

# NOTICE OF MEETING

Huber Heights  
City Councilmember

**Mark Campbell**  
**Chair of the**  
**Administration Committee**

Has scheduled a  
meeting to discuss:

- 2015 Administration Committee Meeting Schedule
- 2015 City Budget
- Income Tax Renewal
- 2015 Salary Ranges and Wage Levels
- Music Center
- Music Center Network Media Marketing Opportunity
- The Heights Development
- Carriage Trails
- Amnesty/Appropriations
- Plattenburg & Associates - Increase Not To Exceed Amount
- Miami County (West) TIF District - For New Fire Station
- The Impact Group - Communication Services Agreement
- Prosecutor Services Agreement
- 2015 City Attorney Contract
- 2015 Zimmers & Associates Contract
- 2015 MVRPC Membership Dues
- Board and Commission Appointments
- 2015 City Council Committee Assignments
- 2015 Rules of Council
- End of Year Legislation
- Council Issues

Tuesday,  
**December 2,**  
**2014**

at or about

**6:00 P.M.**

in City Council's  
Conference  
Room.

Distributed - November 28, 2014



**CITY OF HUBER HEIGHTS  
STATE OF OHIO**

**Administration Committee Agenda**

1.     **Name of Body:**                     Administration Committee
  
2.     **Date:**                             December 2, 2014
  
3.     **Time:**                            6:00 P.M.
  
4.     **Place:**                            City Hall – 6131 Taylorsville Road –  
  City Council Conference Room
  
5.     **Members Present:**
  
6.     **Guests Present:**
  
7.     **Approval of Minutes:**  
  
          - November 18, 2014
  
8.     **Topics of Discussion:**  
  
          - 2015 Administration Committee Meeting Schedule  
  
          - 2015 City Budget  
  
          - Income Tax Renewal  
  
          - 2015 Salary Ranges and Wage Levels

- Music Center
- Music Center Network Media Marketing Opportunity
- The Heights Development
- Carriage Trails
  - \* DEC Development Agreement - Fourteenth Amendment
  - \* Resolution of Necessity
  - \* Ordinance To Proceed
- Amnesty/Appropriations
- Plattenburg & Associates - Increase Not To Exceed Amount
- Miami County (West) TIF District - For New Fire Station
- The Impact Group - Communication Services Agreement
- Prosecutor Services Agreement
- 2015 City Attorney Contract
- 2015 Zimmers & Associates Contract
- 2015 MVRPC Membership Dues
- Board and Commission Appointments
- 2015 City Council Committee Assignments
- 2015 Rules of Council
- End of Year Legislation
- Council Issues

9. **Recommendations / Actions:**

10. **Adjournment:**



## CITY OF HUBER HEIGHTS CITY COUNCIL MEETING SIGN-IN SHEET

<b>Meeting:</b> Administration Committee	<b>Location:</b> City Council Conference Room
<b>Presiding Officer:</b> Chair Mark Campbell	<b>Date/Time:</b> Dec. 2, 2014 at 6:00 P.M.

City of Huber Heights  
6131 Taylorsville Rd.  
Huber Heights, OH 45424

937.233.1423  
937.233.1272 fax

www.hhoh.org

NAME	ORGANIZATION	PHONE NUMBER
Atty C. Rame	CLERK OF COUNCIL	237-5832
Ed Lyons	Council	233-1423
Scott Falkowski	CITY	237-5821
Ariel Van Cleave	WYSO	815-878-5503
Hollie Chene	UD Student	_____
Janel Smith	resident	unavailable
Richard Shan	President	829-1209
Ken Lownday	KENLOWNDAY LLC	614-571-0614
Lisa Seibert	Dayton Local	937-545-5478
Mark Lubner	Police Chief	237-3608
Jan Vargo	Council	233-1423
Karen Phelps	"	"
Rae Dwyer	"	"
Judy Blankenship	"	233-9399
Colenn T. Otto	Resident	554-6772
Katie Knisley	City	237-5847
Philippa Noel	Chamber	233-0373
Bryan Dethy	Resident / Warrior Soccer Club	236-6257
Jim Dale	Council	236-1423
JD - M	CITY	5834
Deer Shapiro	San Diego	223-1130
Rob Schommert	CITY MANAGER	237-5827
Tom Mc Masters	MAYOR	985-6295
Tyler Starline	City Council	304-4587
JOHN DEAK	RESIDENT	781-6989177

**CITY OF HUBER HEIGHTS  
STATE OF OHIO**

**Administration Committee Meeting Minutes**

1. **Name of Body:** Administration Committee
2. **Date:** December 2, 2014
3. **Time:** 6:00 P.M.
4. **Place:** City Hall – 6131 Taylorsville Road  
City Council Conference Room

5. **Members Present:**

Karen Kaleps, Administration Committee  
Jan Vargo, Administration Committee  
Tracy Dudley, Administration Committee  
Judy Blankenship, Councilmember  
Tyler Starline, Councilmember  
Ed Lyons, Councilmember  
Lu Dale, Councilmember  
Tom McMasters, Mayor

6. **Guests Present:**

City Staff Present: Don Jones, Katie Knisley, Rob Schommer, Scott Falkowski, Mark Lightner, Alan Schaeffer, and Anthony Rodgers.

Guests Present: Ariel Van Cleave, Hollie Cline, Melissa McGhee, Bryan Detty, Janell Smith, Richard Shaw, Lisa Seibert, Glenn Otto, Ron Deak, and Ken Conaway.

7. **Approval of Minutes**

The following minutes were approved unanimously at the beginning of this meeting:

- November 18, 2014

There were no changes or corrections to these minutes as submitted.

8. **Topics of Discussion:**

- 2015 Administration Committee Meeting Schedule
- 2015 City Budget
- Income Tax Renewal
- 2015 Salary Ranges and Wage Levels
- Music Center
- Music Center Network Media Marketing Opportunity
- The Heights Development
- Carriage Trails
- Amnesty/Appropriations
- Plattenburg & Associates – Increase Not To Exceed Amount
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- Board and Commission Appointments
- 2015 City Council Committee Assignments
- 2015 Rules of Council
- End of Year Legislation
- Council Issues

9. **Recommendations / Actions:**

Mrs. Kaleps, Acting Chair, convened the Administration Committee meeting at 6:12 P.M.

2015 Administration Committee Meeting Schedule

Anthony Rodgers distributed information regarding the 2015 Administration Committee meeting schedule (see attached). He said the schedule retains the committee meetings on the first and third Mondays of each month at 6:00 P.M. except for when the regularly scheduled meeting falls on holidays or there are other scheduling conflicts.

After discussion, the Administration Committee unanimously approved the 2015 Administration Committee meeting schedule as distributed.

2015 City Budget

Jim Bell provided 2015 revenue estimates to the Administration Committee through a PowerPoint presentation. He said the 2015 City budget ordinance that had a first reading and was amended at the November 24, 2014 City Council Meeting will need to be amended again due to some minor revisions at the December 8, 2014 City Council Meeting prior to adoption.

Tyler Starline said he would like City Council to receive monthly financial reports from the City Staff.

Rob Schommer said City Staff plan to provide quarterly budget updates to City Council beginning in 2015.

After discussion, the Administration Committee unanimously agreed to recommend approval of the proposed legislation to approve the 2015 City budget with amendments proposed by City Staff and requested that the amended legislation be adopted at the December 8, 2014 City Council Meeting as non-emergency legislation with the third reading waived.



## Income Tax Renewal

Rob Schommer distributed information and two items of proposed legislation to approve placement of 0.25% income tax renewal for ten years on the May 5, 2015 ballot (see attached). He said with the recent passage of Issue 19, the City completed the first step of a two-step plan to sustain the City's ability to continue providing the level of public safety and City services the community currently enjoys. Rob Schommer said in step two, the City will need to renew an existing 0.25% of the City's income tax rate for an additional 10 year period. He said the renewal is not a new tax nor does it create new revenues; it merely maintains the current income tax rate. Keeping in line with the 2025 Plan, Rob Schommer stated the City needs to maintain an income tax rate at 2.25% for 10 years; from 2015 to 2025. He said the completion of step two allows the community to continue its growth and stabilization for the next 10 years setting Huber Heights up for continued success and excellent services. Rob Schommer said the two items of proposed legislation contain the specifics as well as proposed ballot language. He requested that these two items undergo the first reading for consideration at the December 8, 2014 City Council Meeting and that both items have the full three readings prior to adoption. Rob Schommer said Council has the obligation to allow the residents of the community to make an informed decision about the services they want. He said passage of the legislative items does not invoke the renewal; it only authorizes the issue to be placed on the ballot to allow the residents to vote on the renewal. He said that passage of these items does not imply a position for or against the income tax renewal; it is simply a step in the process established by the City Charter and laws of the City. Rob Schommer said the City would have to pay for the cost of the election on May 5, 2015.

After discussion, the Administration Committee unanimously agreed to recommend approval of the two items of proposed legislation to approve placement of 0.25% income tax renewal for ten years on the May 5, 2015 ballot and requested that the two items of legislation be placed on the agenda for the December 8, 2014 City Council Meeting for a first reading as emergency legislation and having the full three readings of both items of legislation prior to adoption.

## 2015 Salary Ranges and Wage Levels

Katie Knisley distributed information and two items of proposed legislation to approve the 2015 salary ranges and wage levels and to approve a 2% pay raise in 2015 for all non-union employees of the City (see attached). She said this was standard legislation that is done each year which will also account for a total of 27 pay periods in 2015 which is an unusual occurrence due to the calendar.

Mayor Tom McMasters suggested that the title in Section 7 of the legislation to approve the 2015 salary ranges and wage levels should be renamed as the title is misleading.

Katie Knisley said she would amend and rename the title in Section 7 of the legislation to approve the 2015 salary ranges and wage levels.

After discussion, the Administration Committee unanimously agreed to recommend approval of the two items of proposed legislation to approve the 2015 salary ranges and wage levels and to approve a 2% pay raise in 2015 for all non-union employees of the City and requested that the two items of legislation be placed on the agenda for the December 8, 2014 City Council Meeting for approval with the second and third readings of both items of legislation waived.

## Music Center

Rob Schommer said City Staff have been exploring the option of contracting with the Cincinnati Symphonic Orchestra, parent company of MEMI, to provide the back office accounting and payroll process for the City's music center operations. He said the Cincinnati Symphonic Orchestra has the expertise and means to perform these tasks for the City in a cost-effective and comprehensive manner. Rob Schommer said that having the Cincinnati Symphonic Orchestra distribute the payroll directly to staff at the music center would save the City about 14% in payroll costs as well. He said the cost to have the Cincinnati Symphonic Orchestra provide the back office accounting and payroll process for the City's music center operations would be \$65,000 annually. Rob Schommer said City Staff are still working out the details of this proposal and he will bring it back to the Administration Committee at a future

meeting of the committee with more details for further review and discussion.

Rob Schommer said he wanted to provide the Administration Committee with an update on naming rights opportunities for the music center. He said there are two primary types of naming rights sponsorship – one is perpetual naming rights for a one-time fixed amount and the other is naming rights for a fixed number of years for a fixed amount. He said City Staff have been actively working with various partners to secure a naming rights sponsorship for the City's music center without success. Rob Schommer said the City has been approached by an unidentified private foundation interested in perpetual naming rights to the music center for approximately \$2 million to be paid in installments over a ten year period. He said he would like City Council to authorize a letter of intent for City Staff to negotiate the specific terms of a sponsorship agreement with this unidentified private foundation as this is the only naming rights sponsor that has been identified at this time. Rob Schommer said approval of the letter of intent would not be a final decision on the naming rights sponsorship; it would be an authorization to negotiate specific terms to bring back to City Council for further review and discussion.

Tyler Starline said he did not think \$2 million was a sufficient amount for perpetual naming rights to the music center.

Mayor Tom McMasters said the City could still take the time to wait for other naming rights sponsorship opportunities for the music center.

After discussion, the Administration Committee unanimously agreed to recommend approval of legislation to authorize a letter of intent for City Staff to negotiate the specific terms of a naming rights sponsorship agreement for the music center and requested that the necessary legislation be prepared and placed on the agenda at the December 8, 2014 City Council Meeting for approval as emergency legislation with the second and third readings waived.

### Music Center Network Media Marketing Opportunity

Rob Schommer said there was nothing to discuss related to this agenda item as he has not yet received a proposal from the media company; therefore, this agenda item was not discussed by the Administration Committee.

### The Heights Development

Ron Deak inquired if the City is paying anyone to market The Heights development.

Rob Schommer said the City has contracted with Oberer to act as the listing agent for The Heights development. He said the City does not own much of the land in this area and most of it is owned by private individuals. Rob Schommer said the sale of this land would result in a commission being paid to Oberer. He said the City is working also on the land assembly agreement for The Heights development.

### Carriage Trails

Don Jones distributed information and three items of proposed legislation related to special assessments at Carriage Trails (see attached). He stated DEC will develop 27 additional lots for Ryan Homes in Sections 4-2 and 4-3 of the Carriage Trails development. Don Jones said that each lot would be assessed at \$4,000 per lot which will be repaid by special assessments to the lots at \$300 per year for 25 years. He said to approve the special assessments that the City Council will need to adopt two items of legislation – the Resolution of Necessity and the Ordinance To Proceed. Don Jones said the third item of legislation is needed to approve a fourteenth amendment to the DEC Amended and Restated Development Agreement. He said the City will provide \$339,000 towards the cost of the proposed public infrastructure improvements (TIF-related) for the 27 lots. He said that approval of all three items of legislation by the City Council would allow DEC to proceed with the construction of the infrastructure improvements in Sections 4-2 and 4-3 at Carriage Trails. Don Jones said the City is planning to continue advances from other funds as part of the 2025 Plan.

After discussion, the Administration Committee unanimously agreed to recommend approval of the three items of proposed legislation for DEC and Carriage Trails related to Sections 4-2 and 4-3 and requested that the three items of legislation be placed on the agenda for the December 8, 2014 City Council Meeting for a first reading as emergency legislation with the full three readings of the three items of legislation prior to adoption.

#### Amnesty/Appropriations

Jim Bell distributed information and proposed legislation for amnesty (see attached). He said there is one amnesty item for approval and the funds are available in the budget to pay for this item.

After discussion, the Administration Committee unanimously agreed to recommend approval of the proposed legislation for amnesty and requested that the legislation be placed on the agenda for the December 8, 2014 City Council Meeting for approval as emergency legislation with the second and third readings waived.

Jim Bell distributed information and proposed legislation for additional 2014 supplemental appropriations (see attached). He reviewed the supplemental appropriations in detail with the Administration Committee.

After discussion, the Administration Committee unanimously agreed to recommend that the proposed legislation to approve the 2014 supplemental appropriations be placed on the agenda for the December 8, 2014 City Council Meeting for approval as non-emergency legislation with the second and third readings waived.

#### Plattenburg & Associates – Increase Not To Exceed Amount

Jim Bell distributed information and proposed legislation to increase the not to exceed amount for Plattenburg & Associates for audits and other professional services (see attached). He said Plattenburg & Associates has previously performed other audits and professional services for the City of Huber Heights in addition to the annual state audit services and the City desires the ability to continue to use Plattenburg & Associates to perform other professional services. Jim Bell said this legislation

authorizes the Finance Director to enter into agreements for other professional services, as needed, in an amount not to exceed \$55,000 in 2015. However, he said since preparing the legislation that he wanted to amend the not to exceed amount being requested for Plattenburg & Associates to \$65,000 to be on the safe side.

