



**CITY OF HUBER HEIGHTS
STATE OF OHIO
City Council Meeting
Regular Session
August 23, 2021
7:00 P.M.**

City Hall - Council Chambers - 6131 Taylorsville Road

1. **Call The Meeting To Order - Mayor Jeff Gore**
2. **Invocation - Pastor Randy Griffith Of The Free Methodist Church At 6875 Old Troy Pike, Huber Heights, Ohio**
3. **Pledge Of Allegiance**
4. **Roll Call**
5. **Approval Of Minutes**
 - A. City Council Meeting Minutes - August 9, 2021
6. **Special Presentations/Announcements**
 - A. Huber Heights Arts And Beautification Commission Yard Beautification Awards Presentation - Mayor Jeff Gore And The Huber Heights Arts And Beautification Commission
 - B. Mayoral Proclamations And Presentation To Competitors From Meng's Martial Arts - Mayor Jeff Gore
 - C. Prostate Cancer Awareness And Education Month Mayoral Proclamation Presentation – Mayor Jeff Gore
7. **Citizens Comments**
8. **Citizens Registered to Speak on Agenda Items**

9. **City Manager Report**

10. **Pending Business**

11. **New Business**

CITY COUNCIL

Anthony Rodgers, Clerk of Council

- A. A Motion To Authorize The City Manager To Reinstate The City Of Huber Heights' Membership With The Huber Heights Chamber of Commerce.
- B. A Motion To Direct The Clerk Of Council To Respond To The Ohio Division Of Liquor Control With No Objections In Reference To New Liquor Permit #30612130080 For Little Caesar's At 5390 Brandt Pike, Huber Heights, Ohio 45424.
- C. An Ordinance To Amend The Codified Ordinances Of The City Of Huber Heights, Ohio To Provide Amendments To The Traffic Code Sections 335.021, 331.211, 335.09, And 335.04; And To The General Offenses Code Sections 525.13, 545.03, 545.09, 509.07, 541.051, 501.99, 513.01, 541.05, And 549.02; To Provide For Codification; To Provide For Severability; And To Repeal Conflicting Ordinances.
(first reading)

ADMINISTRATION

Scott Falkowski, Interim City Manager

- D. A Resolution Authorizing Certain Actions Made To Amend All Of The Current Collective Bargaining Agreements And The City's Employee Personnel Manual To Recognize Juneteenth As A City Paid Holiday For All Employees.
(first reading)
- E. An Ordinance Authorizing Transfers Between Various Funds Of The City Of Huber Heights, Ohio And Amending Ordinance No. 2020-O-2453 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2021 And Ending December 31, 2021.
(first reading)
- F. An Ordinance Approving Individual Assessments Amounts And Directing The Finance Director Or His/Her Designee To Certify The Amounts To The Applicable County Auditor For Collection, And Declaring An Emergency.
(first reading)
- G. An Ordinance Authorizing An Additional Lease Transaction Pursuant To An Existing Master Tax-Exempt Lease/Purchase Agreement And Authorizing The Execution Of Related Addenda, A Property Schedule And Related Documents For The Purpose Of Making Certain Additional Energy Conservation Improvements To Various City Facilities, And Declaring An Emergency.
(first reading)

- H. A Resolution Authorizing The East Water Main Extension And East Sanitary Sewer Main Extension Projects.
(first reading)
- I. A Resolution Authorizing The City Manager To Enter Into Contracts For The Monita Field Skate Park And BMX Track Project.
(first reading)
- J. A Resolution Authorizing The City Manager To Enter Into Contracts For The Monita Field Bicycle Amenities Project.
(first reading)
- K. A Resolution Declaring The Necessity Of Repairing Sidewalks, Curbs, Gutters, Driveway Approaches And Appurtenances Thereto On Portions Or All Of Certain Streets In The 2022 Sidewalk Program, Providing That Abutting Owners Repair The Same.
(first reading)
- L. A Resolution Amending Resolution No. 2021-R-6974 To Authorize An Increase In The Not To Exceed Amount For Crown Lift Trucks To Purchase One (1) Forklift Truck And Waiving The Competitive Bidding Requirements.
(first reading)

12. **City Official Reports and Comments**

13. **Executive Session**

14. **Adjournment**

AI-7759

Minutes A.

City Council Meeting

Meeting Date: 08/23/2021

Approval of Minutes - 8/9/21

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: None

Date(s) of Committee Review: N/A

Audio-Visual Needs: None

Emergency Legislation?: No

Motion/Ordinance/ N/A

Resolution No.:

Agenda Item Description or Legislation Title

City Council Meeting Minutes - August 9, 2021

Purpose and Background

Approval of the minutes from the August 9, 2021 City Council Meeting.

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:

There are no financial implications to this agenda item.

Attachments

Minutes

Huber Heights City Council

In Council Chambers
6131 Taylorsville Road

August 9, 21

1. The Huber Heights City Council met in a Regular Session on August 9, 2021. Mayor Jeff Gore called the meeting to order at 7:00 p.m.
2. The Invocation was given by Pastor Randy Griffith of the Free Methodist Church at 6875 Old Troy Pike, Huber Heights, Ohio.
3. **Pledge of Allegiance**
4. **Roll Call**

Councilmembers present for this meeting were Richard Shaw, Kathleen Baker, Mark Campbell, Nancy Byrge, Glenn Otto, Ed Lyons, Andy Hill, Don Webb, and Mayor Jeff Gore.

5. Approval of Minutes

- A. City Council Meeting Minutes – July 26, 2021

6. Special Presentations/Announcements

There were no Special Presentations or Announcements this evening.

7. Citizens Comments

Mrs. Cindy Smith read a statement regarding citizens requesting houses in Section 9 of The Oaks PUD not be issued a final permit by the City until they are compliant with all City codes and ordinances. She discussed a house at 3013 Burr Oak which she states is not in conformance with Ordinance No. 2003-O-1405 due to it being completely covered in Hardie Board which was not approved by the Planning Commission for use in The Oaks PUD. She said that the house does not have brick or stone on the front of the house and fails to meet the requirements. She asked if this house has received a final permit?

Mr. Scott Falkowski said no houses in Section 9 have received a final permit.

Mrs. Smith asked since Hardie Board was not preapproved as a masonry product by the Planning Commission in advance, why is it allowed on the house on 3013 Burr Oak.

Mayor Jeff Gore said Council needs to talk with Mr. Falkowski and City Staff and determine if there was no advance notice, was the interpretation of that ordinance by City Staff and the Planning Commission wrong or is it an actual violation of the ordinance. He said that discussion will be moved to the next Council Work Session and he would hope the recommendation would be that Council ask City Staff to revisit that ordinance and determine the intent of that ordinance. He said it would then come down to Council making a decision to not issue the permit or to go back and require the 25 percent brick or stone on the house. He said he is surprised the builder chose to use 100 percent Hardie Board. He said if this is a misinterpretation, Council may revisit and pass legislation to rewrite that ordinance to make it clear and the builder can be forced to make the change. He said no permits will be issued until City Staff and Council get through this process. He said he thinks the intent of the ordinance was not to allow what is there currently.

Mrs. Byrge said Council may want to consider having a special meeting because she saw a sold sign on a house which means the buyer has already decided what kind of materials will be used. She said these materials may be a duplication of what is on the other house.

Mr. Falkowski said tomorrow morning he can have the information on what materials were presented regarding the sold houses. He said after that, he needs to have more discussion with the Law Director regarding the language in a PUD regarding the masonry requirements.

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Mrs. Byrge said the Planning Commission decision record needs to be reviewed to see what was approved.

Mayor Gore said if Mr. Falkowski finds out another house has been sold that is the same with no stone, then it would be appropriate to meet sooner rather than waiting until next Tuesday's Council Work Session. He asked Mr. Falkowski to let Council know what he finds out.

Mr. Shaw asked Mr. Gerald McDonald if this builder is moving forward against the perceived ordinance and building materials, what type of actions does Council have to advise the builder to stop any and all work.

Mr. McDonald said Council does not have the ability to stop a construction project, that is a City Staff function. He said if the builder is in violation, City Staff could potentially issue a stop work order. He explained the process involved.

Mr. Shaw asked Mr. McDonald to revert back to a 2007 ordinance and 2011 information from the Planning Commission with regard to masonry materials and provide a timeline on that information for the next Council Work Session.

Mr. Steven Rybitski said he lives on White Oak Way. He said between Oakridge Drive and Chambersburg Road there is a swath of land of trees. He said back in April, 2021 and before that the owner took down a lot of the woods, he said he asked Mr. Lyons to ask Mr. Falkowski what the plan is for that piece of land as there is no entry or exit to that land. He said Mr. Lyons said some development was planned, but a developer had not been chosen yet. He asked if it is still planned for development, what would be the entry way to this area? He said if it is not up for development, who took the wood out and removed the yellow pole from the ground? He asked who is responsible for replacing this pole and who is responsible for maintaining the pathway and the overgrowth? He said some of the trees that were cut down are falling over the pathway.

Mr. Falkowski said he does not know anything about the yellow pole, and he will need to look into that matter. He said there is no developer, but the land is approved through the original ordinance for estate lots. He said there is a 30' wide access point that goes from The Oaks to Chambersburg Road that a driveway could go on, and that was the original plan. He said if there is a plan for development, it will come back through the Planning Commission. He said the easement that goes through there and that path was approved through Planning Commission and the City Council as part of the HOA, and it is the HOA's responsibility from The Oaks out to Chambersburg Road. He said the HOA has been put under violation for the clearing of that area.

Mr. Rybitski asked even though the owner cut down the trees, it is the HOA's responsibility to clean that up?

Mr. Falkowski said it is the HOA's responsibility to keep the path clear.

Matthew Ruchti said he lives on Jonetta Street and there is a problem with a lift station installed in 2005. He said he has been working on the lift station between three residents since 2014 and cannot come up with an agreement. He said he was told by the City there is a contract in place, then he was told there is a resolution in place, then he was advised to attend this meeting to see if City Council can address this matter at the next Council Work Session. He said the lift station was built on a property line so there is no ownership. He said it is in his yard. He said the Montgomery County Health Department told him he is not allowed to reactivate the septic tank in his yard once he is connected to City sewer. He said Korreect Plumbing was informed by the City Engineer that the sewer system is maxed out and he would have to be in agreement with a neighbor to tear up their yard and tap into their sewer to access the City sewer line through another neighbor's sewer system. He said since the lift station is 50 percent in his yard, if it overflows again, which has happened twice in eight years, all of the fines from the Health Department and the

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EPA falls on his responsibility since it is in his yard. He asked if there is any way to bypass this contract that states this lift station will remain in private hands. He said it was addressed by the Laroos, the property owners who owned the plot at the end of Jonetta Street. He said the Laroos have sold off all four plots, but they still hold this contract with the City. He said he talked to the other residents and one individual put the electric bill in his name, said the others owe one-third of the bill, and will not show evidence of what he has paid. He said one pump is shot and the other pump is running continuously. He said he wants to find out what to do to have the City take over the lift station and maintain it or take over the management of it and add the maintenance, electric bill, and upkeep to either the property taxes or as surcharges to the water and waste bill. He asked for help in getting this matter out of the control of one individual and to work this issue out peacefully. He said the City Engineer said unless the lift station services 50 houses, it will remain private. He said that is the City Engineer's philosophy, and he cannot change it.

Mayor Gore said he has seen some of the emails between the City Manager and the City Engineer. He asked Mr. Falkowski and Mr. McDonald to review the contract and see what can be done. He said he needs information from the Law Director and then Council can move from there.

Mr. McDonald said the contract is recorded with Montgomery County.

Mr. Lyons asked about the exact location of the lift station and he had Mr. Ruchti clarify his statements regarding the lift station and the sewer system. He asked Mr. Falkowski, if by the time of the next Council Work Session, will he know what property this lift station falls on?

Mr. Falkowski said he would review the location. He said one of the recommendations was each individual house could have its own grinder pump and pump down the street in the right of way to connect into the sewer. He said he would check with Mr. Bergman about the system being maxed out. He said there is a way each individual could pump to the sanitary sewer, but at a cost.

Mr. Lyons confirmed this issue would be discussed at the next Council Work Session and that City Staff will come prepared at that time.

Mr. Jerry Vincent said he lives on Blackshear Drive and there are too many hit and run accidents on the street. He said in 55 years there have been 10 to 12 hit and run accidents. He said this month he had a mirror knocked off a truck and his neighbor had a van totaled. He described the history of accidents. He said it is too dangerous for kids. He said the options the residents have been given are parking on one side of the street or lowering the speed limit on the street.

Mayor Gore said he understands speeding is an issue in the City. He discussed the Town Hall Meeting on traffic issues and the latest Council Work Session. He said the request is for more police officers to establish a Traffic Control Unit. He said regarding speed bumps, City Staff's recommendation has been not to put in speed bumps. He said if Council wants to have that discussion, it can. He said the City is doing what it can do from a Police Division standpoint. He said one cannot predict when an accident will happen and there is no legislation or laws to keep people from being jerks. He said all the police can do is be reactive. He said people are installing security cameras, and if Mr. Vincent had security cameras to see who hit something, at least there would be a vehicle description, license number, etc. He said his hope is when the City has more officers, the Police Division can draw up plans on where to patrol based on feedback. He asked Mr. Falkowski to add Blackshear Drive to the patrol list and inform the Police Chief there is an issue on Blackshear drive.

Mr. Vincent said he would have his neighbors sign a petition for a speed bump.

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Ms. Baker said she is Mr. Vincent's ward representative on Council. She instructed him to make sure there is a report filed for any accident so there is a paper trail, and she said security cameras would help.

Mr. Shaw said he agrees with Mr. Vincent that some of the items on the speed bump paperwork are outdated. He said he would like to see the data of these incidents over the past five years to determine if there is a common denominator and if there is a lighting problem. He said he trusts the City Manager will list the issues out and find out how the City can find quick solutions to each one of these issues. He said the City needs to be more proactive than reactive in that area.

Ms. Anna Marie Honious said she is 15 years old and she lives on Arrowview Drive. She said she likes the idea of a mountain bike park in her neighborhood for a multitude of reasons. She said it would be a great place for families to gather and for families from the neighborhood to spend quality time together in an outside safe environment. She said this area would be a good way for children to get outside and exercise safely in the neighborhood. She said it would be convenient for access because there are so many kids in the neighborhood who could walk or bike to the trails who are not able to go by car. She said a lot of the trails require a car to get to the trails because the trails are not in a convenient area. She said it brings the possibility for citizens within the community to be more connected. She said if there was a connection between this mountain bike path and the bike paths within the City, then people throughout the City could take the bike path to utilize this park. She said she does a lot of bike riding and she always has to have a parent drive her to the bike path because all of the street routes have a lot of traffic and it would not be safe to use those roads to access the bike trails. She said there is no easy route to access the paths by bike. She said she lives between a blind turn and a hill, and riding bikes in the street is dangerous because there is low visibility. She said having a place where kids can safely bike and enjoy the outdoors in the summer would be an amazing thing to have.

Mayor Gore said the Parks and Recreation Department will go back to the community to talk about what should go there. He said the issue of the bike park was tabled indefinitely. He said he empathizes with her, and he said many like the idea of trails there. He recapped past discussions with residents and neighbors. He said it is not an easy issue. He said he appreciates her courage for coming and speaking to Council tonight. He said the Parks and Recreation Department will do outreach in the community and bring some recommendations back to Council.

Mr. Otto encouraged Ms. Honious to be part of the community meetings and said he knows something can be done with the park.

Ms. Honious said they have tried to utilize the park by throwing frisbee and walking, but it is really overgrown and sometimes not mowed. She said even if it is not a mountain bike park, she would like the park to be something useful because it has been vacant so long.

Mr. Shaw said he worked diligently to obtain that land from the schools. He said a park is very much needed in that area. He said his colleagues mentioned because not a lot of youth stood up during the last discussion, there was not a lot of interest perceived. He asked Ms. Honious to encourage the youth in that area to send emails to Council and encourage their parents to bring them to City Hall to speak.

Ms. Honious spoke about the residents' concerns about traffic and crime in that area and expressed her thoughts about those issues. She spoke about a small parking area and said she wants to work with the people living there as it would be beneficial to have something in that area.

