

RECORD OF PROCEEDINGS
Huber Heights City Council

Minutes of

Meeting

In Council Chambers
GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148
6131 Taylorsville Road
Held _____

July 08, 24
20 _____

1. **Call The Meeting To Order - Mayor Jeff Gore**

The Huber Heights City Council met in a Regular Session on July 8, 2024. Mayor Jeff Gore called the meeting to order at 6:03 p.m.
2. **Invocation - Rabbi Leibel Agar Of The Beth Jacob Synagogue At 7020 North Main Street, Dayton, Ohio**
3. **Pledge Of Allegiance**
4. **Roll Call**

Present: Scott Davidson, Kathleen Baker, Mark Campbell, Nancy Byrge, Brian Looney, Fred Aikens, Anita Kitchen, Don Webb, Jeff Gore

Staff Present: Assistant City Manager Aaron Sorrell; Clerk Of Council Anthony Rodgers; Law Director Christopher Conard; Interim City Manager John Russell
5. **Approval Of Minutes**

A. City Council Meeting Minutes - June 24, 2024

The minutes for the June 24, 2024 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 - Agenda Items**

There were no comments on agenda items from citizens.
8. **City Manager Report**

Interim City Manager John Russell gave a PowerPoint presentation highlighting the week's events. He said the Huber Heights Fire Division achieved Gold Status for its work in cardiac and stroke care. He said this recognition shows the work the Fire Division does to educate and put into play protocols and treatments for patients in need of cardiac care. He said today he swore in two new Police Officers. He said Police Chief Mark Lightner will introduce the 2024 new hires to Council later in the year. He said 2024 has been the largest year to date for the sale of Kroger Aquatic Center season passes. He said currently 362 season passes have been sold. He provided highlights regarding the YMCA and he said the Huber Heights YMCA has its largest membership ever with almost 15,000 members.

Mrs. Byrge asked if the YMCA has plans to expand the facility?

Mr. Russell said as part of the agreement with the YMCA for the lease of space for the Huber Heights Senior Center, the YMCA will expand early next year with a second gymnasium which is the size of the first gymnasium at the back of the facility.
9. **Pending Business**

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

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Mr. Russell said this item is the Economic Development Plan for the Authentix development on Brandt Pike which Economic Development Coordinator Kyren Gantt presented at the Council Work Session.

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 asked what this TIF will pay for.

Assistant City Manager Aaron Sorrell said this TIF pays for the road improvements that are currently underway at Miami Valley Way, the expansion in front of Dogtown, and it opens up the ability for the roadway to go through to the Huber Centre.

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

10. New Business

CITY COUNCIL

Anthony Rodgers, Clerk Of Council

- A. A Motion To Appoint Edwin Petticrew To The Citizens Water And Sewer Advisory Board For A Term Ending January 1, 2026.

Mr. Rodgers said the necessary background check has been completed on Mr. Petticrew and he asked for action on the motion.

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

- B. A Public Hearing Scheduled For July 8, 2024 By The Huber Heights City Council For Discussion Of The 2025 Tax Budget.

Mayor Gore opened the Public Hearing for the 2025 Tax Budget.

Mr. Russell said the 2025 Tax Budget is the beginning of the 2025 City Budget process. He said this Public Hearing was noticed on June 28, 2024 in the Daily Court Reporter and also on July 2, 2024 on the City's website. He said the 2025 Tax Budget produces the Certificate of Estimated Resources from the County Auditor. He said part of that process is the estimate of the revenues the City will have available to spend in 2025. He said the Tax Budget also allows the City to participate in the Local Government Fund. He said the Tax Budget itself is only an estimate of revenues and does not appropriate anything for 2025.

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 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 this issue.

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Seeing none, Mayor Gore said, barring further comments, the Public Hearing for the 2025 Tax Budget is hereby closed.

- C. A Public Hearing Scheduled For July 8, 2024 By The Huber Heights City Council For Case RP 24-12. The Applicant Is The City Of Huber Heights. The Applicant Is Requesting Approval To Vacate Middleton Court And Create One Single Lot For Property Located At 5001 Taylorsville Road And Further Described As Parcel Numbers P70 01922 0001 And P70 04005 0057 On The Montgomery County Auditor's Map.

Mayor Gore opened the Public Hearing for Case RP 24-12.

City Planner Aaron Sorrell gave a PowerPoint presentation on Case RP 24-12. He reviewed the site for the new Public Works Division facility. He said Middleton Court needs to be vacated in order to construct the facility over Middleton Court, located in the northeast corner of Wildcat Road and Taylorsville Road. He said by law, since the City owns the surrounding property, Middleton Court will become the property of the City of Huber Heights. He said the City will then file the Replat consolidating all of the parcels into one parcel. He said the Planning Commission voted unanimously to recommend approval of the vacation of Middleton Court.