After discussion, the Administration Committee unanimously agreed to recommend approval of the proposed legislation to increase the not to exceed amount for Plattenburg & Associates to \$65,000 for audits and other professional services and requested that the legislation be placed on the agenda for the December 8, 2014 City Council Meeting for approval as emergency legislation with the second and third readings waived.

#### Miami County (West) TIF District – For New Fire Station

Don Jones distributed information and proposed legislation to create a new Miami County (West) TIF district to build a new fire station (see attached). He said he has had ongoing meeting with Bethel Schools on this matter in attempt to address the school board's concerns about the length and amounts involved with the TIF district. He said the Bethel School Board is likely to have a workshop in the next week to discuss the proposed TIF district and he plans to attend. He said the creation of this TIF district is part of the 2025 Plan and will enable the City to build the new third fire station in this area. He said the plan involves moving \$400,000 of fire capital funds to fire operations which allowed the City to reduce the ask for the income tax increase in November, 2014 from 0.35% to 0.25%. Don Jones said the current discussions were focusing on a ten year TIF with a 75/25 split that goes away after ten years. He said City Council would need to schedule a City Council Special Meeting to approve the new TIF district prior to the end of 2014.

After discussion, the Administration Committee unanimously agreed to recommend that the proposed legislation to be placed on the agenda for a City Council Special Meeting prior to the end of 2014 for approval as emergency legislation with the second and third readings waived.

### The Impact Group – Communication Services Agreement

Rob Schommer distributed information and proposed legislation to continue a communication services agreement with The Impact Group in 2015 (see attached). He said the annual cost of the agreement is \$48,000.

After discussion, the Administration Committee unanimously agreed to recommend that the proposed legislation to continue a communication services agreement with The Impact Group in 2015 be placed on the agenda for the December 8, 2014 City Council Meeting for approval as non-emergency legislation with the second and third readings waived.

### Prosecutor Services Agreement

Rob Schommer distributed information and proposed legislation to continue the prosecutor services agreement with Robert Coughlin in 2015 (see attached). He said the annual cost of the agreement is \$80,000.

After discussion, the Administration Committee unanimously agreed to recommend that the proposed legislation to continue the prosecutor services agreement with Robert Coughlin in 2015 be placed on the agenda for the December 8, 2014 City Council Meeting for approval as emergency legislation with the second and third readings waived.

### 2015 City Attorney Contract

Anthony Rodgers said that the City Attorney contract for 2015 with Pickrel, Ebeling & Schaeffer would also have to be renewed. He said the rates for the City Attorney's contract would remain at the same rates as 2014.

After discussion, the Administration Committee unanimously agreed to recommend that the necessary legislation to continue the City Attorney contract for 2015 with Pickrel, Ebeling & Schaeffer be prepared and placed on the agenda for the December 8, 2014 City Council Meeting for approval as emergency legislation with the second and third readings waived.

### 2015 Zimmers & Associates Contract

Rob Schommer distributed information and proposed legislation to continue the agreement for legislative consulting and lobbying services with Zimmers & Associates in 2015 (see attached). He said the annual cost of the agreement is \$36,000.

After discussion, the Administration Committee unanimously agreed to recommend that the proposed legislation to continue the agreement for legislative consulting and lobbying services with Zimmers & Associates in 2015 be placed on the agenda for the December 8, 2014 City Council Meeting for approval as emergency legislation with the second and third readings waived.

### 2015 MVRPC Membership Dues

Rob Schommer distributed information and proposed legislation to authorize payment of 2015 membership dues to the Miami Valley Regional Planning Commission (MVRPC) (see attached). He said the annual cost of dues is \$18,000.

After discussion, the Administration Committee unanimously agreed to recommend that the proposed legislation to authorize payment of 2015 membership dues to the Miami Valley Regional Planning Commission be placed on the agenda for the December 8, 2014 City Council Meeting for approval as non-emergency legislation with the second and third readings waived.

### Board and Commission Appointments

Anthony Rodgers distributed information regarding board reappointments to the Tax Appeals Board (see attached). He said City Staff recommended the reappointment of Judith McClelland, Monica Rezek, and Joan Smith to the Tax Appeals Board for a term expiring on December 31, 2015. He said the current terms of Judith McClelland, Monica Rezek, and Joan Smith are expiring on December 31, 2014. Anthony Rodgers stated that a background check was completed on these individuals previously and no adverse information was reported according to Human Resources.



After discussion, the Administration Committee unanimously agreed to recommend approval of the reappointments of Judith McClelland, Monica Rezek, and Joan Smith to the Tax Appeals Board for a term expiring on December 31, 2015 and requested that the necessary motion be placed on the agenda for approval at the December 8, 2014 City Council Meeting.

### 2015 City Council Committee Assignments

Anthony Rodgers said that City Council needed to identify the 2015 City Council committee assignments.

A discussion among the City Councilmembers reached a consensus to keep all of the City Council committee assignments the same for 2015 as in 2014.

After this discussion, the Administration Committee unanimously recommended that a motion to approve the 2015 City Council committee assignments be prepared and placed on the agenda for approval at the December 8, 2014 City Council Meeting.

### 2015 Rules of Council

Anthony Rodgers said that City Council would need to adopt Rules of Council for 2015. He said he had not received any recommended changes to the current version of the Rules of Council.

Ed Lyons said he would like Mayor McMasters to broaden the interpretation of item N. – Public Participation at Meetings, paragraph 4 on page 6 of the current Rules of Council to allow City Staff and City Council the opportunity to respond during the City Council Meetings to comments and questions from the public.

Mayor McMasters agreed that this would be beneficial to the public discourse, but said he did not feel a change to the Rules of Council was necessary for this purpose.

Ed Lyons and Karen Kaleps suggested that the wording of item M. – Agenda, paragraph 2 and the wording of the third to last paragraph on page 12 of the current Rules of Council could be better worded so that all

legislation, motions, or other matters did not require Council committee review under certain circumstances.

After discussion, Anthony Rodgers said he would rewrite these two sections as requested in the current Rules of Council and distribute a draft of the proposed amendments to City Council by email for consideration and feedback prior to the December 8, 2014 City Council Meeting.

Mayor Tom McMasters said he still felt that the Mayor should have voting rights in all of the Council committees.

Karen Kaleps said the City Charter was not written with the intent of giving the Mayor voting rights in all of the Council committees. She said this has never been the practice in Huber Heights either. She said she was opposed to make any such change to the current Rules of Council.

Tyler Starline said he was not going to contest this issue further, but that did not mean he was conceding his views on related points that he had made earlier in 2014.

After discussion, the Administration Committee unanimously recommended that a motion to approve the 2015 Rules of Council as discussed (with suggested amendments to the wording of item M. – Agenda, paragraph 2 and the wording of the third to last paragraph on page 12) be prepared and placed on the agenda for approval at the December 8, 2014 City Council Meeting.

#### End of Year Legislation

Anthony Rodgers said that there will be a number of items of routine legislation related to end of year legislation. He said the plan this year for this legislation had been to pass all of the end of the year legislation at the two City Council Meetings in November, 2014 as non-emergency legislation with the second and third readings waived. Anthony Rodgers said that any end of the year legislation that would be adopted at the December 8, 2014 City Council Meeting would have to be adopted as emergency legislation with the second and third readings waived in order to be effective prior to January 1, 2015 as discussed in earlier agenda items.

## Council Issues

Ed Lyons said that he wanted to discuss certain issues and it was not his intent to make a personal attack or a complaint. He said a constituent had raised an issue to him involving the politically motivated actions of a certain Councilmember regarding the scheduling of a politically-motivated presentation at a recent City Council Meeting.

Tyler Starline said that it was obvious that Ed Lyons was referring to him and he inquired about who had contacted Ed Lyons about this issue. He said he thought this was a closed matter.

Ed Lyons said the constituent who had contacted him was a confidential source. He said he thought the actions of Tyler Starline in this situation created an appearance of impropriety.

Alan Schaeffer said that if someone had an issue with any actions by a Councilmember then that person could file a complaint with the Mayor per the Rules of Council.

Ron Deak said he was the person who had contacted Ed Lyons about this issue and he said that Mr. Lyons was misconstruing his remarks. He said that he did not feel that the presentation by Judge Adkins was political in nature.

Karen Kaleps said that this issue was not an issue with all of the members of the City Council.

Rob Schommer said that he had made the decision to ask Judge Adkins to reschedule his planned presentation at the City Council Meeting until after the November, 2014 election. He said he felt this action had satisfactorily resolved this issue.

## Other Business

Rob Schommer distributed proposed legislation to approve the continuation of the lease for 2015 for the Tax Office at the Huber Centre (see attached).

After discussion, the Administration Committee unanimously agreed to recommend that the proposed legislation to approve the continuation of the lease for the Tax Office at the Huber Centre for 2015 be placed on the agenda for the December 8, 2014 City Council Meeting for approval as emergency legislation with the second and third readings waived.

There was no other business conducted at the Administration Committee meeting.

10. **Adjournment**

Mrs. Kaleps adjourned the Administration Committee meeting at 10:19 P.M.

AI-2754

Topics of Discussion 8.

**Administration Committee Agenda**

**Meeting Date:** 12/02/2014  
2015 Administration Committee Meeting Schedule  
**Submitted By:** Anthony Rodgers  
**Department:** City Council  
**Council Committee Review?:** Administration Committee  
**Date(s) of Committee Review:** 12/02/2014  
**Audio-Visual Needs:** None  
**Motion/Ordinance/  
Resolution No.:**

**Emergency Legislation?:** No

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**Information**

**Agenda Item Description or Legislation Title**  
- 2015 Administration Committee Meeting Schedule

**Purpose and Background**

This agenda item is to approve and distribute the 2015 Administration Committee meeting schedule.

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**Fiscal Impact**

**Source of Funds:** N/A  
**Cost:** N/A  
**Recurring Cost? (Yes/No):** N/A  
**Funds Available in Current Budget? (Yes/No):** N/A  
**Financial Implications:**

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**Attachments**

Schedule

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## 2015 ADMINISTRATION COMMITTEE SCHEDULE

<b>Committee Meeting Date</b>	<b>Committee Meeting Time</b>	<b>Submission Date - Meeting Notice</b>	<b>Submission Date - AgendaQuick</b>
January 6, 2015 Tuesday	6:00 PM	December 30, 2014	December 31, 2014
January 20, 2015 Tuesday	6:00 PM	January 13, 2015	January 14, 2015
February 3, 2015 Tuesday	6:00 PM	January 27, 2015	January 28, 2015
February 17, 2015 Tuesday	6:00 PM	February 10, 2015	February 11, 2015
March 3, 2015 Tuesday	6:00 PM	February 24, 2015	February 25, 2015
March 17, 2015 Tuesday	6:00 PM	March 10, 2015	March 11, 2015
April 7, 2015 Tuesday	6:00 PM	March 31, 2015	April 1, 2015
April 21, 2015 Tuesday	6:00 PM	April 14, 2015	April 15, 2015
May 5, 2015 Tuesday	6:00 PM	April 28, 2015	April 29, 2015
June 2, 2015 Tuesday	6:00 PM	May 26, 2015	May 27, 2015
June 16, 2015 Tuesday	6:00 PM	June 9, 2015	June 10, 2015
July 7, 2015 Tuesday	6:00 PM	June 30, 2015	July 1, 2015
July 21, 2015 Tuesday	6:00 PM	July 14, 2015	July 15, 2015
August 4, 2015 Tuesday	6:00 PM	July 28, 2015	July 29, 2015
August 18, 2015 Tuesday	6:00 PM	August 11, 2015	August 12, 2015
September 8, 2015 Tuesday	6:00 PM	September 1, 2015	September 2, 2015
September 22, 2015 Tuesday	6:00 PM	September 15, 2015	September 16, 2015
October 6, 2015 Tuesday	6:00 PM	September 29, 2015	September 30, 2015
October 20, 2015 Tuesday	6:00 PM	October 13, 2015	October 14, 2015
November 3, 2015 Tuesday	6:00 PM	October 27, 2015	October 28, 2015
November 17, 2015 Tuesday	6:00 PM	November 10, 2015	November 12, 2015
December 8, 2015 Tuesday	6:00 PM	December 1, 2015	December 2, 2015

Prepared – November 21, 2014

AI-2758

**Administration Committee Agenda**

**Meeting Date:** 12/02/2014

Income Tax Renewal

**Submitted By:** Rob Schommer

**Department:** City Manager

**Council Committee Review?:** Administration Committee

**Date(s) of Committee Review:** 12/02/2014

**Audio-Visual Needs:** None

**Emergency Legislation?:** Yes

**Motion/Ordinance/  
Resolution No.:**

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**Information**

**Agenda Item Description or Legislation Title**

- Income Tax Renewal

**Purpose and Background**

With the recent passage of Issue 19, the City completed Step 1 of the a two step plan to sustain the City's ability to continue providing the level of public safety and City services the community currently enjoys. In Step 2, the City will need to renew an existing 0.25% of the City's income tax rate for an additional 10 year period. The renewal is not a new tax nor does it create new revenues; it merely maintains the current income tax rate. Keeping in line with the 2025 Plan, the City needs to maintain the income tax rate at 2.25% for 10 years; from 2015 to 2025. The completion of Step 2 allows the community to continue its growth and stabilization for the next 10 years setting Huber Heights up for continued success and excellent services.

The Ordinance and Resolution attached contain the specifics as well as proposed ballot language. It is requested this item undergo the first reading for consideration. Council has the obligation to allow the residents of the community to make an informed decision about the services they want. Passage of the attached Resolution and Ordinance does not invoke the renewal, it only authorizes the issue to be placed on the ballot to allow the residents to vote. Passage of these items does not imply a position for or against, it is simply a step in the process established by the City Charter and laws of the City.

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**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

**Recurring Cost? (Yes/No):** N/A

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

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**Attachments**

Ordinance and Resolution

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**CITY OF HUBER HEIGHTS  
STATE OF OHIO**

**ORDINANCE 20 \_\_-O-\_\_**

AN ORDINANCE PROVIDING FOR THE RENEWAL OF AN EXISTING .25 PERCENT LEVY ON INCOME EFFECTIVE JANUARY 1, 2016 AND EXPIRING \_\_\_\_\_, AND TO SUBMIT THIS ORDINANCE TO THE ELECTORATE FOR APPROVAL OR REJECTION AND CONTINGENT UPON SUCH ELECTION APPROVAL, AMEND SECTION (b) OF CHAPTER 191.03, INCOME TAX, OF TITLE 9, TAXATION PART I, ADMINISTRATION TO REFLECT THE TAX RENEWAL.

**WHEREAS**, at the general election on November 8, 2005, a majority of the electors of the City of Huber Heights voted to approve an additional .30% income tax beginning January 1, 2006; and

**WHEREAS**, .25% of the .30% income tax increase (83.34%) that was approved by the voters terminates on December 31, 2015 while .05% of the .30% income tax increase (16.66%) approved by the voters does not terminate until December 31, 2030;

**WHEREAS**, after deliberation the Council of the City of Huber Heights seeks to continue the existing .25% of the .30% income tax rate of income tax beyond December 31, 2015; and

**WHEREAS**, the City has the right to submit this issue to the electorate of the City for approval or rejection pursuant to its home rule powers under the City Charter and Ohio Constitution;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HUBER HEIGHTS, OHIO THAT:**

**Section 1.** It is hereby proposed that there be adopted the renewal of an existing .25% levy on income, effective January 1, 2016 and expiring \_\_\_\_\_.