Mr. Tim Vanderhorst asked if the discussion about Dial Park can be reopened. He said compromise is not an easy thing and he remembers hearing the Mayor say this matter could go to ten or twelve readings if needed to get it passed. He said he was

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disappointed to hear this legislation was tabled. He suggested maybe a gravel parking lot be installed as it is less permanent, and it could be tried for a year and bring everybody back to see if what residents are concerned about really came about and if people are more comfortable with it.

Mayor Gore said Council's expectations are for the Parks and Recreation Board to meet with people in the community and come back with recommendations. He said at that time anyone on Council could make the recommendation to reopen the Dial Park Improvement discussion. He said at that time, the bike park could come back up.

Mr. Otto confirmed that the bicycle amenities at Dial Park were tabled but anything else can be discussed.

Mayor Gore said anything other than the bike amenities is not off the table and can be discussed.

8. Citizens Registered to Speak on Agenda Items

There were no Citizens Registered to Speak on Agenda Items this evening.

9. City Manager Report

Interim City Manager Scott Falkowski said the Bellefontaine Road Widening and Culvert Project south of Chambersburg Road is very close to completion. He said the final asphalt, cleanup, and guardrails should be finished by the end of next week and the road open. He said the ODOT project at the end of Chambersburg Road at State Route 4 is ahead of schedule. He said depending on whether paving will be done this week depending on weather, Chambersburg Road across State Route 4 may be open by Friday. He said the ramps should be open within two weeks. He said the Water Main Lining Project that is ongoing has about three more weeks left. He said he has heard things from a couple of Councilmembers and residents about things they have seen at some City facilities. He said the City is going through an asset review. He said for the fall at the Kroger Aquatic Center, there will be painting, updates to the slide, and the concrete will be evaluated. He said at the Rose Music Center, the highway sign is faded; and it looks like that sign can be repainted and there are some cracks in the brick work. He gave an update on the trash hauling services and he said there have been a lot of calls and concerns regarding the customer service with Republic Services. He said he has been back and forth quite a bit today trying to make sure everyone at Republic Services has the correct information. He said the Republic Services Staff has cheat sheets and he is hoping everything will get better over the next week or so. He asked the residents to continue to let City Staff know if they have any issues. He said in the next week, Republic Services will be providing a letter to residents and he will post the letter also on the City's website.

Mrs. Byrge asked Mr. Falkowski if the City has issued a Request For Proposals (RFP) to get the sidewalk completed from The Oaks entrance up to the property line south on Bellefontaine Road.

Mr. Falkowski said an RFP has not been issued as he mentioned the City wanted to link that work up with the development project in that area. He said the developer for that project has not submitted anything going forward. He said that is what the City is waiting on. He said if the City wants to move forward with just that piece of sidewalk that comes to another dead end, it can, but he wanted to have that work done at the same time and try to save some costs on contractors.

Mrs. Byrge said that development could take forever and personally she would like to see that sidewalk extended out as far as possible to facilitate people out walking.

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Mr. Falkowski said he will try to get an update on that development project, and he will get with the City Engineer on what it would take to get that sidewalk design finalized and moved forward.

Mrs. Byrge asked if there is any possibility of getting a crosswalk over to Cottonwood Court.

Mr. Falkowski said that matter is being looked at now.

Mayor Gore asked if legislation exists to install the sidewalk or does Council need to take any action to get that work done.

Mr. Falkowski said at the time to award a bid, Council will need to approve the contract award because it will be over the \$25,000 threshold.

Mr. Shaw said in reviewing this trash debacle that seems like it has been going on for a lifetime, the City keeps putting out information that the bills are going to be updated and customer service is going to be updated. He asked Mr. Falkowski if he could definitively tell Council today that in the next billing cycle these customer service and billing issues will be resolved, or what will it take?

Mr. Falkowski said he will keep on Republic Services every day until he hears it is taken care of. He said the contract has been signed, it is public record, and that information is 100 percent with Republic Services in its system.

Mr. Shaw said the new contract calls for a certain color lid on the trash can that no resident has, and he asked if that is another contract “oops” or is Republic Services going to do a can reassessment to change those cans out? He said he brought that issue up to the Law Director a couple of weeks ago and he wants to make sure if the City is going to be changing things in the contract that Council approved that the residents are fully aware. He said he is tired of getting past due calls and notices as well as the residents are when it comes to billing issues and customer service. He said the City has had this company take care of municipal trash for over five years, but in two and a half months it seems Republic Services has forgotten what it was doing, and he is perplexed on how that can be. He asked Mr. Falkowski to find out about the cans. He said he is being clear with the residents he speaks with that if they do not want to pay the astronomical fee for the cans over the next five years to call Republic Services to pick the cans up and get their own cans. He said another \$840,000 potentially over the next five years in Republic Services’ hands is not what he voted on.

10. Pending Business

There was no Pending Business this evening.

11. New Business

CITY COUNCIL

Anthony Rodgers, Clerk of Council

- A. A Motion To Appoint Pat Stephens To The Citizens Water And Sewer Advisory Board To A Term Ending January 1, 2024.

Clerk of Council Anthony Rodgers said the background check has been completed and he asked for Council’s action on this appointment tonight. He said this appointment will fill one of three vacancies on this board, and he asked any residents looking to get involved to apply.

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

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

ADMINISTRATION

Scott Falkowski, Interim City Manager

- B. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$3,750,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Approximately 51 Acres Of Real Property Near The Intersection Of Brandt Pike And Executive Boulevard And Providing For The Site Preparation Thereof, All In Support Of Economic Development And Job Creation Within The City.
(first reading)

Mr. Falkowski said this ordinance is for the issuance of notes for one more year and the request is to waive the second reading as non-emergency legislation so this legislation can be in effect within thirty days.

Mayor Gore clarified these notes are not new notes, but replace notes already issued. He said the Council Work Session recommendation was to pass this item to a second reading, but Mr. Falkowski is now requesting to waive the second reading.

Mr. Webb made a motion to waive the second reading; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, and Ms. Baker voted yea; Mr. Shaw voted nay. The motion passes 7-1.

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

- C. A Resolution Authorizing The Acceptance Of Federal Funding From The Shuttered Venue Operators Grant (SVOG) Program Established In Section 324 Of The Economic Aid Act, And Amended By The American Rescue Plan Act, Under Certain Terms And Conditions And Establishing The Shuttered Venue Operators Grant Fund.
(first reading)

Mr. Falkowski said the City has been approved to receive just over \$3.8 million from the Shuttered Venue Operators Grant, and this legislation sets up the fund where that money goes. He said he did hear from the Finance Director on Friday that the money has been allocated to the City.

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

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

Mrs. Byrge asked if those funds could be used for the repainting of the Key-Ad sign since it advertises for the Rose Music Center.

Mr. Falkowski said he would look into that possibility.

Mr. Shaw asked Mr. Falkowski for a copy of the application that was submitted for the purpose of this grant and the amounts.

Mr. Falkowski said he would provide that information.

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

12. City Official Reports and Comments

There were no City Official Reports and Comments this evening.

13. Executive Session

There was no need for an Executive Session this evening.

14. Adjournment

Mayor Gore adjourned the Regular Session City Council Meeting at 8:29 p.m.

Clerk of Council

Date

Mayor

Date

AI-7760

Special Presentations/Announcements A.
City Council

City Council Meeting

Meeting Date: 08/23/2021

Huber Heights Arts And Beautification Commission Yard Beautification Awards Presentation

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: None **Date(s) of Committee Review:** N/A

Audio-Visual Needs: SmartBoard **Emergency Legislation?:** No

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

Agenda Item Description or Legislation Title

Huber Heights Arts And Beautification Commission Yard Beautification Awards Presentation - Mayor Jeff Gore And The Huber Heights Arts And Beautification Commission

Purpose and Background

Mayor Jeff Gore and the Huber Heights Arts And Beautification Commission will present awards to the winners of the Yard Beautification Awards. Yard Beautification Awards will be presented to the following:

Best Business Award - McDonald's - 5562 Merily Way
Bee Friendly Award - Gillian Vino - 7510 Sebring Drive
Mayor's Award - David Rebele - 7604 Callamere Farms Drive

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:

Attachments

Best Business Award
Bee Friendly Award
Mayor's Award



Welcome



Come on in
We're open 24 hours
Every day







AI-7795

Special Presentations/Announcements B.
City Council

City Council Meeting

Meeting Date: 08/23/2021

Meng's Martial Arts Competitors - Mayoral Proclamation Presentation

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: None **Date(s) of Committee Review:** N/A

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

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

Agenda Item Description or Legislation Title

Mayoral Proclamations And Presentation To Competitors From Meng's Martial Arts - Mayor Jeff Gore

Purpose and Background

Mayor Jeff Gore will be presenting proclamations to local martial arts competitors that have achieved recent significant accomplishments in national and international martial arts competitions. The athletes are from Meng's Martial Arts World Headquarters, which has been in operation in Huber Heights for 34 years.

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:

Attachments

Proclamation - H. Burns
Proclamation - S. Scarborough
Proclamation - G. Smith
Proclamation - D. Meng
Proclamation - S. Meng
Proclamation - V. Meng
Proclamation - A. Tate
Proclamation - D. Willoughby
Proclamation - B. Meng



City of Huber Heights Mayoral Proclamation

SPECIAL RECOGNITION FOR SIGNIFICANT ACHIEVEMENT

WHEREAS, the City of Huber Heights wishes to express its congratulations and admiration for a special individual who is most worthy of this highest mark of our favor; and

WHEREAS, Hawk Burns has actively participated and trained in martial arts competitions through Meng's Martial Arts World Headquarters which has been in operation in Huber Heights for thirty-four years; and

WHEREAS, Meng's Martial Arts World Headquarters is dedicated to providing the best in effective martial arts for health, self-defense, and self-improvement and has established a growing list of schools throughout the United States and internationally; and

WHEREAS, Hawk Burns has received recent recognition by winning the Gold Medal in 70-Pound Male Youth 12 and Under category in the 2021 All-American Sanda/Lai Tai Kung Fu Nationals; and

NOW, THEREFORE, I, Jeff Gore, Mayor of the City of Huber Heights, Ohio do hereby extend our best wishes for continued success from the City of Huber Heights to:

Hawk Burns

BE IT FURTHER RESOLVED, that this recognition is sealed by presenting this proclamation and a coin from the City of Huber Heights as a token of our esteem.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Huber Heights to be affixed this twenty-third day of August in the Year of Our Lord, Two Thousand and Twenty-One.

JEFF GORE
MAYOR



City of Huber Heights Mayoral Proclamation

SPECIAL RECOGNITION FOR SIGNIFICANT ACHIEVEMENT

WHEREAS, the City of Huber Heights wishes to express its congratulations and admiration for a special individual who is most worthy of this highest mark of our favor; and

WHEREAS, Shea Scarborough has actively participated and trained in martial arts competitions through Meng's Martial Arts World Headquarters which has been in operation in Huber Heights for thirty-four years; and

WHEREAS, Meng's Martial Arts World Headquarters is dedicated to providing the best in effective martial arts for health, self-defense, and self-improvement and has established a growing list of schools throughout the United States and internationally; and

WHEREAS, Shea Scarborough has received recent recognition by winning the Gold Medal in 115-Pound 15 To 17 Years Old Female Junior category in the 2021 All-American Sanda/Lai Tai Kung Fu Nationals; and

NOW, THEREFORE, I, Jeff Gore, Mayor of the City of Huber Heights, Ohio do hereby extend our best wishes for continued success from the City of Huber Heights to:

Shea Scarborough

BE IT FURTHER RESOLVED, that this recognition is sealed by presenting this proclamation and a coin from the City of Huber Heights as a token of our esteem.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Huber Heights to be affixed this twenty-third day of August in the Year of Our Lord, Two Thousand and Twenty-One.

JEFF GORE
MAYOR



City of Huber Heights Mayoral Proclamation

SPECIAL RECOGNITION FOR SIGNIFICANT ACHIEVEMENT

WHEREAS, the City of Huber Heights wishes to express its congratulations and admiration for a special individual who is most worthy of this highest mark of our favor; and

WHEREAS, Giovanni Smith has actively participated and trained in martial arts competitions through Meng's Martial Arts World Headquarters which has been in operation in Huber Heights for thirty-four years; and

WHEREAS, Meng's Martial Arts World Headquarters is dedicated to providing the best in effective martial arts for health, self-defense, and self-improvement and has established a growing list of schools throughout the United States and internationally; and

WHEREAS, Giovanni Smith has received recent recognition by winning the Gold Medal in 130-Pound 15 To 17 Years Old Male Junior category in the 2021 All-American Sanda/Lai Tai Kung Fu Nationals; and

NOW, THEREFORE, I, Jeff Gore, Mayor of the City of Huber Heights, Ohio do hereby extend our best wishes for continued success from the City of Huber Heights to:

Giovanni Smith

BE IT FURTHER RESOLVED, that this recognition is sealed by presenting this proclamation and a coin from the City of Huber Heights as a token of our esteem.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Huber Heights to be affixed this twenty-third day of August in the Year of Our Lord, Two Thousand and Twenty-One.

JEFF GORE
MAYOR



City of Huber Heights Mayoral Proclamation

SPECIAL RECOGNITION FOR SIGNIFICANT ACHIEVEMENT

WHEREAS, the City of Huber Heights wishes to express its congratulations and admiration for a special individual who is most worthy of this highest mark of our favor; and

WHEREAS, Derikson Meng has actively participated and trained in martial arts competitions through Meng's Martial Arts World Headquarters which has been in operation in Huber Heights for thirty-four years; and

WHEREAS, Meng's Martial Arts World Headquarters is dedicated to providing the best in effective martial arts for health, self-defense, and self-improvement and has established a growing list of schools throughout the United States and internationally; and

WHEREAS, Derikson Meng has received recent recognition by winning the Gold Medal in 135-Pound 15 To 17 Years Old Male Junior category in the 2021 All-American Sanda/Lai Tai Kung Fu Nationals; and

NOW, THEREFORE, I, Jeff Gore, Mayor of the City of Huber Heights, Ohio do hereby extend our best wishes for continued success from the City of Huber Heights to:

Derikson Meng

BE IT FURTHER RESOLVED, that this recognition is sealed by presenting this proclamation and a coin from the City of Huber Heights as a token of our esteem.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Huber Heights to be affixed this twenty-third day of August in the Year of Our Lord, Two Thousand and Twenty-One.

JEFF GORE
MAYOR



City of Huber Heights Mayoral Proclamation

SPECIAL RECOGNITION FOR SIGNIFICANT ACHIEVEMENT

WHEREAS, the City of Huber Heights wishes to express its congratulations and admiration for a special individual who is most worthy of this highest mark of our favor; and

WHEREAS, Spencer Meng has actively participated and trained in martial arts competitions through Meng's Martial Arts World Headquarters which has been in operation in Huber Heights for thirty-four years; and

WHEREAS, Meng's Martial Arts World Headquarters is dedicated to providing the best in effective martial arts for health, self-defense, and self-improvement and has established a growing list of schools throughout the United States and internationally; and

WHEREAS, Spencer Meng has received recent recognition by winning the Gold Medal in 140-Pound 15 To 17 Years Old Male Junior category in the 2021 All-American Sanda/Lai Tai Kung Fu Nationals; and

NOW, THEREFORE, I, Jeff Gore, Mayor of the City of Huber Heights, Ohio do hereby extend our best wishes for continued success from the City of Huber Heights to:

Spencer Meng

BE IT FURTHER RESOLVED, that this recognition is sealed by presenting this proclamation and a coin from the City of Huber Heights as a token of our esteem.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Huber Heights to be affixed this twenty-third day of August in the Year of Our Lord, Two Thousand and Twenty-One.

JEFF GORE
MAYOR



City of Huber Heights Mayoral Proclamation

SPECIAL RECOGNITION FOR SIGNIFICANT ACHIEVEMENT

WHEREAS, the City of Huber Heights wishes to express its congratulations and admiration for a special individual who is most worthy of this highest mark of our favor; and

WHEREAS, Vincent Meng has actively participated and trained in martial arts competitions through Meng's Martial Arts World Headquarters which has been in operation in Huber Heights for thirty-four years; and

WHEREAS, Meng's Martial Arts World Headquarters is dedicated to providing the best in effective martial arts for health, self-defense, and self-improvement and has established a growing list of schools throughout the United States and internationally; and

WHEREAS, Vincent Meng has received recent recognition by winning the Gold Medal in 143-Pound 18 To 40 Years Old Male Senior category in the 2021 All-American Sanda/Lai Tai Kung Fu Nationals; and

NOW, THEREFORE, I, Jeff Gore, Mayor of the City of Huber Heights, Ohio do hereby extend our best wishes for continued success from the City of Huber Heights to:

Vincent Meng

BE IT FURTHER RESOLVED, that this recognition is sealed by presenting this proclamation and a coin from the City of Huber Heights as a token of our esteem.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Huber Heights to be affixed this twenty-third day of August in the Year of Our Lord, Two Thousand and Twenty-One.