Mayor Gore asked if the Law Director had any comments.

Seeing none, Mayor Gore asked if there were any other representatives of the City of Huber Heights to make 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 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 this case.

Seeing none, Mayor Gore said, barring further comments, this Public Hearing of the City Council for Case RP 24-12 is hereby closed.

ADMINISTRATION
John Russell, Interim City Manager

- D. A Resolution Approving The City Of Huber Heights Five-Year Capital Improvement Plan For 2025-2029. (first reading)

Mr. Russell said this item is the five-year outlook anticipating capital projects for the City. He said the Capital Improvement Plan (CIP) is reviewed annually, and it helps to guide the rest of the City Budget.

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

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

Mrs. Kitchen asked if the discussed improvements to Thomas Cloud Park have been added to the Capital Improvement Plan?

Mr. Russell said Ms. Sarah McPherson had some items outlined to improve Thomas Cloud Park in the CIP, but that particular project is more extensive and it will be brought to Council at a different time.

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Mr. Aikens confirmed that this legislation does not commit to a budget.

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

- E. A Resolution Adopting A Preliminary Tax Budget For Revenues Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2025 And Ending December 31, 2025. (first reading)

Mr. Russell said this legislation is to approve the 2025 Tax Budget that was discussed at the Public Hearing. He said the Tax Budget is required to be submitted to Miami County by July 20, 2024.

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

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

- F. An Ordinance Authorizing Advances And Transfers Between Various Funds Of The City Of Huber Heights, Ohio And Amending Ordinance No. 2024-O-2625 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2024 And Ending December 31, 2024. (first reading)

Mr. Russell said this legislation includes supplemental appropriations for initiating the architecture work for the renovation of Fire Station 23. He said the largest amount is for payments for debt service for maturing notes.

Mayor Gore said the Council Work Session recommendation was to waive the second reading and to adopt this item.

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

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

- G. A Resolution To Increase The Not To Exceed Amount For Coolidge Wall Co., L.P.A. For Legal Services As City Attorney/Law Director For The City Of Huber Heights In Calendar Year 2024. (first reading)

Mr. Russell said in March 2024, the City transitioned from one law firm to another, Coolidge Wall Co., L.P.A. He said during that transition, there have been increased costs which will go above the not to exceed amount for a vendor.

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. Davidson, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Aikens, Mr. Looney, and Mrs. Kitchen voted yea; none voted nay. The motion passes 8-0.

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- H. An Ordinance To Approve The Vacating Of Middleton Court To Create One Single Lot And To Accept The Recommendation Of The Planning Commission (Case RP 24-12).
(first reading)
- Mr. Russell said this item was presented to the City Council in the Public Hearing. He said there was no additional information to provide.
- Mayor Gore said this item will be passed to a second reading.
- I. A Resolution Authorizing The Parks Manager To Administer The Public Facility Use Policy And Associated Fee Schedule.
(first reading)
- Mr. Russell said Ms. McPherson presented this item to the City Council previously. He said this legislation is to approve the Public Facility Use Policy.
- Mayor Gore said the Council Work Session recommendation was to adopt this item.
- Mr. Davidson moved to adopt; Ms. Baker seconded the motion.
- Mr. Webb said the work Ms. McPherson did on this policy was very thorough and incorporates all of the items requested by the City Council.
- On a call of the vote, Mr. Davidson, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Aikens, Mr. Looney, Mrs. Kitchen, and Mr. Webb voted yea; none voted nay. The motion passes 8-0.
- J. An Ordinance Amending Certain Sections Of Part Nine, Streets And Public Services Code, Of The City Code Of Huber Heights.
(first reading)
- Mr. Russell said this legislation will amend certain sections of the Huber Heights City Code based on adoption of the Public Facility Use Policy and other changes related to the City's parks.
- Mayor Gore said this item will be passed to a second reading.
- K. A Resolution Authorizing The City Manager To Participate In The Ohio Association Of Public Treasurers 2025 Workers' Compensation Group Retrospective Program Administered By Sedgwick.
(first reading)
- Mr. Russell said this item is for renewal of the City's BWC insurance.
- Mayor Gore said the Council Work Session recommendation was to adopt this item.
- Mrs. Byrge moved to adopt; Mr. Webb seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Aikens, Mr. Looney, Mrs. Kitchen, Mr. Webb, and Mr. Davidson voted yea; none voted nay. The motion passes 8-0.
- L. 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 To Cover The Costs Of Services Ordered By The City.
(first reading)
- Mr. Russell said this legislation is an update of the City's current liability insurance policy. He said the good news is there is only a 4 percent increase in costs.

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

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

Mrs. Kitchen said she does not believe in not going out for competitive bidding and she thinks that process saves the taxpayers money.