**Section 2.** The income tax revenues generated from this tax renewal shall continue to be divided 40.5% for police, 40.5% for fire including emergency medical services and 19% for the General Fund. The income tax revenues devoted to police and fire shall provide funding for police and fire public safety operations, to include, without limitation, the use of said income tax revenues for personnel, emergency medical services, maintenance, repair, replacement of and acquisition of all items, personal and real, new and used, necessary to maintain up-to-date police and fire resources for the public safety of the residents of Huber Heights.



**Section 3.** The proposed renewal in the rate of income tax shall be submitted by ballot to the electorate of the City for approval or rejection, on \_\_\_\_\_, 2015, the date of the general election.

**Section 4.** If a majority of the electors voting thereon approve the proposed renewal in the rate of income tax, the income tax levy shall be so continued effective January 1 2016.

**Section 5.** Contingent upon such election approval, Section (b) of Chapter 191.03, Income Tax, of Title 9, Taxation Part 1, Administration of the Ordinances of the City of Huber Heights, Ohio shall be amended by adding the following language at the end of Section 191.03 (b):

“Beginning January 1, 2016, the income tax of .25% shall remain in effect for \_\_\_\_\_ years. The income tax revenues generated from this increase in the City income tax shall be divided 40.5% for police, 40.5% for fire and emergency medical services and 19% for the General Fund.”

**Section 6.** Assuming approval of this income tax renewal by the voters of Huber Heights the income tax rate for the City of Huber Heights as of January 1, 2016 will be 2.25%.

**Section 7.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**Section 8.** The Clerk of Council is directed to certify a copy of this Ordinance to the Board of Elections of Montgomery County and Miami County and to take all steps necessary to place this issue on the ballot.

**Section 9.** Pursuant to Section 5.07(a) (4) of the Charter of the City of Huber Heights, this Ordinance shall become effective immediately upon its adoption.

Passed by Council on the \_\_\_\_ day of \_\_\_\_\_, 2014;

\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

AUTHENTICATION

\_\_\_\_\_  
Clerk of Council  
Date \_\_\_\_\_

\_\_\_\_\_  
Mayor  
Date \_\_\_\_\_

**CITY OF HUBER HEIGHTS  
STATE OF OHIO**

**RESOLUTION NO 20\_\_-R-\_\_\_\_**

A RESOLUTION SPECIFYING \_\_\_\_\_, 2015, AS THE DATE FOR SUBMITTING TO THE ELECTORATE OF THE CITY OF HUBER HEIGHTS A PROPOSAL TO PROVIDE FOR THE RENEWAL OF AN EXISTING .25% LEVY ON INCOME EFFECTIVE JANUARY 1, 2016 AND EXPIRING \_\_\_\_\_, AND DIRECTING THE BOARD OF ELECTIONS OF MONTGOMERY COUNTY, AND MIAMI COUNTY OHIO TO PLACE THE ISSUE ON THE BALLOT

WHEREAS, Ordinance No. 2014-O \_\_\_\_\_, passed concurrently with the adoption of this Resolution provides for submitting to the electorate of the City of Huber Heights a proposal to continue the existing .25% levy on income, effective January 1, 2016; and

WHEREAS, section 718.01 of the Ohio Revised Code requires that any income tax in excess of 1% shall not be levied without first having been approved by a majority of the electors voting on the issue, and that a copy of the ordinance together with a resolution specifying the date such election is to be held shall be filed with the Board of Elections;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

**Section 1.** \_\_\_\_\_, 2015, is specified as the date of the election to be held to submit to the electors of the City of Huber Heights for their approval Ordinance No. 2014-O-\_\_\_\_\_ which provides for the renewal of an existing .25% levy on income, effective January 1, 2016 and expiring \_\_\_\_\_.

**Section 2.** The Clerk of Council is directed to certify a copy of this Resolution to the Board of Elections of Montgomery County and Miami County, Ohio, together with a copy of said Ordinance 2014-O \_\_\_\_\_ and to take all steps necessary to place this issue on the ballot.

**Section 3.** The Board of Elections of Montgomery County and Miami County, Ohio are directed to place on the ballot, in the election to be held on \_\_\_\_\_, 2015 for submission to the electorate of the City of Huber Heights, the question of whether Ordinance No 2014-O-\_\_\_\_ shall be approved. The form of the ballot to be cast at such election shall read as follows:

*Shall the Ordinance providing for the renewal of an existing .25% levy on income effective January 1, 2016 and expiring \_\_\_\_\_ to be applied 40.5% for police, 40.5% for fire including emergency medical services and 19% for the General Fund be passed?*

**Section 4.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**Section 5.** Pursuant to Section 5.07(a) (4) of the Charter of the City of Huber Heights, this Resolution shall become effective immediately upon its adoption.

Passed by Council on the \_\_\_ day of \_\_\_\_\_, 2014;

\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

AUTHENTICATION

\_\_\_\_\_  
Clerk of Council  
Date \_\_\_\_\_

\_\_\_\_\_  
Mayor  
Date \_\_\_\_\_

AI-2764

**Administration Committee Agenda**

**Meeting Date:** 12/02/2014

2015 Salary Ranges and Wage Levels

**Submitted By:** Katie Knisley

**Department:** Human Resources

**Council Committee Review?:** Administration Committee

**Date(s) of Committee Review:** 12/02/2014

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

**Information**

**Agenda Item Description or Legislation Title**

- 2015 Salary Ranges and Wage Levels

**Purpose and Background**

This legislation will amend the salary ranges and wage levels for non-bargaining employees for 2015.

**Fiscal Impact**

**Source of Funds:** Personnel Budget

**Cost:** N/A

**Recurring Cost? (Yes/No):** N/A

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

**Attachments**

*No file(s) attached.*

CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2014-R-

ESTABLISHING AND/OR AMENDING THE SALARY RANGES AND WAGE LEVELS FOR  
EMPLOYEES OF THE CITY OF HUBER HEIGHTS, OHIO.

WHEREAS, the citizens of Huber Heights require efficient and effective delivery of municipal services;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The pay ranges, compensation procedures, and administrative rules for non-bargaining employees as established hereafter shall be effective for the pay period beginning December 14, 2014 through the pay period ending December 26, 2015.

Section 2. City Council shall be responsible for establishing the actual salaries for the City Manager, the Clerk of Council, and the Assistant Clerk of Council. The salary ranges of the City Manager, the Clerk of Council, and the Assistant Clerk of Council are set forth in the following plan document.

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The City of Huber Heights  
Performance Compensation Plan for Non-Bargaining Employees

**1. Compensation Philosophy**

It is the city's philosophy to support and enhance organizational performance through a fair, objective, and equitable merit-based pay plan which will attract, retain, and motivate high performing non-bargaining employees.

**2. Performance Compensation Plan**

This Performance Compensation Plan was developed by a committee of non-bargaining employees appointed by the City Manager and under the direction of the Human Resources Manager. The committee collected comparable and competitive salary data, developed appropriate pay structures and pay ranges, created merit-based pay increase procedures, and prepared this Performance Compensation Plan based on such information. All non-bargaining city employees were provided numerous opportunities to provide input about the structure and substance of the plan. The committee approves the final plan document and presented it to the City Manager for his review. Upon the City Manager's approval and recommendation this plan was presented to City Council for adoption, and was adopted on April 12, 2004.

**3. General Administrative Responsibilities**

The Human Resources Manager, under the direction of the City Manager and with input from a Performance Compensation Plan Committee, managers and non-bargaining employees at all levels of the organization, is responsible for the administration of the Performance Compensation Plan, including the processing of pay rate increases, the adjustment of pay for promotions, re-employments and reassignments, and the initiation of necessary revisions in pay ranges. The Human Resources Manager is responsible for interpreting the application of the program to all pay issues which are not specifically covered by this ordinance, using the principles expressed herein as a policy guide.

**4. Plan Administration**

A. Market Surveys. The Human Resources Manager shall conduct market surveys from time to time in order to collect updated comparable and competitive salary data, recommend revised pay structures and pay ranges as necessary, and recommend revised merit-based pay procedures. Such surveys and recommendations shall be conducted as positions become vacant, or upon request of the Performance Compensation Plan Committee or a department/division head, or upon the initiation of the Human Resources Manager when it is determined necessary for the effective administration of the Performance Compensation Plan.

- B. **Structure Adjustments.** Periodically, the Human Resources Manager may recommend pay range adjustments to the City Manager in keeping with labor market trends, who in turn may make appropriate recommendations to City Council. Pay ranges (except for seasonal positions) shall include a minimum, mid-point and maximum amount stated either as an annual salary or hourly rate.
- C. **Assignment of Positions to Pay Ranges.** The Human Resources Manager shall be responsible for assigning each city employment position to a pay range based on market data and the City Manager's determination of the strategic value of positions and/or employees to the organization. Strategic value considerations may involve turnover, skill needs, attraction and retention issues, supply and demand for qualified applicants for particular positions, the impact of specific positions and employees on the organization's mission, and/or other relevant factors.

**5. Applicability**

This resolution and Performance Compensation Plan shall apply to and is the sole authority for setting rates of pay for the following categories of positions and employees: All regular full-time, regular part-time, provisional full-time, provisional part-time, hourly, temporary, and seasonal employees of the City of Huber Heights, Ohio except: the Mayor; members of City Council, the City Law Director; and all employees who are members of a collective bargaining unit recognized by the State Employment Relations Board.

**6. Positions and Pay Ranges**

<b>Full-Time Positions</b>			
<b>Position</b>	<b>Minimum Pay</b>	<b>Mid-point Pay</b>	<b>Maximum Pay*</b>
Accountant	\$50,745.24	\$63,431.56	\$76,117.87
Account Clerk	\$27,909.77	\$34,760.17	\$41,610.57
Accounting Technician	\$37,804.86	\$47,319.74	\$56,834.62
Accounts Payable Coordinator	\$43,766.91	\$54,677.10	\$65,587.28
Administrative Secretary	\$30,446.92	\$38,058.94	\$46,584.37
Assistant City Manager	\$82,110.00	\$105,213.00	\$128,316.00
Assistant Clerk of Council	\$30,446.92	\$38,058.94	\$45,670.95
Auditor	\$48,715.06	\$60,893.83	\$73,072.59
Battalion Chief	\$59,625.24	\$74,531.56	\$91,226.63
City Engineer	\$75,610.92	\$94,513.35	\$113,415.77
City Manager	\$93,370.92	\$116,460.47	\$139,550.01
Clerk of Council	\$48,969.72	\$61,148.48	\$73,327.24
Code Enforcement Administrator	\$41,889.03	\$52,956.31	\$64,023.59
Communications/Records Manager	\$51,000.00	\$61,200.00	\$71,400.00
Director of Finance	\$81,192.15	\$103,528.04	\$125,863.92
Director of Public Safety	\$76,619.51	\$95,774.40	\$114,929.28
Director of Public Services	\$76,619.51	\$95,774.40	\$114,929.28
Economic Development Director	\$81,192.15	\$101,490.49	\$121,788.83
Economic Development Assistant	\$30,446.92	\$38,058.94	\$46,584.37
Engineer	\$59,625.24	\$74,531.56	\$89,437.87
Engineering Inspector	\$41,103.62	\$51,379.53	\$61,655.44
GIS Technician	\$36,662.43	\$49,602.82	\$62,543.20
Fire Chief	\$71,297.05	\$89,184.98	\$107,072.91
Fire Inspector I	\$32,244.66	\$40,284.01	\$48,323.36
Fire Prevention Manager	\$53,028.91	\$66,222.78	\$79,416.64
Human Resources Manager	\$51,000.00	\$61,200.00	\$71,400.00
Human Resources Technician	\$32,730.58	\$40,850.15	\$48,969.72
Information Technology Manager	\$71,804.00	\$89,691.94	\$107,579.87
Information Systems Specialist	\$54,550.96	\$68,252.37	\$81,953.78
Planning & Zoning Director	\$71,804.00	\$89,691.94	\$107,579.87
Police Chief	\$76,117.87	\$95,147.64	\$114,177.40
Police Programs Technician	\$34,844.07	\$44,643.97	\$54,443.86
Public Works Manager	\$62,477.12	\$78,096.41	\$93,715.69
Public Works Supervisor	\$60,893.82	\$68,188.11	\$75,482.40
Receptionist/Secretary	\$26,387.72	\$32,984.65	\$39,581.58
Tax Administrator	\$60,893.82	\$75,419.32	\$89,944.82

Tax Agent	\$29,305.25	\$36,498.18	\$43,691.10
Tax Analyst	\$40,596.66	\$50,745.24	\$60,893.82
Tax Technician	\$30,542.98	\$43,054.52	\$55,566.06
Utilities Inspection Coordinator	\$41,103.62	\$51,379.53	\$61,655.44
Zoning Officer	\$34,886.91	\$43,628.27	\$52,369.63

### Part-Time Positions

<i>Position</i>	<i>Minimum Pay</i>	<i>Mid-point Pay</i>	<i>Maximum Pay*</i>
Administrative Clerk	\$10.71	\$13.39	\$16.07
Custodian	\$10.71	\$13.39	\$16.07
Fire Inspector I	\$13.92	\$17.41	\$20.89
Fire Inspector II	N/A	N/A	\$31.22
Property Room/Fleet Management Clerk	\$13.89	\$17.37	\$20.85
Receptionist/Secretary	\$12.68	\$15.85	\$19.02
Senior Center Program Coordinator	\$11.41	\$14.27	\$17.12
Tax Agent	\$14.09	\$17.55	\$21.01
Zoning Officer	\$13.92	\$17.41	\$20.89

<i>Position</i>	<i>Minimum Pay</i>	<i>Mid-point Pay</i>	<i>Maximum Pay</i>
Seasonal Laborer	N/A	N/A	\$9.71

\* Employees are paid bi-weekly on an hourly or salary basis. The bi-weekly pay rate for salaried employees is a calculation of the annual pay rate divided by 26 and the bi-weekly amount for hourly employees is a calculation of the annual pay rate divided by 2080 hours, to include those budget years with 27 pay periods.

## 7. Pay Rate Adjustments

All of the following pay rate adjustments are subject to funding by City Council based upon the availability of funds and economic and budget projections and priorities.

- A. **New Hires.** Newly hired employees shall be hired at a rate of pay between the minimum and maximum of the applicable pay range. The exact pay rate shall be based on the employee's education, experience, knowledge, skills, and abilities. Prior to the making of a conditional offer of employment to a prospective new or newly promoted employee, the department/division head shall recommend a starting rate of pay which shall be forwarded to the Human Resources Manager for review and then to the City Manager for final action.
- B. **Completion of Probation.** Department/division heads may recommend a pay increase, not to exceed 2%, for newly hired or promoted employees upon the successful completion of probation or one year of employment. The department/division head should consider the employee's starting rate as related to their pay range, the pay of other employees in the position and in the employee's division, and the employee's performance in making this decision. Any such increase, upon approval by the City Manager, shall be paid from the division's regular payroll budget.
- C. **Promotion.** Employees who are promoted to positions with a higher level of duties and responsibilities which are assigned to a salary range with a higher mid-point shall be placed at a rate of pay between the minimum and maximum of the applicable pay range.
- D. **Demotion.** Employees who are demoted to positions with a lower level of duties and responsibilities which are assigned to a salary range with a lower mid-point because of less than satisfactory performance, failure to meet job requirements, or for disciplinary reasons shall be placed at the minimum of the new range, or receive a pay decrease not to exceed 10%, whichever results in the least loss of pay.
- E. **Reassignment.** Employees who are reassigned to positions with a lower mid-point through no fault of their own (i.e., reorganization, job abolishment, reduction-in-force, or market/technological factors, etc.), shall remain at their current rate of pay, or shall be placed at the maximum of the pay range, whichever is less. An employee who voluntarily requests and is granted a reassignment to a position with a lower mid-point shall receive a decrease in pay not to exceed 5%, or be placed at the minimum of the new range, whichever results in the least loss of pay.