JEFF GORE
MAYOR



City of Huber Heights Mayoral Proclamation

SPECIAL RECOGNITION FOR SIGNIFICANT ACHIEVEMENT

WHEREAS, the City of Huber Heights wishes to express its congratulations and admiration for a special individual who is most worthy of this highest mark of our favor; and

WHEREAS, Andrew Tate has actively participated and trained in martial arts competitions through Meng's Martial Arts World Headquarters which has been in operation in Huber Heights for thirty-four years; and

WHEREAS, Meng's Martial Arts World Headquarters is dedicated to providing the best in effective martial arts for health, self-defense, and self-improvement and has established a growing list of schools throughout the United States and internationally; and

WHEREAS, Andrew Tate has received recent recognition by winning the Gold Medal in 165-Pound 18 To 40 Years Old Male Senior category in the 2021 All-American Sanda/Lai Tai Kung Fu Nationals; and

NOW, THEREFORE, I, Jeff Gore, Mayor of the City of Huber Heights, Ohio do hereby extend our best wishes for continued success from the City of Huber Heights to:

Andrew Tate

BE IT FURTHER RESOLVED, that this recognition is sealed by presenting this proclamation and a coin from the City of Huber Heights as a token of our esteem.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Huber Heights to be affixed this twenty-third day of August in the Year of Our Lord, Two Thousand and Twenty-One.

JEFF GORE
MAYOR



City of Huber Heights Mayoral Proclamation

SPECIAL RECOGNITION FOR SIGNIFICANT ACHIEVEMENT

WHEREAS, the City of Huber Heights wishes to express its congratulations and admiration for a special individual who is most worthy of this highest mark of our favor; and

WHEREAS, Daarynah Willoughby has actively participated and trained in martial arts competitions through Meng's Martial Arts World Headquarters which has been in operation in Huber Heights for thirty-four years; and

WHEREAS, Meng's Martial Arts World Headquarters is dedicated to providing the best in effective martial arts for health, self-defense, and self-improvement and has established a growing list of schools throughout the United States and internationally; and

WHEREAS, Daarynah Willoughby has received recent recognition by winning the Gold Medal in 156-Pound 18 to 40 Years Old Senior category in the 2021 All-American Sanda/Lai Tai Kung Fu Nationals; and

NOW, THEREFORE, I, Jeff Gore, Mayor of the City of Huber Heights, Ohio do hereby extend our best wishes for continued success from the City of Huber Heights to:

Daarynah Willoughby

BE IT FURTHER RESOLVED, that this recognition is sealed by presenting this proclamation and a coin from the City of Huber Heights as a token of our esteem.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Huber Heights to be affixed this twenty-third day of August in the Year of Our Lord, Two Thousand and Twenty-One.

JEFF GORE
MAYOR



City of Huber Heights Mayoral Proclamation

SPECIAL RECOGNITION FOR SIGNIFICANT ACHIEVEMENT

WHEREAS, the City of Huber Heights wishes to express its congratulations and admiration for a special individual who is most worthy of this highest mark of our favor; and

WHEREAS, Grand Master Benny Meng has actively operated and trained participants in the martial arts at Meng's Martial Arts International Headquarters which has been in operation in Huber Heights for thirty-four years; and

WHEREAS, Grand Master Benny Meng has coached participants who have won national medals at the 2021 All-American Sanda/Lai Tai Kung Fu Nationals.

NOW, THEREFORE, I, Jeff Gore, Mayor of the City of Huber Heights, Ohio do hereby extend our best wishes for continued success from the City of Huber Heights to:

Grand Master Benny Meng

BE IT FURTHER RESOLVED, that this recognition is sealed by presenting this proclamation and a coin from the City of Huber Heights as a token of our esteem.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Huber Heights to be affixed this twenty-third day of August in the Year of Our Lord, Two Thousand and Twenty-One.

JEFF GORE
MAYOR

AI-7794

Special Presentations/Announcements C.
City Council

City Council Meeting

Meeting Date: 08/23/2021

Mayoral Proclamation Presentation - Prostate Cancer Awareness and Education Month

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: None **Date(s) of Committee Review:** N/A

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

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

Agenda Item Description or Legislation Title

Prostate Cancer Awareness And Education Month Mayoral Proclamation Presentation – Mayor Jeff Gore

Purpose and Background

Mayor Jeff Gore will present a proclamation to proclaim September, 2021 as Prostate Cancer Awareness and Education Month in the City of Huber Heights.

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:

Attachments

Proclamation



Prostate Cancer Awareness And Education Month

WHEREAS, this year, approximately 248,530 men will be diagnosed with prostate cancer in the United States alone every year, every 15 minutes another American man dies from prostate cancer resulting in a little more than 93 deaths per day, and roughly 34,130 will die this year from the disease; and

WHEREAS, in Ohio, an estimated 9,010 new cases of prostate cancer will be diagnosed and an estimated 2,000 deaths will occur in 2021; and

WHEREAS, men with relatives – father, brother, son – with a history of prostate cancer are twice as likely to develop the disease; and

WHEREAS, men who served in the military who have been exposed to chemicals and herbicides are at a higher risk for developing prostate cancer; and

WHEREAS, 1 in 8 men are diagnosed with prostate cancer in his lifetime and African American men are at the highest risk for the disease with the rate of 1 in 6 and are 2.2 times more likely to die from the disease; and

WHEREAS, education regarding prostate cancer and early detection strategies is critical to saving lives, preserving lives, and protecting families; and

WHEREAS, the economic and social hardship prostate cancer has on families is huge as the estimated cost in direct medical expenditures is over \$8 billion; and

WHEREAS, nearly 3.1 million men in the U.S. are living with a prostate cancer diagnosis and that number is estimated to climb to 4 million men by 2024 as men in the Baby Boomer generation age; and

WHEREAS, all men are at risk for prostate cancer, and the citizens of the City of Huber Heights, Ohio are encouraged to increase the awareness of the importance of prostate cancer screenings.

NOW, THEREFORE, I, Jeff Gore, Mayor of the City of Huber Heights, Ohio, do hereby urge all citizens to acknowledge the significant impact of prostate cancer and do hereby proclaim the month of September, 2021 as:

PROSTATE CANCER AWARENESS AND EDUCATION MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Huber Heights to be affixed this twenty-third day of August in the Year of Our Lord, Two Thousand and Twenty-One.

JEFF GORE
MAYOR

AI-7789

New Business A.
City Council

City Council Meeting

Meeting Date: 08/23/2021

Huber Heights Chamber of Commerce Membership

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council **Date(s) of Committee Review:** 08/17/2021
Work
Session

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

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

Agenda Item Description or Legislation Title

A Motion To Authorize The City Manager To Reinstate The City Of Huber Heights' Membership With The Huber Heights Chamber of Commerce.

Purpose and Background

The City's membership with the Huber Heights Chamber of Commerce was an agenda item at the August 17, 2021 Council Work Session. The recommendation from the City Council at the Council Work Session was to authorize the City Manager to reinstate the City's membership with the Huber Heights Chamber of Commerce at the City's previous membership level.

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:

Attachments

No file(s) attached.

AI-7790

**New Business B.
City Council**

City Council Meeting

Meeting Date: 08/23/2021

Liquor Permit #30612130080 - Little Caesar's - 5390 Brandt Pike

Submitted By: Anthony Rodgers

Department: City Council

Type of New

Liquor Permit:

Motion/Ordinance/

Resolution No.:

Agenda Item Description

A Motion To Direct The Clerk Of Council To Respond To The Ohio Division Of Liquor Control With No Objections In Reference To New Liquor Permit #30612130080 For Little Caesar's At 5390 Brandt Pike, Huber Heights, Ohio 45424.

Review and Comments - Police Division

The Police Division has no objections to this liquor permit.

Review and Comments - Fire Division

The Fire Division has no objections to this liquor permit.

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:

Attachments

Liquor Permit

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

30612130080		NEW		GB LICENSE LLC 5390 BRANDT PK HUBER HGTS OH 45424
PERMIT NUMBER		TYPE		
ISSUE DATE				
06 30 2021				
FILING DATE				
C1 C2		PERMIT CLASSES		
57	083	A	D04817	
TAX DISTRICT		RECEIPT NO.		

FROM 07/21/2021

PERMIT NUMBER		TYPE	
ISSUE DATE			
FILING DATE			
PERMIT CLASSES			
TAX DISTRICT		RECEIPT NO.	



MAILED 8-5-2021
07/21/2021

RESPONSES MUST BE POSTMARKED NO LATER THAN.

9-7-2021 H
08/23/2021

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

A NEW 3061213-0080

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF HUBER HGTS CITY COUNCIL
6131 TAYLORSVILLE RD
HUBER HGTS OHIO 45424

AI-7791

New Business C.
City Council

City Council Meeting

Meeting Date: 08/23/2021

Adopting Ordinance - City Code - Traffic Code/General Offenses Code Amendments

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council **Date(s) of Committee Review:** 08/17/2021
Work
Session

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

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

Agenda Item Description or Legislation Title

An Ordinance To Amend The Codified Ordinances Of The City Of Huber Heights, Ohio To Provide Amendments To The Traffic Code Sections 335.021, 331.211, 335.09, And 335.04; And To The General Offenses Code Sections 525.13, 545.03, 545.09, 509.07, 541.051, 501.99, 513.01, 541.05, And 549.02; To Provide For Codification; To Provide For Severability; And To Repeal Conflicting Ordinances.
(first reading)

Purpose and Background

This is an ordinance to adopt amendments to the General Offenses Code and the Traffic Code of the City Code for the period of April 3, 2020 to August 2, 2021. These amendments are based on a legal review of the Ohio Revised Code by Municode.

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:

Attachments

Ordinance

Exhibit A

Exhibit B

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2021-O-

TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF HUBER HEIGHTS, OHIO TO PROVIDE AMENDMENTS TO THE TRAFFIC CODE SECTIONS 335.021, 331.211, 335.09, AND 335.04; AND TO THE GENERAL OFFENSES CODE SECTIONS 525.13, 545.03, 545.09, 509.07, 541.051, 501.99, 513.01, 541.05, AND 549.02; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; AND TO REPEAL CONFLICTING ORDINANCES.

WHEREAS, the City has contracted with Municipal Code Corporation (“Municode”) to publish and periodically update the City’s Codified Ordinances (“City Code”) to conform with current State law as required by the Ohio Constitution; and

WHEREAS, Municode has completed its updating and revision of the Codified Ordinances of the City of Huber Heights and provided a listing of certain proposed changes to the Codified Ordinances in order to bring City law into conformity with State law.

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

Section 1. That the Codified Ordinances of Huber Heights, Ohio are hereby amended by adding the provisions to the Traffic Code for the period from April 3, 2020 to August 2, 2021 as provided in the attached Exhibit A which is incorporated herein by this reference.

Section 2. That the Codified Ordinances of Huber Heights, Ohio are hereby amended by adding the provisions to the General Offenses Code for the period from April 3, 2020 to August 2, 2021 as provided in the attached Exhibit B which is incorporated herein by this reference.

Section 3. The addition, amendment, or removal of Huber Heights City Code Sections when passed in such form as to indicate the intention of the governing authority of the City of Huber Heights, Ohio to make the same a part of the City Code shall be deemed to be incorporated in the City Code, so that reference to the City Code includes the additions, amendments, and removals.

Section 4. Municode as the publisher of the City Code is authorized as follows:

- (a) To exclude and omit any provisions of this Ordinance that are inapplicable to the City Code within the City Code and any supplement.
- (b) When preparing a supplement to the City Code, to make formal, non-substantive changes in this ordinance and parts of this Ordinance included in the supplement, insofar as it is necessary to do so to embody them into a unified code in the manner consistent with other municipal codes published by Municode.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The governing authority of the City of Huber Heights, Ohio hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable

Section 6. All Ordinances and parts of Ordinances in conflict herewith are expressly repealed.

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 in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 8. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2021;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

EXHIBIT A

The following sections and subsections of the Traffic Code of the City Code of Huber Heights, Ohio are new or have been amended with new matter in the City Code of Huber Heights, Ohio, and are hereby approved, adopted and enacted:

335.021 Ohio driver's license required for in state residents.

(a) Any person who becomes a resident of this State, within 30 days of becoming a resident, shall surrender any driver's license, temporary instruction permit, or identification card issued by another state to the Registrar of Motor Vehicles or a Deputy Registrar. If such a person intends to operate a motor vehicle upon the public roads or highways, the person shall apply for a temporary instruction permit or driver's license in this State. If the person fails to apply for a temporary instruction permit or driver's license within 30 days of becoming a resident, the person shall not operate any motor vehicle in this Municipality under a license or permit issued by another state.

(b) (1) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.

(2) The offense established under subsection (b)(1) of this section is a strict liability offense and strict liability is a culpable mental state for purposes of Ohio R.C. 2901.20. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(c) For purposes of subsection (a) of this section, "resident" means any person to whom any of the following applies:

(1) The person maintains their principal residence in this State and does not reside in this State as a result of the person's active service in the United States Armed Forces.

(2) The person is determined by the Registrar of Motor Vehicles to be a resident in accordance with standards adopted by the Registrar under Ohio R.C. 4507.01. (ORC 4507.213)

331.211 Report of vehicle failing to yield right-of-way to public safety vehicle.

(a) When the failure of a motor vehicle operator to yield the right-of-way to a public safety vehicle as required by Section 331.21(a) impedes the ability of the public safety vehicle to respond to an emergency, any emergency personnel in the public safety vehicle may report the license plate number and a general description of the vehicle and the operator of the vehicle to the law enforcement agency exercising jurisdiction over the area where the alleged violation occurred.

(b) (1) Upon receipt of a report under subsection (a) of this section, the law enforcement agency may conduct an investigation to attempt to determine or confirm the identity of the operator of the vehicle at the time of the alleged violation.

(2) If the identity of the operator at the time of an alleged violation of Section 331.21(a) is established, the law enforcement agency has probable cause to issue either a written warning or a citation for that violation, and the agency shall issue a written warning or a citation to the operator.

(3) If the identity of the operator of the vehicle at the time of the alleged violation cannot be established, the law enforcement agency may issue a warning to the person who owned the vehicle at the time of the alleged violation. However, in the case of a leased or rented vehicle, the law enforcement agency shall issue the written warning to the person who leased or rented the vehicle at the time of the alleged violation.

(c) (1) Whoever violates Section 331.21(a) based on a report filed under subsection (a) of this section is guilty of a minor misdemeanor and shall be fined \$150.00.

(2) If a person who is issued a citation for a violation of Section 331.21(a) based on a report filed under subsection (a) of this section does not enter a written plea of guilty and does not waive the person's right to contest the citation but instead appears in person in the proper court to answer the charge, the trier of fact cannot find beyond a reasonable doubt that the person committed that violation unless the emergency personnel who filed the report appears in person in the court and testifies.

(d) As used in this section:

(1) "License plate" includes any temporary motor vehicle license ~~placard~~ registration issued under Ohio R.C. 4503.182 or similar law of another jurisdiction.

(2) "Public safety vehicle" does not include an unmarked public safety vehicle or a vehicle used by a public law enforcement officer or other person sworn to enforce the criminal and traffic laws of the State or a vehicle used by the Motor Carrier Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission. (ORC 4511.454)

335.09 Display of license plates.

(a) (1) No person who is the owner or operator of a motor vehicle shall fail to display in plain view on the front and rear of the motor vehicle a license plate that displays the distinctive number and registration mark assigned to the motor vehicle by the Ohio Director of Public Safety, including any county identification sticker and any validation sticker when required by and issued under Ohio R.C. 4503.19 and 4503.191. ~~However, except that~~ a commercial tractor shall display the license plate and validation sticker on the front of the commercial tractor.

(2) The license plate shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs its visibility.

(3) No person to whom a temporary motor vehicle license ~~placard or windshield sticker~~ registration has been issued for the use of a motor vehicle under Ohio R.C. 4503.182, and no operator of that motor vehicle, shall fail to display the temporary motor vehicle license ~~placard~~ registration in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle, ~~or fail to display the windshield sticker in plain view on the rear window of the motor~~

vehicle.