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

- M. A Resolution Authorizing The City Manager To Award A Contract For The Huber Heights Governance Center – Phase I.
(first reading)

Mr. Russell said this legislation authorizes the award of a contract to Arcon Builders for the construction of the new City Governance Center. He said Arcon Builders was the lowest and best bidder.

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, Mrs. Byrge, Mr. Aikens, Mr. Looney, Mr. Webb, Mr. Davidson, Ms. Baker, and Mr. Campbell voted yea; Mrs. Kitchen voted nay. The motion passes 7-1.

- N. A Resolution Authorizing The City Manager To Enter Into A Contract Modification With Booher Blacktop For The Thomas Cloud Park Path Resurfacing Project.
(first reading)

Mr. Russell said City Engineer Russ Bergman explained the overage on this contract at the last Council Work Session. He said this legislation authorizes covering those additional costs.

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

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

Mr. Webb said the new walkways are phenomenal and the work was exceptional.

Mr. Russell explained the reason behind the extra costs to Mr. Aikens.

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

- O. A Resolution Authorizing The City Manager To Solicit, Advertise, And Receive Bids From Qualified Drilling Companies For The Installation Of Monitoring Wells And The Installation Of A New Municipal Water Supply Well, Production Well PW-7, At The Rip Rap Road Well Field.
(first reading)

Mr. Russell said this legislation is to solicit bids for the new municipal water supply well at the Rip Rad Road Water Treatment Plant. He said the anticipated yield from the new well is 2,500 to 3,000 gallons per minute.

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

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11. Citizens Comments - General

Mr. Jeff Morford read select amendments of the U.S. Constitution. He said all citizens of the United States have equal rights, and the most important right is the right to choose and to vote on issues. He read the definition of democracy, and he spoke regarding the almost annexation of Wayne Township. He asked Council to see the injustice and vote no on annexation.

Mr. Thomas Dillingham said he saw information on the internet and asked if there is going to be a Charlesgate Road connector from the Deers Subdivision to the Gates Subdivision?

Mayor Jeff Gore said he asked assistant City Manager Aaron Sorrell to look into that issue, and he will provide an update when Mr. Sorrell has the information available.

Ms. Donna Hughes congratulated the Girls' and Boys' Track Teams and the Fire Division's Gold Status for cardiac care. She asked Council to have the Police Division issue tickets for those who block intersections. She reiterated her requests from previous meetings regarding intersections throughout the City. She said she read something and paraphrased it to say Bethel Township is Heaven and Huber Heights is not. She said Huber Heights residents feel the same way about the City as Bethel Township residents feel about Bethel Township. She discussed the number of students in Bethel Township from the Carriage Trails I development. She asked that Council vote no on the annexation to give Bethel Township the control over its own land.

Mayor Gore said regarding Ms. Hughes' paraphrasing, City residents do believe it is great in Huber Heights. He said the difference is City residents do not talk bad about Bethel Township to raise up Huber Heights.

Mr. Campbell asked Mr. Russell and Mr. Sorrell if they have had time to reach out to Bethel Township regarding the data he asked for at the last City Council Meeting:

Mr. Russell said the next day he reached out to the Treasurer of Bethel Schools. He said he and the Treasurer had a couple of back and forth communications. He said the Treasurer assured him she would give him information, but he has not heard from the Treasurer since then.

Mr. Campbell reiterated Mr. Russell's information.

Mayor Gore said the Bethel Schools Interim Superintendent came to City Hall today and requested a meeting with the Mayor. He said the Interim Superintendent left available some dates and times for a meeting. Mayor Gore said he will be reviewing his schedule to set up an appointment.

Mr. Campbell asked Mr. Rodgers if the Interim Superintendent dropped off any of the requested information at City Hall?

Mr. Rodgers replied no.

Mayor Gore confirmed to Mrs. Byrge that he would request the Treasurer attend the meeting with the Interim Superintendent and himself.

Ms. Julie Reese asked if Council would annex the land if it were not so sweet and lucrative of a deal and take on all of the students. She said she believes the main reason for annexing is that Huber Heights gets a wagon load of money with no responsibilities that come with it. She said annexation is destroying the relationship and will continue to bring animosity between the City of Huber Heights and Bethel Township. She discussed the mutual need of each other's way of life. She asked Council to stop the annexation and the contentious relationship.

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Mayor Gore said from a school perspective, if a resolution could not be found for the Bethel Schools, he would personally not be in favor of the annexation.

Mr. Campbell asked Mr. Sorrell to make sure Mr. Sorrell includes information regarding how many trailers and the length of time trailers have been used for education at Bethel Schools.

Ms. Reese said trailers have been incorporated into the education system at Bethel Schools for at least twelve years .

Mr. Campbell asked Mr. Sorrell to include in his report what year the first house was built in Carriage Trails I and how many houses were built each year after that.