- F. Temporary Upgrade to a Higher Position. Employees who are temporarily assigned (for a minimum of 7 consecutive calendar days) to perform all of the duties and assume all of the responsibilities of a position which is assigned to a pay range with a higher mid-point due to a position vacancy or an approved leave of absence of a position incumbent shall be paid at the minimum rate of the higher range, or receive a pay increase not to exceed 5%, whichever is greater, for the entire period of the temporary upgrade. Temporary upgrades shall be recommended to the Human Resources Manager and approved by the City Manager in advance.
- G. Modification of Pay Ranges. When a position's pay range is modified upward, based on market data and/or strategic value, and the position is occupied, the incumbent shall retain his/her existing pay rate or be placed at the minimum of the new pay range, whichever is greater. When a position's pay range is modified downward, and the position is occupied, the incumbent shall remain at his/her current rate of pay.
- H. Transfers. Employees who transfer to another job in an identical pay range or to an identical position in another division in the same pay range, there will be no change in the employee's rate of pay.

**8. Annual Performance Increases**

*COLA*

The cornerstone and guiding principal of this Performance Compensation Plan is "merit pay" or "pay for performance." Each position covered by the plan has performance standards set for it based upon the position description and the City's annual Strategic Goals and Targeted Actions. Each employee's performance will be measured annually pursuant to the City of Huber Heights Performance Management Process.

Annual performance and pay reviews are effective at the beginning of the first full pay period for each calendar year. Pay adjustments will be based on an employee's performance rating and the position of the employee's pay as compared to the mid-point for the employee's pay range.

Prior to each calendar year, City Council will, based upon the availability of funds and economic and budget projections, determine the amount of dollars available for pay increases for non-bargaining employees covered by this Performance Compensation Plan. Thereafter, a Performance Compensation Plan Committee, made up of the Human Resources Manager, Finance Director, and the Director of Public Safety or his designee, shall separate the budgeted amount into two separate amounts. The first amount is a Cost-of-Living-Adjustment (COLA). The second amount is referred to as Opportunity Pay.

The COLA is intended to approximate the actual cost of living increase in the Dayton/Springfield metropolitan area for the previous 12 months. The purpose of the COLA increase is to keep an employee's pay at its current rate consideration inflation. Opportunity Pay is the merit pay portion of the plan. Once established, it shall be divided by the Committee among all participating divisions on a pro-rata basis, and then made available to employees based upon performance and the employee's position in their range, according to the matrix shown below.

All employees in a division whose pay is below the maximum for their range and whose performance rating is "Fully Competent" or above will receive, at a minimum, a COLA adjustment. Opportunity Pay will be available for all "Commendable" performers whose pay is below maximum, and for all "Fully Competent" performers whose pay is at or below mid-point. The largest amounts of Opportunity Pay will be available to employees low in range and high in performance. No COLA or Opportunity Pay will be available to employees at or above the maximum, to employees above the mid-point who are "Marginal/Needs Improvement" performers, or to "Unacceptable" performers.

All employees whose pay is above mid-point and who receive a "Commendable" rating resulting in Opportunity Pay, or who receive a promotional pay increase per Section 7 (B) herein, either of which, when added to their regular pay, would put them above the maximum, shall receive the amount exceeding the maximum as a bonus not to be included in their regular pay.

All appraisals will be submitted by the department/division head to the Performance Compensation Plan Committee for determination of individual pay amounts using the matrix established for that calendar year.



PERFORMANCE RATING	POSITION OF PAY RATE IN RANGE			
	<i>Below Mid-Point</i>	<i>Mid-Point</i>	<i>Above Mid-Point</i>	<i>At/Above Maximum</i>
<i>Commendable</i>	X + \$\$\$	X + \$\$	X + \$	0
<i>Fully Competent</i>	X + \$\$	X + \$	X	0
<i>New Hire-Progressing</i>	X + \$	X	0	0
<i>Marginal/Needs Improvement</i>	X	0	0	0
<i>Unacceptable</i>	0	0	0	0

X = COLA adjustment      \$ = Opportunity Pay

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2014;  
 \_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

**AUTHENTICATION:**

\_\_\_\_\_  
 Clerk of Council

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Date

CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2014-R-

AUTHORIZING THE CITY MANAGER TO PROVIDE ALL NON-UNION EMPLOYEES OF THE CITY OF HUBER HEIGHTS TO INCLUDE THOSE EMPLOYEES OF THE CITY COUNCIL, EXCLUDING THE LAW DIRECTOR, A 2% PAY RAISE FOR THE CALENDAR YEAR 2015 INCLUDING THE SAME MODIFICATIONS AND CHANGES TO HEALTH CARE BENEFITS AS IMPLEMENTED FOR THE UNION EMPLOYEES IN THE MOST RECENTLY APPROVED CONTRACTS, AND DECLARING AN EMERGENCY.

WHEREAS, all of the union employees of the City have renegotiated contracts which have been approved by the City Council; and

WHEREAS, it is the intent of City Council to provide all non-bargaining employees the same pay raise percentage afforded to the union employees,

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is authorized to take all steps necessary to provide all non-union employees of the City of Huber Heights to include those employees of the City Council, excluding the Law Director, a 2% pay raise including the same modifications and changes to health care benefits as implemented for the union employees in the most recently approved contracts for FY2015.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare and for the reason that implementing this pay raise at the earliest possible time is in the best interests of the non-union employees of the City; therefore, this Resolution shall be in full force and effect immediately upon its adoption by the Council.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2014;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

AI-2757

**Administration Committee Agenda**

**Meeting Date:** 12/02/2014  
DEC Development Agreement - Fourteenth Amendment - Carriage Trails  
**Submitted By:** Donnie Jones  
**Department:** Economic Development  
**Council Committee Review?:** Administration Committee  
**Date(s) of Committee Review:** 12/02/2014  
**Audio-Visual Needs:** None **Emergency Legislation?:** Yes  
**Motion/Ordinance/  
Resolution No.:**

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**Information**

**Agenda Item Description or Legislation Title**

- Carriage Trails

\* DEC Development Agreement - Fourteenth Amendment

**Purpose and Background**

The City has previously paid for public infrastructure improvements to facilitate and accelerate growth and development within the Carriage Trails project. This legislation will allow the continuation of this very successful public/private partnership and provide an additional \$339,000 of public infrastructure improvements from the TIF related to the development. The remainder of the cost of the public infrastructure will be paid for by special assessments on the individual lots sold and the developer. This stimulus has been very successful as 574 lots have been developed and 388 lots have been sold. This agreement will provide public infrastructure to help develop an additional 27 lots.

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**Fiscal Impact**

**Source of Funds:** TIF  
**Cost:** \$339,000  
**Recurring Cost? (Yes/No):** No  
**Funds Available in Current Budget? (Yes/No):** No

**Financial Implications:**

The City will advance street, water, sewer funds to cover the cost of this public infrastructure which will be repaid over time by available TIF monies generated by the lots developed.

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**Attachments**

Ordinance  
Exhibit A

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2014-O-

APPROVING THE EXECUTION OF A FOURTEENTH AMENDMENT TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT WITH DEC LAND CO. I LLC, AND DECLARING AN EMERGENCY.

WHEREAS, the City heretofore entered into an Amended and Restated Development Agreement with DEC Land Co. I LLC (the "*Developer*"), dated September 21, 2009 to provide for the development of certain real property within the City, which Amended and Restated Development Agreement was subsequently amended by a First Amendment to Amended and Restated Development Agreement on February 11, 2010, by a Second Amendment to the Amended and Restated Development Agreement on April 14, 2011, by a Third Amendment to the Amended and Restated Development Agreement on September 12, 2011, by a Fourth Amendment to the Amended and Restated Development Agreement on March 26, 2012, by a Fifth Amendment to the Amended and Restated Development Agreement on June 12, 2012, by a Sixth Amendment to the Amended and Restated Development Agreement on October 22, 2012, by a Seventh Amendment to the Amended and Restated Development Agreement on February 25, 2013, by an Eighth Amendment to the Amended and Restated Development Agreement on June 27, 2013, by a Ninth Amendment to the Amended and Restated Development Agreement on September 24, 2013, by a Tenth Amendment to the Amendment to the Amended and Restated Development on December 18, 2013, by an Eleventh Amendment to the Amended and Restated Development Agreement on March 26, 2014, and by a Twelfth Amendment to the Amended and Restated Development on June 9, 2014, and by a Thirteenth Amendment to the Amended and Restated Development Agreement on July 28, 2014 (the original Amended and Restated Development Agreement, amended as described in this paragraph, is collectively referred to herein as the "Amended and Restated Development Agreement"); and

WHEREAS, pursuant to the Fourteenth Amendment to the Amended and Restated Development Agreement (Exhibit A to this Ordinance), this Council has determined to: (i) provide an additional \$339,000 of Public Infrastructure Improvements TIF Related to Developer; and (ii) the other items set forth in the Fourteenth Amendment for the purpose of facilitating economic development within the City and the creation of new jobs and employment opportunities, thereby improving the economic welfare of the people of the State of Ohio and the City, all as authorized in Article VIII, Section 13 of the Ohio Constitution; and

WHEREAS, to facilitate the continued development of the Development Site, this Council finds that it is in the best interest of the City to provide for the execution and delivery of the Fourteenth Amendment to Amended and Restated Development Agreement with the Developer.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. The Fourteenth Amendment to Amended and Restated Development Agreement by and between the City and the Developer, providing the following agreements between City

and Developer including: (i) providing an additional \$339,000 of Public Infrastructure Improvements TIF Related to Developer; and (ii) the other items set forth in the Fourteenth Amendment for the purpose of facilitating economic development within the City and the creation of new jobs and employment opportunities, thereby improving the economic welfare of the people of the State of Ohio and the City, all as authorized in Article VIII, Section 13 of the Ohio Constitution, in the form attached hereto as Exhibit A is hereby approved and authorized with changes therein not inconsistent with this Ordinance and not substantially adverse to this City and which shall be approved by the City Manager. The payment for the Public Infrastructure Improvements TIF Related shall be available only after the successful issuance by the City of Notes, and or Bonds, and or State SIB Loans, and or legally appropriated advances or transfers from various other City Funds to the Carriage Trails TIF Fund with sufficient proceeds to provide the additional funding. The City Manager, for and in the name of this City, is hereby authorized to execute the Fourteenth Amendment to Amended and Restated Development Agreement, provided further that the approval of changes thereto by that official, and their character as not being substantially adverse to the City, shall be evidenced conclusively by the execution thereof.

Section 2. This Council further hereby authorizes and directs the City Manager, the Director of Finance, the City Attorney, the Clerk of Council, or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

Section 3. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City, and for the further reason that this Ordinance is required to be immediately effective to provide necessary funds for the timely completion of certain public infrastructure necessary for the continued economic development of the City; therefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2014;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**CERTIFICATE**

The undersigned, Clerk of Council of the City of Huber Heights, Ohio, hereby certifies that the foregoing is a true and correct copy of Ordinance No. 2014-O-\_\_\_\_\_ passed by the Council of the City of Huber Heights, on December 8, 2014.

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Clerk of Council

**EXHIBIT A  
FOURTEENTH AMENDMENT TO  
AMENDED AND RESTATED DEVELOPMENT AGREEMENT**

THIS FOURTEENTH AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AGREEMENT (the "Thirteenth Amendment") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014 (the "Effective Date"), by and between the CITY OF HUBER HEIGHTS, OHIO (the "City"), a municipal corporation duly organized and validly existing under the Constitution and the laws of the State of Ohio (the "State") and its Charter, and DEC LAND CO. I LLC (the "Developer" and, together with the City, the "Parties"), an Ohio limited liability company, under the circumstances summarized in the following recitals (the capitalized terms not defined herein are being used herein as defined in the hereinafter referenced Amended and Restated Development Agreement).

**RECITALS:**

**WHEREAS**, the Parties heretofore entered into an Amended and Restated Development Agreement dated September 21, 2009 to provide for the development of the Property, which Amended and Restated Development Agreement was subsequently amended by the Parties by a First Amendment to Amended and Restated Development Agreement on February 11, 2010, by a Second Amendment to the Amended and restated Development Agreement on April 14, 2011, by a Third Amendment to the Amended and Restated Development Agreement on September 12, 2011, by a Fourth Amendment to the Amended and Restated Development Agreement on March 26, 2012, by a Fifth Amendment to the Amended and Restated Development Agreement on June 12, 2012, a Sixth Amendment to the Amended and Restated Development Agreement on October 22, a Seventh Amendment to the Amended and Restated Development Agreement on February 25, 2013, an Eighth Amendment to the Amended and Restated Development on June 27, 2013, a Ninth Amendment to the Amended and Restated Development on September 24, 2013, a Tenth Amendment to the Amended and Restated Development on December 18, 2013, an Eleventh Amendment to the Amended and Restated Development on March 26, 2014, and a Twelfth Amendment to the Amended and Restated Development on June 9, 2014, and a Thirteenth Amendment to the Amended and Restated Development on July 28, 2014 (the original Amended and Restated Development Agreement, amended as described in this paragraph is collectively referred to herein as the "Amended and Restated Development Agreement"); and

**WHEREAS**, pursuant to the Amended and Restated Development Agreement, the Parties heretofore agreed, among other matters that City would provide \$10,110,000 to pay the costs of Public Infrastructure Improvements (TIF Related) for Extraordinary Projects; and

**WHEREAS**, the parties have determined that, to further facilitate the development of the Development Site, City will provide an additional three hundred thirty-nine thousand dollars (\$339,000) (\$10,449,000 in the aggregate) to pay the costs of Public Infrastructure Improvements (TIF Related) for Extraordinary Projects; and

**WHEREAS**, the Parties have determined to enter into this Fourteenth Amendment to provide for the continued development of the Development Site;

**NOW, THEREFORE**, in consideration of the premises and covenants contained herein, and to induce Developer to continue to proceed with the proposed Development, the Parties hereto agree and obligate themselves as follows:

Section 1. **Amendment to Section 4.4(f)**. Section 4.4(f) is hereby amended and restated as follows:

“(f) **Financing of the Costs of Public Infrastructure Improvements (TIF Related) for Extraordinary Project**. If Developer provides written notice to City of an extraordinary project within the Eligible TIF Area, City reserves the right, but shall not be obligated, to waive all or any portion of the requirements of this Section 4.4 and provide sufficient monies (either through a financing or otherwise) to pay the costs of the Public Infrastructure Improvements (TIF Related) as identified by Developer as necessary to facilitate such extraordinary project.”

The City paid some of the costs of Public Infrastructure Improvements (TIF Related) to stimulate development in the Project. This stimulus has been very successful. 574 lots have been developed, 388 lots have been sold. The City wishes to continue to stimulate the sale of lots and the development of homes in the Project. Accordingly, the City agrees to provide three hundred thirty-nine thousand Dollars (\$339,000) from the proceeds of securities heretofore issued or to be issued by City or debt incurred, or from other funds as determined by the City to pay the costs of proposed Public Infrastructure Improvements (TIF Related) for Extraordinary Projects for the development of lots for NVR, Inc. (“Ryan Homes”), M/I Homes of Cincinnati, LLC (“M/I”) and The Inverness Group, Incorporated (“Inverness”) pursuant to contracts between the Developer and Ryan Homes, the Developer and M/I, and the Developer and Inverness, or for other lots agreed to in writing by the City.

