Opening, Improving, Widening, Grading, Draining And Changing The Lines Of Municipal Roads, Streets And Highways, Installing Curbs, Sidewalks And Landscaping, Installing, Improving And Relocating Street Lighting, Traffic Signalization And Electrical Lines, And Constructing, Reconstructing, Extending And Improving Storm Sewers And Culverts, Water And Sanitary Sewer Lines In Connection Therewith, And Acquiring Any Necessary Real Property And Interests Therein In Connection Therewith, Together With All Necessary Appurtenances Thereto.  
(second reading)

Mr. Dzik said the cost for the infrastructure for the Mairian Meadows project is \$2.8 million in total.

Mayor Gore said the Council Work Session recommendation was to adopt this item. He said some of these notes include the refunding of other notes, so not all of these amounts represent additional expenditures.

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

Mr. Otto said this legislation states it is to pay the costs of infrastructure. He asked what the infrastructure supports other than potentially apartments.

Mr. Chodkowski said City Staff are discussing only a multi-family project for which a briefing is planned at the next Council Work Session.



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

- F. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$5,800,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Improving The City's Municipal Waterworks System By Constructing And Installing Water Lines, Constructing A New Water Well, And Acquiring Any Necessary Real Property And Interests Therein In Connection Therewith, All Together With The Necessary Appurtenances Thereto.  
(second reading)

Mr. Dzik said the Finance Director informed him that \$3.1 million will be dedicated to a new water well and \$2.8 million will be advanced to complete the water projects throughout the City from this note.

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

Mrs. Kitchen said she will be voting for this item as the City owes the citizens water and to make sure the water system is working properly.

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.

- G. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$3,235,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Improving The City's Facilities By Constructing, Furnishing And Equipping A New Building To House The City Council Chambers, A Senior Services Facility And Other Administrative Purposes, Including Landscaping, Site Improvements, Any Necessary Utility Improvements, Constructing Related Parking Facilities, And Acquiring Any Necessary Real Property And Interests Therein In Connection Therewith, All Together With The Necessary Appurtenances Thereto.  
(second reading)

Mr. Dzik said this item represents \$550,000 and is for the design of the new Governance Center and Senior Center and \$8.4 million is the total for construction. He said this first chunk is for the property acquisition and design.

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

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

## 12. New Business

### CITY COUNCIL

Anthony Rodgers, Clerk Of Council

- A. A Motion To Appoint Andy Hill To The Parks And Recreation Board For A Term Ending March 31, 2026.



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Mr. Rodgers said this item is an appointment to a vacancy on the Parks and Recreation Board.

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

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

- B. A Resolution Amending Resolution No. 2017-R-6510 To Adopt Revisions Regarding Special Liaisons To The Board And Commission Handbook For The City Of Huber Heights.  
(first reading)

Mr. Rodgers said this item is a modification recommended by the Law Director to codify and specify the elements of Special Liaisons to the City's boards and commissions.

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

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

- C. A Public Hearing Scheduled For September 25, 2023 By The Huber Heights City Council Regarding A Proposed Tax Increment Financing Incentive District To Be Established By The City Of Huber Heights, Ohio Under Ohio Revised Code Section 5709.40(C).

Mayor Gore opened the Public Hearing for a proposed Tax Increment Financing Incentive District to be established by the City of Huber Heights, Ohio under Ohio Revised Code Section 5709.40(C).

Assistant City Manager Bryan Chodkowski gave a PowerPoint presentation on this issue. He said Tax Increment Financing (TIF) is a way in which municipalities in the State of Ohio can capture the growth of new tax dollars through certain projects that otherwise might go to other jurisdictions within the County, and the City keeps those dollars and reinvests back into the community for a 30-year period. He said TIF Districts are authorized by the Ohio Revised Code. He said the Heathermere II TIF does not impact the Huber Heights City School District. He explained how a TIF District works. He said after 30 years, the tax dollars are redistributed to the original taxing jurisdictions. He said the project in question is Heathermere II, also known as Heathermere Woods, located near the intersection of Kittridge Road and Bellefontaine Road. He said the Detailed Development Plan was approved by the City on April 14, 2020. Furthermore, he said the project consists of 120 townhomes, is a Ryan NVR product, and the total assessed value is estimated at \$26.2 million. He said that number is on the low end. He said that number will be higher once implemented. He said this Public Hearing is required by statute, as is the first reading of the ordinance which would formally establish the district. He said the process was started in June, 2023 when City Staff brought forward an Economic Development Plan for this project. He said this TIF District includes 381 parcels and this TIF will generate \$6.9 million if not more. He said Ordinance No. 2023-O-2588 which was adopted by Council on June 26, 2023, breaks down three priorities in which the funds can be spent. He said the first priority is pedestrian improvements between Heathermere II and Thomas Cloud Park. He said Thomas



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Cloud Park represents the nearest recreational amenity to that subdivision. He talked about the tricky intersections in that area. He said the second priority is capital investment in Thomas Cloud Park. He said should there be funds available after Priority 1 and Priority 2, the revenues could be dedicated to limited street, water, sewer, and storm sewer infrastructure, and would affect limited infrastructure in Wards 6, 5, 4, and 1. He said he is happy to answer any questions or concerns Council may have.

