



**CITY OF HUBER HEIGHTS  
STATE OF OHIO  
City Council Meeting  
Regular Session  
September 27, 2021  
7:00 P.M.**

**City Hall - Council Chambers - 6131 Taylorsville Road**

1. **Call The Meeting To Order - Mayor Jeff Gore**
2. **Invocation - Father Kyle Schnippel Of Saint Peter Church At 6161 Chambersburg Road, Huber Heights, Ohio**
3. **Pledge Of Allegiance**
4. **Roll Call**
5. **Approval Of Minutes**
  - A. City Council Meeting Minutes - September 13, 2021
6. **Special Presentations/Announcements**
  - A. William Karl Mayoral Proclamation Presentation - Mayor Jeff Gore
  - B. Dayton Mediation Center Homelessness Prevention Program Presentation - Mr. Aaron Primm, Mediation Specialist II, Dayton Mediation Center
7. **Citizens Comments**
8. **Citizens Registered to Speak on Agenda Items**
9. **City Manager Report**

10. **Pending Business**

- A. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$1,740,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Certain Real Property Which Will Be Used As A Site For City Administrative Offices, And Providing For General Site Preparation Thereof And Improvements Thereto, Together With All Necessary Appurtenances Thereto, And Declaring An Emergency.  
(second reading)
- B. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$1,803,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Certain Real Property Which Will Be Used As A Site For One Or More Governmental Facilities, And Providing For General Site Preparation Thereof And Improvements Thereto, Together With All Necessary Appurtenances Thereto, And Declaring An Emergency.  
(second reading)
- C. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$4,262,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Approximately 19.5 Acres Of Real Property Near The Intersection Of Brandt Pike And Fishburg Road And Providing For The Site Preparation Thereof, All In Support Of Economic Development And Job Creation Within The City, And Declaring An Emergency.  
(second reading)

11. **New Business**

**ADMINISTRATION**

**Scott Falkowski, Interim City Manager**

- A. A Resolution Authorizing The City Manager To Execute Various Sub-Lease Agreements With Enterprise Fleet Management For The Lease Of Vehicles.  
(first reading)
- B. 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)
- C. A Resolution Accepting The Amounts And Rates As Determined By The Budget Commission Of Montgomery County, Ohio, Authorizing The Necessary Tax Levies And Certifying Them To The Montgomery County Auditor.  
(first reading)
- D. A Resolution Accepting The Amounts And Rates As Determined By The Budget Commission Of Miami County, Ohio, Authorizing The Necessary Tax Levies And Certifying Them To The Miami County Auditor.  
(first reading)

- E. A Resolution Amending Resolution 2021-R-7041, Authorizing The City Manager To Enter Into A Contract For Baseball Field Renovation At Thomas A. Cloud Park And Monita Field And Waiving The Formal Bidding Requirements.  
(first reading)
- F. A Resolution Authorizing The City Manager To Enter Into An Agreement With Intrado To Purchase Power 911 System For Use By The Public Safety Communications Center And Waiving The Competitive Bidding Requirement.  
(first reading)
- G. A Resolution Authorizing The City Manager To Submit An Application For Federal Fast Act Funds Through The Miami Valley Regional Planning Commission (MVRPC) For The Chambersburg Road West Widening Improvement.  
(first reading)

12. **City Official Reports and Comments**

13. **Executive Session**

14. **Adjournment**

AI-7846

Minutes A.

**City Council Meeting**

**Meeting Date:** 09/27/2021

Approval of Minutes - 9/13/21

**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.:**

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**Agenda Item Description or Legislation Title**

City Council Meeting Minutes - September 13, 2021

**Purpose and Background**

Approval of the minutes from the September 13, 2021 City Council Meeting.

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**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

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

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

**Financial Implications:**

There are no financial implications to this agenda item.

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**Attachments**

Minutes

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## Huber Heights City Council

In Council Chambers  
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1. The Huber Heights City Council met in a Regular Session on September 13, 2021. Mayor Jeff Gore called the meeting to order at 7:00 p.m.
2. The Invocation was given by Pastor Bob Foote Of The Grace Community Church Of Huber Heights At 5001 Fishburg Road, 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 – August 23, 2021

### 6. Special Presentations/Announcements

There were no Special Presentations or Announcements this evening.

### 7. Citizens Comments

Kyle Austin said there is an issue with the City Code regarding disturbing the peace in Section 509.08(b)(10) involving the construction site on the east end of the Windbrooke neighborhood connected to Carriage Trails. He said according to the ordinance, contractors are allowed to operate between the hours of 7 a.m. and 10 p.m. Monday through Friday. He said the City Engineer has given them a pass to work on Saturdays although the ordinance states the City Engineer can issue a waiver for a period of not more than three days during an emergency for public health and safety concerns, but this waiver has been going on for two years. He said residents cannot have friends and family over outside when tractors and dump trucks are running until 10:00 p.m. and trucks are showing up at 6:00 a.m. to begin work at 7:00 a.m. He said the City Engineer restricted the contractor to not beginning work on Saturdays until 9:00 a.m., but the contractors start at 6:30 a.m. or 7:00 a.m. anyway. He said he was told to call the police on weekends, but the police officers say they cannot do anything because the contractors have a permit. He said according to Anthony Rodgers, Russ Bergman has submitted a proposal to the Ordinance Review Commission to make Saturday a regular working day under this ordinance. He discussed the difficulty with living and working at home due to the traffic and noise. He asked for Council to reconsider Russ Bergman's proposal and to limit the hours contractors can work in residential areas.

Mr. Falkowski said this proposal is first going through the Ordinance Review Commission for more discussion and then to City Staff as well.

Mayor Gore said this is a quality-of-life issue and he would not want to be in that situation. He asked Mr. Falkowski to look into this issue and to find some reprieve for the residents of that community.

Mr. Webb said Mr. Austin has been in contact with him for a year now, and he has been forwarding those messages to the Interim City Manager. He told Scott Falkowski this matter must be escalated quickly and taken care of now as there have been a series of emails and the responses the City has given to Mr. Austin are not working.

Brandon Dodge said he and other representatives of Huber Heights Girls' Softball Association (GSA) want to bring back youth baseball to the City of Huber Heights at Monita Field Park and Thomas Cloud Park and everything from Huber Heights Little League has been handed over to their organization. He said they have volunteers and are looking for more. He said they are looking forward to working with the Parks and Recreation Board and Council.

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Mayor Gore said the reason GSA has been so successful over the years is because of the volunteers. He said he looks forward to seeing what the organization can do.

Mr. Lyons asked how the condition of the fields are in preparation for next year.

Mr. Dodge said Fields 7, 8, 9 and 10 at Thomas Cloud Park were renovated three years ago, but there are two temporary backstops that are leaning and Council is aware of the condition of the fields at Monita Field Park.

Mr. Lyons asked for a list of what needs to be done and the long-term items for planning to send to Mr. Falkowski.

Mayor Gore said there is an item on the agenda tonight and asked if that legislation can be amended to take care of the other fields.

Mr. Falkowski said it could, but he would also like to talk more about what additional work beyond the fields is needed. He said City Staff would not have all the information tonight.

Mr. Lyons discussed how this matter could be added to the agenda and asked Mr. Dodge to get this information to Mr. Falkowski.

Mr. Otto thanked everyone for stepping up to take care of Little League. He said he is on board for doing all the City can to improve the fields.

Mrs. Byrge asked if Council could go forward with the legislation tonight and amend it to add things later on.

Mr. Falkowski explained the agenda item tonight is for redoing the two fields at Monita Field Park and the largest field at Thomas Cloud Park. He said Council can move forward with that issue tonight to get in on the books and then come back at the next Council Work Session with another package or Council can amend the legislation tonight to increase costs for the fields at Thomas Cloud Park then come back with additional items.

Mr. Shaw said he is glad to see that youth sports in the community is moving in the right way. He said prior to Mr. Dodge's comments, it was his intention to motion to amend Item 11-Q with a not to exceed amount of \$80,000 to include all four additional fields and waiving the competitive bidding requirements.

Mr. Campbell said he will be seconding Richard Shaw's motion and asked Mr. Falkowski if the motion could be amended to add a new not to exceed amount and asked if the \$80,000 would be enough.

Mr. Falkowski said he does not have an actual quote, but it would be up around a \$90,000 not to exceed number if all the same work needed to be done on the fields.

### **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 expressed his thanks to all of those who helped to plan and execute the Marigold Festival including the 9/11 Tribute and the Movie Night this past weekend. He thanks City Staff including the Public Works Division, Geri Hoskins, the Parks and Recreation Board, and the Arts and Beautification Commission; and he thanked the vendors and attendees. He said the City's Water Department is back open to the public. He said the testing of the wells at the Rip Rap Road Water Plant will require that Rip Rap Road be closed, and a press release will be going out to that effect. He said the testing is scheduled to start next Monday and will run four to five days. He said the gated area where Taylorsville Road makes the bend is where Rip Rap Road is being closed.

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### 10. Pending Business

- A. City Council Meeting Minutes – August 23, 2021A 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.  
(second reading)

Clerk of Council Anthony Rodgers said this item is to amend sections of the City Code due to changes in the Ohio Revised Code. He said this item is at the second reading and he asked for Council's approval to adopt this ordinance this evening.

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

Mr. Shaw moved to adopt; Mr. Campbell 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.

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

Mr. Rodgers said there has been a posted amendment for this item to amend the legislation with another piece of legislation in its place and it has been properly noticed. He read the amended legislation by title: A Resolution Authorizing The City Manager To Waive The Competitive Bidding Requirements And Award A Contract To Wagner Paving For Parking Lot Repair And Expansion At Monita Field Park.

Interim City Manager Scott Falkowski said this request is to amend the existing proposed legislation with the amended legislation which includes a not to exceed amount of \$65,000. He said City Staff confirmed with the contractor this work will be at prevailing wage rates.

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

Mr. Campbell moved to adopt; Mrs. Byrge 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.

### 11. New Business

#### CITY COUNCIL

Anthony Rodgers, Clerk of Council

- A. 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 #58111440425 For Meijer Gas At 7266 Executive Boulevard, Huber Heights, Ohio 45424.

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Clerk of Council Anthony Rodgers said this item is a new liquor permit and the recommendation was to approve the motion tonight based on feedback from the Police Division and the Fire Division with no objections.

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. 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.

- B. A Motion To Direct The Clerk Of Council To Respond To The Ohio Division Of Liquor Control With No Objections In Reference To The Transfer Of Liquor Permit #3097970 For Marathon At 7851 Old Troy Pike, Huber Heights, Ohio 45424.

Mr. Rodgers said this item is a transfer of the liquor permit at the same location.

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

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

### ADMINISTRATION

#### Scott Falkowski, Interim City Manager

- C. A Resolution Approving The Execution Of That Certain First Amendment To Redwood Development Agreement Between The City Of Huber Heights, Ohio ("City"), DEC Land Co. LLC ("DEC"), And Redwood USA LLC ("Redwood") (The "Parties"); And Giving Certain Discretionary Control To The City Relative To The Extension Of CRA Rights To Certain Property Of The Parties.

(first reading)

Mr. Falkowski said this amendment follows the same pattern as the original agreement for the amount of the CRA with the PILOT payment that comes back to the City. He said this item is an amendment to allow for the extension of the Redwood Apartments for 34 new units that would go next through the Planning Commission process for approval.

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

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

- D. A Resolution Adopting A Statement Indicating The Services The City Of Huber Heights, Ohio Will Provide To The Territory Proposed To Be Annexed To The City Of Huber Heights Pursuant To A Petition Filed With The Board Of Commissioners Of Miami County By Land Owners (As Defined Below), As Provided By Ohio Revised Code Section 709.023.

(first reading)

Mr. Falkowski said this item is to allow for the services statement. He said it states the City is able to provide services for the 233 acres that are proposed to be annexed to the City. He said this item is not to approve the annexation.

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



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

Mr. Otto said he will not give any support for this item until Council is able to bring the thoughts of the residents of Bethel Township, the Bethel Township Trustees, and the Bethel School Board to this discussion. He said until then, he cannot support this item.