(4) ~~No temporary license placard or windshield sticker person shall be covered~~
cover a temporary motor vehicle license registration by any material that obstructs its visibility.

(b) Whoever violates this section is guilty of a minor misdemeanor.

(c) The offenses established under subsection (a) of this section ~~is a~~ are strict liability offenses and Ohio R.C. 2901.20 does not apply. The designation of ~~this~~ these offenses as ~~a~~ strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. (ORC 4503.21)

335.04 Certain acts prohibited.

(a) No person shall do any of the following:

(1) Display, or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended or altered;

(2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;

(3) Display or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit not issued to the person so displaying the same;

(4) Fail to surrender to the Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit that has been suspended or canceled;

(5) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit, or any renewal, reprint, or duplicate thereof, knowingly conceal a material fact, or present any physician's statement required under Ohio R.C. 4507.08 or 4507.081 when knowing the same to be false or fictitious.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4507.30)

EXHIBIT B

The following sections and subsections of the General Offenses Code of the City Code of Huber Heights, Ohio are new or have been amended with new matter in the City Code of Huber Heights, Ohio, and are hereby approved, adopted and enacted:

525.13 Interfering with civil rights.

(a) No public servant, under color of ~~his~~ the public servant's office, employment or authority, shall knowingly deprive, or conspire or attempt to deprive any person of a constitutional or statutory right.

(b) Whoever violates this section is guilty of interfering with civil rights, a misdemeanor of the first degree. (ORC 2921.45)

545.03 Property exceptions as felony offense.

Regardless of the value of the property involved, and regardless of whether the offender has previously been convicted of a theft offense, the provisions of Section 545.05 or 545.18 do not apply if the property involved is any of the following:

(a) A credit card;

(b) A printed form for a check or other negotiable instrument, that on its face identifies the drawer or maker for whose use it is designed or identifies the account on which it is to be drawn, and that has not been executed by the drawer or maker or on which the amount is blank;

(c) A firearm or dangerous ordnance as defined in Ohio R.C. 2923.11;

(d) A motor vehicle identification license plate as prescribed by Ohio R.C. 4503.22, a temporary motor vehicle license ~~placard or windshield sticker~~ registration as prescribed by Ohio R.C. 4503.182, or any comparable ~~license plate, placard or sticker~~ temporary motor vehicle license registration as prescribed by the applicable law of another state or the United States;

(e) A blank form for a certificate of title or a manufacturer's or importer's certificate to a motor vehicle, as prescribed by Ohio R.C. 4505.07;

(f) A blank form for any license listed in Ohio R.C. 4507.01(A). (ORC 2913.71)

545.09 Passing bad checks.

(a) As used in this section:

(1) "Check" includes any form of debit from a demand deposit account, including, but not limited to any of the following:

A. A check, bill of exchange, draft, order of withdrawal, or similar negotiable or nonnegotiable instrument;

B. An electronic check, electronic transaction, debit card transaction, check card transaction, substitute check, web check, or any form of automated clearing house transaction.

(2) "Issue a check" means causing any form of debit from a demand deposit account.

(b) No person, with purpose to defraud, shall issue or transfer or cause to be issued or transferred a check or other negotiable instrument, knowing that it will be dishonored or knowing that a person has ordered or will order stop payment on the check or other negotiable instrument.

(c) For purposes of this section, a person who issues or transfers a check or other

negotiable instrument is presumed to know that it will be dishonored, if either of the following occurs:

(1) The drawer had no account with the drawee at the time of issue or the stated date, whichever is later.

(2) The check or other negotiable instrument was properly refused payment for insufficient funds upon presentment within 30 days after issue or the stated date, whichever is later, and the liability of the drawer, indorser or any party who may be liable thereon is not discharged by payment or satisfaction within ten days after receiving notice of dishonor.

~~(d) For purposes of this section, a person who issues or transfers a check, bill of exchange or other draft is presumed to have the purpose to defraud if the drawer fails to comply with Ohio R.C. 1349.16 by doing any of the following when opening a checking account intended for personal, family or household purposes at a financial institution:-~~

~~(1) Falsely stating that the drawer has not been issued a valid driver's or commercial driver's license or identification card issued under Ohio R.C. 4507.50;~~

~~(2) Furnishing such license or card, or another identification document that contains false information;~~

~~(3) Making a false statement with respect to the drawer's current address or any additional relevant information reasonably required by the financial institution.~~

~~(e)~~ In determining the value of the payment for purposes of subsection (e) ~~(f)~~ of this section, the court may aggregate all checks and other negotiable instruments that the offender issued or transferred or caused to be issued or transferred in violation of subsection (a) of this section within a period of 180 consecutive days.

~~(f)~~ (e) Whoever violates this section is guilty of passing bad checks. Except as otherwise provided in this subsection, passing bad checks is a misdemeanor of the first degree. If the check or checks or other negotiable instrument or instruments are issued or transferred to a single vendor or single other person for the payment of \$1,000.00 or more or if the check or checks or other negotiable instrument or instruments are issued or transferred to multiple vendors or persons for the payment of \$1,500.00 or more, passing bad checks is a felony and shall be prosecuted under appropriate State law. (ORC 2913.11)

509.07 Making false alarms.

(a) No person shall do any of the following:

(1) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm;

(2) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any organization, public or private, for dealing with emergencies involving a risk of physical harm to persons or property;

(3) Report to any law enforcement agency an alleged offense or other incident within its concern, knowing that such offense did not occur:-;

(4) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false and likely to impede the operation of a critical infrastructure facility.

(b) This section does not apply to any person conducting an authorized fire or emergency drill.

(c) Whoever violates this section is guilty of making false alarms, a misdemeanor of the first degree. If a violation of this section results in economic harm of \$1,000.00 or more, or if a violation of this section pertains to a purported, threatened, or actual use of a weapon of mass destruction, making false alarms is a felony and shall be prosecuted under appropriate State law.

(d) Any act that is a violation of this section and any other section of the Codified Ordinances may be prosecuted under this section, the other section, or both sections.

(e) As used in this section:—

(1) "Critical infrastructure facility" has the same meaning as in section 2911.21 of the Revised Code.

(2) "economic harm" and "weapon of mass destruction" have the same meanings as in Section 509.06. (ORC 2917.32)

541.051 Aggravated trespass.

(a) (1) No person shall enter or remain on the land or premises of another with purpose to commit on that land or those premises a misdemeanor, the elements of which involve causing physical harm to another person or causing another person to believe that the offender will cause physical harm to that person ~~him~~.

(2) No person shall enter or remain on a critical infrastructure facility with purpose to destroy or tamper with the facility.

(b) Whoever violates this section is guilty of aggravated trespass—Aggravated trespass in violation of division (A)(1) of this section is a misdemeanor of the first degree.

Aggravated trespass in violation of division (A)(2) of this section is a felony of the third degree.

(C) As used in this section, "critical infrastructure facility" has the same meaning as in section 2911.21 of the Revised Code. (ORC 2911.211)

501.99 Penalties for misdemeanors.

(a) *Financial Sanctions.* In addition to imposing court costs pursuant to Ohio R.C. 2947.23, the court imposing a sentence upon an offender for a misdemeanor committed under the Codified Ordinances, including a minor misdemeanor, may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section. If the court in its discretion imposes one or more financial sanctions, the financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following:

(1) *Restitution.* Unless the misdemeanor offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13, restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based on the victim's economic loss. The court may not impose restitution as a sanction pursuant to this section if the offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13. If the court requires restitution, the court shall order that the restitution be made to the victim in open court or to the adult probation department that serves the jurisdiction or the clerk of the court on behalf of the victim.

If the court imposes restitution, the court shall determine the amount of restitution

to be paid by the offender. If the court imposes restitution, the court may base the amount of restitution it orders on an amount recommended by the victim, the offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and other information, provided that the amount the court orders as restitution shall not exceed the amount of the economic loss suffered by the victim as a direct and proximate result of the commission of the offense. If the court imposes restitution for the cost of accounting or auditing done to determine the extent of economic loss, the court may order restitution for any amount of the victim's costs of accounting or auditing provided that the amount of restitution is reasonable and does not exceed the value of property or services stolen or damaged as a result of the offense. If the court decides to impose restitution, the court shall hold an evidentiary hearing on restitution if the offender, victim or survivor disputes the amount of restitution. If the court holds an evidentiary hearing, at the hearing the victim or survivor has the burden to prove by a preponderance of the evidence the amount of restitution sought from the offender.

All restitution payments shall be credited against any recovery of economic loss in a civil action brought by the victim or any survivor of the victim against the offender. No person may introduce evidence of an award of restitution under this section in a civil action for purposes of imposing liability against an insurer under Ohio R.C. 3937.18.

If the court imposes restitution, the court may order that the offender pay a surcharge, of not more than five percent of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments.

The victim or survivor may request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate.

(2) *Fines.* A fine in the following amount:

- A. For a misdemeanor of the first degree, not more than \$1,000.00;
- B. For a misdemeanor of the second degree, not more than \$750.00;
- C. For a misdemeanor of the third degree, not more than \$500.00;
- D. For a misdemeanor of the fourth degree, not more than \$250.00;
- E. For a minor misdemeanor, not more than \$150.00.

(3) *Reimbursement of costs of sanctions.*

A. Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:

- 1. All or part of the costs of implementing any community control sanction, including a supervision fee under Ohio R.C. 2951.021;
- 2. All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined.

B. The amount of reimbursement ordered under subsection (a)(3)A. of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that subsection. If the court

does not order reimbursement under that subsection, confinement costs may be assessed pursuant to a repayment policy adopted under Ohio R.C. 2929.37. In addition, the offender may be required to pay the fees specified in Ohio R.C. 2929.38 in accordance with that section. (ORC 2929.28)

513.01 Definitions

...

Hashish means ~~the a~~ resin or a preparation of ~~the a~~ resin to which both of the following apply:

(1) It is contained in ~~marijuana~~ or derived from any part of the plant of the genus *cannabis*, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.

"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code. (ORC 2925.01)

...

541.05 Criminal trespass.

(a) No person, without privilege to do so, shall do any of the following:

(1) Knowingly enter or remain on the land or premises of another;

(2) Knowingly enter or remain on the land or premises of another, the use of which is lawfully restricted to certain persons, purposes, modes or hours, when the offender knows the offender is in violation of any such restriction or is reckless in that regard;

(3) Recklessly enter or remain on the land or premises of another, as to which notice against unauthorized access or presence is given by actual communication to the offender, or in a manner prescribed by law, or by posting in a manner reasonably calculated to come to the attention of potential intruders, or by fencing or other enclosure manifestly designed to restrict access;

(4) Being on the land or premises of another, negligently fail or refuse to leave upon being notified by signage posted in a conspicuous place or otherwise being notified to do so by the owner or occupant, or the agent or servant of either.

(5) Knowingly enter or remain on a critical infrastructure facility.

(b) It is no defense to a charge under this section that the land or premises involved was owned, controlled or in custody of a public agency.

(c) It is no defense to a charge under this section that the offender was authorized to enter or remain on the land or premises involved when such authorization was secured by deception.

(d) (1) Whoever violates this section is guilty of criminal trespass. ~~Criminal trespass in violation of division (a)(1), (2), (3), or (4) of this section is a misdemeanor of the fourth degree. Criminal trespass in violation of division (A)(5) of this section is a misdemeanor of the first degree.~~

(2) Notwithstanding Section 501.99, if the person, in committing the violation of this section, used a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court shall impose a fine of two times the usual amount imposed for the violation.

(3) If an offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent municipal ordinance, or state law, and the offender, in committing each violation, used a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court, in addition to or independent of all other penalties imposed for the violation, may impound the certificate of registration of that snowmobile or off-highway motorcycle or the certificate of registration and license plate of that all-purpose vehicle for not less than 60 days. In such a case, Ohio R.C. 4519.47 applies.

(e) As used in this section:

(1) "All-purpose vehicle" has the same meaning as in Section 375.01 of the Traffic Code.

(2) "Land or premises" includes any land, building, structure, or place belonging to, controlled by, or in custody of another, and any separate enclosure or room, or portion thereof.

(3) "Production operation," "well," and "well pad" have the same meanings as in section 1509.01 of the Revised Code.

(4) "Critical infrastructure facility" means:

(a) One of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with signs that are reasonably likely to come to the attention of potential intruders and that indicate entry is forbidden without site authorization:

(i) A petroleum or alumina refinery;

(ii) An electric generating facility, substation, switching station, electrical control center, or electric transmission and distribution lines and associated equipment;

(iii) A chemical, polymer, or rubber manufacturing facility;

(iv) A water intake structure, water treatment facility, waste water facility, drainage facility, water management facility, or any similar water or sewage treatment system and its water and sewage piping;

(v) A natural gas company facility or interstate natural gas pipeline, including a pipeline interconnection, a natural gas compressor station and associated facilities, city gate or town border station, metering station, above-ground piping, regulator station, valve site, delivery station, fabricated assembly, or any other part of a natural gas storage facility involved in the gathering, storage, transmission, or distribution of gas;

(vi) A telecommunications central switching office or remote switching facility or an equivalent network facility that serves a similar purpose;

(vii) Wireline or wireless telecommunications infrastructure, including telecommunications towers and telephone poles and lines, including fiber optic lines;

(viii) A port, trucking terminal, or other freight transportation facility;

(ix) A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids;

(x) A transmission facility used by a federally licensed radio or television station;

(xi) A steel-making facility that uses an electric arc furnace to make steel;

(xii) A facility identified and regulated by the United States department of homeland security's chemical facility anti-terrorism standards program under 6 C.F.R. part 27;

(xiii) A dam that is regulated by the state or federal government;

(xiv) A crude oil or refined products storage and distribution facility, including valve

sites, pipeline interconnections, pump station, metering station, below- or above-ground pipeline, or piping and truck loading or off-loading facility;

(xv) A video service network and broadband infrastructure, including associated buildings and facilities, video service headends, towers, utility poles, and utility lines such as fiber optic lines. As used in this division, "video service network" has the same meaning as in section 1332.21 of the Revised Code.

(xvi) Any above-ground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, or other storage facility;

(xvii) Any above-ground portion of a well, well pad, or production operation;

(xviii) A laydown area or construction site for pipe and other equipment intended for use on an interstate or intrastate natural gas or crude oil pipeline;

(xix) Any mining operation, including any processing equipment, batching operation, or support facility for that mining operation.

(b) With respect to a video service network or broadband or wireless telecommunications infrastructure, the above-ground portion of a facility installed in a public right-of-way on a utility pole or in a conduit;

(c) Any railroad property;

(d) An electronic asset of any of the following:

(i) An electric light company that is a public utility under section 4905.02 of the Revised Code;

(ii) An electric cooperative, as defined in section 4928.01 of the Revised Code;

(iii) A municipal electric utility, as defined in section 4928.01 of the Revised Code;

(iv) A natural gas company that is a public utility under section 4905.02 of the Revised Code;

(v) A telephone company that is a public utility under section 4905.02 of the Revised Code;

(vi) A video service provider, including a cable operator, as those terms are defined in section 1332.21 of the Revised Code.

(5) "Electronic asset" includes, but is not limited to, the hardware, software, and data of a programmable electronic device; all communications, operations, and customer data networks; and the contents of those data networks. (ORC 2911.21)

549.02 Carrying concealed weapons.

(a) No person shall knowingly carry or have, concealed on the person's person or concealed ready at hand, any of the following:

(1) A deadly weapon other than a handgun;

(2) A handgun other than a dangerous ordnance;

(3) A dangerous ordnance.

(b) No person who has been issued a concealed handgun license, shall do any of the following:

(1) If the person is stopped for a law enforcement purpose, and is carrying a concealed handgun, fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a concealed handgun license and that the person then is carrying a concealed handgun;

(2) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped

and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;

(3) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the person is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

(c) (1) This section does not apply to any of the following:

A. An officer, agent or employee of this or any other state or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance, or is authorized to carry handguns and is acting within the scope of the officer's, agent's or employee's duties;

B. Any person who is employed in this State, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801 unless the appointing authority of the person has expressly specified that the exemption provided in subsection (c)(1)B. hereof does not apply to the person.

C. A person's transportation or storage of a firearm, other than a firearm described in Ohio R.C. 2923.11(G)—(M) in a motor vehicle for any lawful purpose if the firearm is not on the actor's person;

D. A person's storage or possession of a firearm, other than a firearm described in Ohio R.C. 2923.11(G)—(M) in the actor's own home for any lawful purpose.