Mayor Gore asked if there was any member of City Council who had questions for Mr. Chodkowski.

Mr. Otto said this is a non-school TIF and he asked if once the houses are built, the schools will still receive money.

Mr. Chodkowski confirmed for Mr. Otto that the Huber Heights City School District is estimated to collect \$13.3 million from this project over the 30-year period, and that number would be identical without a TIF.

Mr. Webb asked if a property owner is impacted at all by the TIF.

Mr. Chodkowski said the tax bill will look exactly the same as if the TIF were never in place. He said absent the TIF, the one check goes to Montgomery County and then Montgomery County turns around and subdivides and distributes back to the jurisdictions. He said under a TIF District, the County sends all of the money to the City and then the City has an obligation to turn around and distribute out to the taxing entities the proportionate shares. He described the breakdown of the tax revenue distributions.

Mr. Shaw asked how the \$6.9 million will come in, will it be front loaded or back loaded?

Mr. Chodkowski said the funds come in annually as the properties develop. After discussion, he confirmed for Mr. Shaw it is back loaded in the sense that more money will come in during the last five years and not the first five years.

Mayor Gore asked if the Law Director 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 City Council to make comments or provide additional information.

Mr. Campbell asked if the property taxes remain the same over 30 years for residents and the City collects the portion the County sends back to the City, how would that change from the first five years, to second five years and so on? He confirmed the City collects the pro-rated amount based on the County's portion and will collect as much property tax once the buildout has occurred each five-year period. He said in the last five years, the City will not collect more than in the first five years unless property values and taxes go up. He said if the development was not in a TIF, how much for every dollar of property tax that residents pay would the City collect?



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Mr. Chodkowski said based on this model, the City currently receives 6 cents out of every tax dollar. He explained for Mr. Campbell that in 30 years this amount will be prorated over a 30-year period. He said the gross amount through the TIF is \$6.59 million. He said \$1.39 million is the City's local tax dollar that would come to the City anyway. He said the total net revenues to the City is \$5.2 million which is money that would go to other jurisdictions if the TIF District were not in place.

Mr. Campbell asked what neighbors around the development will notice different about that development if it is in a TIF or not in a TIF.

Mr. Chodkowski said all of the neighbors will benefit from the TIF District because it will fund the pedestrian and signal improvements and the amenities at Thomas Cloud Park, which would take significantly longer if there were not a TIF District.

Mr. Shaw said he heard a couple different answers. He said the assumption would be the first five years will be a slow building process as the development gets up and running. He confirmed with Mr. Chodkowski that the City will not see a large chunk of the \$5.2 million net in the first five years because there will not be that many houses and will grow over time. He said one would think between years 25 and 30 when the development is a full build out, that is when the City will see a larger piece of the net.

Mr. Chodkowski said a three-year buildout was proposed, the tax beginning in year four will be at the same value absent inflation from years four to 30.

Mr. Otto asked if the additional monies pulled from Montgomery County is General Fund money that the County gets in and goes to just anything, or is it earmarked for a specific program?

Mr. Chodkowski listed the monies are from the General Fund, health and human services, and then Fiver Rivers Metroparks and the library which was not previously the case.

Mr. Otto said these are monies taxpayers have approved by ballot for the County to collect to put into said programs.

Mr. Chodkowski said that depends on which taxing organization Mr. Otto is talking about. He said there are limitations on what is TIF eligible based on when the TIF was adopted. He said any tax that was levied by the County, Sinclair College, the library, and Five Rivers Metroparks prior to 2005 is eligible to be in a TIF. He said those jurisdictions have some of the money collected by Huber Heights in this proposed TIF District but not all of them.

Mr. Otto said he points this out because some people would like others to believe this revenue is free money that was not there before. He said the truth is it is money people have voted to approve in many cases to provide to programs in and around Montgomery County, and when TIF Districts pop up, it shorts those programs. He said if the City did not create this TIF District and the buildout occurred, those programs would be receiving even more money.

Mayor Gore confirmed with Mr. Chodkowski that the cities of Riverside, Dayton, Vandalia, Kettering, Clayton, and Englewood also utilize TIF Districts. He said Huber Heights is not the only community within the region that utilizes this particular benefit provided by the Ohio Revised Code. He said the number one reason communities do a TIF District is to keep more money in the community.