Developer is required to provide 27 additional lots to Inverness Group, Inc. for homes in Phase II of Section 4 and Phase III of Section 4 pursuant to a contract. Within ninety (90) days after the effective date of City legislation approving the funds (the “Legislation”), the City will have the \$339,000 available to pay the costs of the Public Infrastructure Improvements (Extraordinary Projects) for these 27 lots. The Developer shall commence the construction of the additional 27 lots as soon as practicable after passage of the Legislation. Once the Public Infrastructure Improvements (Extraordinary Projects) have been approved, the parties shall enter into infrastructure agreements pursuant to subsection 4.4(c)(ii) of the Agreement.

The Parties agree to negotiate and develop in good faith a draw process for the payment of the Improvements which shall provide for the payment of the Improvements not more than once a month as the Improvements are developed, and will provide funds up to \$339,000 to pay towards the costs of public infrastructure of the lots in Phase II of Section 4 and Phase III of Section 4. The parties agree to develop this draw process within 30 days after the Effective Date.



In Section 4.4(e)(iv)(A), "\$10,110,000" is hereby deleted and "\$10,449,000" is substituted in its place.

Section 2. **Executed Counterparts.** This Fourteenth Amendment may be executed in several counterparts, each of which shall be deemed to constitute an original, but all of which together shall constitute but one and the same instrument. It shall not be necessary in proving this Fourteenth Amendment to produce or account for more than one of those counterparts.

Section 3. **Continued Effect of Amended and Restated Development Agreement.** The Parties agree that except as expressly amended hereby, the Amended and restated Development Agreement shall continue in full force and effect. The Parties further agree that to the extent of any conflicts between this Fourteenth Amendment and the Amended and Restated Development Agreement, this Fourteenth Amendment shall govern.

**IN WITNESS WHEREOF**, the Parties have caused this Fourteenth Amendment to be executed in their respective names by their duly authorized representatives, all as of the date first written above.

**DEC LAND CO. I LLC**

By: Carriage Trails at The Heights LLC  
Its: Managing Member

By: \_\_\_\_\_  
Printed: William W. Keethler II  
Title: Vice President - Development

STATE OF OHIO :  
: SS.  
COUNTY OF FRANKLIN :

On this \_\_\_\_ day of \_\_\_\_\_, 2014, before me a Notary Public personally appeared William W. Keethler Vice President - Development of Carriage Trails at The Heights LLC, an Ohio limited liability company, Managing Member of DEC Land Co. I LLC, an Ohio limited liability company, the authorized representative of DEC Land Co. I LLC, and acknowledged the execution of the foregoing instrument, and that the same is his voluntary act and deed on behalf of DEC Land Co. I LLC and the voluntary act and deed of DEC Land Co. I LLC.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the date and year aforesaid.

\_\_\_\_\_  
Notary Public

**CITY OF HUBER HEIGHTS, OHIO**

**Approved as to Form:**

By: \_\_\_\_\_  
Printed: Robert Schommer  
Title: City Manager

By: \_\_\_\_\_  
Printed: Alan B. Schaeffer  
Title: Director of Law

STATE OF OHIO :  
: SS.  
COUNTY OF MONTGOMERY :

On this \_\_\_\_ day of \_\_\_\_\_, 2014, before me a Notary Public personally appeared Robert Schommer, the authorized representative of the City of Huber Heights, Ohio, and acknowledged the execution of the foregoing instrument, and that the same is his voluntary act and deed on behalf of the City of Huber Heights, Ohio and the voluntary act and deed of the City of Huber Heights, Ohio.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the date and year aforesaid.

\_\_\_\_\_  
Notary Public

**FISCAL OFFICER'S CERTIFICATE**

The undersigned, Director of Finance of the City of Huber Heights, Ohio under the foregoing Fourteenth Amendment, certifies hereby that the monies required to meet the obligations of the City during the year 2014 under the foregoing Fourteenth Amendment have been appropriated lawfully for that purpose, and are in the Treasury of the City or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Dated: \_\_\_\_\_, 2014

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James Bell  
Director of Finance  
City of Huber Heights, Ohio

AI-2759

Topics of Discussion 8.

**Administration Committee Agenda**

**Meeting Date:** 12/02/2014

DEC Special Assessments - Carriage Trails - Section 4-2 and 4-3 - Resolution of Necessity

**Submitted By:** Donnie Jones

**Department:** Economic Development

**Council Committee Review?:** Administration Committee

**Date(s) of Committee Review:** 12/02/2014

**Audio-Visual Needs:** None

**Emergency Legislation?:** Yes

**Motion/Ordinance/  
Resolution No.:**

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**Information**

**Agenda Item Description or Legislation Title**

\* Resolution of Necessity

**Purpose and Background**

DEC has petitioned the City to provide infrastructure improvements to owned land in Section 4-2 and 4-3 of the Carriage Trails development and to assess the property for a portion of the costs of the improvement. DEC will develop 27 lots and the City will provide \$4,000 per lot in assessments to be repaid by special assessments to the lots of \$300 per year for 25 years. This resolution determines the necessity of the improvements in order to facilitate the building of the 27 lots. The companion Ordinance To Proceed to this resolution authorizes the City to proceed with the construction of the improvements.

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**Fiscal Impact**

**Source of Funds:** Special Assessments

**Cost:** \$108,000

**Recurring Cost? (Yes/No):** No

**Funds Available in Current Budget? (Yes/No):** No

**Financial Implications:**

The City will issue bonds or notes to fund these public infrastructure improvements and will assess the property owners \$300.00 per year for 25 years.

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**Attachments**

Resolution

Exhibit A

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2014-R-

DECLARING IT NECESSARY TO IMPROVE PUBLIC STREETS AND EASEMENTS, IN SECTION 4-2 AND SECTION 4-3 BY CONSTRUCTING AND INSTALLING ON CERTAIN PROPERTY WITHIN THE CITY STREET IMPROVEMENTS, WATER AND SEWER LINES, STORM DRAINS, LIGHTING, IRRIGATION LINES AND SIGNAGE, AND ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

WHEREAS, the owner of 100% of the lots and lands to be assessed for the Improvement (described in Section 2) has petitioned this Council (that Petition for Special Assessments and Affidavit is attached hereto as Exhibit A and incorporated herein by reference and is referred to herein as the "Petition") for the construction of the Improvement (as defined in Section 2), and further, that there be assessed against the real property described in the Petition certain costs of the Improvement; and

WHEREAS, this Council has heretofore directed that the plans, specifications, profiles and estimate of cost be prepared for the Improvement; and

WHEREAS, this Council has determined to adopt this Resolution to accept the Petition and approve the plans, specifications, profiles and estimate of cost of the Improvement, as prepared by ME Companies Inc., and to further provide for such other terms and provisions relating to the Improvement as are set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio, three-fourths of all members elected or appointed thereto concurring, that:

Section 1. This Council hereby finds that the Petition has been signed by the owners of 100% of the lots and lands to be assessed for the Improvement.

Section 2. It is declared necessary to improve public streets and easements by constructing and installing on the Property (as described in the Petition) street improvements, water and sewer lines, storm drains, lighting, irrigation lines and signage, and all necessary appurtenances (collectively, the "Improvement").

Section 3. The plans, specifications, profiles and estimate of cost of the Improvement, which have been prepared by ME Companies Inc., and which are now on file in the office of the Clerk of Council, are approved. The Improvement shall be made in accordance with, and the grade of the Improvement and of any street shall be the grade as shown on, the plans, specifications and profiles for the Improvement.

Section 4. This Council finds and determines that (a) the Improvement is conducive to the public health, convenience and welfare of this City and the inhabitants thereof and (b) the lots

and lands to be assessed as described in Section 9 hereof and in the Petition are specially benefited by the Improvement.

Section 5. This Council hereby accepts the Petition. Subject to the provisions of and limitations set forth in the Petition, \$108,000 of the costs of the Improvement (plus any interest on the special assessments to be computed in accordance with Section 1 of the Petition at the same rate applicable to notes or bonds to be issued by the City or other debt incurred by the City to pay for such Improvement in anticipation of the collection of the special assessments) shall be assessed against the real property described in and pursuant to the Petition. Any additional costs of the Improvement shall be paid by the land owner.

Section 6. The cost of the Improvement shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount or any damages resulting from the Improvement and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, the cost of purchasing, appropriating, and otherwise acquiring any real estate or interest therein required for the Improvement, expenses of legal services including obtaining legal opinions, cost of labor and material and interest on securities issued in anticipation of the levy and collection of the special assessments, together with all necessary expenditures.

Section 7. The City Engineer is authorized and directed to prepare and file, or cause to be prepared and filed, in the office of the Clerk of Council the estimated special assessments of the cost of the Improvement described in this Resolution. Those estimated special assessments shall be based upon the estimate of cost of the Improvement now on file in the office of the Clerk of Council and shall be prepared pursuant to the provisions of this Resolution and the Petition.

Section 8. The special assessments to be levied shall be paid in twenty-five (25) annual installments of \$300 (each annual installment to be payable semi-annually at the time real estate taxes in Miami County, Ohio are payable), together with interest on the unpaid principal amount of each special assessment as provided for by law, and in accordance with the Petition and the ordinance levying the final special assessments.

Section 9. This City has reviewed the plans and specifications and the associated cost estimates for the proposed Improvements as detailed in the Petition and this Council finds and determines that the average useful life of the Improvements is at least 28 years.

Section 10. The City presently intends to issue securities and incur debt in anticipation of the collection of the special assessments. The remainder of the entire cost of the Improvement, after application of the special assessments, shall be paid by the land owner. The land owner may seek reimbursement for all or a portion of the remaining costs from other City funds available for that purpose. Any such reimbursement shall be in accordance with an existing TIF Reimbursement Agreement or Development Agreement.

Section 11. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the adoption of this Resolution were taken in an

open meeting of this Council and any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

Section 12. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City, and for the further reason that this Resolution is required to be immediately effective in order to enable the City to timely provide for the acquisition and construction of the Improvement; therefore, this Resolution shall be in full force and effect immediately upon its adoption.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2014;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

**AUTHENTICATION:**

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**CERTIFICATE**

The undersigned, Clerk of Council of the City of Huber Heights, Ohio, hereby certifies that the foregoing is a true and correct copy of Resolution No. 2014-R-\_\_\_\_\_ adopted by the Council of the City of Huber Heights, on December 8, 2014.

\_\_\_\_\_  
Clerk of Council

EXHIBIT A  
PETITION FOR SPECIAL ASSESSMENTS AND AFFIDAVIT

\_\_\_\_\_, 2014

To the City Council of the City of Huber Heights, Ohio:

WHEREAS, DEC Land Co. I LLC (the "*Property Owner*" and the "*Developer*"), represents that it owns certain real property (which real property represents 100% of the real property described and depicted in ATTACHMENTS A-1 and A-2 attached hereto and by reference made a part hereof and referred to herein as the "*Property*"), all of which Property is located within the City of Huber Heights, Ohio (the "*City*"); and

WHEREAS, the Property Owner acknowledges that, in connection with the development of the Property, the Property will benefit from the construction and installation on the Property of certain public infrastructure improvements, including but not limited to, streets, water and sewer lines, storm drains, lighting, irrigation lines and signage, and all necessary appurtenances thereto which public infrastructure improvements are now on file in the Office of Clerk of Council and collectively referred to herein as the "*Improvement*"; and

WHEREAS, the Property Owner hereby petitions the City for the construction of the Improvement and further that a portion of the costs of the Improvement be assessed against the Property in accordance with this Petition; and

WHEREAS, the Property Owner acknowledges and agrees that the Property includes all of the real property to be assessed pursuant to this Petition, all of which Property will receive special benefits from the construction of the Improvement; and

WHEREAS, the Property Owner further deposes and states that this Petition and actions provided for herein impose burdens and obligations upon the Property and provide for special assessments to be levied upon the Property in accordance with this Petition, and that this Petition is available for inspection at the office of the Clerk of City Council; and

WHEREAS, the Property Owner requests that 100% of the special assessments be deferred as provided for herein;

NOW, THEREFORE, the Property Owner hereby petitions the City Council of the City of Huber Heights, Ohio as follows:

1. *Special Assessments.* The Property Owner states that it owns 100% of the Property. Acting pursuant to Chapter 727, Ohio Revised Code, the Property Owner petitions City Council for the construction of the Improvement, and agrees that the



Property will receive special benefits from the construction of the Improvement, and respectfully requests that \$4,000 per lot completed which represents approximately 10% of the actual costs of the Improvement, including without limitation the compensation, damages and expenses of the Improvement, be assessed upon the Property. The Property Owner anticipates that the Property will be divided into twenty-seven (27) lots and that the actual costs of the Improvement will be apportioned equally among all of the lots included within the Property (with an apportionment of \$4,000 per lot). To the extent the Property Owner, or its grantees or other successors with respect to the Property, does not pay the special assessments as levied in the time period provided for by Ohio law, the Property Owner acknowledges and agrees that the City may, in accordance with Ohio law, issue notes or bonds or incur other debt in anticipation of the collection of those unpaid special assessments. The Property Owner further agrees that in accordance with Ohio law, the City may increase those unpaid special assessments by an amount necessary to reflect any financing costs, including but not limited to, interest and issuance expenses, and if the City elects not to issue notes or bonds in anticipation of the collection of those unpaid special assessments, the City may increase those unpaid special assessments by an amount to reflect interest on such unpaid special assessments at an interest rate which shall be determined by the City to be substantially equivalent to the fair market rate that would have been borne by such notes or bonds. The City may also increase the unpaid assessments by an amount equal to the actual costs charged by Miami County to administer and collect the special assessments.

2. *Construction and Payment of Costs of the Improvement.* (a) The Developer shall construct the Improvement in a manner consistent with the plans and specifications for such Improvement which shall have been approved by the City, (b) the Developer shall obtain performance and payment bonds meeting the requirements of Sections 153.54 and 153.57 of the Ohio Revised Code guaranteeing the completion of the construction of the Improvement and the payment of subcontractors, material providers and laborers from all of Developer's subcontractors and material suppliers, (c) the Developer shall pay prevailing wage to laborers as determined by the Ohio Department of Commerce under Chapter 4115 of the Ohio Revised Code in connection with the construction of the Improvement, (d) the Developer shall be responsible for paying the actual costs of such Improvement prior to the time such Improvement is dedicated to and accepted by the City, (e) the Developer shall provide warranties and guarantees with respect to the workmanship of the Improvement and the correction of deficiencies, (f) the City shall, promptly following completion of construction of the Improvement and dedication to and acceptance by the City of the Improvement, pay to the Developer an amount equal to the lesser of (i) \$4,000 per platted lot or (ii) 50% of the actual cost of construction of the Improvement; *provided* that the amount of such payment shall be specially assessed pursuant to this Petition, and (g) if required by the City, the City and the Developer shall enter into an Infrastructure Agreement to include the above terms in a form substantially in compliance with the May, 2010 Infrastructure Agreement currently in effect between the City and the Developer.

3. *Duration of Special Assessments.* The Property Owner hereby confirms that the special assessments (which shall be adjusted to include an amount necessary to reflect any financing costs, including but not limited to, interest and issuance expenses on related securities issued by the City or an interest equivalent if securities are not issued) and the interest thereon be payable in twenty-five (25) annual installments of \$300 of principal and interest (each annual installment to be payable semi-annually at the time real property taxes in Miami County, Ohio are payable), that the interest on the special assessments will be computed at the same interest rate applicable to the notes or bonds to be issued by the City in anticipation of collection of the unpaid special assessments or an interest equivalent, and that the annual amounts for principal and interest be computed utilizing a methodology which produces the same amount, or approximately the same amount, each year. The Property Owner hereby requests that the special assessments and interest thereon be certified to the County Auditor in order that the first installment of special assessments shall be due not later than the earliest of (a) the first date on which taxes and special assessments are due and payable in the first calendar year next following the first September 1 next following conveyance of the Property by the Property Owner to another entity or (b) the first date for 2018 on which taxes and special assessments are due and payable. Following the deferment, the special assessments will be collected in twenty-five (25) annual installments as described in this paragraph 3.