(2) Subsection (a)(2) of this section does not apply to any person who, at the time of the alleged carrying or possession of a handgun, either is carrying a valid concealed handgun license or is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1), unless the person knowingly is in a place described in Ohio R.C. 2923.126(B).

(d) It is an affirmative defense to a charge under subsection (a)(1) of this section of carrying or having control of a weapon other than a handgun and other than a dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following applies:

(1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of a character or was necessarily carried on in a manner or at a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.

(2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor, a member of the actor's family, or the actor's home, such as would justify a prudent person in going armed.

(3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.

(e) No person who is charged with a violation of this section shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

(f) (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this subsection or subsections (f)(2), (5) and (6) of this

section, carrying concealed weapons in violation of subsection (a) of this section is a misdemeanor of the first degree. Except as otherwise provided in this subsection or subsections (f)(2), (5) and (6) of this section, if the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law. Except as otherwise provided in subsections (f)(2), (5) and (6) of this section, if the weapon involved is a firearm and the violation of this section is committed at premises for which a D permit has been issued under Chapter 4303, of the Revised Code or if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law.

(2) Except as provided in subsection (f)(5) of this section, if a person being arrested for a violation of subsection (a)(2) of this section promptly produces a valid concealed handgun license, and if at the time of the violation the person was not knowingly in a place described Ohio R.C. 2923.126(B), the officer shall not arrest the person for a violation of that subsection. If the person is not able to promptly produce any concealed handgun license and if the person is not in a place described in that section, the officer may arrest the person for a violation of that subsection, and the offender shall be punished as follows:

A. The offender shall be guilty of a minor misdemeanor if both of the following apply:

1. Within ten days after the arrest, the offender presents a concealed handgun license, which license was valid at the time of the arrest to the law enforcement agency that employs the arresting officer.
2. At the time of the arrest, the offender was not knowingly in a place described in Ohio R.C. 2923.126(B).

B. The offender shall be guilty of a misdemeanor and shall be fined \$500.00 if all of the following apply:

1. The offender previously had been issued a concealed handgun license and that license expired within the two years immediately preceding the arrest.
2. Within 45 days after the arrest, the offender presents any type of concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in Ohio R.C. 2945.71.
3. At the time of the commission of the offense, the offender was not knowingly in a place described in Ohio R.C. 2923.126(B).

C. If subsections (f)(2)A. and B. and (f)(5) of this section do not apply, the offender shall be punished under subsection (f)(1) or (6) of this section.

(3) Except as otherwise provided in this subsection, carrying concealed weapons in violation of subsection (b)(1) hereof is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for a violation of subsection (b)(1) hereof, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).

If, at the time of the stop of the offender for a law enforcement purpose that was

the basis of the violation, any law enforcement officer involved with the stop had actual knowledge that the offender has been issued a concealed handgun license, carrying concealed weapons in violation of division (b)(1) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to Ohio R.C. 2923.128(A)(2).

(4) Except as otherwise provided herein, carrying concealed weapons in violation of subsection (b)(2) or (b)(3) hereof is a misdemeanor of the first degree. If the offender has previously been convicted or pleaded guilty to a violation of Ohio R.C. 2923.12(B)(2) or (B)(4) or a substantially equivalent municipal ordinance, carrying concealed weapons is a felony and shall be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for a violation of subsection (b)(2) or (b)(3) hereof, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).

(5) If a person being arrested for a violation of subsection (a)(2) of this section is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1), and if at the time of the violation the person was not knowingly in a place described in Ohio R.C. 2923.126(B), the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1) and if the person is not in a place described in Ohio R.C. 2923.126(B), the officer shall issue a citation and the offender shall be assessed a civil penalty of not more than \$500.00. The citation shall be automatically dismissed and the civil penalty shall not be assessed if both of the following apply:

- A. Within ten days after the issuance of the citation, the offender presents a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1), which were both valid at the time of the issuance of the citation to the law enforcement agency that employs the citing officer.
- B. At the time of the citation, the offender was not knowingly in a place described in Ohio R.C. 2923.126(B).

(6) If a person being arrested for a violation of subsection (a)(2) of this section is knowingly in a place described in Ohio R.C. 2923.126(B)(5), and is not authorized to carry a handgun or have a handgun concealed on the person's person or concealed ready at hand under that division, the penalty shall be as follows:

- A. Except as otherwise provided in this subsection, if the person produces a valid concealed handgun license within ten days after the arrest and has not previously been convicted or pleaded guilty to a violation of subsection (a)(2) of this section, the person is guilty of a minor misdemeanor;
- B. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to a violation of subsection (a)(2) of this section, the person is guilty of a misdemeanor of the fourth degree;
- C. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to two violations of subsection (a)(2) of this section, the person is guilty of a misdemeanor of the third degree;

D. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to three or more violations of subsection (a)(2) of this section, or convicted of or pleaded guilty to any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is a dangerous ordnance, the person is guilty of a misdemeanor of the second degree.

(g) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this subsection, Ohio R.C. 2923.163(B) applies.

(H) For purposes of this section, "deadly weapon" or "weapon" does not include any knife, razor, or cutting instrument if the instrument was not used as a weapon.
(ORC 2923.12)

AI-7784

New Business D.
City Manager

City Council Meeting

Meeting Date: 08/23/2021

Juneteenth Holiday Recognition

Submitted By: Scott Falkowski

Department: City Manager

Council Committee Review?: Council **Date(s) of Committee Review:** 08/17/2021
Work
Session

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

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

Agenda Item Description or Legislation Title

A Resolution Authorizing Certain Actions Made To Amend All Of The Current Collective Bargaining Agreements And The City's Employee Personnel Manual To Recognize Juneteenth As A City Paid Holiday For All Employees.
(first reading)

Purpose and Background

Juneteenth, June 19th, is a nationally recognized holiday and understanding the importance of the day, the request is to recognize Juneteenth as a City paid holiday for all employees of the City of Huber Heights.

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:

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2021-R-

AUTHORIZING CERTAIN ACTIONS MADE TO AMEND ALL OF THE CURRENT COLLECTIVE BARGAINING AGREEMENTS AND THE CITY’S EMPLOYEE PERSONNEL MANUAL TO RECOGNIZE JUNETEENTH AS A CITY PAID HOLIDAY FOR ALL EMPLOYEES.

WHEREAS, Juneteenth, June 19th, is a nationally recognized holiday; and

WHEREAS, the City Council recognizes the importance of Juneteenth and wishes to provide this paid holiday to all employees of the City of Huber Heights.

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

Section 1. The City Manager is hereby authorized to amend all current Collective Bargaining Agreements and the City’s Employee Personnel Manual to provide Juneteenth (June 19th) as a paid holiday to all employees of the City of Huber Heights effective January 1, 2022.

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 in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2021;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-7785

New Business E.
City Manager

City Council Meeting

Meeting Date: 08/23/2021

Supplemental Appropriations

Submitted By: Jim Bell

Department: Finance **Division:** Accounting

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 08/17/2021

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

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

Agenda Item Description or Legislation Title

An Ordinance Authorizing Transfers Between Various Funds Of The City Of Huber Heights, Ohio And Amending Ordinance No. 2020-O-2453 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2021 And Ending December 31, 2021.

(first reading)

Purpose and Background

The supplemental appropriations are for the following purposes:

- \$56,650.88 will be received from FEMA and be transferred to the Fire Fund to reimburse personnel and benefit expenses.
- \$16,001.00 for a retirement payout that was not budgeted (expensed to six funds).
- \$28,650 for the first debt payment on the Energy Lease for improvements to Fire Stations 22 and 23.

Fiscal Impact

Source of Funds: Various Funds

Cost: \$44,651

Recurring Cost? (Yes/No): No

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

Financial Implications:

FEMA monies will be received and transferred to the Fire Fund to reimburse personnel and benefit expenses, so those transactions have no fiscal impact on the budget.

Attachments

Ordinance

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2021-O-

AUTHORIZING TRANSFERS BETWEEN VARIOUS FUNDS OF THE CITY OF HUBER HEIGHTS, OHIO AND AMENDING ORDINANCE NO. 2020-O-2453 BY MAKING SUPPLEMENTAL APPROPRIATIONS FOR EXPENSES OF THE CITY OF HUBER HEIGHTS, OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2021 AND ENDING DECEMBER 31, 2021.

WHEREAS, supplemental appropriations for expenses of the City of Huber Heights must be made to reflect transfers and for appropriations of funds for various 2021 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, 2021.

Section 2. Ordinance No. 2020-O-2453 is hereby amended as shown in Exhibit B of this Ordinance.

Section 3. 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 in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2021;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

EXHIBIT A

<i>Transfer:</i>			
<u>Amount</u>	<u>Fund From</u>	<u>Fund To</u>	<u>Purpose</u>
\$ 56,650.88	251 FEMA	210 Fire	Florida condo collapse deployment

EXHIBIT B

AMENDING ORDINANCE NO. 2020-O-2453 BY MAKING APPROPRIATIONS FOR EXPENSES OF THE CITY OF HUBER HEIGHTS, OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2021 AND ENDING DECEMBER 31, 2021.

- 1) Section 1 of Ordinance No. 2020-O-2453 is hereby amended to reflect an increase in the appropriations of the 101 General Fund, as follows:
 - a. Subsection q) Court, Personnel of \$311.00
- 2) Section 2 of Ordinance No. 2020-O-2453 is hereby amended to reflect an increase in the appropriations of the 202 Motor Vehicle Fund, as follows:
 - a. Subsection a) Streets, Personnel of \$1,239.00
- 3) Section 3 of Ordinance No. 2020-O-2453 is hereby amended to reflect an increase in the appropriations of the 203 Gasoline Tax Fund, as follows:
 - a. Subsection b) Streets, Personnel of \$3,303.00
- 4) Section 6 of Ordinance No. 2020-O-2453 is hereby amended to reflect an increase in the appropriations of the 210 Fire Fund, as follows:
 - a. Subsection a) Fire, Personnel of \$56,650.88
- 5) Section 12 of Ordinance No. 2020-O-2453 is hereby amended to reflect an increase in the appropriations of the 218 Parks & Recreation Fund, as follows:
 - a. Subsection b) Park & Recreation, Personnel of \$724.00
- 6) Section 15 of Ordinance No. 2020-O-2453 is hereby amended to reflect an increase in the appropriations of the 226 Local Street Operating Fund, as follows:
 - a. Subsection a) Streets, Personnel of \$8,669.00
- 7) Section 47 of Ordinance No. 2020-O-2453 is hereby added to reflect an increase in the appropriations of the 251 FEMA Fund, Transfers of \$56,650.88.
- 8) Section 31 of Ordinance No. 2020-O-2453 is hereby amended to reflect an increase in the appropriations of the 431 Fire Capital/Equipment Fund, as follows:
 - a. Subsection c) Non-Departmental, Debt Service of \$28,650.00
- 9) Section 43 of Ordinance No. 2020-O-2453 is hereby amended to reflect an increase in the appropriations of the 571 Storm Water Management Fund, as follows:
 - a. Subsection b) Streets, Personnel of \$1,755.00

General Fund	\$311.00
Motor Vehicle Fund	\$1,239.00
Gasoline Tax Fund	\$3,303.00
Fire Fund	\$56,650.88
Parks & Recreation Fund	\$724.00
Local Street Operating Fund	\$8,669.00
FEMA Fund	\$56,650.88
Fire Capital/Equipment Fund	\$28,650.00
Storm Water Management Fund	\$1,755.00

AI-7786

New Business F.
City Manager

City Council Meeting

Meeting Date: 08/23/2021

County Assessments Authorization

Submitted By: Jim Bell

Department: Finance

Division: Accounting

Council Committee Review?: Council
Work
Session

Date(s) of Committee Review: 08/17/2021

Audio-Visual Needs: None

Emergency Legislation?: Yes

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

Agenda Item Description or Legislation Title

An Ordinance Approving Individual Assessments Amounts And Directing The Finance Director Or His/Her Designee To Certify The Amounts To The Applicable County Auditor For Collection, And Declaring An Emergency.
(first reading)

Purpose and Background

Montgomery County requires all communities to pass separate legislation for assessments that are to be added to the tax duplicate. Therefore, before the City can assess property for such things as annual sidewalk assessments, grass/weed charges, property maintenance abatement, unpaid water and sewer, etc., the City must pass legislation specifically identifying the property and the amount of the assessment. Assessments are based on collection for City services previously provided; therefore, City Staff are asking that this item be passed as an emergency.

Exhibit A, which provides all details of the assessments, is attached. Sidewalk assessment payoffs will be accepted in the Finance Department until August 20, 2021. Any such payments will reduce the final amounts that will appear on Exhibit A to this legislation. Additionally, City Staff request waiving of the second reading and approval of this legislation at the City Council Meeting on August 23, 2021, because that is the last opportunity to present assessments for the 2021 property tax bills that residents will receive in 2022.

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:

Attachments

Ordinance
Exhibit A

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2021-O-

APPROVING INDIVIDUAL ASSESSMENTS AMOUNTS AND DIRECTING THE FINANCE DIRECTOR OR HIS/HER DESIGNEE TO CERTIFY THE AMOUNTS TO THE APPLICABLE COUNTY AUDITOR FOR COLLECTION, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Section 6, Article XVIII of the Ohio Constitution the General Assembly has enacted general laws stating purposes for which municipalities may assess specially benefited property; and

WHEREAS, these laws include Ohio Revised Code Sections 727.01, 727.011, 727.012, 727.013, 729.06, 729.11, 1710.01(h) and others, which authorize the City to levy and collect special assessments upon the abutting, adjacent, and contiguous or other specially benefited lots or lands in the municipal corporation, for among other things, any part of the cost connected with the improvement of any street, public road, place, boulevard, parkway, or park entrance or an easement of the municipal corporation; sidewalk construction; sewers; sewage disposal works and treatment plants, sewage pumping stations, water treatment plants, water pumping stations, reservoirs, and water storage tanks or standpipes, together with the facilities and appurtenances necessary and proper therefore; drains, storm-water retention basins, watercourses, water mains, or laying of water pipe; lighting; any part of the cost and expense of planting, maintaining, and removing shade trees thereupon; any part of the cost and expense of constructing, maintaining, repairing, cleaning, and enclosing ditches; and

WHEREAS, for such approved assessments, the County Auditor is to act at the direction, or on behalf, of a municipality with respect to collection of such assessments R.C. 727.30; (R.C. 727.33); and

WHEREAS, the General Assembly has also enacted laws that require a County Auditor to act at the direction, or on behalf, of a municipality with respect to collection of certain costs assessed to properties including but not limited to R.C 743.04, 715.261 and 731.51-54; and

WHEREAS, as a result of the foregoing, the City of Huber Heights has passed, and will in the future pass, laws to assess real property for all or part of the cost of a public improvement and/or certain permitted costs of abatement or collection, including but not limited to Ordinance No. 97-O-997 codified as Huber Heights Code Section 175.04 Assessments for Capital Improvement Projects (for sanitary sewer, water, sidewalks and drive aprons, roadways and storm sewers); Ordinance No. 90-O-419 codified as Huber Heights Code Section 919.01 (street lighting); Ordinance No. 2009-O-1771 codified as Huber Heights Code Section 929.16 (unpaid water service); Ordinance No. 1996-O-856 codified as Huber Heights Code Section 923.08 (unpaid sanitary sewer); Ordinance No. 2002-O-1325 codified as Huber Heights Code Section 922.32 (stormwater); Ordinance No. 2014-O-2096 codified as Huber Heights Code Section 521.11 (nuisance in the right of way); Huber Heights Code Section 911.02 (sidewalk repair); Ordinance No. 2002-O-1324 and No. 2011-O-1897 (weed cutting assessment); Huber Heights Code Sections 925.05 (lower Rip Rap Road sewer district assessment), 952.04 (nuisance abatement for false alarms), 521.081, (littering and deposit of garbage) and such other ordinances or resolution that may be passed from time to time pursuant to these codified laws; and

WHEREAS, in order to better track and account for authorized legal assessments and the amounts due to the City, City Council has determined it is in the best interest of the citizens to pass this Ordinance setting forward the applicable properties and assessment amounts to be certified to the County for collection; and

WHEREAS, the assessments set forth in Exhibit A have been authorized by the City Council of the City of Huber Heights and are required by law to be assessed and collected by the County on behalf of the City.