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

- E. A Resolution Ratifying The Acceptance Of The Material Terms Of The OneOhio Subdivision Settlement Pursuant To The OneOhio Memorandum Of Understanding And Consistent With The Terms Of The July 21, 2021 National Opioid Settlement Agreement.  
(first reading)

Mr. Falkowski said this resolution is for the acceptance of a potential settlement as a result of the opioid crisis. He said the City would receive between \$172,000 and \$246,000 for the Montgomery County portion and between \$4,000 and \$6,000 for the Miami County portion if the settlement goes through.

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

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

- F. A Resolution Authorizing The City Manager To Execute A Purchase Agreement With TJL-CES, LLC.  
(first reading)

Mr. Falkowski said this item is for the sale of property located on Brandt Pike at the northwest corner of the Meijer Access Drive and is a one acre parcel the City owns. He said this item approves the agreement to sell that parcel for \$150,000 per acre.

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

Mr. Campbell moved to adopt; Ms. Baker 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.

- G. A Resolution Amending Community Reinvestment Area #6 By Including Additional Properties Within Community Reinvestment Area #6.  
(first reading)

Mr. Falkowski said this legislation is for extending CRA #6 which goes to the Broadreach Development and includes other areas for future development that would extend CRA #6 so it is all consistent.

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

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

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- H. A Resolution To Modify Community Reinvestment Area #7 By Removing Certain Properties From Community Reinvestment Area #7.  
(first reading)

Mr. Falkowski said this item relates to the last item and removes certain properties from CRA #7. He said this modification also removes the original Marian Meadows property from CRA #7 and then future legislation will set up a new CRA district with the Marian Meadows property at a future date.

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

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

Mr. Webb asked Mr. Falkowski to thank Mr. Chodkowski for his presentation on these two issues. He said he made it very clear and it was easy to understand.

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.

- I. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$1,740,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Certain Real Property Which Will Be Used As A Site For City Administrative Offices, And Providing For General Site Preparation Thereof And Improvements Thereto, Together With All Necessary Appurtenances Thereto, And Declaring An Emergency.  
(first reading)

Mr. Falkowski said this item is for the issuance of notes, and it is requested it get passed to a second reading.

Mayor Gore said the Council Work Session recommendation was to pass this item to a second reading.

Mr. Otto said a resident reached out to him and there is some misunderstanding. He asked if these note issuances are refunding issues.

Mr. Falkowski said these are issuances are not new monies and these are for things the City has already borrowed on and these one-year notes push it to the next year looking for the best rates for going long-term.

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

- J. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$1,803,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Certain Real Property Which Will Be Used As A Site For One Or More Governmental Facilities, And Providing For General Site Preparation Thereof And Improvements Thereto, Together With All Necessary Appurtenances Thereto, And Declaring An Emergency.  
(first reading)

Mr. Falkowski said this item is same as last one and the next item coming up. He said these notes are split into three different items due to the the type of purchase and what the property would be used which leads to different ways of bonding out.

Mayor Gore said the Council Work Session recommendation was to pass this item to a second reading and he said this item will be passed to a second reading.

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- K. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$4,262,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Approximately 19.5 Acres Of Real Property Near The Intersection Of Brandt Pike And Fishburg Road And Providing For The Site Preparation Thereof, All In Support Of Economic Development And Job Creation Within The City, And Declaring An Emergency.  
(first reading)

Mayor Gore said the Council Work Session recommendation was to pass this item to a second reading and he said this item will be passed to a second reading.

- L. 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)

Mr. Falkowski said a couple meetings ago, a set of assessments came through and there is a specific deadline with Montgomery County to get those assessments through. He said there are additional assessments that have been brought to the Finance Department's attention, and those are attached here.

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

Mrs. Byrge moved to waive the second reading; Ms. Baker seconded the motion. 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.

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

- M. A Resolution Authorizing The City Manager To Enter Into A Contract Modification With The Kleingers Group For The Chambersburg Road Widening Improvements – Phase IV Project.  
(first reading)

Mr. Falkowski said this item authorizes an increase to the cost of the design of the project due to comments by Ohio Department of Transportation (ODOT) and additional work that ODOT is requiring to allow for the City to get the grant funding. He said the request is to increase the contract by a not to exceed amount of \$100,000.

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

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

- N. A Resolution Amending Resolution No. 2021-R-6980 To Increase The Not To Exceed Amount For A Portion Of The 2021 Sidewalk Program And The Concrete Portion Of The 2021 Street Program.  
(first reading)

Mr. Falkowski said this item is to install ADA ramps for projects coming up in the next year along the state routes. He said that is now a requirement for getting funding from ODOT to redo those roads. He said this item is to

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increase the contract with Multi-Task Construction to do the work at the same rates as earlier in the year.

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

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

- O. A Resolution Authorizing The City Manager To Enter Into A Contract For The Marian Meadows Demolition – Phase II Project.  
(first reading)

Mr. Falkowski said this item is for the demolition of the old furniture store portion plus the parking lot to remove some of the pavement. He said this project is part of a Community Development Block Grant (CDBG) and the request is to authorize a not to exceed amount of \$97,000. He said the Code Enforcement Department did go out to the site and put notifications on all of the vehicles letting people know this project is coming up and that the truck drivers will have to find other arrangements for parking.

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

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

Mrs. Byrge asked if there will be signage about the parking changes because people come and go.

Mr. Webb asked if Mr. Falkowski intends to block off the parking lot from Brandt Pike.

Mr. Falkowski said there will be signage. He said the northern entrance will be blocked off. He said the two southern entrances will be available for use.

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

- P. A Resolution To Increase The Not To Exceed Maintenance Contract Amount And Authorize The City Manager To Enter Into A Contract Modification With Suez Water Environmental Services, Inc.  
(first reading)

Mr. Falkowski said this item is a request for an increase to the Suez Water contract for the maintenance cap which includes things like the water main breaks. He said the City is at 92 percent of the total approved maintenance cap, so the request is to increase the cap to get through the rest of the year.

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

Mr. Otto moved to adopt; Mr. Webb 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.

- Q. A Resolution Authorizing The City Manager To Enter Into A Contract For Baseball Field Renovation At Thomas Cloud Park And Monita Field Park And Waiving The Competitive Bidding Requirements.  
(first reading)

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Mr. Falkowski said this item was discussed during the Citizen Comments this evening. He said this item is to perform renovation work on two fields at Monita Field Park and the large baseball diamond at Thomas Cloud Park. He said Council would like to add the four additional Little League baseball fields now also at Thomas Cloud Park. He recommended Council amend this legislation to change it to a \$90,000 not to exceed amount.

Anthony Rodgers said what Scott Falkowski is referring to would be in Section 1 of the legislation to change the not to exceed amount from \$45,000 to \$90,000. He suggested also changing the first Whereas statement where it currently states the three fields that were going to be renovated to include the additional Fields 7, 8, 9, and 10 at Thomas Cloud Park as part of the amendment as well.

Mr. Shaw moved to amend the resolution with the changes stated by Clerk of Council Anthony Rodgers; Ms. Baker seconded the motion.

Mayor Gore said, if the fields are being renovated and with the GSA saying it will take over and bring back a recreation league, he does not think the City needs the other lease with Pauer Sports now for these fields. He said it would be in the best interest of the youth here in the City rather than moving to lease these fields to an outside organization.

Mr. Shaw said in light of the new information, he will be reaching out to City Staff in the morning to engage Pauer Sports in other fields in the region that may be able to suit its needs.

Mayor Gore said he is extremely happy that Council is in support of these renovations. He said on the heels of having the City's Volunteer Dinner, he thinks this is a perfect example of what can be accomplished when motivated people get together and volunteer.

Mr. Webb said his personal feelings with regard to Pauer Sports or any type of contract with Pauer Sports in the immediate future for City-owned properties are that he would like to see that approval come back before Council as a discussion rather than just a blanket approval of some facility somewhere within the City. He said it is important, if the City is going to enter into a long-term or multi-year lease with any entity, it should be before Council as well.

Mayor Gore agreed with Mr. Webb.

Mrs. Byrge discussed with Brandon Dodge what fields GSA will be using and asked why Field 1 is not available.

Mr. Falkowski said there is a team from Bethel Local Schools that is looking to utilize Field 1. He said City Staff would like to have a discussion on if there is a way to share that field.

Mr. Dodge said GSA would like to have a long-term lease for the fields if it is going to be putting money back into the fields.

Mayor Gore said he is not sure why there is not a long-term lease.

Mr. Campbell said he is good to pass a motion tonight if Council can do that.

Mr. McDonald said he is not sure if this is a Council function or a function of the Director of Parks. He said Council has made it clear what it would like to do, and he will take a look at it and act accordingly. He said if it is something that requires Council action, it can be brought back.

Mayor Gore asked to add that item to the next Council Work Session agenda.

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6131 Taylorsville Road

September 13, 21

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

Mr. Hill moved to adopt; Mr. Otto 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.

### 12. City Official Reports and Comments

Mr. Otto said the City's boards and commissions did an amazing job on Saturday at the Marigold Festival all day long and it was a good time. He said additionally, the City's Volunteer Dinner night was a great job and a wonderful event. He thanked the members of Council for the movement on the sports fields.

Ms. Baker said it was a wonderful Volunteer Dinner for the volunteers and City Staff and everyone did a wonderful job with the Marigold Festival. She welcomed Father Kyle Schnippel.

Mr. Shaw echoed the comments on the Marigold Festival and said Half-Time USA brought a lot of good high school bands into the area this past weekend also. He asked Council to actively start promoting the upcoming Culture and Diversity Citizen Action Commission Forum on October 13, 2021. He said that commission puts a lot of time and effort into these forums. He thanked the Girls' Softball Association and said it is a pleasure working with it. He said hopefully when it comes to budget time, Council will consider improvements to the concession stand. He asked the Law Director for an update regarding the Sneaky D's hearing today.

Mr. McDonald said no decision was rendered at the hearing. He said even if the City is victorious on the renewal of the Sneaky D's license, it is a moot point because the ownership of the new group is not in any way shape or form related to the prior owners. He said Police Chief Mark Lightner said since the new ownership, there has been a drop in calls. He said there are some positive things going on. He said City Staff are hopeful the problem is resolved and sometimes going through the process resolves those problems. He said the City is in a pretty good position regardless of how it turns out.

Mr. Shaw said at the next Council Work Session he would like to get an update from the City Engineer regarding the Water Lines Lining Project. He said Council needs to provide some input in the budget discussions on how to take care of the City's infrastructure.

Mayor Gore said that item is on the agenda for the Council Work Session.

Mr. Shaw asked Council to consider a discussion regarding Ray's Drive-Thru and a traffic issue that has been brought up by multiple residents. He said there is a multitude of residents along Taylorsville Road that are very concerned about increased traffic in that area. He said Ray's Drive-Thru had a wishbone to prevent left turns into the facility where customers would have to enter through the access drive. He said that business has taken that concrete island out on its own without permission from the City and several residents have had near miss collisions. He said it is an issue that needs to be looked at with Big Sandy's and other businesses coming in.

Mayor Gore asked Mr. Falkowski if this matter can be discussed at the Council Work Session.

Mr. Shaw said at the last Council Work Session, Council had discussion about meeting with Bethel Township, the Bethel School Board, and Miami County regarding the possible annexation. He said it is time to engage in conversation on that matter.

Huber Heights City Council

In Council Chambers  
6131 Taylorsville Road

September 13, 21

Mr. Webb said the Parks and Recreation Department, Josh King, is a one man show and he thanked him for all he does.

**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 8:10 p.m.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

AI-7845

**Special Presentations/Announcements    A.**  
**City Council**

**City Council Meeting**

**Meeting Date:** 09/27/2021

William Karl 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.:**

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**Agenda Item Description or Legislation Title**

William Karl Mayoral Proclamation Presentation - Mayor Jeff Gore

**Purpose and Background**

Mayor Jeff Gore will present a mayoral proclamation to Mr. William Karl to acknowledge Mr. Karl's significant achievements.