4. *Payment of Special Assessments.* In consideration of the Public Improvement, the Property Owner, for itself and its grantees or other successors with respect to the Property, agrees to pay promptly all special assessments levied against the lots and lands which collectively constitute the Property as they become due, and agrees that the determination by the Council of the special assessments in accordance with the terms hereof will be final, conclusive and binding upon the Property Owner and the Property. In further consideration of the Improvement, the Property Owner covenants and agrees to disclose, upon the transfer of the Property or any portion of the Property to be specially assessed for the actual costs of the Improvement, in the deed to the transferee the existence of any outstanding special assessment for the Improvement and to require that transferee covenant to disclose that information in any subsequent deed to any transferee so long as such special assessments remain unpaid. As a condition to each subsequent transfer while such special assessments remain unpaid, the Property Owner further covenants and agrees to provide expressly in the deed to any transferee (a) for the acquisition by such transferee of the Property subject to any outstanding special assessment and such transferee's assumption of responsibility for payment thereof and for the waiver by the transferee of any rights that the Property Owner has waived pursuant to this Petition and (b) the requirement that each transferee from time to time of the Property covenant to include in the deed to any subsequent transferee the conditions described in clause (a) so long as such special assessments remain unpaid.

5. *Action by City Council.* The Property Owner, for its successors and assigns, further consents and requests that all legislation required to be enacted to permit the Improvement to commence immediately be enacted at one City Council meeting.

6. *Waivers.* The Property Owner consents and requests that these special assessments be levied and collected without limitation as to the value of the Property, and waives all the following relating to the Improvement and the special assessments:

(a) any and all rights, benefits and privileges specified by Sections 727.03 and 727.06 of the Revised Code or by any other provision restricting these special assessments to 33-1/3% of the actual improved value of the lots and lands as enhanced by the Improvement to be made;

(b) any and all rights, benefits and privileges specified by Section 727.04 of the Revised Code or by any other provision Limiting special assessments for re-improvement when a special assessment has been levied and paid previously;

(c) any and all damages or claims for damages of whatsoever kind, character or description resulting from the Improvement or the making of the Improvement, including but not limited to all rights, benefits and privileges specified by Sections 727.18 through 727.22 and Section 727.43 of the Revised Code;

(d) any and all resolutions, ordinances and notices required for the making of the Improvement, including the notice of the adoption of the resolution of necessity and the filing of estimated special assessments, the equalization of the estimated special assessments, any increase in the cost of labor and materials over the estimated cost, the passage of the assessing ordinance, and the right to apply for deferment of the special assessments pursuant to Section 727.251 of the Revised Code, and including, but not limited to, notices authorized and required by Sections 727.13, 727.16, 727.17, 727.24 and 727.26 of the Revised Code;

(e) any limitation on the addition of interest to the special assessments specified by Section 727.301 of the Revised Code;

(f) any limitation or restriction on the levy and collection of special assessments against the Property for the Improvement as specified in Section 929.03 of the Revised Code; and

(g) any and all irregularities and defects in the proceedings.

7. *Notice.* Notice may be provided to the Property Owner at:

DEC Land Co. I, LLC  
6375 Riverside Drive - Suite 200  
Dublin, Ohio 43017  
Attention: George L. Jenkins  
Managing Member of the Managing Member

IN WITNESS WHEREOF, the Property Owner has caused this Petition to be duly executed in its name, all as of the date hereinbefore written.

SIGNED AND ACKNOWLEDGED  
IN THE PRESENCE OF:

DEC LAND CO. I LLC

By: Carriage Trails at The Heights LLC

Its: Managing Member

\_\_\_\_\_

Witness

By: \_\_\_\_\_

\_\_\_\_\_

Witness

Printed: William W. Keethler II

Title: Vice President – Development

STATE OF OHIO :  
: SS.  
COUNTY OF FRANKLIN :

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, before me a Notary Public personally appeared William W. Keethler, Vice President-Development of Carriage Trails at The Heights LLC, an Ohio limited liability company, Managing Member of DEC Land Co. I LLC, an Ohio limited liability company, the authorized representative of DEC Land Co. I LLC, and acknowledged the execution of the foregoing instrument, and that the same is his voluntary act and deed on behalf of Carriage Trails at The Heights LLC and the voluntary act and deed of DEC Land Co. I LLC.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the date and year aforesaid.

\_\_\_\_\_  
Notary Public

ATTACHMENT A-1

Description of the Property

Approximately 5.14 acres in Section 4 Phase II, being lots 28 through 44; and approximately 2.63 acres in Section 4 Phase III, being lots 23 through 27, and lots 45 through 49, of Carriage Trails, in the City of Huber Heights, Miami County, Ohio, as shown on Attachment A-2 attached hereto.

**ATTACHMENT A-2**  
**Depiction of the Property**



DEFINING THE CITIES  
OF TOMORROW

23 Triangle Park  
Cincinnati, OH 45246  
Contact: Jeff Koehn  
513-942-3141 ext. 232  
Fax: 513-881-2263  
www.ibigroup.com

HUBER HEIGHTS, OHIO  
**CARRIAGE TRAILS**  
SECTION 4 PHASE 2 & PHASE 3

GRAPHIC SCALE  
0 100 200  
( IN FEET )  
1 inch = 200 ft.



AI-2760

Topics of Discussion 8.

**Administration Committee Agenda**

**Meeting Date:** 12/02/2014

DEC Special Assessments - Carriage Trails - Section 4-2 and 4-3 - Ordinance To Proceed

**Submitted By:** Donnie Jones

**Department:** Economic Development

**Council Committee Review?:** Administration Committee

**Date(s) of Committee Review:** 12/02/2014

**Audio-Visual Needs:** None

**Emergency Legislation?:** Yes

**Motion/Ordinance/  
Resolution No.:**

---

**Information**

**Agenda Item Description or Legislation Title**

\* Ordinance To Proceed

**Purpose and Background**

DEC has requested that the City pay a portion of the costs to construct public infrastructure necessary to develop an additional 27 lots in Sections 4-2 and 4-3 of the Carriage Trails development and that the City in turn assess the property for these costs. The City will provide up to \$4,000 per lot for 27 lots for a total of \$108,000 and will assess the DEC-owned property \$300.00 per lot per year for 25 years to recover these costs plus interest and administration costs. This ordinance is a companion to a Resolution of Necessity which must be passed as well and will allow the construction to proceed.

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**Fiscal Impact**

**Source of Funds:** Special Assessments

**Cost:** \$108,000

**Recurring Cost? (Yes/No):** No

**Funds Available in Current Budget? (Yes/No):** No

**Financial Implications:**

The City will issue notes or bonds to fund the improvements and will assess the property owners to pay the debt service on the bonds/notes.

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**Attachments**

Ordinance

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2014-O-

DETERMINING TO PROCEED WITH THE IMPROVEMENT OF PUBLIC STREETS AND EASEMENTS, IN SECTION 4-PHASE II AND SECTION 4-PHASE III, BY CONSTRUCTING AND INSTALLING ON CERTAIN PROPERTY WITHIN THE CITY STREET IMPROVEMENTS, WATER AND SEWER LINES, STORM DRAINS, LIGHTING, IRRIGATION LINES, SIGNAGE AND ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

WHEREAS, THIS Council has adopted Resolution No. 2014-R-\_\_\_\_ on December 8, 2014 (the "*Resolution of Necessity*"), declaring the necessity of making the Improvement described in Section 1.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio, that:

Section 1. It is determined to proceed with the improvement of public streets and easements by constructing and installing on the Property (as described in the Petition) street improvements, water and sewer lines, storm drains, lighting, irrigation lines, signage and all necessary appurtenances (collectively, the "*Improvement*") more fully described in the plans and specifications on file in the office of the Clerk of Council.

Section 2. The Improvement shall be made in accordance with the provisions of the Resolution of Necessity (including the Petition referenced therein and attached thereto) and with the plans, specifications, profiles and estimate of cost previously approved and now on file in the office of the Clerk of Council.

Section 3. The portion of the cost of the Improvement to be assessed in accordance with the Resolution of Necessity and the related Petition shall be assessed in the manner and pursuant to the payment schedule set forth, and on the lots and lands described, in that Resolution and the related Petition.

Section 4. The City shall pay for a portion of the Improvement as set forth in the Petition and will recover these costs from the assessments described in the Petition. All other costs shall be paid by the land owner.

Section 5. All claims for damages resulting from the Improvement that have been or are legally filed shall be inquired into after completion of the Improvement, and the City Attorney is authorized and directed to institute legal proceedings in a court of competent jurisdiction to inquire into those claims.



Section 6. The estimated special assessments previously prepared and filed in the office of the Clerk of Council and in accordance with the Resolution of Necessity and the related Petition are adopted.

Section 7. The Clerk of Council shall deliver a certificate copy of this Ordinance to the County Auditor of Miami County, Ohio within 15 days after its passage.

Section 8. Subject to the provisions of Section 727.24 of the Revised Code, the City Manager is authorized and directed, as soon as the funds are available, to make and sign a contract for the Improvement in accordance with applicable law, and the Improvement shall be financed as provided in the Resolution of Necessity.

Section 9. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this council and any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

Section 10. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City, and for the further reason that this Ordinance is required to be immediately effective in order to enable the City to timely provide for the acquisition and construction of the Improvement; therefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2014;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

**AUTHENTICATION:**

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**CERTIFICATE**

The undersigned, Clerk of Council of the City of Huber Heights, Ohio, hereby certifies that the foregoing is a true and correct copy of Ordinance No. 2014-O-\_\_\_\_\_ passed by the City Council of Huber Heights, on December 8, 2014.

\_\_\_\_\_  
Clerk of Council

AI-2756

Topics of Discussion 8.

**Administration Committee Agenda**

**Meeting Date:** 12/02/2014

Amnesty

**Submitted By:** Crystal Whitley

**Department:** Finance

**Division:** Accounting

**Council Committee Review?:** Administration Committee

**Date(s) of Committee Review:** 12/02/2014

**Audio-Visual Needs:** None

**Emergency Legislation?:** Yes

**Motion/Ordinance/  
Resolution No.:**

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**Information**

**Agenda Item Description or Legislation Title**

- Amnesty/Appropriations

**Purpose and Background**

This legislation gives authorization to pay invoices for goods and services where a purchase order was not properly obtained in advance of the purchases.

---

**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

**Recurring Cost? (Yes/No):** N/A

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

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**Attachments**

[Resolution](#)

[Attachment A](#)

[Amnesty Backup](#)

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2014-R-

AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS TO COVER THE COSTS OF VARIOUS GOODS AND SERVICES ORDERED BY CITY DEPARTMENTS/DIVISIONS, AND DECLARING AN EMERGENCY.

WHEREAS, various City Departments/Divisions have procured goods and services from various vendors; and

WHEREAS, the Departments/Divisions either did not obtain a purchase order prior to the purchase or if a purchase order was obtained it was not sufficient to cover the costs of said goods or services; and

WHEREAS, the City of Huber Heights has a moral obligation to pay the invoices for these said goods and services since it is either in possession of the goods or it has already utilized the service; and

WHEREAS, there are sufficient funds in the respective Department/Division budgets to cover the costs incurred for the various goods and services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized to approve the payments for the goods and services listed in Attachment A as moral obligations of the City.

Section 2. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the further reason that the timely processing and payment of these invoices will maintain the good relationships enjoyed between the City and the various vendors; therefore, this Resolution shall take full force and effect immediately upon its adoption by Council.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2014;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

ATTACHMENT A

<u>Department/Division</u>	<u>Vendor</u>	<u>Total Cost</u>	<u>Cost Not Encumbered by P.O.</u>
Management	ProSource – purchase order after service date	\$81.49	\$81.49



City of Huber Heights  
6131 Taylorsville Road  
Huber Heights, OH 45424

## Memorandum

To: Chief Robert Schommer, City Manager  
From: LeeAnne Yeater, Administrative Assistant  
Date: November 24, 2014  
Re: Amnesty Legislation

Pro Source invoiced us a remainder balance invoice after a credit had been applied but did not cover the complete cost. The purchase order for the second half of the year was obtained after the date of the service. There are funds available to pay the invoice.

Thank you for your attention to this matter.

*Approved  
Robert Schommer  
11/24/14*

C.S.

### CONTRACT INVOICE

Invoice Number: 552367  
Invoice Date: 06/17/2014



Cincinnati 513.769.0606 Fax 513.769.0080  
Dayton 937.296.9122 Fax 937.296.9143  
www.totalprosource.com

**Bill To:** City of Huber Heights - Administrative Offices  
6131 Taylorsville Rd  
Huber Heights, OH 45424

**Customer:** City of Huber Heights - Administrative Offices  
6131 Taylorsville Rd  
Huber Heights, OH 45424 ✓

Account No	Payment Terms	Due Date	Invoice Total	Balance Due	
C017	15 Days	07/02/2014	\$235.00	<b>\$81.49</b>	
Contract Number	Contact	Contract Amount	P.O. Number	Start Date	Exp. Date
11113-01		\$235.00		05/27/2014	

**Remarks**

\*\*\*\*\*  
 THERE IS A CREDIT ON YOUR ACCOUNT THAT HAS BEEN  
 APPLIED TO THIS INVOICE, PLEASE PAY \$ 81.49.  
 THANK YOU,  
 \*\*\*\*\*

Meter readings, service calls and supply request can be entered directly through our web site. Please call our customer support team at 513.769.0606 or email custservice@totalprosource.com to set up web access. Visit our website at www.totalprosource.com.

X3

**Summary:**

Contract base rate charge for the 05/27/2014 to 06/26/2014 billing period	\$235.00
Contract overage charge for this overage period	\$0.00 **
	<b>\$235.00</b>

\*\*See overage details below

**Detail:**

**Equipment included under this contract**

**Konica/C454e**

Number	Serial Number	Base Adj.	Location
G1548	ASC0011009715	\$0.00	City of Huber Heights - Administrative Offices 6131 Taylorsville Rd Huber Heights, OH 45424

Meter Type	Meter Group	Credits	Covered	Rate
B\W	Black		60,000	\$0.008800
Color	Color		3,000	\$0.059000

**Remit Payment To:** ✓  
4720 Glendale-Milford Rd.  
Cincinnati, Ohio 45242

Invoice SubTotal	\$235.00
Tax:	\$0.00
Invoice Total	\$235.00
<b>Balance Due:</b>	<b>\$81.49</b>

**AI-2763**

**Topics of Discussion**

**Administration Committee Agenda**

**Meeting Date:** 12/02/2014

2014 Supplemental Appropriations

**Submitted By:** Jim Bell

**Department:** Finance **Division:** Accounting

**Council Committee Review?:** Administration Committee

**Date(s) of Committee Review:**

**Audio-Visual Needs:** None **Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

**Information**

**Agenda Item Description or Legislation Title**

\* Appropriations

**Purpose and Background**

The supplemental appropriations are for the following purposes:

- \$80,172 transfer from General Fund to Parks & Rec Fund
- \$20,000 for electric bills
- \$28,859 for Merily Way improvements
- \$61,250 for Police benefits payout
- \$80,172 for 2014 Aquatic Center loss payment to YMCA
- \$7,500 for Cash Surety Fund (to match deposits received)

**Fiscal Impact**

**Source of Funds:** Various  
**Cost:** \$190,281  
**Recurring Cost? (Yes/No):** No  
**Funds Available in Current Budget? (Yes/No):** Yes  
**Financial Implications:**

**Attachments**

[Supp Approp 120814](#)

CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2014-O-

AUTHORIZING TRANSFERS BETWEEN VARIOUS FUNDS OF THE CITY OF HUBER HEIGHTS, OHIO AND AMENDING ORDINANCE 2013-O-2077 BY MAKING SUPPLEMENTAL APPROPRIATIONS FOR EXPENSES OF THE CITY OF HUBER HEIGHTS, OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2014 AND ENDING DECEMBER 31, 2014.