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

Section 1. The properties set forth on the attached Exhibit A, which is incorporated herein by this reference, are to be assessed in the amount also set forth on the applicable section of Exhibit A unless payment is made within the time frame set forth in the applicable section of Exhibit A.

Section 2. In the event a payment for the amount or any portion of the amount set forth in Exhibit A is received by the City prior to final assessment date set forth in Exhibit A, which is the same date set forth in the notice sent to such property owner, the Finance Director, or his/her designee is authorized to remove or revise such assessment from Exhibit A prior to certification to the County Auditor.

Section 3. The Finance Director or his/her designee is instructed to certify this Ordinance, including the final assessed properties in Exhibit A, to the applicable County Auditor for collection and is further authorized to separate Exhibit A into separate subsections divided by type of assessment if required by the County.

Section 4. 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 in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, welfare and safety of the City, and for the further reasons that finalizing and certifying assessment at the earliest time is necessary to timely establish a lien and protect the City's interest in payment of amounts owed to the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage

Passed by Council on the _____ day of _____, 2021;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

31200	Lighting	P70 51323 0106	4141	VITEK DRIVE	\$14.48	2021	February 2022
31200	Lighting	P70 51323 0107	4143	VITEK DRIVE	\$14.48	2021	February 2022
31200	Lighting	P70 51323 0109	4215	BIRD DOG COURT	\$14.48	2021	February 2022
31200	Lighting	P70 51323 0110	4217	BIRD DOG COURT	\$14.48	2021	February 2022
31200	Lighting	P70 51323 0112	4249	VITEK DRIVE	\$14.48	2021	February 2022
31200	Lighting	P70 51323 0113	4251	VITEK DRIVE	\$14.48	2021	February 2022
31200	Lighting	P70 51323 0115	4200	PHEASANT COURT	\$14.48	2021	February 2022
31200	Lighting	P70 51323 0116	4202	PHEASANT COURT	\$14.48	2021	February 2022
31200	Lighting	P70 51323 0118	4209	PHEASANT COURT	\$14.48	2021	February 2022
31200	Lighting	P70 51323 0119	4211	PHEASANT COURT	\$14.48	2021	February 2022
31200	Lighting	P70 51323 0122	4173	VITEK DRIVE	\$14.48	2021	February 2022
31200	Lighting	P70 51323 0123	4179	VITEK DRIVE	\$14.48	2021	February 2022
				TOTAL LIGHTING	\$312,169.65		

Project No	Project Desc	Parcel ID		Address	Total to be Deferred	Tax Year	Begin Collection
31303	Brandt Vista Acres Sewer Deferral	P70 01002 0012		7321 San Fernando Rd	\$534.29	2021	Deferred
31303	Brandt Vista Acres Sewer Deferral	P70 04001 0057		6969 Rio Vista Ct	\$374.66	2021	Deferred
				TOTAL BRANDT VISTA ACRES SEWER DEFERRALS	\$908.95		

Project No	Project Desc	Parcel ID		Address	Total to be Deferred	Tax Year	Begin Collection
31456	Brandt Vista Acres Water Deferral	P70 01002 0012		7321 San Fernando Rd	\$544.25	2021	Deferred
31456	Brandt Vista Acres Water Deferral	P70 04001 0057		6969 Rio Vista Ct	\$381.63	2021	Deferred
				TOTAL BRANDT VISTA ACRES WATER DEFERRALS	\$925.88		

Project No	Project Desc	Parcel ID		Address	Total to be Deferred	Tax Year	Begin Collection
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				TOTAL I-70 BUSINESS PARK PHASE 1 GAS LINE DEFERRALS	\$820.69		
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Project No	Project Desc	Parcel ID		Address	Total to be Deferred	Tax Year	Begin Collection
31775	I-70 Business Park Phase 2 Water Deferral	P70 01820 0004		Executive Blvd	\$5,855.71	2021	Deferred
31775	I-70 Business Park Phase 2 Water Deferral	P70 01820 0013		Executive Blvd	\$2,479.69	2021	Deferred
				TOTAL I-70 BUSINESS PARK PHASE 2 WATER DEFERRALS	\$8,335.40		

Project No	Project Desc	Parcel ID		Address	Total to be Deferred	Tax Year	Begin Collection
	I-70 Business Park Phase 2 Sewer Deferral	P70 01820 0004		Executive Blvd	\$5,668.18	2021	Deferred
	I-70 Business Park Phase 2 Sewer Deferral	P70 01820 0013		Executive Blvd	\$2,400.37	2021	Deferred
				TOTAL I-70 BUSINESS PARK PHASE 2 SEWER DEFERRALS	\$8,068.55		

Project No	Project Desc	Parcel ID		Address	Total to be Deferred	Tax Year	Begin Collection
31777	I-70 Business Park Phase 2 Roadway Deferral	P70 01820 0004		Executive Blvd	\$12,111.36	2021	Deferred
31777	I-70 Business Park Phase 2 Roadway Deferral	P70 01820 0013		Executive Blvd	\$5,128.94	2021	Deferred
				TOTAL I-70 BUSINESS PARK PHASE 2 ROADWAY DEFERRALS	\$17,240.30		

31453	Lexington Place Water Main Extension Deferral	P70 04008 0023		4595 Chambersburg Rd	\$450.99	2021	Deferred
				TOTAL LEXINGTON PLACE WATER MAIN EXTENSION DEFERRALS	\$450.99		

Project No	Project Desc	Parcel ID		Address	Total to be Deferred	Tax Year	Begin Collection
31454	Stoney Creek Water Main Extension Deferral	P70 04004 0027		4867 Chambersburg Rd	\$517.73	2021	Deferred
				TOTAL STONEY CREEK WATER MAIN EXTENSION DEFERRALS	\$517.73		

Project No	Project Desc	Parcel ID		Address	Total to be Deferred	Tax Year	Begin Collection
31771	I-70 Business Park Phase 1 Water/Sewer Deferral	P70 01820 0003		Executive Blvd	\$744.44	2021	Deferred
31771	I-70 Business Park Phase 1 Water/Sewer Deferral	P70 03910 0012		8245 Brandt Pk	\$1,370.15	2021	Deferred
31771	I-70 Business Park Phase 1 Water/Sewer Deferral	P70 03910 0030		8000 Brandt Pk	\$167.10	2021	Deferred
31771	I-70 Business Park Phase 1 Water/Sewer Deferral	P70 04002 0048		Executive Blvd	\$4,031.50	2021	Deferred
				TOTAL I-70 BUSINESS PARK PHASE 1 WATER/SEWER DEFERRALS	\$6,313.19		

Project No	Project Desc	Parcel ID		Address	Total to be Deferred	Tax Year	Begin Collection
31772	I-70 Business Park Phase 1 Gas Line Deferral	P70 04002 0048		Executive Blvd	\$820.69	2021	Deferred

Project No	Project Desc	Parcel ID		Address	Total to be Deferred	Tax Year	Begin Collection
31784	I-70 Business Park Phase 3 Water Deferral	P70 01820 0003		Executive Blvd	\$951.01	2021	Deferred
31784	I-70 Business Park Phase 3 Water Deferral	P70 01820 0013		Executive Blvd	\$238.21	2021	Deferred
31784	I-70 Business Park Phase 3 Water Deferral	P70 03910 0005		8303 Brandt Pk	\$8,156.50	2021	Deferred
				TOTAL I-70 BUSINESS PARK PHASE 3 WATER DEFERRALS	\$9,345.72		

Project No	Project Desc	Parcel ID		Address	Total to be Deferred	Tax Year	Begin Collection
31785	I-70 Business Park Phase 3 Sewer Deferral	P70 01820 0003		Executive Blvd	\$1,007.37	2021	Deferred
31785	I-70 Business Park Phase 3 Sewer Deferral	P70 01820 0013		Executive Blvd	\$252.33	2021	Deferred
31785	I-70 Business Park Phase 3 Sewer Deferral	P70 03910 0005		8303 Brandt Pk	\$8,639.49	2021	Deferred
				TOTAL I-70 BUSINESS PARK PHASE 3 SEWER DEFERRALS	\$9,899.19		

Project No	Project Desc	Parcel ID		Address	Total to be Deferred	Tax Year	Begin Collection
31783	I-70 Business Park Phase 3 Roadway Deferral	P70 01820 0003		Executive Blvd	\$1,839.34	2021	Deferred
31783	I-70 Business Park Phase 3 Roadway Deferral	P70 01820 0013		Executive Blvd	\$460.71	2021	Deferred
31783	I-70 Business Park Phase 3 Roadway Deferral	P70 03910 0005		8303 Brandt Pk	\$15,776.01	2021	Deferred

				TOTAL I-70 BUSINESS PARK PHASE 3 ROADWAY DEFERRALS	\$18,076.06		
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Project No	Project Desc	Parcel ID	Address	Total to be Deferred	Tax Year	Begin Collection
31768	Old Troy Pike Phase 5 Roadway Waiver	P70 01517 0043	6100 Old Troy Pk	\$266.50	2021	Waived
31768	Old Troy Pike Phase 5 Roadway Waiver	P70 01517 0044	6088 Old Troy Pk	\$266.50	2021	Waived
31768	Old Troy Pike Phase 5 Roadway Waiver	P70 01517 0045	6076 Old Troy Pk	\$266.50	2021	Waived
31768	Old Troy Pike Phase 5 Roadway Waiver	P70 01517 0046	6064 Old Troy Pk	\$277.60	2021	Waived
31768	Old Troy Pike Phase 5 Roadway Waiver	P70 01517 0047	6052 Old Troy Pk	\$277.60	2021	Waived
31768	Old Troy Pike Phase 5 Roadway Waiver	P70 01517 0048	6040 Old Troy Pk	\$422.62	2021	Waived
31768	Old Troy Pike Phase 5 Roadway Waiver	P70 01601 0001	6112 Old Troy Pk	\$266.50	2021	Waived
31768	Old Troy Pike Phase 5 Roadway Waiver	P70 01601 0002	6124 Old Troy Pk	\$266.50	2021	Waived
31768	Old Troy Pike Phase 5 Roadway Waiver	P70 01601 0003	6136 Old Troy Pk	\$266.50	2021	Waived
31768	Old Troy Pike Phase 5 Roadway Waiver	P70 01601 0004	6148 Old Troy Pk	\$266.50	2021	Waived
31768	Old Troy Pike Phase 5 Roadway Waiver	P70 01601 0005	6160 Old Troy Pk	\$266.50	2021	Waived
31768	Old Troy Pike Phase 5 Roadway Waiver	P70 01601 0006	6172 Old Troy Pk	\$266.50	2021	Waived
31768	Old Troy Pike Phase 5 Roadway Waiver	P70 01601 0007	6184 Old Troy Pk	\$266.50	2021	Waived
31768	Old Troy Pike Phase 5 Roadway Waiver	P70 01601 0008	6196 Old Troy Pk	\$320.80	2021	Waived
31768	Old Troy Pike Phase 5 Roadway Waiver	P70 01604 0019	6210 Old Troy Pk	\$315.05	2021	Waived
31768	Old Troy Pike Phase 5 Roadway Waiver	P70 01604 0020	6222 Old Troy Pk	\$266.50	2021	Waived

31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 01601 0001	6112 Old Troy Pk	\$107.55	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 01601 0002	6124 Old Troy Pk	\$107.55	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 01601 0003	6136 Old Troy Pk	\$107.55	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 01601 0004	6148 Old Troy Pk	\$107.55	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 01601 0005	6160 Old Troy Pk	\$107.55	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 01601 0006	6172 Old Troy Pk	\$107.55	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 01601 0007	6184 Old Troy Pk	\$107.55	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 01601 0008	6196 Old Troy Pk	\$129.46	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 01604 0019	6210 Old Troy Pk	\$127.14	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 01604 0020	6222 Old Troy Pk	\$107.55	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 01604 0021	6234 Old Troy Pk	\$107.55	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 01604 0022	6246 Old Troy Pk	\$107.55	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 01604 0023	6258 Old Troy Pk	\$107.55	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 01604 0024	6270 Old Troy Pk	\$107.55	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 01604 0025	6282 Old Troy Pk	\$107.55	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 01604 0026	6294 Old Troy Pk	\$107.55	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 04004 0005	Chambersburg Rd	\$50.03	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 04004 0010	6061 Old Troy Pk	\$1,424.58	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 04004 0043	6007 Old Troy Pk	\$276.34	2021	Waived

31768	Old Troy Pike Phase 5 Roadway Waiver	P70 01604 0021	6234 Old Troy Pk	\$266.50	2021	Waived
31768	Old Troy Pike Phase 5 Roadway Waiver	P70 01604 0022	6246 Old Troy Pk	\$266.50	2021	Waived
31768	Old Troy Pike Phase 5 Roadway Waiver	P70 01604 0023	6258 Old Troy Pk	\$266.50	2021	Waived
31768	Old Troy Pike Phase 5 Roadway Waiver	P70 01604 0024	6270 Old Troy Pk	\$266.50	2021	Waived
31768	Old Troy Pike Phase 5 Roadway Waiver	P70 01604 0025	6282 Old Troy Pk	\$266.50	2021	Waived
31768	Old Troy Pike Phase 5 Roadway Waiver	P70 01604 0026	6294 Old Troy Pk	\$266.50	2021	Waived
31768	Old Troy Pike Phase 5 Roadway Waiver	P70 04004 0005	Chambersburg Rd	\$123.99	2021	Waived
31768	Old Troy Pike Phase 5 Roadway Waiver	P70 04004 0010	6601 Old Troy Pk	\$3,529.98	2021	Waived
31768	Old Troy Pike Phase 5 Roadway Waiver	P70 04004 0036	6290 Cruxten Dr	\$370.14	2021	Waived
			TOTAL OLD TROY PIKE PHASE 5 ROADWAY WAIVERS	\$10,168.28		

Project No	Project Desc	Parcel ID	Address	Total to be Deferred	Tax Year	Begin Collection
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 01517 0043	6100 Old Troy Pk	\$107.55	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 01517 0044	6088 Old Troy Pk	\$107.55	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 01517 0045	6076 Old Troy Pk	\$107.55	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 01517 0046	6064 Old Troy Pk	\$112.03	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 01517 0047	6052 Old Troy Pk	\$112.03	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 01517 0048	6040 Old Troy Pk	\$170.55	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 01517 0059	6022 Old Troy Pk	\$177.59	2021	Waived
31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 01517 0060	6020 Old Troy Pk	\$164.31	2021	Waived

31769	Old Troy Pike Phase 5 Sidewalk Waiver	P70 04004 0049	Fishburg Rd	\$26.88	2021	Waived
			TOTAL OLD TROY PIKE PHASE 5 SIDEWALK WAIVERS	\$4,599.29		

Project No	Project Desc	Parcel ID	Address	Total to be Deferred	Tax Year	Begin Collection
31786	Old Troy Pike Phase 6 Roadway Waiver	P70 01911 0037	5566 Old Troy Pk	\$337.39	2021	Waived
31786	Old Troy Pike Phase 6 Roadway Waiver	P70 01911 0038	5618 Old Troy Pk	\$206.98	2021	Waived
31786	Old Troy Pike Phase 6 Roadway Waiver	P70 01911 0039	5612 Old Troy Pk	\$192.66	2021	Waived
31786	Old Troy Pike Phase 6 Roadway Waiver	P70 04003 0021	5760 Old Troy Pk	\$320.68	2021	Waived
31786	Old Troy Pike Phase 6 Roadway Waiver	P70 04003 0023	5720 Old Troy Pk	\$256.55	2021	Waived
31786	Old Troy Pike Phase 6 Roadway Waiver	P70 04003 0024	5700 Old Troy Pk	\$256.55	2021	Waived
31786	Old Troy Pike Phase 6 Roadway Waiver	P70 04003 0071	5560 Old Troy Pk	\$333.50	2021	Waived
			TOTAL OLD TROY PIKE PHASE 6 ROADWAY WAIVERS	\$1,904.31		

Project No	Project Desc	Parcel ID	Address	Total to be Deferred	Tax Year	Begin Collection
31787	Old Troy Pike Phase 6 Sidewalk Waiver	P70 04003 0021	5760 Old Troy Pk	\$2.10	2021	Waived
			TOTAL OLD TROY PIKE PHASE 6 SIDEWALK WAIVERS	\$2.10		