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**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

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

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

**Financial Implications:**

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**Attachments**

Proclamation

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# City of Huber Heights

## Mayoral Proclamation

### SPECIAL RECOGNITION FOR SIGNIFICANT ACHIEVEMENT

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

**WHEREAS**, the Special Recognition for Significant Achievement is an award to individuals in the community who have brought great credit to themselves and honor to the community by an achievement of such magnitude as to warrant special recognition; and

**WHEREAS**, this honor is reserved for those instances where the City of Huber Heights is placed in high esteem as a result of the accomplishments of those selected to receive this award; and

**WHEREAS**, William Karl is 97 years old and has resided in Huber Heights since 1956 in one of the original houses built by Charles Huber; and

**WHEREAS**, William Karl is a World War II veteran who joined the U.S. Navy as soon as possible after the attack on Pearl Harbor and served on Tinian Island, the launching point for the atomic bomb attacks against Hiroshima and Nagasaki, Japan; and

**WHEREAS**, William Karl's Naval Unit was honored for its service and actions showing extraordinary heroism in action against an armed enemy of the United States with the Navy Presidential Unit Citation; and

**WHEREAS**, William Karl exemplifies the traditions of dedication to God, Family, and Country and possesses a sense of duty and commitment.

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

**Mr. William Karl**

**BE IT FURTHER RESOLVED**, that this recognition is sealed by presenting to this honored individual a City Coin 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-seventh day of September in the Year of Our Lord, Two Thousand and Twenty-One.

---

JEFF GORE  
MAYOR

AI-7844

**Special Presentations/Announcements    B.**  
**City Council**

**City Council Meeting**

**Meeting Date:** 09/27/2021

Dayton Mediation Center Homelessness Prevention Program 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.:**

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**Agenda Item Description or Legislation Title**

Dayton Mediation Center Homelessness Prevention Program Presentation - Mr. Aaron Primm, Mediation Specialist II, Dayton Mediation Center

**Purpose and Background**

Mr. Aaron Primm from the Dayton Mediation Center will give a presentation on the Homelessness Prevention Program to the City Council and the public.

The Homelessness Prevention Program offered by the Dayton Mediation Center was previously only offered to residents within the City of Dayton at no charge, but recently the program has been expanded with grant funding to include all of Montgomery County. The Dayton Mediation Center has received ESG-CV funds from the City of Dayton and Montgomery County to support homelessness prevention through landlord/tenant programming. The goal is to assist all those residing in Montgomery County in their efforts to maintain housing. This can be accomplished through mediation, conflict coaching, landlord/tenant education, and referrals to agencies that can offer additional support, such as rental assistance.

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**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

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

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

**Financial Implications:**

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**Attachments**

*No file(s) attached.*

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AI-7847

Pending Business    A.  
City Manager

**City Council Meeting**

**Meeting Date:** 09/27/2021

Issuance of Notes - Property Acquisition - City Administrative Offices - \$1,740,000

**Submitted By:** Jim Bell

**Department:** Finance

**Division:** Accounting

**Council Committee Review?:** Council Work  
Session

**Date(s) of Committee Review:** 09/07/2021

**Audio-Visual Needs:** None

**Emergency Legislation?:** Yes

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

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**Agenda Item Description or Legislation Title**

An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$1,740,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Certain Real Property Which Will Be Used As A Site For City Administrative Offices, And Providing For General Site Preparation Thereof And Improvements Thereto, Together With All Necessary Appurtenances Thereto, And Declaring An Emergency.  
(second reading)

**Purpose and Background**

The attached ordinance will allow the City to issue one-year notes in the amount of \$1,740,000 for the renewal of the notes issued in 2020 for the cost of the property acquisition which will be used as a site for City administrative offices. The estimated tax-exempt rate for this note is 0.50%. City Staff is requesting this ordinance be passed as emergency legislation, so the notes can be sold with two additional notes and the proceeds received prior to the maturity of the notes issued in 2020.

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**Fiscal Impact**

**Source of Funds:**

Notes

**Cost:**

\$1,740,000

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

No

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

**Financial Implications:**

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**Attachments**

Engagement Letter

Fiscal Officer Certificate

Ordinance

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Christopher J. Franzmann  
T +1 614 365 2737  
chris.franzmann@squirepb.com

August 20, 2021

**VIA E-MAIL**

Scott P. Falkowski  
Interim City Manager  
City of Huber Heights, Ohio  
6131 Taylorsville Road  
Huber Heights, Ohio 45424

**Re: City of Huber Heights, Ohio  
(Not to Exceed) \$3,543,000 Various Purpose Notes, Series 2021**

Dear Scott:

We are pleased that the City of Huber Heights, Ohio (the "*City*") has requested Squire Patton Boggs (US) LLP (the "*Firm*") to serve as the City's bond counsel in connection with the issuance of the referenced unvoted, general obligation bond anticipation notes (the "*Notes*").

The Firm's services will include those customarily provided by bond counsel in connection with issues such as the Notes, including the rendering of our legal opinion (the "*Bond Opinion*"), provided that the proceedings for the issuance of the Notes have been completed to our satisfaction. The Bond Opinion will address the legality, validity and binding effect of the Notes, the source of payment and security for the Notes, the excludability of interest on the Notes from gross income for federal income tax purposes, and certain other tax aspects of the Notes under federal law and under the laws of the State of Ohio. The Firm will address the Bond Opinion to the City and to the original purchaser and will deliver it on the date that the City delivers the Notes to the original purchaser in exchange for their purchase price. For those legal services, the Firm shall be paid just and reasonable compensation in an amount not expected to exceed \$12,750, and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services.

As the City's bond counsel, the Firm represents the City. The City is the Firm's client, and an attorney-client relationship will exist between the Firm and the City. We assume that all other parties to the transaction will retain such counsel as they deem necessary and appropriate to represent their interests in this transaction. We further assume that all other parties understand that, in this transaction, we represent only the City, that we are not counsel to any other party,

45 Offices in 20 Countries

Squire Patton Boggs (US) LLP is part of the international legal practice Squire Patton Boggs, which operates worldwide through a number of separate legal entities.

Please visit [squirepattonboggs.com](http://squirepattonboggs.com) for more information.

Scott P. Falkowski  
August 20, 2021  
Page 2

and that we are not acting as an intermediary among the parties. Our representation of the City will not, however, affect our responsibility to render an objective Bond Opinion.

The City's proposed issuance of the Notes will involve an original purchaser and perhaps other parties. The Firm conducts a national practice in the area of public finance that involves the representation of issuers, underwriters and other parties in the issuance of governmental debt obligations. In addition, the Firm conducts a national and international corporate law practice that includes the representation of financial institutions and other businesses in transactions, litigation and other matters. As a result of the extent and diversity of that practice, the Firm may currently represent or may have represented the original purchaser of the Notes or other parties involved in the issuance of the Notes in matters unrelated to the City or its issuance of the Notes. The Firm may also commence such representations during the time it is serving the City as bond counsel for the Notes. Considering the lack of relationship that such other matters have to the City or to its issuance of the Notes, the Firm does not expect any such other representations to conflict with its fulfillment of its professional obligations to the City as bond counsel for the Notes. We request that the City, by signing and returning a copy of this letter, acknowledge and consent to the Firm's serving the City as bond counsel for the issuance of the Notes though the Firm serves, may have served or may serve other parties to that issuance in other, unrelated matters.

The Firm appreciates the opportunity to represent the City in this transaction. Please signify that the City desires for the Firm to proceed with this engagement as described in this letter by signing a copy of this letter and returning it to us. Please retain the original for the City's files.

Very truly yours,

*Christopher J. Franzmann*

Christopher J. Franzmann

CJF/pf

**Engagement Letter Accepted:**

**CITY OF HUBER HEIGHTS, OHIO**

By: 

Printed: Scott P. Falkowski

Title: Interim City Manager

Dated: 8/24/21

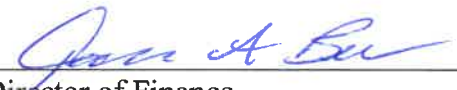
**SUPPLEMENTAL  
FISCAL OFFICER'S CERTIFICATE**

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

As fiscal officer of the City of Huber Heights, Ohio, and supplementing the fiscal officer's certificate of October 20, 2020, I certify in connection with your proposed issuance of notes in the maximum principal amount of \$1,740,000 (the "*Notes*"), to be issued in anticipation of the issuance of bonds (the "*Bonds*") for the purpose of paying the costs of acquiring certain real property which will be used as a site for City administrative offices, and providing for general site preparation thereof and improvements thereto, together with all necessary appurtenances thereto (the "*Improvement*"), that:

1. The estimated life or period of usefulness of the Improvement is at least five (5) years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is thirty (30) years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is November 18, 2040.

Dated: Sept. 1, 2021

  
\_\_\_\_\_  
Director of Finance  
City of Huber Heights, Ohio

CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2021-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$1,740,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF ACQUIRING CERTAIN REAL PROPERTY WHICH WILL BE USED AS A SITE FOR CITY ADMINISTRATIVE OFFICES, AND PROVIDING FOR GENERAL SITE PREPARATION THEREOF AND IMPROVEMENTS THERETO, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2020-O-2448 passed October 26, 2020, notes in anticipation of bonds in the principal amount of \$1,740,000, dated November 18, 2020 (the “*Outstanding Notes*”), were issued for the purpose stated in Section 1, to mature on November 17, 2021; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City; and

WHEREAS, this City Council has requested that the Director of Finance, as fiscal officer of this City, certify the estimated life or period of usefulness of the Improvement described in Section 1, the estimated maximum maturity of the Bonds described in Section 1 and the maximum maturity of the Notes described in Section 3 to be issued in anticipation of the Bonds; and

WHEREAS, the Director of Finance has certified to this City Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is thirty (30) years, and that the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is November 18, 2040.

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

Section 1. It is necessary to issue bonds of this City in the maximum principal amount of \$1,740,000 (the “*Bonds*”) for the purpose of paying the costs of acquiring certain real property which will be used as a site for City administrative offices, and providing for general site preparation thereof and improvements thereto, together with all necessary appurtenances thereto (the “*Improvement*”).

Section 2. The Bonds shall be dated approximately November 1, 2022, shall bear interest at the now estimated rate of 5.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment on the Bonds is estimated to be December 1, 2023.

Section 3. It is necessary to issue and this Council determines that notes in the maximum principal amount of \$1,740,000 (the “*Notes*”) shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the “*Certificate of Award*”) as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 5.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award in accordance with Section 6 of this Ordinance.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose or at the office of the Director of Finance if agreed to by the Director of Finance and the original purchaser (the "*Paying Agent*").

The City Manager and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Note Registrar Agreement between the City and the Paying Agent, in substantially the form as is now on file with the Clerk of Council. The Note Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are 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 Note Registrar Agreement or amendments thereto. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement, except to the extent paid or reimbursed by the original purchaser in accordance with the Certificate of Award, from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

Section 5. The Notes shall be signed by the City Manager and Director of Finance, in the name of the City and in their official capacities; *provided* that one of those signatures may be a facsimile. The Notes shall be issued in minimum denominations of \$100,000 (and may be issued in denominations in such amounts in excess thereof as requested by the original purchaser and approved by the Director of Finance) and with numbers as requested by the original purchaser and approved by the Director of Finance. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Ohio Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

"*Book entry form*" or "*book entry system*" means a form or system under which (a) the ownership of beneficial interests in the Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (b) a single physical Note certificate in fully registered form is issued by the City and payable only to a Depository or its nominee as registered owner, with the certificate deposited with and "immobilized" in the custody of the Depository or its designated agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"*Depository*" means any securities depository that is a clearing agency registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of and interest on the Notes, and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"*Participant*" means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (a) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (c) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the



Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (d) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. The Notes shall be sold at not less than par plus accrued interest (if any) at private sale by the Director of Finance in accordance with law and the provisions of this Ordinance, the Certificate of Award and the Note Purchase Agreement. The Director of Finance shall sign the Certificate of Award referred to in Section 3 fixing the interest rate or rates which the Notes shall bear and evidencing that sale to the original purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price.