12. City Official Reports And Comments

Mrs. Byrge asked Mr. Russell if City Staff had looked at the path at the City's dog park.

Mr. Russell said he has not been asked, but he will put that item on his list.

Mrs. Kitchen reminded the City Council that the First Suburbs Consortium social event will take place at the Rose Music Center on July 9, 2024 at 6:00 p.m.

Mr. Webb said a year ago he talked to a constituent who uses a mobility device, and the constituent explained the push button for the crosswalk from Thomas Cloud Park to Kroger on Brandt Pike was up so high and out so far into the grass that she could not reach it and she would have to wait until someone came up that could push the button for her. He said he contacted Mr. Russell and who arranged for City Staff to make changes to the intersection. He said most recently the best change has been the crosswalk stamping. He said he received a letter from that constituent today thanking the City for moving the push button to a more accessible pole and paving an area to allow access to the push button with her mobility device. He said everyone in the City of Huber Heights deals with things on a daily basis that may bother them, and Council may not be aware of these issues. He asked residents to contact the City Council representatives when there is something big or small that need attention.

Mrs. Hughes said Buc-ee's has refused to install an adult changing station. She said it would be great if Huber Heights heavily suggest that Buc-ee's install an adult changing table.

Mr. Webb said Huber Heights has three adult changing tables - one at the Rose Music Center, one at the Huber Heights Library, and one at Carriage Hill Metroparks. He said Council is listening.to citizens' requests.

Mrs. Kitchen asked if there is a way down the road for the City to do an ADA study throughout the City.

Mr. Russell said every time something comes through the Planning Commission, current ADA standards have to be met.

Mr. Sorrell said as part of the City's Streets Program, curbs are changed out to make the curbs ADA accessible. He said as part of the aging-in-place discussions, the City should look at whether or not there are appropriate public facilities such as benches, shade, and things of that nature.

Mrs. Kitchen said she questions some of the standards she has seen and she reiterated her request for an independent ADA study.

Mr. Sorrell talked about sidewalk width. He said there are opportunities to upgrade the infrastructure requirements. He said City Staff are now thinking about mobility

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apparatus and families. He said in the 1950's it was not really at the top of the mind when the model subdivision standards were set.

Mrs. Byrge said that thinking should be very much a part of the livable communities initiative.

Mr. Aikens asked why Buc-ee's was no longer intending to install an adult changing station.

Mr. Sorrell said Buc-ees never committed to installing an adult changing table, and he said City Staff were pushing as hard as possible. He said the concern is the single-family restroom issues that go along with a locked room that the staff of Buc-ee's cannot control. He said the adult changing table is not the concern.

Mrs. Kitchen said it would not be a big ordeal to eliminate a couple of bathroom stalls and install an adult changing table in the main restroom.

Mr. Sorrell said he will bring that concept up with the Buc-ee's representative.

13. Executive Session

Mayor Gore said there is a need for an Executive Session.

Ms. Baker moved to enter into Executive Session to consider the dismissal of a public official; Mr. Davidson seconded the motion. On a call of the vote, Mrs. Kitchen, Mr. Webb, Mr. Davidson, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Aikens, and Mr. Looney voted yea; none voted nay. The motion passes 8-0.

The City Council entered into Executive Session at 7:06 p.m.

The City Council adjourned from Executive Session at 7:42 p.m.

Mr. Davidson moved to add A Resolution To Separate Employment With The City Manager And To Approve A Settlement Agreement as Item 10-P to the meeting agenda; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Webb, Mr. Davidson, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Aikens, Mr. Looney, and Mrs. Kitchen voted yea; none voted nay. The motion passes 8-0.

**10-P. A Resolution To Separate Employment With The City Manager And To Approve A Settlement Agreement.
(first reading)**

Mr. Conard said it became clear that there was going to be a dispute between the City's position and the City Manager's position regarding specific contract terms and what constituted moral turpitude. He said that matter would have been a legal question that could only be decided by a judge in a courtroom proceeding. He said both sides made a decision to avoid that conflict and agreed to enter into mediation. He described the mediation process. He said a tentative agreement between the parties was reached which requires action by Council. He said the legislation before Council includes the terms and conditions of the settlement agreement which is memorialized and approved by the resolution and the attached exhibit. He said that legislation and the attached exhibit will be the public record because the mediation itself is confidential. He said if Council decides to approve the resolution and to authorize the Interim City Manager to sign the settlement agreement, upon the signature of all parties, the settlement will be complete, memorialized, and a public record created therefrom.

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

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14. Adjournment

Mayor Gore adjourned the Regular Session City Council Meeting at 7:46 p.m.

Anthony P. Ruck 07-23-2024
Clerk of Council Date

Gary Gore 7/23/24
Mayor Date