Project No	Project Desc	Parcel ID	Address	Total to be Deferred	Tax Year	Begin Collection
31788	Old Troy Pike Phase 6 Sewer Deferral	P70 04003 0024	5700 Old Troy Pk	\$501.47	2021	Deferred
			TOTAL OLD TROY PIKE PHASE 6 SEWER DEFERRALS	\$501.47		

Project No	Project Desc	Parcel ID	Address	Total to be Deferred	Tax Year	Begin Collection
31789	Old Troy Pike Phase 6 Water Deferral	P70 04003 0023	5720 Old Troy Pk	\$563.07	2021	Deferred
31789	Old Troy Pike Phase 6 Water Deferral	P70 04003 0024	5700 Old Troy Pk	\$563.07	2021	Deferred
			TOTAL OLD TROY PIKE PHASE 6 WATER DEFERRALS	\$563.07		

Project No	Project Desc	Parcel ID	Address	Total to be Deferred	Tax Year	Begin Collection
31747	Old Troy Pike Phase 7 Roadway Deferral	P70 00207 0001	5225 Old Troy Pk	\$184.41	2021	Deferred
31747	Old Troy Pike Phase 7 Roadway Deferral	P70 00207 0002	5227 Old Troy Pk	\$184.41	2021	Deferred
31747	Old Troy Pike Phase 7 Roadway Deferral	P70 00904 0035	4201 Macon Ave	\$141.06	2021	Deferred
31747	Old Troy Pike Phase 7 Roadway Deferral	P70 00904 0046	4200 Macon Ave	\$146.20	2021	Deferred
31747	Old Troy Pike Phase 7 Roadway Deferral	P70 00904 0047	5160 Old Troy Pk	\$138.31	2021	Deferred
31747	Old Troy Pike Phase 7 Roadway Deferral	P70 00904 0048	4201 Leston Ave	\$156.75	2021	Deferred
31747	Old Troy Pike Phase 7 Roadway Deferral	P70 01501 0001	5350 Old Troy Pk	\$199.16	2021	Deferred
31747	Old Troy Pike Phase 7 Roadway Deferral	P70 01909 0013	5236 Old Troy Pk	\$165.96	2021	Deferred
31747	Old Troy Pike Phase 7 Roadway Deferral	P70 01909 0014	5228 Old Troy Pk	\$132.77	2021	Deferred
31747	Old Troy Pike Phase 7 Roadway Deferral	P70 01909 0015	5220 Old Troy Pk	\$132.77	2021	Deferred
31747	Old Troy Pike Phase 7 Roadway Deferral	P70 01909 0016	5210 Old Troy Pk	\$132.77	2021	Deferred
31747	Old Troy Pike Phase 7 Roadway Deferral	P70 01909 0017	5202 Old Troy Pk	\$132.77	2021	Deferred
31747	Old Troy Pike Phase 7 Roadway Deferral	P70 01909 0018	5180 Old Troy Pk	\$132.77	2021	Deferred

			TOTAL OLD TROY PIKE PHASE 7 SIDEWALK WAIVERS	\$83.81		
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31747	Old Troy Pike Phase 7 Roadway Deferral	P70 01909 0019	5176 Old Troy Pk	\$298.75	2021	Deferred
31747	Old Troy Pike Phase 7 Roadway Deferral	P70 01909 0026	5336 Old Troy Pk	\$153.23	2021	Deferred
31747	Old Troy Pike Phase 7 Roadway Deferral	P70 01909 0027	5318 Old Troy Pk	\$132.77	2021	Deferred
31747	Old Troy Pike Phase 7 Roadway Deferral	P70 01909 0028	5310 Old Troy Pk	\$132.77	2021	Deferred
31747	Old Troy Pike Phase 7 Roadway Deferral	P70 01909 0029	5300 Old Troy Pk	\$165.96	2021	Deferred
31747	Old Troy Pike Phase 7 Roadway Deferral	P70 04003 0039	5001 Old Troy Pk	\$737.64	2021	Deferred
31747	Old Troy Pike Phase 7 Roadway Deferral	P70 04003 0045	5337 Old Troy Pk	\$204.33	2021	Deferred
31747	Old Troy Pike Phase 7 Roadway Deferral	P70 04003 0068	5377 Old Troy Pk	\$184.41	2021	Deferred
31747	Old Troy Pike Phase 7 Roadway Deferral	P70 04003 0071	5560 Old Troy Pk	\$239.74	2021	Deferred
31747	Old Troy Pike Phase 7 Roadway Deferral	P70 04003 0077	5159 Old Troy Pk	\$230.51	2021	Deferred
31747	Old Troy Pike Phase 7 Roadway Deferral	P70 04003 0078	5245 Old Troy Pk	\$414.30	2021	Deferred
			TOTAL OLD TROY PIKE PHASE 7 ROADWAY DEFERRALS	\$4,874.52		

Project No	Project Desc	Parcel ID	Address	Total to be Deferred	Tax Year	Begin Collection
	Old Troy Pike Phase 7 Roadway Waiver	P70 04003 0028	5464 Old Troy Pk	\$701.13	2021	Waived
			TOTAL OLD TROY PIKE PHASE 7 ROADWAY WAIVERS	\$701.13		

Project No	Project Desc	Parcel ID	Address	Total to be Deferred	Tax Year	Begin Collection
31746	Old Troy Pike Phase 7 Sidewalk Waiver	P70 04003 0028	5464 Old Troy Pk	\$64.10	2021	Waived
31746	Old Troy Pike Phase 7 Sidewalk Waiver	P70 04003 0078	5245 Old Troy Pk	\$19.71	2021	Waived

AI-7787

New Business **G.**
City Manager

City Council Meeting

Meeting Date: 08/23/2021

Energy Performance Project Lease - U.S. Bancorp

Submitted By: Jim Bell

Department: Finance

Division:

Accounting

Council Committee Review?: Council
Work
Session

Date(s) of Committee Review: 06/22/21 and 07/20/21
and 08/17/2021

Audio-Visual Needs: None

Emergency Legislation?: Yes

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

Agenda Item Description or Legislation Title

An Ordinance Authorizing An Additional Lease Transaction Pursuant To An Existing Master Tax-Exempt Lease/Purchase Agreement And Authorizing The Execution Of Related Addenda, A Property Schedule And Related Documents For The Purpose Of Making Certain Additional Energy Conservation Improvements To Various City Facilities, And Declaring An Emergency.
(first reading)

Purpose and Background

At the July 26, 2021 City Council Meeting, City Council adopted Resolution No. 2021-R-7022: A Resolution Authorizing The City Manager To Execute An Additional Capital Lease Agreement With U.S. Bancorp Government Leasing And Finance For The Purposes Of Funding Change Order #3 To The Guaranteed Energy Savings Performance Contract (GESPC) With Energy Systems Group, LLC (ESG). The legislation was to approve an additional \$360,141 to the energy lease approved by City Council in 2020 for an additional scope of work at Fire Station #22 and Fire Station #23. Following the adoption of this legislation, further discussions with Bond Counsel resulted in the need for more technical legislation on the subject. The new lease is not in addition to the approved energy lease in 2020, but a separate and new lease which requires approval by ordinance. City Staff recommend the first reading, waiving of the second reading, and approval of this emergency legislation at the August 23, 2021 City Council Meeting so the improvements at the two fire stations can commence immediately.

Fiscal Impact

Source of Funds: Fire Capital/Equipment Fund

Cost: \$28,650

Recurring Cost? (Yes/No): Yes

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

Financial Implications:

Attachments

Ordinance

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2021-O-

AUTHORIZING AN ADDITIONAL LEASE TRANSACTION PURSUANT TO AN EXISTING MASTER TAX-EXEMPT LEASE/PURCHASE AGREEMENT AND AUTHORIZING THE EXECUTION OF RELATED ADDENDA, A PROPERTY SCHEDULE AND RELATED DOCUMENTS FOR THE PURPOSE OF MAKING CERTAIN ADDITIONAL ENERGY CONSERVATION IMPROVEMENTS TO VARIOUS CITY FACILITIES, AND DECLARING AN EMERGENCY.

WHEREAS, this Council has heretofore authorized and executed a Master Tax-Exempt Lease/Purchase Agreement dated September 14, 2017 (the “*Master Lease*”) with U.S. Bancorp Government Leasing and Finance, Inc. (the “*Lessor*”), which among other matters, generally provides for the leasing by the City from time to time of various permanent improvements; and

WHEREAS, pursuant to Ordinance No. 2020-O-2452, the City Manager and Director of Finance signed and delivered Property Schedule No. 3 to the Master Lease, dated November 20, 2020, for the purpose of making certain energy conservation improvements to various City facilities; and

WHEREAS, this Council has determined that it is in the best interest of the City to make certain additional energy conservation improvements to various City facilities, including Fire Stations 22 and 23 (collectively, the “*Improvements*”) pursuant to the Master Lease and related addenda and a payment schedule (the related addenda and payment schedule and all exhibits and attachments related thereto being collectively referred to as the “*2021 Supplemental Lease Materials*” and together with the Master Lease, the “*Lease*”), all between the Lessor and the City, as lessee, a copy of which Lease has been presented to this Council; and

WHEREAS, the obligations of the City under the Lease will be subject to annual appropriations by this Council.

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

Section 1. The City Manager and Director of Finance are hereby authorized to sign and deliver, in the name of and on behalf of the City, the 2021 Supplemental Lease Materials in substantially the form on file with the Clerk of Council, provided that the aggregate principal components of the rental payments due under the Lease shall not exceed \$362,000.00, the interest component of those rental payments shall accrue at an annual rate not in excess of 2.55% and the final renewal term of the 2021 Supplemental Lease Materials shall end not later than 15 years from the commencement date thereof and the Lease shall be subject to prepayment as set forth in the Lease. The 2021 Supplemental Lease Materials are approved with such changes that are not inconsistent with this Ordinance and not substantially adverse to the City that are permitted by law and approved by the City Manager and the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the 2021 Supplemental Lease Materials by the City Manager and the Director of Finance. The Mayor, City Manager, the Director of Finance, the City Attorney, the Clerk of Council, and other City officials, as appropriate, are each further authorized to sign any certifications, commitments, financing statements, assignments, escrow agreements, and other documents and instruments and to take such other actions as are desirable, advisable, necessary, or appropriate to consummate the transactions contemplated by this Ordinance and the Lease.

Section 2. The proceeds of the Lease shall be credited to the proper fund or funds as provided in the Lease, and those proceeds are appropriated and shall be used for the purpose for which the Lease is authorized and are hereby appropriated for that purpose.

Section 3. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Lease so that (a) the obligations of the City under the Lease will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the “*Code*”), or (ii) be treated other than as obligations the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest components of the Lease payments (“*Interest*”) will not be treated as an item of tax preference under Section 57 of the

Code. The City further covenants that (a) the City will take or cause to be taken such actions which may be required of it for the Interest to be and to remain excluded from gross income for federal income tax purposes, (b) the City will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) the City, or persons acting for it, will, among other acts of compliance, (i) apply or cause the application of the Lease proceeds to the governmental purpose of the Lease, (ii) restrict the yield on investment property acquired with the Lease proceeds, (iii) make timely and adequate payments to the federal government if required, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds and, as applicable, of property financed with those proceeds, all in such manner and to the extent necessary to assure such exclusion of the Interest under the Code.

The Director of Finance, as the fiscal officer, or the City Manager is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Lease as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Lease or Interest or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of Interest from gross income and the intended tax status of the Lease, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Lease, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Lease, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the Interest and the tax status of the Lease. Either of those officers is specifically authorized to designate or otherwise determine the obligations of the City under the Lease to be "qualified tax-exempt obligations" for purposes of Section 265 of the Code if such designation or determination is applicable and desirable, and to make any related necessary representations and covenants.

Section 4. Proceeds in the amount of any temporary advances as certified by the Director of Finance are to be credited to the fund from which temporary advances were made to reimburse it for temporary advances made to pay capital expenditures previously made for the foregoing purpose, and such amount is charged against those proceeds. Immediately following the signing and delivery of the 2021 Supplemental Lease Materials, the appropriate officers are directed further to reflect such reimbursement, together with reimbursement of any additional amounts eligible for reimbursement under U.S. Treasury Regulations Section 1.150-2, on the appropriate accounting records of the City.

Section 5. It is the intent and purpose of City Council to approve the Lease subject to and in accordance with all applicable federal and State laws, regulations, and rules required for such approval in order to assure the contemplated tax treatment as set forth in the Lease. To the extent any such required law, regulation or rule is not expressly set forth in this legislation, it is incorporated herein by this reference.

Section 6. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council 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, including Section 121.22 of the Revised Code.

Section 7. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety or welfare of the inhabitants of the City, and for the further reason that the City may enter into the Lease and related documents in order to make the Improvements and to obtain the financing thereof at the best cost to the City, which Improvements are urgently needed for the efficient operation of City facilities; therefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed by Council on the ____ day of _____, 2021
____ Years; ____ Nays.

Effective Date:

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. 2021-O-____ passed by the City Council of the City of Huber Heights on _____, 2021

Clerk of Council

AI-7793

New Business H.
City Manager

City Council Meeting

Meeting Date: 08/23/2021

East Water Main Extension/East Sanitary Sewer Main Extension Projects

Submitted By: Bryan Chodkowski

Department: Economic Development

Council Committee Review?: Council **Date(s) of Committee Review:** 8/17/2021
Work
Session

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

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

Agenda Item Description or Legislation Title

A Resolution Authorizing The East Water Main Extension And East Sanitary Sewer Main Extension Projects.
(first reading)

Purpose and Background

Per the will of City Council following the Clark County JEDD and Utility Discussion during the August 17, 2021 Council Work Session, this resolution will authorize the City Manager to begin the process of connecting the City's northeast infrastructure to the City's own water utility and the City of Fairborn's wastewater treatment facility.

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:

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2021-R-

A RESOLUTION AUTHORIZING THE EAST WATER MAIN EXTENSION AND EAST
SANITARY SEWER MAIN EXTENSION PROJECTS.

WHEREAS, the City owns water and sewer utility infrastructure in the northeast region of the City which is supported and serviced in partnership with Clark County; and

WHEREAS, the City has a desire to promote, advance, and spur economic development interests in the southeast region of the City; and

WHEREAS, connecting the City's northeast utility infrastructure to its own water utility and the City of Fairborn's sanitary sewer treatment facility is the best most appropriate way to promote, advance, and spur economic development interests in the southeast region of the City; and

WHEREAS, constructing said infrastructure will eliminate the need for other identified future improvements to the northeast infrastructure and eliminate inflationary expenses.

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

Section 1. The City Manager is hereby authorized and directed to take the necessary actions to design and construct an extension of the City's water utility infrastructure on Bellefontaine Road from its approximate location at 7060 Bellefontaine Road to a connection point at the intersection of Bellefontaine Road and Center Point 70 Boulevard, hereafter known as the East Water Main Extension Project.

Section 2. The City Manager is further authorized and directed to take the necessary actions to design and construct an extension of the City's sanitary sewer utility infrastructure on New Carlisle Pike from its approximate location at 7340 New Carlisle Pike south to a point near the City Limit, and then east to a connection point terminating at the City of Fairborn Wastewater Treatment Plant, hereafter known as the East Sanitary Sewer Main Extension Project.

Section 3. 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 in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2021;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-7788

New Business I.
City Manager

City Council Meeting

Meeting Date: 08/23/2021

Monita Field Park - Parking - Award Contracts

Submitted By: Scott Falkowski

Department: Planning

Division:

Parks and Recreation

Council Committee Review?: Council
Work
Session

Date(s) of Committee Review: 08/17/2021

Audio-Visual Needs: None

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

A Resolution Authorizing The City Manager To Enter Into Contracts For The Monita Field Skate Park And BMX Track Project.
(first reading)

Purpose and Background

When the project was bid for the Monita Field Skate Park, Wagner Pavings' bid had three parts. City Staff requested approval of one portion of that bid which was approved by City Council. This request is for approval of the other two sections for additional asphalt repair and paving from that original bid. Parks Manager Josh King wil also update ideas for amenities at Monita Field Park.

Fiscal Impact

Attachments

Proposal

Presentation

Resolution

Proposal

Wagner Paving, Inc.

P.O. Box B
Laura, Ohio 45337
Phone: (937) 947-1834
Fax: (937) 947-1899

COMPANY: City of Huber Heights

PHONE: (937) 902-2279

DATE: 6/01/2021

EMAIL: jking@hhoh.org

SUBJECT: Monita Field Park

TO: Josh King

TOTAL PAGES: 1

JOB NUMBER: 21-0585

We hereby submit specifications and estimates for:

ASPHALT REPAIRS BASED ON APPROX. 200 SQ. YD.:

1. Mill deteriorated areas to 3" depth.
2. Haul spoil off site.
3. Sweep and clean areas.
4. Apply liquid tack to vertical edges.
5. Place and compact 2" of #301 base asphalt.