The Note Purchase Agreement between the City and the original purchaser and now on file with the Clerk of Council is approved, and the City Manager and the Director of Finance are authorized to sign and deliver, on behalf of the City, the Note Purchase Agreement with such changes that are not inconsistent with the provisions of this Ordinance, are not materially adverse to the interests of the City and are approved by the City Manager and the Director of Finance. Any such changes to the Note Purchase Agreement are not materially adverse to the interests of the City and are approved by the City Manager and the Director of Finance shall be evidenced conclusively by the signing of the Note Purchase Agreement by the City Manager and the Director of Finance.

The City Manager, the Director of Finance, the City Attorney, the Clerk of Council and other City officials, as appropriate, and any person serving in an interim or acting capacity for any such official, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The actions of the City Manager, the Director of Finance, the City Attorney, the Clerk of Council or other City official, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Notes are hereby ratified and confirmed. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Ohio Revised Code.

Section 7. The proceeds from the sale of the Notes received by the City (or withheld by the original purchaser or deposited with the Paying Agent, in each case on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. The Certificate of Award and the Note Purchase Agreement may authorize the original purchaser to (a) withhold certain proceeds from the sale of the Notes or (b) remit certain proceeds from the sale of the Notes to the Paying Agent, in each case to provide for the payment of certain financing costs on behalf of the City. If proceeds are remitted to the Paying Agent in accordance with this Section 7, the Paying Agent shall be authorized to create a fund in accordance with the Note Registrar Agreement for that purpose. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Notes or the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the preceding paragraph in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Notes or the Bonds.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes 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 bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (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 such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes 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 Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, 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 with respect to the Notes, 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 Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the

proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Each covenant made in this Section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure the exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Notes.

Section 11. The Clerk of Council is directed to promptly deliver a certified copy of this Ordinance to the County Auditors of Miami and Montgomery Counties, Ohio.

Section 12. The Director of Finance is authorized to request a rating for the Notes from Moody’s Investors Service, Inc. or S&P Global Ratings, or both, as the Director of Finance determines is in the best interest of the City. The expenditure of the amounts necessary to secure any such ratings as well as to pay the other financing costs (as defined in Section 133.01 of the Ohio Revised Code) in connection with the Notes is hereby authorized and approved and the amounts necessary to pay those costs are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 13. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Notes and securities issued in renewal of the Notes and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services, that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. To the extent they are not paid or reimbursed pursuant to the Note Purchase Agreement and/or the Note Registrar Agreement, the Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 14. The services of Bradley Payne, LLC., as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. To the extent they are not paid or reimbursed pursuant to the Note Purchase Agreement and/or the Note Registrar Agreement, the Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 15. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and

have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 16. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 17. 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 this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely acquire the Improvement; therefore, 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

### **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-7848

Pending Business    B.  
City Manager

**City Council Meeting**

**Meeting Date:** 09/27/2021

Issuance of Notes - Property Acquisition - Governmental Facilities - \$1,803,000

**Submitted By:** Jim Bell

**Department:** Finance

**Division:** Accounting

**Council Committee Review?:** Council Work  
Session

**Date(s) of Committee Review:** 09/07/2021

**Audio-Visual Needs:** None

**Emergency Legislation?:** Yes

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

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**Agenda Item Description or Legislation Title**

An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$1,803,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Certain Real Property Which Will Be Used As A Site For One Or More Governmental Facilities, And Providing For General Site Preparation Thereof And Improvements Thereto, Together With All Necessary Appurtenances Thereto, And Declaring An Emergency.  
(second reading)

**Purpose and Background**

The attached ordinance will allow the City to issue one-year notes in the amount of \$1,803,000 for the renewal of the notes issued in 2020 for the cost of the property acquisition which will be used for governmental facilities. The estimated tax-exempt rate for this note is 0.50%. City Staff is requesting this ordinance be passed as emergency legislation, so the notes can be sold, with two additional notes, and the proceeds received prior to the maturity of the notes issued in 2020.

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**Fiscal Impact**

**Source of Funds:**

Notes

**Cost:**

\$1,803,000

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

No

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

**Financial Implications:**

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**Attachments**

Engagement Letter

Fiscal Officer Certificate

Ordinance

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Christopher J. Franzmann  
T +1 614 365 2737  
chris.franzmann@squirepb.com

August 20, 2021

**VIA E-MAIL**

Scott P. Falkowski  
Interim City Manager  
City of Huber Heights, Ohio  
6131 Taylorsville Road  
Huber Heights, Ohio 45424

**Re: City of Huber Heights, Ohio  
(Not to Exceed) \$3,543,000 Various Purpose Notes, Series 2021**

Dear Scott:

We are pleased that the City of Huber Heights, Ohio (the "*City*") has requested Squire Patton Boggs (US) LLP (the "*Firm*") to serve as the City's bond counsel in connection with the issuance of the referenced unvoted, general obligation bond anticipation notes (the "*Notes*").

The Firm's services will include those customarily provided by bond counsel in connection with issues such as the Notes, including the rendering of our legal opinion (the "*Bond Opinion*"), provided that the proceedings for the issuance of the Notes have been completed to our satisfaction. The Bond Opinion will address the legality, validity and binding effect of the Notes, the source of payment and security for the Notes, the excludability of interest on the Notes from gross income for federal income tax purposes, and certain other tax aspects of the Notes under federal law and under the laws of the State of Ohio. The Firm will address the Bond Opinion to the City and to the original purchaser and will deliver it on the date that the City delivers the Notes to the original purchaser in exchange for their purchase price. For those legal services, the Firm shall be paid just and reasonable compensation in an amount not expected to exceed \$12,750, and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services.

As the City's bond counsel, the Firm represents the City. The City is the Firm's client, and an attorney-client relationship will exist between the Firm and the City. We assume that all other parties to the transaction will retain such counsel as they deem necessary and appropriate to represent their interests in this transaction. We further assume that all other parties understand that, in this transaction, we represent only the City, that we are not counsel to any other party,

45 Offices in 20 Countries

Squire Patton Boggs (US) LLP is part of the international legal practice Squire Patton Boggs, which operates worldwide through a number of separate legal entities.

Please visit [squirepattonboggs.com](http://squirepattonboggs.com) for more information.

Scott P. Falkowski  
August 20, 2021  
Page 2

and that we are not acting as an intermediary among the parties. Our representation of the City will not, however, affect our responsibility to render an objective Bond Opinion.

The City's proposed issuance of the Notes will involve an original purchaser and perhaps other parties. The Firm conducts a national practice in the area of public finance that involves the representation of issuers, underwriters and other parties in the issuance of governmental debt obligations. In addition, the Firm conducts a national and international corporate law practice that includes the representation of financial institutions and other businesses in transactions, litigation and other matters. As a result of the extent and diversity of that practice, the Firm may currently represent or may have represented the original purchaser of the Notes or other parties involved in the issuance of the Notes in matters unrelated to the City or its issuance of the Notes. The Firm may also commence such representations during the time it is serving the City as bond counsel for the Notes. Considering the lack of relationship that such other matters have to the City or to its issuance of the Notes, the Firm does not expect any such other representations to conflict with its fulfillment of its professional obligations to the City as bond counsel for the Notes. We request that the City, by signing and returning a copy of this letter, acknowledge and consent to the Firm's serving the City as bond counsel for the issuance of the Notes though the Firm serves, may have served or may serve other parties to that issuance in other, unrelated matters.

The Firm appreciates the opportunity to represent the City in this transaction. Please signify that the City desires for the Firm to proceed with this engagement as described in this letter by signing a copy of this letter and returning it to us. Please retain the original for the City's files.

Very truly yours,

*Christopher J. Franzmann*

Christopher J. Franzmann

CJF/pf

**Engagement Letter Accepted:**

**CITY OF HUBER HEIGHTS, OHIO**

By: 

Printed: Scott P. Falkowski

Title: Interim City Manager

Dated: 8/24/21


**SUPPLEMENTAL  
FISCAL OFFICER'S CERTIFICATE**

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

As fiscal officer of the City of Huber Heights, Ohio, and supplementing the fiscal officer's certificate of October 20, 2020, I certify in connection with your proposed issuance of notes in the maximum principal amount of \$1,803,000 (the "*Notes*"), to be issued in anticipation of the issuance of bonds (the "*Bonds*") for the purpose of paying the costs of acquiring certain real property which will be used as a site for one or more governmental facilities, and providing for general site preparation thereof and improvements thereto, together with all necessary appurtenances thereto (the "*Improvement*"), that:

1. The estimated life or period of usefulness of the Improvement is at least five (5) years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is thirty (30) years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is November 18, 2040.

Dated: Sept. 1, 2021

  
\_\_\_\_\_  
Director of Finance  
City of Huber Heights, Ohio



CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2021-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$1,803,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF ACQUIRING CERTAIN REAL PROPERTY WHICH WILL BE USED AS A SITE FOR ONE OR MORE GOVERNMENTAL FACILITIES, AND PROVIDING FOR GENERAL SITE PREPARATION THEREOF AND IMPROVEMENTS THERETO, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2020-O-2449 passed October 26, 2020, notes in anticipation of bonds in the principal amount of \$1,803,000, dated November 18, 2020 (the “*Outstanding Notes*”), were issued for the purpose stated in Section 1, to mature on November 17, 2021; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City; and

WHEREAS, this City Council has requested that the Director of Finance, as fiscal officer of this City, certify the estimated life or period of usefulness of the Improvement described in Section 1, the estimated maximum maturity of the Bonds described in Section 1 and the maximum maturity of the Notes described in Section 3 to be issued in anticipation of the Bonds; and

WHEREAS, the Director of Finance has certified to this City Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is thirty (30) years, and that the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is November 18, 2040.

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

Section 1. It is necessary to issue bonds of this City in the maximum principal amount of \$1,803,000 (the “*Bonds*”) for the purpose of paying the costs of acquiring certain real property which will be used as a site for one or more governmental facilities, and providing for general site preparation thereof and improvements thereto, together with all necessary appurtenances thereto (the “*Improvement*”).

Section 2. The Bonds shall be dated approximately November 1, 2022, shall bear interest at the now estimated rate of 5.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment on the Bonds is estimated to be December 1, 2023.

Section 3. It is necessary to issue and this Council determines that notes in the maximum principal amount of \$1,803,000 (the “*Notes*”) shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the “*Certificate of Award*”) as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 5.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award in accordance with Section 6 of this Ordinance.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose or at the office of the Director of Finance if agreed to by the Director of Finance and the original purchaser (the "*Paying Agent*").

The City Manager and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Note Registrar Agreement between the City and the Paying Agent, in substantially the form as is now on file with the Clerk of Council. The Note Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are 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 Note Registrar Agreement or amendments thereto. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement, except to the extent paid or reimbursed by the original purchaser in accordance with the Certificate of Award, from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

Section 5. The Notes shall be signed by the City Manager and Director of Finance, in the name of the City and in their official capacities; *provided* that one of those signatures may be a facsimile. The Notes shall be issued in minimum denominations of \$100,000 (and may be issued in denominations in such amounts in excess thereof as requested by the original purchaser and approved by the Director of Finance) and with numbers as requested by the original purchaser and approved by the Director of Finance. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Ohio Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

"*Book entry form*" or "*book entry system*" means a form or system under which (a) the ownership of beneficial interests in the Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (b) a single physical Note certificate in fully registered form is issued by the City and payable only to a Depository or its nominee as registered owner, with the certificate deposited with and "immobilized" in the custody of the Depository or its designated agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"*Depository*" means any securities depository that is a clearing agency registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of and interest on the Notes, and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"*Participant*" means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (a) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (c) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the

Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (d) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. The Notes shall be sold at not less than par plus accrued interest (if any) at private sale by the Director of Finance in accordance with law and the provisions of this Ordinance, the Certificate of Award and the Note Purchase Agreement. The Director of Finance shall sign the Certificate of Award referred to in Section 3 fixing the interest rate or rates which the Notes shall bear and evidencing that sale to the original purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price.