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He said he understands Mr. Otto's point, but he knows in the world today, people would like to see that tax money reinvested into one's own community.

Mr. Chodkowski said the County receives a specific notice from the City required by the Ohio Revised Code as to the intent to establish a TIF District so the County has an ability to object if it feels the money is necessary to operate its organization the way the County sees fit.

Mr. Shaw asked if TIF funds can be used for a new City Hall, Fire Station, or staffing?

Mr. Chodkowski said TIF financing is for stuff and things. He confirmed for Mr. Shaw that if the City were able to get the funds that were generally routed to the parks projects that Council budgeted, instead of normally putting that money into the parks, the City could funnel that money through the budgetary process to personnel. He said that is why City Staff have put together the Infrastructure Reliance Study and will be proposing additional Tax Increment Finance Districts in the future for the express purpose of being able to capture these dollars and route the dollars toward several of the infrastructure needs that have been talked about by Council so the dollars that otherwise go to those things can be used for personnel or other operational needs Council has talked about. Mr. Chodkowski said there was discussion earlier about the infrastructure at Marian Meadows. He said that infrastructure is specifically designed to be paid for through Tax Increment Financing by the project that it supports. He said that project requires no tax dollars by any person outside that district because it has been intentionally designed that way so the existing tax dollars can be rerouted.

Mr. Shaw said the TIF dollars coming in that the Mayor alluded to earlier is going to that Marian Meadows project that essentially would be going to the County.

Mr. Chodkowski said that is correct providing that Council approves the finance measure, which Council did tonight for the infrastructure, but then Council has to sign off to actually construct that infrastructure, and when City Staff presents the TIF District for that then Council needs to approve that TIF District. He said all of those things need to happen in order for that plan to work. He said there is a broader plan to make sure these projects pay for themselves and relieve the burden on existing taxpayers.

Mr. Shaw confirmed with Mr. Chodkowski the plan he is discussing to reroute funds is not a new plan.

Mr. Chodkowski said the Infrastructure Reliance Study goes back to September, 2022, and it was approved by Bond Counsel for incorporation into TIF documents later that year if not early 2023. He said the whole purpose is to utilize Tax Increment Financing revenues in accordance with the state statutes by supporting the City's needs.

Mr. Shaw said this information is great information.

Mayor Gore said any revenues that the City generates frees up other monies that the City does not have to spend and can be allocated in other places.

Mr. Campbell said some of the money is earmarked for Thomas Cloud Park and he confirmed Montgomery County gave the City the park for \$1. He said the half a million dollar cost to maintain the park is why the County gave the park away. He said the monies that would have gone to the County could be used to upgrade the splash pad. He asked Mr. Chodkowski if the entire \$5 million is earmarked.



# RECORD OF PROCEEDINGS

Huber Heights City Council

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## In-Council Chambers

GOVERNMENT FORMS & SUPPLIES 344-220-3685 FORM NO. 1013

6131 Taylorsville Road

September 25, 2023

Held

Mr. Chodkowski said all City Staff has done is indicate what the estimated revenues will be. He said none have been specifically allocated towards any specific expense.

Mr. Campbell said maybe moving forward Council as a whole can discuss these possibilities.

Mayor Gore said at least for the past six years, for any TIF approved, that money was always earmarked for other projects and one he remembers specifically is the one for Lexington Place. He said the revenue from that project was going to help the infrastructure improvements along Chambersburg Road even up past the high school. He said during the discussions, he has always thought and believed Council has had discussions about how the money was going to be allocated. He said moving forward if Council wants to give input where some of the money should go, Council absolutely should.

Mayor Gore asked one last time if there was anyone to speak in favor of or against the approval of this case.

Seeing none, Mayor Gore said, barring further comments, this Public Hearing of the City Council for a proposed Tax Increment Financing Incentive District to be established by the City of Huber Heights, Ohio under Ohio Revised Code Section 5709.40(C) is now hereby closed.

### ADMINISTRATION

**Richard S. Dzik, City Manager**

- D. An Ordinance Creating A Residential Tax Increment Financing Incentive District, Declaring Improvements To The Parcels Within The Incentive District To Be A Public Purpose And Exempt From Real Property Taxation, Requiring The Owners Of Those Parcels To Make Service Payments In Lieu Of Taxes, Establishing A Municipal Public Improvement Tax Increment Equivalent Fund For The Deposit Of Those Service Payments, And Specifying The Public Infrastructure Improvements That Benefit Or Serve Parcels In The Incentive District.  
(first reading)

Mr. Dzik had no further comments on this item.