PRICE: \$6,240.00

PARKING LOT ON RIGHT OF DRIVE BASED ON APPROX. 1,538 SQ. YD.:

1. Mill existing area to approx. 10" depth.
2. Leave milling in place to be graded and re-compacted.
3. Remove and/or add necessary stone base to achieve desired grade.
4. Apply liquid tack to vertical edges.
5. Place and compact 2" of #301 base asphalt.

PRICE: \$29,159.00

TOTAL AREA INCLUDING DRIVE AND PARKING AREA BASED ON APPROX. 4,180 SQ. YD.:

1. Mill existing asphalt where necessary to provide level transitions.
2. Clean and sweep area.
3. Apply liquid tack to entire area.
4. Place 1 1/2" compacted #448 Type 1 surface asphalt.
5. Stripe parking areas as existing.
6. Remove and re-set (35) existing parking blocks.

PRICE: \$30,717.00

NOTE: NO permits, testing, #408 prime, traffic control, or signs included IF required.

NON PREVAILING WAGE RATES

TAX NOT INCLUDED

1 MOVE IN 2021 ONLY

NOTES

CONFIRMATION NEEDED WITHIN 15 DAYS TO LOCK IN PRICES.

With the greatly fluctuating cost of asphalt, aggregate, and fuel prices, 2022 and beyond prices cannot be guaranteed at this time. Wagner Paving reserves the right to adjust price fluctuations positive or negative in regards to 2022 and beyond pricing as necessary.

Any reduction in units, quantities, or increases in mobilizations may result in an increase in cost.

All grade to be sound and within tolerance. 1 move in, all others **\$850.00** each. All traffic control by others. Any overage due to poor grade done by others will be paid for by owner.

IF THIS IS ACCEPTED AS A CONTRACT, PLEASE SIGN AND RETURN. Project will not be started until a signed contract is received by Wagner Paving, Inc. Upon acceptance, please also forward a Notice of Commencement and any applicable tax exempt forms. Net due 30 days from date of invoice. There will be a 1 1/2% (18% apr) service charge applied to all past due accounts.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance. We are an EEO employer.

Acceptance of Proposal -- The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

mb

Date of Acceptance: _____

Authorized
Signature _____


STEVE OVERHOLSER

Note: This proposal may be withdrawn by us if not accepted within 15 days.

Signature _____

Signature _____



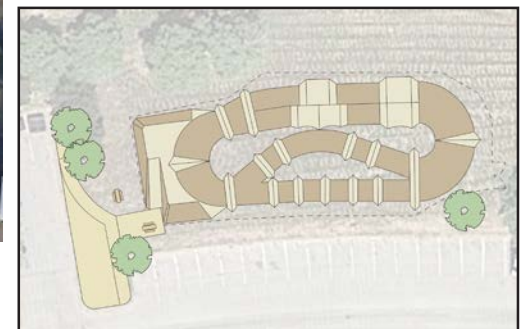
SKILLS LOOP



VELOSOLUTIONS PUMPTRACK



SKATEPARK



ARMORED BMX TRACK

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2021-R-

AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS FOR THE MONITA FIELD SKATE PARK AND BMX TRACK PROJECT.

WHEREAS, City Council has previously passed Resolution No. 2020-R-6932 approving the addition of a new amenity to the City's parks and recreation facilities for construction of a new multi-use skate park and BMX track at Monita Field Park; and

WHEREAS, City Council under Resolution No. 2021-R-6998 has previously authorized the securing of bids for construction and installation of a multi-use skate park and BMX track to be located within Monita Field Park; and

WHEREAS, bids were properly received on June 3, 2021.

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

Section 1. The City Manager is hereby authorized to enter into a contract for scope number three of the Monita Field Park Skate Park and BMX Track Project for the grinding and repaving of asphalt with Wagner Paving as the lowest and best bidder at a cost not to exceed \$35,400.00 on the terms and conditions as substantially set forth in the specifications of the contract.

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 in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2021;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-7792

New Business **J.**
City Manager

City Council Meeting

Meeting Date: 08/23/2021

Monita Field Park - Bicycle Amenities - Award Contracts

Submitted By: Scott Falkowski

Department: City Manager

Council Committee Review?: Council **Date(s) of Committee Review:** 08/17/2021
Work
Session

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

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

Agenda Item Description or Legislation Title

A Resolution Authorizing The City Manager To Enter Into Contracts For The Monita Field Bicycle Amenities Project.
(first reading)

Purpose and Background

The Parks and Recreation Manager is recommending the placement of the Bicycle Pump Track and Skills Loop at Monita Field to go along with the already approved Skate Park and Armored Gravel BMX Track. The baseball diamonds at the park will remain for continued use.

Fiscal Impact

Source of Funds: Parks and Recreation Fund

Cost: \$580,000

Recurring Cost? (Yes/No): No

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

Financial Implications:

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2021-R-

AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS FOR THE MONITA FIELD BICYCLE AMENITIES PROJECT.

WHEREAS, City Council has previously passed Resolution No. 2020-R-6932 approving the addition of a new amenity to the City's Parks and Recreation Facilities for construction of a new multi-use skate park and BMX track at Monita Field Park; and

WHEREAS, City Council under Resolution No. 2021-R-6998 has previously authorized the securing of bids for construction and installation of a multi-use skate park and BMX track to be located within Monita Field Park and Dial Park; and

WHEREAS, City Council has determined that the asphalt pump track and bicycle skills trail are to be moved to Monita Field Park; and

WHEREAS, bids were properly received on June 3, 2021.

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

Section 1. The City Manager is hereby authorized to enter into a contract for the Monita Field Asphalt Pump Track and Bicycle Skill Trails with American Ramp Company as the lowest and best bidder at a cost not to exceed \$580,000.00 on the terms and conditions as substantially set forth in the specifications of the contract.

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 in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2021;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-7783

New Business K.
City Manager

City Council Meeting

Meeting Date: 08/23/2021

2022 Sidewalk Program - Resolution of Necessity

Submitted By: Hanane Eisentraut

Department: Engineering **Division:** Engineering

Council Committee Review?: Council **Date(s) of Committee Review:** 08/17/2021
Work
Session

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

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

Agenda Item Description or Legislation Title

A Resolution Declaring The Necessity Of Repairing Sidewalks, Curbs, Gutters, Driveway Approaches And Appurtenances Thereto On Portions Or All Of Certain Streets In The 2022 Sidewalk Program, Providing That Abutting Owners Repair The Same.
(first reading)

Purpose and Background

The Engineering Division has identified properties requiring work within the 2022 Sidewalk Program area. Additionally, each property has been measured and an estimate of the repair costs has been completed. The first step in the assessment process will be to notify the property owners of the need to repair their sidewalks and/or aprons. Property owners will have until December 31, 2021 if they wish to hire their own contractor or perform the work themselves.

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

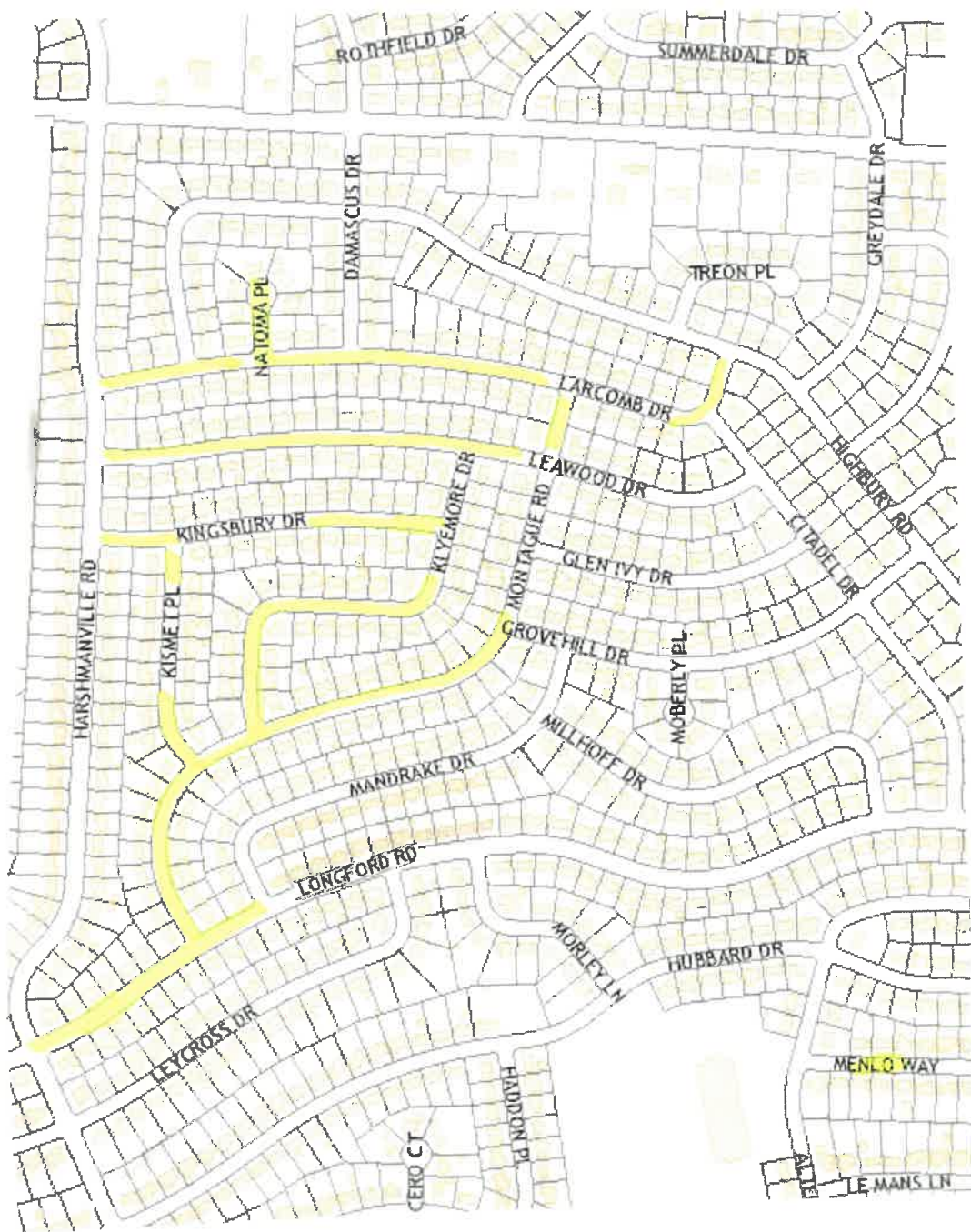
Financial Implications:

Attachments

Project Location Map - 2022 Sidewalk Program

Resolution

Exhibit A



Project Location Map
2022 SIDEWALK PROGRAM
Huber Heights, Ohio

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2021-R-

DECLARING THE NECESSITY OF REPAIRING SIDEWALKS, CURBS, GUTTERS, DRIVEWAY APPROACHES AND APPURTENANCES THERETO ON PORTIONS OR ALL OF CERTAIN STREETS IN THE 2022 SIDEWALK PROGRAM, PROVIDING THAT ABUTTING OWNERS REPAIR THE SAME.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio, two-thirds of the members concurring, that:

Section 1. It is necessary to repair sidewalks, curbs, gutters, driveway approaches, and appurtenances thereto on those streets listed in Exhibit A attached to and made a part of this Resolution. All such repairs shall be made in accordance with the plans, specifications and estimates of cost prepared by the Assistant City Engineer and now on file in the Office of the City Engineer.

Section 2. The owners of the lots and lands bounding and abutting upon the streets, sidewalks, curbs, gutters, and driveway approaches, and appurtenances thereto described in Section 1 of this Resolution shall repair sidewalks, curbs, gutters and driveway approaches and the appurtenances thereto in front of their premises in accordance with the plans and specifications now on file with such repair work to be completed by December 31, 2021. If such repair by any such property owner is not completed within said period, this Council shall have the same done and the entire cost thereof shall be assessed upon the property of each such defaulting owner and made a lien thereon, to be collected in the manner provided by law and with penalty and interest as provided by law. The cost of such repair and 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. Such costs shall further include the costs incurred in connection with the preparation, levy, and collection of the special assessments, expenses of legal services, including obtaining and approving legal opinion, costs of labor and materials, and interest on any bonds and notes that could be sold at the time to finance the improvements plus administration and collection costs, together with all other necessary expenditures.

Section 3. The Clerk of Council is directed to cause written notice of the adoption of this Resolution to be served as required by law.

Section 4. The plans, specifications and estimates of cost for such repair work, as referred to above in this Resolution and as heretofore filed with the Office of the City Engineer, are hereby approved.

Section 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption 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 in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 6. This Resolution shall go into effect upon its passage as provided by law and the Charter of The City of Huber Heights.

Passed by Council on the _____ day of _____ 2021;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

EXHIBIT A
2022 SIDEWALK PROGRAM
STREET LISTING

Kingsbury Drive:	from 6215 Kingsbury to 6361Kingsbury
Kismet Place:	from 7110 Kismet to 7161 Kismet
Klyemore Drive:	from 7007 Klyemore to 7290 Klyemore
Larcomb Drive:	from 6218 Larcomb to 6543 Larcomb
Leawood Drive:	from 6307 Leawood to 6214 Leawood
Longford Drive:	from 6108 Longford to 6208 Longford
Menlo Way:	6508 Menlo Way
Montague Road:	from 7000 Montague to 7325 Montague
Natoma Place:	from 7351 Natoma to 7363 Natoma

AI-7782

New Business **L.**
City Manager

City Council Meeting

Meeting Date: 08/23/2021

Increase Not to Exceed Amount - Crown Lift Trucks - Public Works Division

Submitted By: Linda Garrett

Department: Public Works **Division:** Public Works

Council Committee Review?: Council **Date(s) of Committee Review:** 08/17/2021
Work
Session

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

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

Agenda Item Description or Legislation Title

A Resolution Amending Resolution No. 2021-R-6974 To Authorize An Increase In The Not To Exceed Amount For Crown Lift Trucks To Purchase One (1) Forklift Truck And Waiving The Competitive Bidding Requirements.
(first reading)

Purpose and Background

The Public Works Division is requesting authorization for an amendment to Resolution No. 2021-R-6974 to increase the not to exceed amount to \$29,600 for Crown Lift Trucks for the purchase of a forklift truck and appurtenant equipment.

Fiscal Impact

Source of Funds: 226.401.5740

Cost: \$29,600

Recurring Cost? (Yes/No): No

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

Financial Implications:

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2021-R-

AMENDING RESOLUTION NO. 2021-R-6974 TO AUTHORIZE AN INCREASE IN THE NOT TO EXCEED AMOUNT FOR CROWN LIFT TRUCKS TO PURCHASE ONE (1) FORKLIFT TRUCK AND WAIVING THE COMPETITIVE BIDDING REQUIREMENTS.

WHEREAS, Resolution No. 2021-R-6974 passed by Council on February 22, 2021 previously authorized the purchase of one (1) Forklift Truck for the Public Works Division in an amount not to exceed \$29,000.00; and

WHEREAS, the purchase of one (1) Forklift Truck has been determined to be in excess of \$25,000.00; and

WHEREAS, there have been changes to the required product delivery amount for one (1) Forklift Truck for the Public Works Division and the previously authorized not to exceed amount of \$29,000.00 for Crown Lift Trucks needs to be increased to \$29,600.00.

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

Section 1. Resolution No. 2021-R-6974 passed by Council on February 22, 2021 is hereby amended to increase the previously authorized not to exceed amount of \$29,000.00 by \$600.00 to a new total not to exceed amount of \$29,600.00 for Crown Lift Trucks for the purchase of one (1) Forklift Truck for the Public Works Division.

Section 2. The City Manager is hereby authorized to enter a contract for the purchase of (1) Forklift Truck thereto for the Public Works Division with Crown Lift Trucks, 750 Center Drive, Vandalia, Ohio 45377 in an amount not to exceed \$29,600.00.

Section 3. In accordance with Section 171.12(b) of the City's Ordinances, Council hereby waives the requirements to formally bid the purchase of (1) Forklift Truck.

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 in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2021;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date