The Note Purchase Agreement between the City and the original purchaser and now on file with the Clerk of Council is approved, and the City Manager and the Director of Finance are authorized to sign and deliver, on behalf of the City, the Note Purchase Agreement with such changes that are not inconsistent with the provisions of this Ordinance, are not materially adverse to the interests of the City and are approved by the City Manager and the Director of Finance. Any such changes to the Note Purchase Agreement are not materially adverse to the interests of the City and are approved by the City Manager and the Director of Finance shall be evidenced conclusively by the signing of the Note Purchase Agreement by the City Manager and the Director of Finance.

The City Manager, the Director of Finance, the City Attorney, the Clerk of Council and other City officials, as appropriate, and any person serving in an interim or acting capacity for any such official, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The actions of the City Manager, the Director of Finance, the City Attorney, the Clerk of Council or other City official, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Notes are hereby ratified and confirmed. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Ohio Revised Code.

Section 7. The proceeds from the sale of the Notes received by the City (or withheld by the original purchaser or deposited with the Paying Agent, in each case on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. The Certificate of Award and the Note Purchase Agreement may authorize the original purchaser to (a) withhold certain proceeds from the sale of the Notes or (b) remit certain proceeds from the sale of the Notes to the Paying Agent, in each case to provide for the payment of certain financing costs on behalf of the City. If proceeds are remitted to the Paying Agent in accordance with this Section 7, the Paying Agent shall be authorized to create a fund in accordance with the Note Registrar Agreement for that purpose. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Notes or the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the preceding paragraph in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Notes or the Bonds.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes 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 bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (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 such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes 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 Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, 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 with respect to the Notes, 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 Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the

proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Each covenant made in this Section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure the exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Notes.

Section 11. The Clerk of Council is directed to promptly deliver a certified copy of this Ordinance to the County Auditors of Miami and Montgomery Counties, Ohio.

Section 12. The Director of Finance is authorized to request a rating for the Notes from Moody's Investors Service, Inc. or S&P Global Ratings, or both, as the Director of Finance determines is in the best interest of the City. The expenditure of the amounts necessary to secure any such ratings as well as to pay the other financing costs (as defined in Section 133.01 of the Ohio Revised Code) in connection with the Notes is hereby authorized and approved and the amounts necessary to pay those costs are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 13. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Notes and securities issued in renewal of the Notes and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services, that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. To the extent they are not paid or reimbursed pursuant to the Note Purchase Agreement and/or the Note Registrar Agreement, the Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 14. The services of Bradley Payne, LLC., as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. To the extent they are not paid or reimbursed pursuant to the Note Purchase Agreement and/or the Note Registrar Agreement, the Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 15. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and

have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 16. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 17. 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 this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely acquire the Improvement; therefore, 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

#### **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-7849

Pending Business C.  
City Manager

**City Council Meeting**

**Meeting Date:** 09/27/2021

Issuance of Notes - Property Acquisition - Economic Development - \$4,262,000

**Submitted By:** Jim Bell

**Department:** Finance

**Division:** Accounting

**Council Committee Review?:** Council Work  
Session

**Date(s) of Committee Review:** 09/07/2021

**Audio-Visual Needs:** None

**Emergency Legislation?:** Yes

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

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**Agenda Item Description or Legislation Title**

An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$4,262,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Approximately 19.5 Acres Of Real Property Near The Intersection Of Brandt Pike And Fishburg Road And Providing For The Site Preparation Thereof, All In Support Of Economic Development And Job Creation Within The City, And Declaring An Emergency.  
(second reading)

**Purpose and Background**

The attached ordinance will allow the City to issue one-year notes in the amount of \$4,262,000 for the renewal of the notes issued in 2020 for the cost of the acquisition of properties which will be used for various economic development needs. The estimated taxable rate for this note is 0.75%. City Staff is requesting this ordinance be passed as emergency legislation, so the notes can be sold with two additional notes and proceeds received prior to the maturity of the notes issued in 2020.

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**Fiscal Impact**

**Source of Funds:**

Notes

**Cost:**

\$4,262,000

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

No

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

**Financial Implications:**

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**Attachments**

Engagement Letter  
Ordinance

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Christopher J. Franzmann  
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chris.franzmann@squirepb.com

August 20, 2021

**VIA E-MAIL**

Scott P. Falkowski  
Interim City Manager  
City of Huber Heights, Ohio  
6131 Taylorsville Road  
Huber Heights, Ohio 45424

**Re: City of Huber Heights, Ohio  
(Not to Exceed) \$4,262,000 Special Obligation Nontax Revenue Notes, Series 2021B  
(Federally Taxable)**

Dear Scott:

We are pleased that the City of Huber Heights, Ohio (the "*City*") has requested Squire Patton Boggs (US) LLP (the "*Firm*") to serve as the City's bond counsel in connection with the issuance of the referenced unvoted, special obligation bond anticipation notes (the "*Notes*").

The Firm's services will include those customarily provided by bond counsel in connection with issues such as the Notes, including the rendering of our legal opinion (the "*Bond Opinion*"), provided that the proceedings for the issuance of the Notes have been completed to our satisfaction. The Bond Opinion will address the legality, validity and binding effect of the Notes, the source of payment and security for the Notes, and certain tax aspects of the Notes under the laws of the State of Ohio. The Firm will address the Bond Opinion to the City and to the original purchaser and will deliver it on the date that the City delivers the Notes to the original purchaser in exchange for their purchase price. For those legal services, the Firm shall be paid just and reasonable compensation in an amount not expected to exceed \$13,250, and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services.

As the City's bond counsel, the Firm represents the City. The City is the Firm's client, and an attorney-client relationship will exist between the Firm and the City. We assume that all other parties to the transaction will retain such counsel as they deem necessary and appropriate to represent their interests in this transaction. We further assume that all other parties understand that, in this transaction, we represent only the City, that we are not counsel to any other party,

45 Offices in 20 Countries

Squire Patton Boggs (US) LLP is part of the international legal practice Squire Patton Boggs, which operates worldwide through a number of separate legal entities.

Please visit [squirepattonboggs.com](http://squirepattonboggs.com) for more information.



Scott P. Falkowski  
August 20, 2021  
Page 2

and that we are not acting as an intermediary among the parties. Our representation of the City will not, however, affect our responsibility to render an objective Bond Opinion.

The City's proposed issuance of the Notes will involve an original purchaser and perhaps other parties. The Firm conducts a national practice in the area of public finance that involves the representation of issuers, underwriters and other parties in the issuance of governmental debt obligations. In addition, the Firm conducts a national and international corporate law practice that includes the representation of financial institutions and other businesses in transactions, litigation and other matters. As a result of the extent and diversity of that practice, the Firm may currently represent or may have represented the original purchaser of the Notes or other parties involved in the issuance of the Notes in matters unrelated to the City or its issuance of the Notes. The Firm may also commence such representations during the time it is serving the City as bond counsel for the Notes. Considering the lack of relationship that such other matters have to the City or to its issuance of the Notes, the Firm does not expect any such other representations to conflict with its fulfillment of its professional obligations to the City as bond counsel for the Notes. We request that the City, by signing and returning a copy of this letter, acknowledge and consent to the Firm's serving the City as bond counsel for the issuance of the Notes though the Firm serves, may have served or may serve other parties to that issuance in other, unrelated matters.

The Firm appreciates the opportunity to represent the City in this transaction. Please signify that the City desires for the Firm to proceed with this engagement as described in this letter by signing a copy of this letter and returning it to us. Please retain the original for the City's files.

Very truly yours,

*Christopher J. Franzmann*

Christopher J. Franzmann

CJF/pf

**Engagement Letter Accepted:**

**CITY OF HUBER HEIGHTS, OHIO**

By: 

Printed: Scott P. Falkowski

Title: Interim City Manager

Dated: 8/24/21

CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2021-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,262,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF ACQUIRING APPROXIMATELY 19.5 ACRES OF REAL PROPERTY NEAR THE INTERSECTION OF BRANDT PIKE AND FISHBURG ROAD AND PROVIDING FOR THE SITE PREPARATION THEREOF, ALL IN SUPPORT OF ECONOMIC DEVELOPMENT AND JOB CREATION WITHIN THE CITY, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Huber Heights, Ohio (the “City”) is authorized by virtue of the laws of the State of Ohio, including, without limitation, Section 13 of Article VIII, Ohio Constitution, and Chapter 165, Ohio Revised Code (the “Act”), among other things, to issue bonds or notes to acquire, construct, equip, furnish, or improve a “project” as defined in Section 165.01, Ohio Revised Code, for the purpose of creating or preserving jobs and employment opportunities and improving the economic welfare of the people of the City and of the State of Ohio; and

WHEREAS, to facilitate the creation of jobs and employment opportunities and improving the economic welfare of the people of the City and of the State of Ohio, the City has determined to issue the Notes (described below) to acquire approximately 19.5 acres of real property near the intersection of Brandt Pike and Fishburg Road and provide for the site preparation thereof (the “Project”); and

WHEREAS, pursuant to Ordinance No. 2020-O-2450 passed October 26, 2020, notes in anticipation of bonds in the principal amount of \$4,262,000, dated November 18, 2020 (the “Outstanding Notes”), were issued for the purpose described in Section 2, to mature on November 17, 2021; and

WHEREAS, this City Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 4 and other funds available to the City.

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

Section 1. This City Council hereby determines that the Project is a “project” as defined in the Act and is consistent with the purposes of Section 13 of Article VIII of the Ohio Constitution; that the utilization of the Project is in furtherance of the purposes of the Act and will benefit the people of the City and of the State by creating and preserving jobs and employment opportunities and improving the economic welfare of the people of the City and of the State; and that the amount necessary to finance the Project will require the issuance, sale and delivery of the Notes (as defined below), which Notes shall be issued in anticipation of the Bonds (as defined below), and which Notes shall be payable and secured as provided herein.

Section 2. It is necessary to issue bonds of this City in the maximum principal amount of \$4,262,000 (the “Bonds”) for the purpose of paying the costs of acquiring approximately 19.5 acres of real property near the intersection of Brandt Pike and Fishburg Road and providing for the site preparation thereof, all in support of economic development and job creation within the City.

Section 3. The Bonds shall be dated approximately November 1, 2022, shall bear interest at the now estimated rate of 5.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment on the Bonds is estimated to be December 1, 2023.

Section 4. It is necessary to issue and this Council determines that notes in the maximum principal amount of \$4,262,000 (the “Notes”) shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 2 and to pay the costs of the Project and any financing costs. The principal amount of Notes to be issued (not to exceed the stated

maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 7 of this Ordinance (the "*Certificate of Award*") as the amount which is necessary to pay the costs of the Project and any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 5.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award in accordance with Section 7 of this Ordinance. The Notes shall be issued pursuant to the Act, the Charter of the City, this Ordinance and the Certificate of Award.

Section 5. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose or at the office of the Director of Finance if agreed to by the Director of Finance and the original purchaser (the "*Paying Agent*").

The City Manager and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Note Registrar Agreement between the City and the Paying Agent, in substantially the form as is now on file with the Clerk of Council. The Note Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are 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 Note Registrar Agreement or amendments thereto. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement, except to the extent paid or reimbursed by the original purchaser in accordance with the Certificate of Award, from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

Section 6. The Notes shall be signed by the City Manager and Director of Finance, in the name of the City and in their official capacities, *provided* that one of those signatures may be a facsimile. The Notes shall be issued in minimum denominations of \$100,000 (and may be issued in denominations in such amounts in excess thereof as requested by the original purchaser and approved by the Director of Finance) and with numbers as requested by the original purchaser and approved by the Director of Finance. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Ohio Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

"*Book entry form*" or "*book entry system*" means a form or system under which (a) the ownership of beneficial interests in the Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (b) a single physical Note certificate in fully registered form is issued by the City and payable only to a Depository or its nominee as registered owner, with the certificate deposited with and "immobilized" in the custody of the Depository or its designated agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"*Depository*" means any securities depository that is a clearing agency registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of and interest on the Notes, and to effect

transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

*“Participant”* means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (a) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (c) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (d) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 7. The Notes shall be sold at not less than par plus accrued interest (if any) at private sale by the Director of Finance in accordance with law and the provisions of this Ordinance, the Certificate of Award and the Note Purchase Agreement. The Director of Finance shall sign the Certificate of Award referred to in Section 4 fixing the interest rate or rates which the Notes shall bear and evidencing that sale to the original purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price.