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

- E. A Resolution Authorizing A Settlement In The Eminent Domain Case Regarding Wellfield Property.  
(first reading)

Mr. Dzik said he had no further comments on this item.

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

Ms. Baker moved to adopt; Mr. Webb 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.

- F. A Resolution Accepting The Amounts And Rates As Determined By The Budget Commission Of Montgomery County, Ohio, Authorizing The Necessary Tax Levies And Certifying Them To The Montgomery County Auditor.  
(first reading)



# RECORD OF PROCEEDINGS

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GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

6131 Taylorsville Road

September 25, 2023

Held

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

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

- G. A Resolution Accepting The Amounts And Rates As Determined By The Budget Commission Of Miami County, Ohio, Authorizing The Necessary Tax Levies And Certifying Them To The Miami County Auditor.  
(first reading)

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

Mrs. Kitchen moved to adopt; Mrs. Byrge 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.

- H. An Ordinance Amending Certain Sections Of Part Five, General Offenses Code, Of The City Code Of Huber Heights.  
(first reading)

Mr. Dzik said this item as well as Item 12-I will help City Staff better enforce property maintenance codes.

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

- I. An Ordinance Amending Certain Sections Of Part Thirteen, Building Code, Of The City Code Of Huber Heights.  
(first reading)

Mayor Gore said this item is the same as Item 12-H. He said this item will be passed to a second reading.

- J. A Resolution Authorizing The City Manager To Enter Into An Agreement With Motorola Solutions, A Sole Source Vendor, To Provide Network Service And Maintenance.  
(first reading)

Mr. Dzik said this item is for five years of maintenance on computer dispatch consoles in the Dispatch Center.

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

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

Mrs. Byrge said Council asked for additional information and said she would like to request that this item be moved to another reading.

Mr. Shaw said he supports Mrs. Byrge and requested that Mrs. Byrge and Mr. Otto withdraw their motions and move this item to a second reading.

Mrs. Byrge and Mr. Otto withdrew their motions. Mayor Gore said this item will be passed to a second reading.



# RECORD OF PROCEEDINGS

Huber Heights City Council

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## In Council Chambers

GOVERNMENT FORMS & SUPPLIES 844-224-3336 FORM NO. 10128

6131 Taylorsville Road

September 25, 2023

Held

- K. A Resolution To Increase The Not To Exceed Amount For Civica CMI For The Purpose Of Public Safety Applications Data Storage And Access Through The Remainder Of The Motorola RMS/CAD Data Conversion For Calendar Year 2023 And Waiving The Competitive Bidding Requirements.  
(first reading)

Mr. Dzik said as Police Chief Mark Lightner mentioned, this item is to hold data while the data is being converted. He said once the data has been converted, the City will end the contract with CMI.

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

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, Mr. Otto, and Mr. Lyons voted yea; none voted nay. The motion passes 8-0.

- L. A Resolution Declaring Certain City Property No Longer Needed For Municipal Purposes As Surplus And Authorizing Disposal Of Said Surplus Property.  
(first reading)

Mr. Dzik said this item is to dispose of City property that is no longer needed.

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

Mr. Webb moved to adopt; Mrs. Byrge 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.

- M. A Resolution Authorizing The City Manager To Enter Into A Contract For The Fishburg Road Widening Project.  
(first reading)

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

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

Mayor Gore said this project is to begin in March, 2024 and be completed in June, 2024.

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

### 13. City Official Reports And Comments

Mrs. Byrge thanked the Fire Division for another wonderful Open House this past weekend. She said the turnout was incredible.

Mr. Lyons said he was pleasantly surprised and pleased to hear the Police Chief and Mr. Dzik talking about the five police officers going through the process. He said to have five police officers down for so many years, somebody was punishing the Police Division and he still has not heard who.



**RECORD OF PROCEEDINGS**  
Huber Heights City Council

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GOVERNMENT FORMS & SUPPLIES 644-224-3336 FORM NO. 10128

In Council Chambers

Held 6131 Taylorsville Road

September 25, 20 23

**14. Executive Session**

Mayor Gore said there is need for an Executive Session.

Mr. Rodgers said the motion is to go into Executive Session to consider the sale or other disposition of unneeded property by competitive bid.

Ms. Baker moved to go into Executive Session for the reason stated; Mrs. Byrge seconded the motion. 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.

The City Council entered into Executive Session at 7:34 p.m.

Mr. Campbell left the meeting and did not go into Executive Session.

The City Council adjourned from Executive Session at 8:05 p.m.

Mayor Gore said no specific action was taken following the Executive Session.

**15. Adjournment**

Mayor Gore adjourned the Regular Session City Council Meeting at 8:05 p.m.

Anthony R. Rodgers  
Clerk of Council

10-25-2023  
Date

[Signature]  
Mayor

10/25/23  
Date