WHEREAS, supplemental appropriations for expenses of the City of Huber Heights must be made to reflect transfers and for appropriations of funds for various 2014 operating and project funding;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. Authorization is hereby given to transfer certain monies up to amounts not exceeding those shown and for the purposes cited in Exhibit A, and such authorization applies to any and all such transfers necessary and effected after January 1, 2014.

Section 2. Ordinance 2013-0-2077 is hereby amended as shown in Exhibit B of this Ordinance.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2014;

\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_



**EXHIBIT A**

<i><u>Transfers:</u></i> <i><u>Amount</u></i>	<i><u>Fund From</u></i>	<i><u>Fund To</u></i>	<i><u>Purpose</u></i>
\$80,172.00	101 General	218 Parks & Rec	2014 Aquatic Center loss

## EXHIBIT B

AMENDING ORDINANCE NO 2013-O-2077 BY MAKING APPROPRIATIONS FOR EXPENSES OF THE CITY OF HUBER HEIGHTS, OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2014 AND ENDING DECEMBER 31, 2014

- 1) Section 1 of Ordinance No. 2013-O-2077 is hereby amended to reflect increases in the appropriations of the #101 General Fund, as follows:
  - a) Subsection b) Lighting, Operations and Capital of \$10,000.00
  - b) Subsection q) Non-Departmental, Transfers of \$80,172.00
- 2) Section 3 of Ordinance No. 2013-O-2077 is hereby amended to reflect an increase in the appropriation of the #203 Gasoline Tax Fund, Operations and Capital of \$28,859.00.
- 3) Section 4 of Ordinance No. 2013-O-2077 is hereby amended to reflect an increase in the appropriation of the #207 Lighting District Fund, Operations and Capital of \$10,000.00.
- 4) Section 5 of Ordinance No. 2013-O-2077 is hereby amended to reflect an increase in the appropriation of the #209 Police Fund, Personnel of \$61,250.00.
- 5) Section 12 of Ordinance No. 2013-O-2077 is hereby amended to reflect increases in the appropriations of the #218 Parks & Recreation Fund, as follows:
  - a) Subsection d) Recreation Facility, Operations and Capital of \$80,172.00
- 6) Section 41 of Ordinance No. 2013-O-2077 is hereby amended to reflect an increase in the appropriation of the #802 Cash Surety Fund, Operations and Capital of \$7,500.00.

AI-2762

Topics of Discussion 8.

**Administration Committee Agenda**

**Meeting Date:** 12/02/2014

Increase Not To Exceed Amount - Plattenburg & Associates

**Submitted By:** Jim Bell

**Department:** Finance

**Division:** Accounting

**Council Committee Review?:** None

**Date(s) of Committee Review:** 12/02/2014

**Audio-Visual Needs:** None

**Emergency Legislation?:** Yes

**Motion/Ordinance/  
Resolution No.:**

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**Information**

**Agenda Item Description or Legislation Title**

- Plattenburg & Associates - Increase Not To Exceed Amount

**Purpose and Background**

Plattenburg & Associates has previously performed other audits and professional services for the City of Huber Heights in addition to the annual state audit services and the City desires the ability to continue to use Plattenburg & Associates to perform other professional services. This legislation authorizes the Finance Director to enter into agreements for other professional services, as needed, in an amount not to exceed \$55,000 in 2015.

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**Fiscal Impact**

**Source of Funds:** Various Funds

**Cost:** \$55,000

**Recurring Cost? (Yes/No):** Yes

**Funds Available in Current Budget? (Yes/No):** Yes

**Financial Implications:**

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**Attachments**

Resolution

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2014-R-

AUTHORIZING THE FINANCE DIRECTOR TO ENTER INTO AGREEMENTS FOR OTHER PROFESSIONAL SERVICES AS NEEDED WITH PLATTENBURG & ASSOCIATES IN 2015 AND INCREASING THE NOT TO EXCEED AMOUNT, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of Huber Heights authorized the City Manager to execute a Memorandum of Agreement between the City, the Auditor of State, and Plattenburg & Associates providing for Plattenburg & Associates to conduct an audit of the Combined Financial Statements of the City of Huber Heights for the fiscal periods January 1, 2011 through December 31, 2015 pursuant to the Memorandum of Agreement at annual amounts not to exceed those set forth in Plattenburg & Associates' Sealed Dollar Cost Bid dated November 11, 2011; and

WHEREAS, the City Charter requires that City Council approve all work performed by a single vendor in excess of \$25,000.00 in any given year; and

WHEREAS, Plattenburg & Associates has previously performed other audits and professional services for the City of Huber Heights in addition to the annual state audit services and the City desires the ability to continue to use Plattenburg & Associates to perform other professional services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Council of the City of Huber Heights authorizes the Finance Director to enter into agreements for other professional services and to increase the not to exceed amount for all payments made to Plattenburg & Associates in 2015 to \$55,000.00.

Section 2. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the further reason that the other audit activities need to commence and must be formally authorized by Council; therefore, this Resolution shall be in full force and effect immediately upon its adoption by Council.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2014;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

AI-2761

Topics of Discussion 8.

**Administration Committee Agenda**

**Meeting Date:** 12/02/2014  
TIF District - Miami County (West) - For New Fire Station  
**Submitted By:** Donnie Jones  
**Department:** Economic Development  
**Council Committee Review?:** Administration Committee  
**Date(s) of Committee Review:** 12/02/2014  
**Audio-Visual Needs:** None  
**Motion/Ordinance/  
Resolution No.:**

**Emergency Legislation?:** Yes

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**Information**

**Agenda Item Description or Legislation Title**  
- Miami County (West) TIF District - For New Fire Station

**Purpose and Background**

This is legislation to approve a thirty year TIF district in the western part of the City of Huber Heights in Miami County.

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**Fiscal Impact**

**Source of Funds:** N/A  
**Cost:** TBD  
**Recurring Cost? (Yes/No):** No  
**Funds Available in Current Budget? (Yes/No):** No

**Financial Implications:**

Cost of preparing documents is the only cost involved.

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**Attachments**

Map

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2014-O-\_\_\_\_\_

AN ORDINANCE DECLARING THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE AND EXEMPT FROM TAXATION; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND AND PROVIDING FOR THE COLLECTION AND DEPOSIT OF SERVICE PAYMENTS INTO THAT FUND; SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS DIRECTLY BENEFITING THE PARCELS; AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Sections 5709.40 to 5709.43 (collectively, the "*TIF Statutes*") authorize the legislative authority of a municipal corporation, by ordinance, to declare the improvement to parcels of real property located within the municipal corporation to be a public purpose and exempt from taxation, require the owner of each parcel to make service payments in lieu of taxes, establish a municipal public improvement tax increment equivalent fund for the deposit of those service payments, and specify public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit, those parcels; and

WHEREAS, this City Council has determined to declare the improvements to certain parcels of real property, which parcels are further described in Section 1, to be a public purpose; and

WHEREAS, this City Council desires to provide for the construction and/or installation of the public infrastructure improvements described in Section 2; and

WHEREAS, notice of this proposed Ordinance has been delivered to the Boards of Education of the Bethel Local School District and the Miami Valley Career Technology Center in accordance with and within the time period prescribed in Ohio Revised Code Sections 5709.40 and 5709.83;

NOW, THEREFORE, BE IT ORDAINED by the Council of Huber Heights, Ohio that:

Section 1. Parcels of Real Property. The parcels of real property subject to the exemption granted by this Ordinance are identified and depicted in **EXHIBIT A** attached hereto (each, as currently or subsequently configured, individually, a "*Parcel*" and collectively, the "*Parcels*").

Section 2. Public Infrastructure Improvements. This City Council hereby designates the public infrastructure improvements described in **EXHIBIT B** attached hereto (the "*Public Infrastructure Improvements*") and any other public infrastructure improvements hereafter designated by ordinance as public infrastructure improvements made, to be made or in the process of being made by the City that directly benefit, or that once made will directly benefit, the *Parcels*.

Section 3. Authorization of Tax Exemption. This City Council hereby finds and determines that 75% of the increase in assessed value of each *Parcel* subsequent to the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the "*Improvement*" as defined in Ohio Revised Code Section 5709.40(A)) is hereby declared to be a public purpose and shall be exempt from taxation in accordance with Ohio Revised Code Section 5709.40(B) for a period commencing for each *Parcel* with the first tax year that begins after the effective date of this Ordinance and in which an *Improvement* attributable to a new structure on that *Parcel* first appears on the tax list and duplicate of real and public utility property were it not for the exemption granted by this Ordinance and ending on the earlier of (a) ten (10) years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the *TIF Statutes*.

Section 4. Service Payments. Pursuant to Ohio Revised Code Section 5709.42, the owner of each *Parcel* is hereby required to and shall make service payments in lieu of taxes with respect to the *Improvement* allocable thereto to the Treasurer of Miami County, Ohio (the "*County Treasurer*") on or before the final dates for payment of real property taxes. The service payments in lieu of taxes shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and collected against that *Improvement* if it were not exempt from

taxation pursuant to Section 3 of this Ordinance, including any penalties and interest (collectively, the "Service Payments"). The Service Payments, and any other payments with respect to each Improvement that are received by the County Treasurer in connection with the reductions required by Ohio Revised Code Sections 319.302, 321.24, 323.152 and 323.156, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "Property Tax Rollback Payments"), shall be allocated, distributed and deposited in accordance with Section 6 of this Ordinance.

Section 5. TIF Fund. This City Council hereby establishes, pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.43, a municipal public improvement tax increment equivalent fund which shall be designated as the "Miami County North Firehouse Tax Increment Equivalent Fund" (the "TIF Fund"). The TIF Fund shall be maintained in the custody of the City and shall receive all distributions pursuant to Section 6 of this Ordinance. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement of each Parcel and so deposited pursuant to Ohio Revised Code Section 5709.42 shall be used solely for the purposes authorized in the TIF Statutes or this Ordinance. The TIF Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any incidental surplus funds remaining therein transferred to the City's General Fund, all in accordance with Ohio Revised Code Section 5709.43.

Section 6. Distributions. Pursuant to the TIF Statutes, the County Treasurer is requested to distribute the Service Payments and Property Tax Rollback Payments to the City for further deposit into the TIF Fund for payment of costs of the Public Infrastructure Improvements, including, without limitation, debt charges on any securities of the City issued to pay or reimburse financing costs or costs of those Public Infrastructure Improvements.

All distributions required under this Section 6 are requested to be made at the same time and in the same manner as real property tax distributions.

Section 7. Non-Discriminatory Hiring Policy. In accordance with Section 5709.823 of the Ohio Revised Code, this City Council hereby determines that no employer located upon any Parcel shall deny any individual employment based solely on the basis of race, religion, sex, disability, color, national origin or ancestry.

Section 8. Further Authorizations. This City Council hereby authorizes and directs the City Manager, the Director of Finance, the City Attorney, the Economic Development Director, the Clerk of Council or other appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments and the Property Tax Rollback Payments. This City Council further hereby authorizes and directs the City Manager, the Director of Finance, the City Attorney, the Economic Development Director, the Clerk of Council or other appropriate officers of the City to prepare and sign all documents and instruments and to take any other actions as may be appropriate to implement this Ordinance.

Section 9. Tax Incentive Review Council. The applicable Tax Incentive Review Council, with the membership of that Council to be constituted in accordance with Section 5709.85 of the Ohio Revised Code, shall, in accordance with Section 5709.85 of the Ohio Revised Code, review annually all exemptions from real property taxation granted by this Ordinance and any other such matters as may properly come before that Council, all in accordance with Ohio Revised Code Section 5709.85.

Section 10. Filings with Ohio Development Services Agency. Pursuant to Ohio Revised Code Section 5709.40(I), the City Manager is hereby directed to deliver a copy of this Ordinance to the Director of the Ohio Development Services Agency within fifteen days after its effective date. Further, and on or before March 31 of each year that the tax exemption authorized by Section 3 remains in effect, the Economic Development Director or other authorized officer of the City is directed to prepare and submit to the Director of the Ohio Development Services Agency the status report required under Ohio Revised Code Section 5709.40(I).

Section 11. Open Meetings. This City Council finds and determines that all formal actions of this City Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Council or any of its committees, and that



all deliberations of this City Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Ohio Revised Code Section 121.22.

Section 12. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order to permit the City to authorize the tax exemption pursuant to Section 3 and proceed with the construction of the Public Infrastructure Improvements in order to create or preserve jobs and employment opportunities and improve the economic welfare of the people of the City and the State of Ohio; wherefore, this Ordinance shall be in full force and effect immediately upon its passage provided it receives the affirmative vote of at least two-thirds (2/3) of the members of Council holding office; otherwise, it shall take effect and be in force at the earliest period allowed by law.

Passed by Council on the \_\_\_\_\_ day of December, 2014;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays

Effective Date: December \_\_\_\_, 2014

**AUTHENTICATION:**

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**CERTIFICATE**

The undersigned, Clerk of Council of the City of Huber Heights, Ohio, hereby certifies that the foregoing is a true and correct copy of Ordinance No. 2014-O-\_\_ passed by the Council of the City of Huber Heights, on December \_\_\_\_, 2014.

\_\_\_\_\_  
Clerk of Council

**EXHIBIT A**

IDENTIFICATION AND MAP OF THE PARCELS

The shaded area on the following map specifically identifies and depicts the Parcels and constitutes part of this **EXHIBIT A**. The Parcels include, without limitation, the following tax parcels:

P48-000131

P48-000132

(as they exist in the County Auditor's records on December   1  , 2014).





## EXHIBIT B

### PUBLIC INFRASTRUCTURE IMPROVEMENTS

The Public Infrastructure Improvements include the construction of the following improvements on or near the Parcels that will directly benefit the Parcels and all related costs of permanent improvements (including, but not limited to, those costs listed in Section 133.15(B) of the Ohio Revised Code):

- reconstructing and improving the existing interchanges located at Interstate 70 and State Route 201 and Interstate 70 and State Route 201, including, but not limited to, excavating, grading, paving, installing storm sewers, lighting, landscaping, traffic signalization, and also including design and other related costs, any right-of-way acquisition, erosion and sediment control measures, grading and other related work, survey work, soil engineering and construction staking, and in each case, all other costs and improvements necessary and appurtenant thereto,
- reconstructing and improving Old Troy Pike and Brandt Pike between certain termini, including, but not limited to, excavating, grading, paving, installing storm sewers, lighting, landscaping, traffic signalization, and also including design and other related costs, any right-of-way acquisition, erosion and sediment control measures, grading and other related work, survey work, soil engineering and construction staking, and in each case, all other costs and improvements necessary and appurtenant thereto, and
- constructing, furnishing and equipping public parks, recreation, public safety and other facilities, including the land acquisition therefor and related site improvements thereto,

together with constructing and installing curbs and gutters, public utilities which include water mains, fire hydrants, sanitary sewer, storm sewer and water improvements, lighting, burial of utility lines, gas, electric and communications service facilities (including fiber optics), street lighting and signs, medians, viaducts, sidewalks, bikeways, and landscaping (including scenic fencing and irrigation), traffic signs and signalization, and including design and other related costs, any right-of-way or real estate acquisition, erosion and sediment control measures, grading, drainage and other related work, survey work, soil engineering, inspection fees and construction staking, any other necessary site improvements, and in each case, all other costs and improvements necessary and appurtenant thereto.