The Note Purchase Agreement between the City and the original purchaser and now on file with the Clerk of Council is approved, and the City Manager and the Director of Finance are authorized to sign and deliver, on behalf of the City, the Note Purchase Agreement with such changes that are not inconsistent with the provisions of this Ordinance, are not materially adverse to the interests of the City and are approved by the City Manager and the Director of Finance. Any such changes to the Note Purchase Agreement are not materially adverse to the interests of the City and are approved by the City Manager and the Director of Finance shall be evidenced conclusively by the signing of the Note Purchase Agreement by the City Manager and the Director of Finance.

The City Manager, the Director of Finance, the City Attorney, the Clerk of Council and other City officials, as appropriate, and any person serving in an interim or acting capacity for any such official, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The actions of the City Manager, the Director of Finance, the City Attorney, the Clerk of Council or other City official, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Notes are hereby ratified and confirmed.

Section 8. The proceeds from the sale of the Notes received by the City (or withheld by the original purchaser or deposited with the Paying Agent, in each case on behalf of the City)

shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. The Certificate of Award and the Note Purchase Agreement may authorize the original purchaser to (a) withhold certain proceeds from the sale of the Notes or (b) remit certain proceeds from the sale of the Notes to the Paying Agent, in each case to provide for the payment of certain financing costs on behalf of the City. If proceeds are remitted to the Paying Agent in accordance with this Section 7, the Paying Agent shall be authorized to create a fund in accordance with the Note Registrar Agreement for that purpose. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Fund (as described below).

Section 9. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 10. The Notes are special obligations of the City, the principal of and interest on which are payable solely from the proceeds of the Bonds and by a pledge of and lien on the Nontax Revenues established by and as provided in this Ordinance which are on deposit in the Bond Fund, all as described below. The City covenants that to the extent the Notes will not be paid fully from Nontax Revenues, it will do all things necessary for the issuance of the Bonds or renewal bond anticipation notes in an appropriate amount to provide for the payment of the principal of and interest on the Notes on the maturity date of the Notes.

There was heretofore created by the City a separate account within the Bond Retirement Fund named the Economic Development Bond Retirement Account (the "*Bond Fund*") into which Nontax Revenues shall be deposited in accordance with the following provisions.

The City hereby covenants and agrees that on or before any date on which principal or interest is payable on the Notes it shall deposit into the Bond Fund from Nontax Revenues selected by the City or proceeds from the Bonds or renewal bond anticipation notes as determined by the City, an amount equal to the amount of principal and/or interest due on the Notes on that date, less, in the discretion of the City, any interest earnings or other moneys accumulated in the Bond Fund which have not theretofore been used as a credit against a prior payment obligation. Moneys in the Bond Fund shall be used solely and exclusively to pay principal and interest on City obligations payable from the Nontax Revenues.

The City hereby covenants and agrees that so long as the Notes are outstanding, it will appropriate and maintain sufficient Nontax Revenues each year to make each payment due under this Section 10 and to pay principal and interest when due; *provided, however*, the amount of such appropriation may be reduced by the amount of any Bonds or renewal bond anticipation notes issued for the purpose of refunding the Notes and payments due hereunder and under the Notes are payable solely from the proceeds of the Bonds and the Nontax Revenues, which Nontax Revenues are hereby selected by the City pursuant to Section 165.12 of the Ohio Revised Code as moneys that are not raised by taxation. The Notes are not secured by an obligation or pledge of any moneys raised by taxation. The Notes do not and shall not represent or constitute a debt or pledge of the faith or credit or taxing power of the City, and the registered owners of the Notes have no right to have taxes levied by the City for the payment of principal of and interest on the Notes.

Nothing herein shall be construed as requiring the City to use or apply to the payment of principal of and interest on the Notes any funds or revenues from any source other than proceeds of the Bonds and Nontax Revenues. Nothing herein, however, shall be deemed to prohibit the City, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Ordinance or of the Notes.

For purpose of this Ordinance, "*Nontax Revenues*" shall mean all moneys of the City which are not moneys raised by taxation, to the extent available for such purposes, including, but not limited to the following: (a) grants from the United States of America and the State of Ohio; (b) payments in lieu of taxes now or hereafter authorized by State statute; (c) fines and forfeitures which are deposited in the City's General Fund; (d) fees deposited in the City's General Fund from properly imposed licenses and permits; (e) investment earnings on the City's General Fund and which are credited to the City's General Fund; (f) investment earnings of other funds of the

City that are credited to the City's General Fund; (g) proceeds from the sale of assets which are deposited in the City's General Fund; (h) rental income which is deposited in the City's General Fund; (i) gifts and donations; and (j) proceeds from the sale of any portion of the Project.

Section 11. The Director of Finance is authorized and directed to provide the notification required by Section 165.03(D) of the Ohio Revised Code to the Director of the Ohio Development Services Agency.

Section 12. The Director of Finance is authorized to request a rating for the Notes from Moody's Investors Service, Inc. or S&P Global Ratings, or both, as the Director of Finance determines is in the best interest of the City. The expenditure of the amounts necessary to secure any such ratings as well as to pay the other financing costs (as defined in Section 133.01 of the Ohio Revised Code) in connection with the Notes is hereby authorized and approved and the amounts necessary to pay those costs are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 13. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Notes and securities issued in renewal of the Notes and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services, that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. To the extent they are not paid or reimbursed pursuant to the Note Purchase Agreement and/or the Note Registrar Agreement, the Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 14. The services of Bradley Payne, LLC., as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. To the extent they are not paid or reimbursed pursuant to the Note Purchase Agreement and/or the Note Registrar Agreement, the Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 15. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding special obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 16. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 17. 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 this Ordinance is required to be immediately effective in order to permit the City to issue the Notes under Chapter 165 of the Ohio Revised Code in order to create or preserve jobs and employment opportunities and improve the economic welfare of the people of the City and the State of Ohio and to enable the City to timely acquire the Project; therefore, 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

### **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-7864

**City Council Meeting**

**New Business    A.  
Economic Development**

**Meeting Date:** 09/27/2021

Enterprise Fleet Leases

**Submitted By:** Bryan Chodkowski

**Department:** Finance

**Division:** Accounting

**Council Committee Review?:** Council Work Session  
**Date(s) of Committee Review:** 09/21/2021

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

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

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**Agenda Item Description or Legislation Title**

A Resolution Authorizing The City Manager To Execute Various Sub-Lease Agreements With Enterprise Fleet Management For The Lease Of Vehicles.  
(first reading)

**Purpose and Background**

The City Council adopted Resolution No. 2021-R-7015 in July, 2021 which approved a master lease with Enterprise for leasing vehicles. The resolution also required Council approve the individual vehicles being leased. This resolution affords City Council its authority to approve those specific vehicles being leased.

Exhibit A to the legislation is the list of specific vehicles to be leased in the first year. Vehicle names highlighted in **GREEN** are hybrid vehicles. Vehicles highlighted in **YELLOW** are subject to additional manufacture's pricing discounts. However, these discounts were still outstanding at the time the meeting packet was prepared.

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**Fiscal Impact**

**Attachments**

Resolution  
Exhibit A

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2021-R-

AUTHORIZING THE CITY MANAGER TO EXECUTE VARIOUS SUB-LEASE AGREEMENTS WITH ENTERPRISE FLEET MANAGEMENT FOR THE LEASE OF VEHICLES.

WHEREAS, the City utilizes a vehicle fleet of approximately 100 light and medium duty vehicles; and

WHEREAS, as authorized by Resolution No. 2021-R-7015, the City may now lease fleet vehicles through Enterprise Fleet Management under a Master Lease; and

WHEREAS, as required by Resolution No. 2021-R-7015, City Council shall approve all vehicle sub-leases under the Master Lease.

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 execute subordinate lease agreements with Enterprise Fleet Management for those vehicles identified in the attached Exhibit A. Said subordinate leases shall be approved as to form and content by the Law Director prior to execution.

Section 2. The City Manager, or his designee, is further authorized and directed to execute any other documents and instruments necessary to full the obligations and intent of Exhibit A; provided such documents conform to the approval of the Law Director as to form and content.