AI-2768

Topics of Discussion 8.

**Administration Committee Agenda**

**Meeting Date:** 12/02/2014

The Impact Group - Communications Services Agreement

**Submitted By:** Rob Schommer

**Department:** City Manager

**Council Committee Review?:** Administration Committee

**Date(s) of Committee Review:** 12/02/2014

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

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**Information**

**Agenda Item Description or Legislation Title**

- The Impact Group - Communication Services Agreement

**Purpose and Background**

The Impact Group was the communications firm selected to begin the City's community outreach effort. In the original agreement, specific deliverables were agreed to, and they have subsequently been delivered. During the course of the initial phases, the City has expanded its communications efforts far beyond any levels that the City has had done before. The scope of the services includes assistance with press releases, public statements, newsletter articles, website enhancement, and many other communications oriented elements. Thus far, the City has completed the original phase which was centered around developing specific messaging regarding the need for additional revenue. The services have assisted the City beyond that scope and it has been identified that the City needs to keep its communications efforts organized and purposeful. In the original agreement, The Impact Group maintains delivery of services for \$4,000 per month. There has not been a more critical time than now to make sure the City stays focused on effectively reaching out and communicating with the residents. City Staff are more than pleased with the quality of service the City has received thus far, and want to maintain the course of action for continued community engagement. It is requested Council allow the expenditure of \$4,000 per month through the year. This cost is far less than hiring an individual for communications management, and the City has access to an entire staff of professionals. These communications efforts go beyond one specific issue, and it is important the City has this firm be able to maintain the efforts and assisting with messaging, monitoring of social and mass media, development of new communication methods, development of articles and messages, and many other elements which all help keep the community informed. The attached resolution is requested to be placed on the next regular City Council Meeting agenda. In order to not lose track of this developing outreach effort, and provide critical messaging and information to residents, City Staff urge both the Administration Committee and Council to adopt the resolution.

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**Fiscal Impact**

**Source of Funds:** General Fund

**Cost:** \$48,000

**Recurring Cost? (Yes/No):** Yes

**Funds Available in Current Budget? (Yes/No):** Yes

**Financial Implications:**

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**Attachments**

Resolution

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2014-R-

AUTHORIZING THE CITY MANAGER TO CONTRACT WITH THE IMPACT GROUP FOR MUNICIPAL COMMUNICATIONS SERVICES.

WHEREAS, the citizens of Huber Heights require the efficient and effective delivery of municipal services; and

WHEREAS, City Council and the community have stated effective communication through multiple measure is necessary to provide timely information to residents; and

WHEREAS, all City expenditures in excess of \$25,000 require authorization by City Council; and

WHEREAS, the services to be provided are classified as professional services as defined in Section 171.12 (a)(4) in the Codified Ordinances of Huber Heights.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that;

Section 1. After due deliberation, the City Council authorizes the City Manager is hereby authorized to contract for municipal communication services with The Impact Group for services in 2015 at a cost not to exceed \$48,000.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2014;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

AI-2767

Topics of Discussion 8.

**Administration Committee Agenda**

**Meeting Date:** 12/02/2014

Prosecutor Services Agreement

**Submitted By:** Rob Schommer

**Department:** City Manager

**Council Committee Review?:** Administration Committee

**Date(s) of Committee Review:** 12/02/2014

**Audio-Visual Needs:** None

**Emergency Legislation?:** Yes

**Motion/Ordinance/  
Resolution No.:**

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**Information**

**Agenda Item Description or Legislation Title**

- Prosecutor Services Agreement

**Purpose and Background**

The current agreement was signed in 2014 and there has been no updating or re-negotiation of any terms within. The current agreement as written provides for an annual contract of \$80,000 paid in monthly installments. It is requested the same individual, Robert Coughlin, be maintained in the contract amount of \$80,000 paid in monthly installments. The current terms of the contract would continue to apply including all secretarial services being covered by Mr. Coughlin. Mr. Coughlin has been a very loyal and beneficial piece to the criminal justice team in Huber Heights and there is great desire to maintain his services.

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**Fiscal Impact**

**Source of Funds:** General Fund

**Cost:** \$80,000

**Recurring Cost? (Yes/No):** Yes

**Funds Available in Current Budget? (Yes/No):** Yes

**Financial Implications:**

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**Attachments**

Resolution  
Old Exhibit A

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2014-R-

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH YOUNG, PRYOR, LYNN & JERARDI FOR PROSECUTION SERVICES.

WHEREAS, the City of Huber Heights requires legal services for general prosecution matters; and

WHEREAS, the City of Huber Heights has had an ongoing relationship with Young, Pryor, Lynn & Jerardi which has proven to be beneficial for prosecution services since 1992; and

WHEREAS. Through adoption of Resolution 2014-R-5964 City Council revised and renewed the agreement with Young, Pryor, Lynn and Jerardi to provide prosecution services; and

WHEREAS, the prosecution services to be provided are classified as professional services as defined in Section 171.12 (a)(4) in the Codified Ordinances of Huber Heights.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. After due deliberation, the City Council authorizes the City Manager to enter into an agreement with Young, Pryor, Lynn & Jerardi to provide for the prosecution of cases in the Municipal Court of Montgomery County, Eastern Division as defined in the Agreement attached hereto as Exhibit A for 2015.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution is hereby declared to be an emergency measure in order to provide for the continued protection of the public peace, health, safety and welfare and for the further reason that it is necessary to provide for the continuation of aggressive prosecution of violations of statutes and ordinances; therefore, this Resolution shall take effect immediately upon its adoption by Council.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2014;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

AGREEMENT

THIS AGREEMENT is made and entered into this 11 day of April, 2014 by and between the CITY OF HUBER HEIGHTS ("City") and YOUNG, PRYOR, LYNN & JERARDI (the "Law Firm"), under the following circumstances:

WHEREAS, City requires legal services for general prosecution matters;

and

WHEREAS, the Law Firm represents that it possesses the expertise and personnel necessary to furnish such services to City;

and

WHEREAS, City desires to engage the Law Firm to perform such services, and Law Firm desires to accept such engagement;

NOW, THEREFORE, the parties agree as follows:

1. Duties. The Law Firm shall provide legal representation to City as is necessary from time to time. Such legal representation shall include but not be limited to, representing the City in all prosecutions under City ordinances and state statutes in the Municipal Court of Montgomery County Eastern Division. The Law Firm shall provide such services and devote such time as is necessary in order to represent the City effectively on all ordinance violations filed in the Municipal Court of Montgomery County Eastern Division.

The Law firm shall also provide, upon request, reasonable reports from time to time as to the number and type of cases handled, attorneys involved. Number of cases tried as opposed to those disposed of by agreement, etc. , as may be reasonably requested by the City. No additional legal fees will be due for preparation of such reports.

The Law Firm will not be expected to write exhaustive legal briefs and prepare for appellate arguments on cases that may be appealed to the Court of Appeals or to the Supreme Court. Those matters will be handled by the Law Director.

2. Fees. Attorneys with the Law Firm shall furnish services to City under this agreement at an annual rate of Eighty Thousand Dollars (\$80,000.00) paid in monthly installments. In the event the City requests the Law Firm to provide services beyond the prosecution services noted above, the Law Firm will provide a written proposal of a fixed price or hourly rates.
3. Expense Advances. The Law Firm shall not be reimbursed for costs advanced in furtherance of pending cases, including but not limited to court costs, duplicating expenses, telephone charges, mileage, postage, ~~expert witness fees, delivery costs, court reporter charges and other necessary advances~~. Those costs are included in the monthly fee.

2176  
AS


4. Invoices. The Law Firm shall submit invoices to City on a monthly basis. After receiving approval of such invoices from the City Manager or his designate, City shall pay Law Firm within two (2) weeks of its receipt of such consent.
5. Terms. The term of this Agreement shall commence on the date first above written, and shall continue until terminated by written notice from either party, in which case such termination shall be effective on the date stated in the notice.
6. Change in Key Personnel. Robert Coughlin is hereby designated as "City Prosecutor" on behalf of the Law Firm and shall be the primary contact with the City. In the event of the termination or cessation of employment of Coughlin, regardless of cause, the Law Firm shall promptly notify City of this event.

The Law Firm shall designate an attorney to handle cases for the judges in the Municipal Court of Montgomery County Eastern Division. The Law Firm shall designate Robert Coughlin as one of the prosecutors. The other prosecutor, and those who may substitute from time to time, shall be designated in writing to the City and the Court. The City may refuse to accept any attorneys by written notice to the Law Firm. In such case, the Law Firm will designate a different attorney and not assign the refused attorney further.

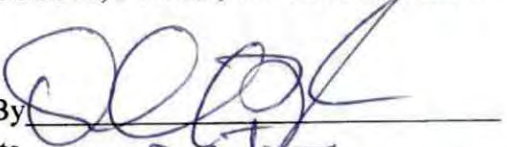
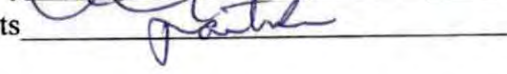
7. Termination. This Agreement may be terminated by either party upon prior written notice to the other party.
8. Records. Any records or files pertaining to any matter handled by the Law Firm for the City under this agreement remain at all times in the property of City. In the event of termination of this Agreement, the Law Firm shall return all records, files and any and all work product resulting from work performed for the City under this Agreement.
9. Assignment. This Agreement may not be assigned by either party.
10. Governing Law. This Agreement shall be construed in accordance with the laws of the State of Ohio.
11. Modification. This Agreement may be modified only by an amendment signed by both parties.
12. Entire Agreement. This Agreement constitutes the entire agreement of the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written.

CITY OF HUBER HEIGHTS

By   
Its INTERIM CITY MANAGER

YOUNG, PYROR, LYNN & JERARDI

By   
Its 

AI-2766

Topics of Discussion 8.

**Administration Committee Agenda**

**Meeting Date:** 12/02/2014

2015 Zimmers & Associates Contract

**Submitted By:** Rob Schommer

**Department:** City Manager

**Council Committee Review?:** Administration Committee

**Date(s) of Committee Review:** 12/02/2014

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

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**Information**

**Agenda Item Description or Legislation Title**

- 2015 Zimmers & Associates Contract

**Purpose and Background**

The current contract with Zimmers and Associates (Neal Zimmers) will expire on December 31, 2014. A proposed new contract for the 2015 fiscal year is attached for review and approval. The City Manager believes that Mr. Zimmers has done an outstanding job for the City of Huber Heights and would recommend approval of the proposed contract.

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**Fiscal Impact**

**Source of Funds:** General Fund

**Cost:** \$36,000

**Recurring Cost? (Yes/No):** Yes

**Funds Available in Current Budget? (Yes/No):** Yes

**Financial Implications:**

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**Attachments**

Resolution

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2014-R-

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ZIMMERS & ASSOCIATES TO PROVIDE LEGISLATIVE CONSULTING AND LOBBYING SERVICES.

WHEREAS, the City of Huber Heights wishes to continue to engage a consultant to provide legislative and executive agency consulting and lobbying services; and

WHEREAS, Zimmers and Associates have proven themselves capable of providing high quality consulting and lobbying services for the City; and

WHEREAS, the consulting provided involves specific expertise and skills, and is considered a professional service as defined in 171.12 (a)(4) of the Codified Ordinances of Huber Heights.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. After due deliberation, the City Council authorizes the City Manager to enter into a twelve (12) month agreement with Zimmers and Associates to provide consulting and lobbying services to the City of Huber Heights at a cost not to exceed \$36,000 in FY 2015. A copy of said agreement is attached and incorporated as Exhibit A.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2014;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

AI-2765

Topics of Discussion 8.

**Administration Committee Agenda**

**Meeting Date:** 12/02/2014  
End of Year Legislation - 2015 MVRPC Membership Dues  
**Submitted By:** Rob Schommer  
**Department:** City Manager  
**Council Committee Review?:** Administration Committee  
**Date(s) of Committee Review:** 12/02/2014  
**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

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**Information**

**Agenda Item Description or Legislation Title**  
- 2015 MVRPC Membership Dues

**Purpose and Background**

This legislation authorizes payment of 2015 annual membership dues to the Miami Valley Regional Planning Commission (MVRPC).

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**Fiscal Impact**

**Source of Funds:** General Fund  
**Cost:** \$18,000  
**Recurring Cost? (Yes/No):** Yes  
**Funds Available in Current Budget? (Yes/No):** Yes  
**Financial Implications:**

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**Attachments**

Resolution

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2014-R-

AUTHORIZING PAYMENT OF 2015 ANNUAL MEMBERSHIP DUES TO THE MIAMI VALLEY REGIONAL PLANNING COMMISSION (MVRPC).

WHEREAS, the City Council authorized a membership agreement between the City of Huber Heights and the Miami Valley Regional Planning Commission by City Resolution No. 81-R-09 adopted July 27, 1981; and

WHEREAS, the City Council intends to continue the City's support of and cooperation with the Miami Valley Regional Planning Commission; and

WHEREAS, the Miami Valley Regional Planning Commission has submitted an invoice to the City for payment of annual membership dues for 2015.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. After due deliberation, the City Council authorizes the City Manager to make payment of the City of Huber Heights' annual membership dues for 2015 to the Miami Valley Regional Planning Commission at a cost not to exceed \$18,000.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2014;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



AI-2770

Topics of Discussion 8.

**Administration Committee Agenda**

**Meeting Date:** 12/02/2014

Tax Appeals Board Reappointments - J. McClelland/M. Rezek/J. Smith

**Submitted By:** Anthony Rodgers

**Department:** City Council

**Council Committee Review?:** Administration Committee

**Date(s) of Committee Review:** 12/02/2014

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

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**Information**

**Agenda Item Description or Legislation Title**

- Board and Commission Appointments

**Purpose and Background**

City Staff recommend the reappointment of Judith McClelland, Monica Rezek, and Joan Smith to the Tax Appeals Board for a term ending December 31, 2015. Background checks were previously completed on all three of these individuals and no adverse information was reported according to Human Resources. Their current terms expire on December 31, 2014.

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**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

**Recurring Cost? (Yes/No):** N/A

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

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**Attachments**

*No file(s) attached.*

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO 2014-R-

AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS TO COVER THE RENTAL COST AND FEES FOR CITY OPERATIONS, AND DECLARING AN EMERGENCY

WHEREAS, the Citizens of Huber Heights require the efficient and effective delivery of municipal services, and

WHEREAS, City Council has previously authorized the operation of the Tax Division to be conducted in rental office and storage space and to coordinate the lease agreement with United Water; and

WHEREAS, the rental costs for the office and storage space is currently on a month-to-month basis; and

WHEREAS, all City expenditures in excess of \$25,000 require authorization by City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that;

Section 1. After due deliberation, the City Council approves and authorizes the City Manager to expend funds for the purpose of renting office and storage space for City operations on a month to month basis for FY2014 and FY2015 including costs for services previously incurred at a cost not to exceed \$34,000 per year.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution is hereby declared to be an emergency measure in order to provide for the immediate protection of the public peace, health, safety and welfare and for the continued operation of essential City services, and for the further reason that it is necessary to make payments for the leased space; therefore, this Resolution shall take effect immediately upon its adoption by Council.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_ 2014;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council  
Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor  
Date: \_\_\_\_\_