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

												Total Cash Outlay
Vehicle #	Department Head	Vehicle We're ordering	What aftermarket equipment	Aftermarket Cost	Quote #	Lease Term (months)	Annual Expense	Full term Expense	Residual Book Value	Estimated Resale at Term	Equity Gain For Next Vehicle	After Vehicle Resale
#N/A	Police	Nissan Rogue S AWD	Yellow Strobes, spot light & radio	\$1,200	5851859	48	\$4,882.80	\$19,531.20	\$10,000.00	\$17,000.00	\$7,000.00	\$12,531.20
#821	Police	Nissan Rogue S AWD	Yellow Strobes, spot light & radio	\$1,200	5851859	48	\$4,882.80	\$19,531.20	\$10,000.00	\$17,000.00	\$7,000.00	\$12,531.20
#818	Police	Hyndai Sonata Hybrid	None	\$0	5867774	60	\$5,223.24	\$26,116.20	\$6,500.00	\$15,500.00	\$9,000.00	\$17,116.20
#831 - Wiley	Police	Hyndai Sonata Hybrid	None	\$0	5867774	60	\$5,223.24	\$26,116.20	\$6,500.00	\$15,500.00	\$9,000.00	\$17,116.20
#1096 Prevention Van	Police	Transit T-350	emergency lights/siren, mobile radio, tow 3500lbs	\$2,341	5863399	60	\$7,496.64	\$37,483.20	\$9,700.00	\$19,000.00	\$9,300.00	\$28,183.20
1627	Police	Dodge Charger SXT	emergency lights/siren (hidden), mobile radio	\$2,775	5852252		\$0.00	\$0.00			\$0.00	\$0.00
1423	Police	Dodge Charger Police	emergency lights/siren, mobile radio, prisoner partition, in car camera, radar	\$16,720	5809928		\$0.00	\$0.00		\$10,000.00	\$10,000.00	-\$10,000.00
1703	Police	Dodge Charger Police	emergency lights/siren, mobile radio, prisoner partition, in car camera, radar	\$16,720	5809928		\$0.00	\$0.00		\$10,000.00	\$10,000.00	-\$10,000.00
#932	Police	Dodge Charger Police	emergency lights/siren, mobile radio, prisoner partition, in car camera, radar	\$16,720	5809928		\$0.00	\$0.00		\$10,000.00	\$10,000.00	-\$10,000.00
#920-School	Police	Dodge Charger Police	emergency lights/siren, mobile radio, prisoner partition, in car camera, radar	\$16,720	5809928		\$0.00	\$0.00		\$10,000.00	\$10,000.00	-\$10,000.00
1609	Police	Chevy Tahoe Police	emergency lights/siren, mobile radio, prisoner partition, in car camera, radar	\$17,850	5852808		\$0.00	\$0.00		\$10,000.00	\$10,000.00	-\$10,000.00
1604	Police	Dodge Charger Police	emergency lights/siren, mobile radio, prisoner partition, in car camera, radar	\$16,720	5809928		\$0.00	\$0.00		\$10,000.00	\$10,000.00	-\$10,000.00
1711	Police	Dodge Charger Police	emergency lights/siren, mobile radio, prisoner partition, in car camera, radar	\$16,720	5809928		\$0.00	\$0.00		\$10,000.00	\$10,000.00	-\$10,000.00
1713	Police	Dodge Charger Police	emergency lights/siren, mobile radio, prisoner partition, in car camera, radar	\$16,720	5809928		\$0.00	\$0.00		\$10,000.00	\$10,000.00	-\$10,000.00
Detective 1035	Police	Hyundai Sonata	emergency lights/siren (hidden)	\$2,575	5851818	60	\$5,077.20	\$25,386.00	\$6,500.00	\$12,500.00	\$6,000.00	\$19,386.00
Detective 1034	Police	Chevy Malibu	emergency lights/siren (hidden)	\$2,575	5809925	60	\$4,109.88	\$20,549.40	\$5,300.00	\$13,000.00	\$7,700.00	\$12,849.40
#1236 - Detective	Police	Nissan Altima	emergency lights/siren (hidden)	\$2,575	5851812	60	\$4,126.08	\$20,630.40	\$5,300.00	\$12,000.00	\$6,700.00	\$13,930.40
#414	Mike Gray	Nissan Frontier King Cab	roof and 4 corner strobes, seven way RV plug, mobile radio	\$2,925	5852131	36	\$5,036.64	\$15,109.92	\$19,000.00	\$25,500.00	\$6,500.00	\$8,609.92
#402	Mike Gray	Nissan Frontier King Cab	roof and 4 corner strobes, seven way RV plug, mobile radio	\$2,925	5852131	36	\$5,036.64	\$15,109.92	\$19,001.00	\$25,500.00	\$6,499.00	\$8,610.92
#405	Mike Gray	F-250 Reg Cab 4x4 8' bed	Dump Insert	\$11,745	5870789	60	\$6,504.36	\$32,521.80	\$15,500.00	\$24,000.00	\$8,500.00	\$24,021.80
419	Mike Gray	Ford F-250 Reg Cab 8' Bed	Service/ utility body	\$8,369	5870840	60	\$6,595.20	\$32,976.00	\$15,500.00	\$24,000.00	\$8,500.00	\$24,476.00
#435	Mike Gray	F-450 Reg Cab 4x2	11' dump (will get specs), over cab shield, Strobes needed, back up camera, pintleball combo	\$15,325	5863515	60	\$10,993.44	\$54,967.20	\$10,000.00	\$25,000.00	\$15,000.00	\$39,967.20
#438	Mike Gray	F-450 Reg Cab 4x2	11' dump (will get specs), over cab shield, Strobes needed, back up camera, pintleball combo	\$15,325	5863515	60	\$10,993.44	\$54,967.20	\$10,001.00	\$25,000.00	\$14,999.00	\$39,968.20
Rose MC	Mike Gray	Ram 1500 Reg Cab 8' bed 4x2	roof and 4 corner strobes, seven way RV plug, mobile radio	\$3,995	5852721		\$0.00	\$0.00			\$0.00	\$0.00
#416	Mike Gray	F 350 Crew Cab 4x4 8' bed	roof and 4 corner strobes, mobile radio, 2k lift gate, Pintle ball combo	\$8,190	5852736	60	\$9,095.76	\$45,478.80	\$8,500.00	\$19,000.00	\$10,500.00	\$34,978.80
#404	Mike Gray	F 350 Crew Cab 4x4 8' bed	roof and 4 corner strobes, seven way RV plug, mobile radio, 2k lift gate, Pintle ball combo	\$8,190	5852736	60	\$9,095.76	\$45,478.80	\$8,500.00	\$19,000.00	\$10,500.00	\$34,978.80
#407	Mike Gray	Ford Transit Connect	No AME	\$0	5852166	60	\$4,920.24	\$24,601.20	\$6,500.00	\$15,500.00	\$9,000.00	\$15,601.20
#408	Mike Gray	Ford F-250 Reg Cab 4x4	roof and 4 corner strobes, seven way RV plug, mobile radio	\$4,295	5852670	60	\$6,762.36	\$33,811.80	\$11,500.00	\$19,000.00	\$7,500.00	\$26,311.80
Code Enforcement	Don Millard	Chevy Traverse	Front and Rear hidden strobes- all weather floor mats	\$1,200	5852109	48	\$5,942.40	\$23,769.60	\$12,000.00	\$24,000.00	\$12,000.00	\$11,769.60
Code Enforcement	Don Millard	Chevy Equinox	Front and Rear hidden strobes- all weather floor mats	\$1,200	5852042	48	\$4,986.72	\$19,946.88	\$10,000.00	\$18,500.00	\$8,500.00	\$11,446.88
Code Enforcement	Don Millard	Chevy Equinox	Front and Rear hidden strobes- all weather floor mats	\$1,200	5852042	48	\$4,986.72	\$19,946.88	\$10,000.00	\$18,500.00	\$8,500.00	\$11,446.88
Maintenance	knisley	Ram 1500 Quad Cab 6.5' bed 4x4	none	\$0	5852659		\$0.00	\$0.00			\$0.00	\$0.00
Prevention 3	knisley	Chevy Traverse	Front and Rear hidden strobes- all weather floor mats	\$1,200	5852109	48	\$5,942.40	\$23,769.60	\$12,000.00	\$24,000.00	\$12,000.00	\$11,769.60
Prevention 4	knisley	Chevy Traverse	Front and Rear hidden strobes- all weather floor mats	\$1,200	5852109	48	\$5,942.40	\$23,769.60	\$12,000.00	\$24,000.00	\$12,000.00	\$11,769.60
Prevention 1	knisley	Chevy Traverse	Front and Rear hidden strobes- all weather floor mats	\$1,200	5852109	48	\$5,942.40	\$23,769.60	\$12,000.00	\$24,000.00	\$12,000.00	\$11,769.60
#716-School	knisley	Ford F-250 Crew Cab 4x4	Nathan at BCT for body upfit				\$0.00	\$0.00		\$24,000.00	\$24,000.00	-\$24,000.00
Engineering	Russ	Nissan Rogue S AWD	Front and rear hidden strobes- all weather floor mats	\$1,200	5851859	48	\$4,882.80	\$19,531.20	\$10,000.00	\$17,000.00	\$7,000.00	\$12,531.20
Tax Staff	Jim	Hyndai Sonata Hybrid	None	\$0	5852820	60	\$5,223.24	\$26,116.20	\$6,500.00	\$15,500.00	\$9,000.00	\$17,116.20
Engineering	Branden	Nissan Rogue S AWD	none	\$0	5863822	48	\$4,700.16	\$18,800.64	\$9,600.00	\$17,000.00	\$7,400.00	\$11,400.64

AI-7859

New Business    B.  
Finance

**City Council Meeting**

**Meeting Date:** 09/27/2021

Supplemental Appropriations

**Submitted By:** Jim Bell

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

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 09/21/2021

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

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

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**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:

- \$175,000 for design of east water line extensions (covered by a transfer of ARPA Fund grant proceeds).
- \$280,000 for design of east sewer line extensions (covered by a transfer from Sewer Fund).
- \$21,000 for an increase to fuel for Fire vehicles.
- \$162,410.24 for accounting expenses and a PILOT payment to HH schools (covered by new Lexington Place TIF revenues).
- \$6,875,450 to pay off the 2013 Aquatic Center bonds (covered by bond refinancing proceeds).
- \$100,000 for design modifications to the Chambersburg Road widening Phase IV project.
- \$360,141 for the Energy Lease improvements to Fire Stations 22 and 23 (covered by lease proceeds).
- \$14,550 for salary expenses for new Fire Inspector not in original 2021 Budget.
- \$46,086 for Rose Music Center sound panel installation.

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**Fiscal Impact**

**Source of Funds:** Various Funds

**Cost:** \$461,636

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

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

**Financial Implications:**

Lexington Place TIF revenues will be added to the 2021 Budget. ARPA Fund revenues will be transferred to cover the Water expenses. Bond proceeds from the Aquatic Center refinancing will cover the expenses of the financing for the Bond Retirement Fund. New energy lease proceeds will cover the expenses for the Fire Capital Fund. Therefore, those transactions have no fiscal impact on the budget.

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**Attachments**

Ordinance

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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>
\$175,000.00	291 ARPA Fund	504 Water Utility	East Water Line Extension design
\$280,000.00	551 Sewer Fund	552 Sewer Capital	East Sewer Line Extension design

**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 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, Operations and Capital of \$21,000.00
- 2) 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 d) Music Center, Operations and Capital of \$46,086.00
- 3) Section 48 of Ordinance No. 2020-O-2453 is hereby added to reflect an increase in the appropriations of the 249 Lexington Place TIF Fund, as follows:
  - a. Subsection a) Finance, Operations and Capital of \$162,410.24.
- 4) Section 49 of Ordinance No. 2020-O-2453 is hereby added to reflect an increase in the appropriations of the 291 American Rescue Plan Act (ARPA) Fund, Transfers of \$175,000.00.
- 5) Section 26 of Ordinance No. 2020-O-2453 is hereby amended to reflect an increase in the appropriations of the 308 Bond Retirement Fund, as follows:
  - a. Subsection b) Non-Departmental, Debt Service of \$6,875,450.00
- 6) Section 27 of Ordinance No. 2020-O-2453 is hereby amended to reflect an increase in the appropriations of the 406 Capital Improvements Fund, as follows:
  - a. Subsection c) Capital, Operations and Capital of \$100,000.00
- 7) 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 a) Fire, Operations and Capital of \$360,141.00
- 8) Section 37 of Ordinance No. 2020-O-2453 is hereby amended to reflect an increase in the appropriations of the 501 Water Fund, as follows:
  - a. Subsection b) Fire, Personnel of \$14,550.00
- 9) Section 39 of Ordinance No. 2020-O-2453 is hereby amended to reflect an increase in the appropriations of the 504 Water Utility Reserve Fund, as follows:
  - a. Subsection a) Capital, Operations and Capital of \$175,000.00
- 10) Section 41 of Ordinance No. 2020-O-2453 is hereby amended to reflect an increase in the appropriations of the 551 Sewer Fund, as follows:
  - a. Subsection e) Non-Departmental, Transfers of \$280,000.00
- 11) Section 42 of Ordinance No. 2020-O-2453 is hereby amended to reflect an increase in the appropriations of the 552 Sewer Capital Fund, Operations and Capital of \$280,000.00

Fire Fund	\$21,000.00
Parks & Recreation Fund	\$46,086.00
Lexington Place TIF Fund	\$162,410.24
ARPA Fund	\$175,000.00
Bond Retirement Fund	\$6,875,450.00
Capital Improvements Fund	\$100,000.00
Fire Capital/Equipment Fund	\$360,141.00
Water Fund	\$14,550.00
Water Utility Reserve Fund	\$175,000.00
Sewer Fund	\$280,000.00
Sewer Capital Fund	\$280,000.00

AI-7860

**New Business**    **C.**  
**Finance**

**City Council Meeting**

**Meeting Date:** 09/27/2021

Tax Rate Certification - Montgomery County

**Submitted By:** Jim Bell

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

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 09/21/2021

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

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

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**Agenda Item Description or Legislation Title**

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

**Purpose and Background**

Annually, each County Budget Commission meets and submits to the City for approval the millage for property taxes. This resolution is the last necessary step of the Montgomery County tax budget process set forth in state law. The resolution formally accepts the property tax rates and the dollar amounts calculated by the Montgomery County Budget Commission. Passage is necessary to "officially" put the levies in place.

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**Fiscal Impact**

**Source of Funds:** Various Funds

**Cost:** N/A

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

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

**Financial Implications:**

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**Attachments**

Resolution

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2021-R-

ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION OF MONTGOMERY COUNTY, OHIO, AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE MONTGOMERY COUNTY AUDITOR.

WHEREAS, the City Council of the City of Huber Heights in accordance with the provisions of law, has previously adopted Tax Rates for the next succeeding fiscal year commencing January 1, 2022; and

WHEREAS, the Budget Commission of Montgomery County, Ohio, has certified its action thereon to this Council, together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part is within, the ten mill tax limitation.

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

Section 1. The amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted.

Section 2. There be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as set forth on the following Schedules A and B:

<b>SCHEDULE A</b>				
<b>SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES</b>				
FUND	Amount Approved By Budget Commission Inside 10 M. Limitation	Amount to Be Derived From Levies Outside 10 M. Limitation	County Auditor's Estimated of Tax Rate To Be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
City of Huber Heights 2021/2022	Column I	Column II	III	IV
General Fund	1,058,919		1.50	
Police Fund		1,120,787		5.50
Fire Fund		949,695		4.29
TOTAL	1,058,919	2,070,482	1.50	9.79

**SCHEDULE B****LEVIES OUTSIDE 10 MILL LIMITATION  
EXCLUSIVE OF DEBT LEVIES**

FUND	Maximum Rate Authorized To Be Levied	County Auditor's Estimate Of Yield Of Levy (Carry To Sch A Column II)
GENERAL FUND:		
SPECIAL LEVIES:		
Police Fund authorized by voters 06/08/82 not to exceed CONT. years	2.37	452,841
Police Fund authorized by voters 06/07/83 not to exceed CONT. years	0.63	120,664
Police Fund authorized by voters 05/07/85 not to exceed CONT. years	1.50	356,210
Police Fund authorized by voters 11/03/81 not to exceed CONT. years	1.00	191,072
Fire Fund authorized by voters 11/03/81 not to exceed CONT. years	0.79	150,947
Fire Fund authorized by voters 11/03/81 not to exceed CONT. years	0.37	88,332
Fire Fund authorized by voters 06/07/83 not to exceed CONT. years	0.29	55,544
Fire Fund authorized by voters 05/08/84 not to exceed CONT. years	0.42	80,250
Fire Fund authorized by voters 11/06/84 not to exceed CONT. years	0.17	40,307
Fire Fund authorized by voters 05/07/85 not to exceed CONT years	2.25	534,315

Section 3. The Clerk of Council is hereby directed to certify a copy of this Resolution to the Montgomery County Auditor.

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

AI-7861

**New Business**    **D.**  
**Finance**

**City Council Meeting**

**Meeting Date:** 09/27/2021

Tax Rate Certification - Miami County

**Submitted By:** Jim Bell

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

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 09/21/2021

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

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

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**Agenda Item Description or Legislation Title**

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

**Purpose and Background**

Annually, each County Budget Commission meets and submits to the City for approval the millage for property taxes. This resolution is the last necessary step of the Miami County tax budget process set forth in state law. The resolution formally accepts the property tax rates and the dollar amounts calculated by the Miami County Budget Commission. Passage is necessary to "officially" put the levies in place.

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**Fiscal Impact**

**Source of Funds:** Various Funds

**Cost:** N/A

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

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

**Financial Implications:**

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**Attachments**

Resolution

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2021-R-

ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION OF MIAMI COUNTY, OHIO, AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE MIAMI COUNTY AUDITOR.

WHEREAS, the City Council of the City of Huber Heights in accordance with the provisions of law, has previously adopted Tax Rates for the next succeeding fiscal year commencing January 1, 2022; and

WHEREAS, the Budget Commission of Miami County, Ohio, has certified its action thereon to this Council, together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part is within, the ten mill tax limitation.

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

Section 1. The amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted.

Section 2. There be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as set forth on the following Schedules A and B:

<b>SCHEDULE A</b>				
<b>SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES</b>				
FUND	Amount Approved By Budget Commission Inside 10 M. Limitation	Amount to Be Derived From Levies Outside 10 M. Limitation	County Auditor's Estimated of Rate To Be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
City of Huber Heights 2021	Column I	Column II	III	IV
General Fund	21,893.70		1.10	
TOTAL	21,893.70		1.10	

**SCHEDULE B**

**LEVIES OUTSIDE 10 MILL LIMITATION  
EXCLUSIVE OF DEBT LEVIES**

FUND	Maximum Rate Authorized To Be Levied	County Auditor's Estimate Of Yield Of Levy (Carry To Sch A Column II)
GENERAL FUND:	(N/A)	
SPECIAL LEVIES:	(N/A)	

Section 3. The Clerk of Council is hereby directed to certify a copy of this Resolution to the Miami County Auditor.

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

AI-7867

**New Business    E.  
Planning**

**City Council Meeting**

**Meeting Date:** 09/27/2021

Baseball Field Maintenance Contract

**Submitted By:** Josh King

**Department:** Planning

**Division:**

Parks and Recreation

**Council Committee Review?:** Council  
Work  
Session

**Date(s) of Committee Review:** 09/21/2021

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

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

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**Agenda Item Description or Legislation Title**

A Resolution Amending Resolution 2021-R-7041, Authorizing The City Manager To Enter Into A Contract For Baseball Field Renovation At Thomas A. Cloud Park And Monita Field And Waiving The Formal Bidding Requirements.  
(first reading)

**Purpose and Background**

Multiple City baseball fields at Thomas Cloud Park and Monita Field Park are in need of maintenance. Two quotes were received and no other companies were willing to provide quotes. The overall cost for the renovations and maintenance of the three baseball fields exceeds \$25,000, so the legislation attached is requesting to waive the competitive bidding requirements. This project was funded in the current City Budget. The original contractor selected cannot perform the work until late Spring after the sports season has started, so the request is to amend to select Lawns Plus as the contractor to move forward.

---

**Fiscal Impact**

**Source of Funds:** Parks & Rec Fund

**Cost:** \$95,000

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

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

**Financial Implications:**

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**Attachments**

Resolution

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2021-R-

AMENDING RESOLUTION 2021-R-7041, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR BASEBALL FIELD RENOVATION AT THOMAS A. CLOUD PARK AND MONITA FIELD AND WAIVING THE FORMAL BIDDING REQUIREMENTS.

WHEREAS, Baseball Fields 1, 7, 8, 9 and 10 at Thomas A. Cloud Park and Fields 1 and 2 at Monita Field are in need of renovation; and

WHEREAS, the cost of the project will be in excess of \$25,000; and

WHEREAS, two written quotes were obtained for said work; and

WHEREAS, City Council may waive the competitive bidding procedures whenever it deems to be in the best interest of the City to do so as defined in Section 171.12 of the Codified Ordinances of Huber Heights; and

WHEREAS, the original contractor to be awarded was unable to meet the time request of the City of Huber Heights.

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

Section 1. Resolution No. 2021-R-7041 passed by City Council on September 13, 2021 is hereby amended so that the City Manager is hereby authorized to contract with Lawn Plus for renovation services in an amount not to exceed \$95,000.

Section 2. Consistent with the provisions of the City Charter and the Huber Heights Codified Ordinances, the competitive bidding requirements are hereby waived.

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-7866

**New Business**     **F.**  
**Police**

**City Council Meeting**

**Meeting Date:** 09/27/2021

Upgrade 911 System

**Submitted By:** Maria Beisel

**Department:** Police

**Division:** Police

**Council Committee Review?:** Council  
Work  
Session

**Date(s) of Committee Review:** 09/21/2021

**Audio-Visual Needs:**

**Emergency Legislation?:** No

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

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**Agenda Item Description or Legislation Title**

A Resolution Authorizing The City Manager To Enter Into An Agreement With Intrado To Purchase Power 911 System For Use By The Public Safety Communications Center And Waiving The Competitive Bidding Requirement.  
(first reading)

**Purpose and Background**

The current Power 911 system has reached its end of useful life and must be upgraded to maintain operations and compatibility with other equipment, components and consoles. Enhancements to this system are part of the overall upgrades to the entire Communications 911 systems.

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**Fiscal Impact**

**Source of Funds:** 911 Fund

**Cost:** \$157,000

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

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

**Financial Implications:**

System will become obsolete and unsupported.

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**Attachments**

Resolution

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2021-R-

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH INTRADO TO PURCHASE POWER 911 SYSTEM FOR USE BY THE PUBLIC SAFETY COMMUNICATIONS CENTER AND WAIVING THE COMPETITIVE BIDDING REQUIREMENT.

WHEREAS, there is a need to upgrade the Power 911 system for use by the Public Safety Communication Center of the City of Huber Heights in order to provide continued 911 service to the citizens; and

WHEREAS, purchases greater than \$25,000 require authorization by the City Council; and

WHEREAS, the current Power 911 system has approached the end of its useful life and is no longer supported. Hardware and software upgrades are necessary to stay compatible with all equipment and components of the Dispatch Center.

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

Section 1. The City Manager is hereby authorized to order and purchase from Intrado a Viper Power 911 system, and Council approves the budget and expenditure of money for such purpose at a cost not to exceed \$157,000.

Section 2. Consistent with provisions of the City Charter of Huber Heights and the Huber Heights Codified Ordinances 171.12 (a)(1), the competitive bidding requirements are hereby waived.

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.

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

Effective Date:

AUTHENTICATION:

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

AI-7865

**New Business     G.  
Engineering**

**City Council Meeting**

**Meeting Date:** 09/27/2021

Chambersburg Road West Widening Improvement - Grant Application

**Submitted By:** Stephanie Wunderlich

**Department:** Engineering **Division:** Engineering

**Council Committee Review?:** Council **Date(s) of Committee Review:** 09/21/2021  
Work  
Session

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

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

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**Agenda Item Description or Legislation Title**

A Resolution Authorizing The City Manager To Submit An Application For Federal Fast Act Funds Through The Miami Valley Regional Planning Commission (MVRPC) For The Chambersburg Road West Widening Improvement.  
(first reading)

**Purpose and Background**

The attached legislation will authorize the City Manager to apply for a Transportation Improvement Program (TIP) grant through the Miami Valley Regional Planning Commission (MVRPC) using Federal Fast Act funds. The application is to widen and improve Chambersburg Road from Old Troy Pike west to the City limit. The Chambersburg Road West Widening Improvement will involve the acquisition of any necessary right-of-way, widening the roadway from two to three lanes, extending the storm sewers, adjusting the vertical alignment, installing 8-foot sidewalk only on the north side of the street, and installing curb and handicap ramps.

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**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

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

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

**Financial Implications:**

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**Attachments**

Resolution

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2021-R-

AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR FEDERAL FAST ACT FUNDS THROUGH THE MIAMI VALLEY REGIONAL PLANNING COMMISSION (MVRPC) FOR THE CHAMBERSBURG ROAD WEST WIDENING IMPROVEMENT.

WHEREAS, the Miami Valley Regional Planning Commission (MVRPC) has solicited local government entities to submit new transportation projects for funding consideration in the Transportation Improvement Program (TIP); and

WHEREAS, the City of Huber Heights has committed to a timely project development schedule; and

WHEREAS, the City of Huber Heights will commit the necessary resources to support the estimated local cost portion for the widening of Chambersburg Road as identified in the application; and

WHEREAS, the City Council wishes to make application for assistance from appropriate funding sources; and

WHEREAS, the City's portion of this project is 35%, which is currently estimated to be \$1,332,367.00; and

WHEREAS, the City of Huber Heights requests the following Exemption #7 from MVRPC's Complete Streets Policy for the proposed project funding application:

Where scarcity of population or other factors indicate an absence of need for current and future conditions. We are requesting an exemption for transit facilities and users.

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

Section 1. This legislation shall serve to authorize the transmittal and submittal of an application for funding under the TIP program. The application authorized by this Resolution shall be for roadway improvements to Chambersburg Road

Section 2. The City Manager and/or the City Engineer are hereby authorized to sign the application for funds as described in Section 1 of this legislation.

Section 3. The City of Huber Heights requests Exemption #7 for transit facilities and users from MVRPC's Complete Streets Policy for the proposed Chambersburg Road West Widening Improvement.

Section 4. The City Manager is hereby directed and authorized to take or cause to be taken all other action necessary and proper to secure the funding sought by the application referred to herein, and provide any additional information sought by reviewing agencies during the time the application is under review. The City Manager is further directed and authorized to cause compliance with all reporting requirements by the Miami Valley Regional Planning Commission (MVRPC) as required as part of the funding process.

Section 5. The City of Huber Heights hereby commits to the local contribution for the project as identified in the project application as it pertains to the improvement located within the corporate boundaries of the City of Huber Heights and further commits to those costs exceeding the estimate and which, therefore, exceed the grant amount.

Section 6. 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 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 Ohio Revised Code.

Section 7. 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