



**CITY OF HUBER HEIGHTS  
STATE OF OHIO  
City Council Meeting  
Regular Session  
March 14, 2022  
6:00 P.M.**

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

1. **Call The Meeting To Order - Mayor Jeff Gore**
2. **Invocation - Pastor Randy Griffith Of The Free Methodist Church At 6875 Old Troy Pike, Huber Heights, Ohio**
3. **Pledge Of Allegiance**
4. **Roll Call**
5. **Approval Of Minutes**
  - A. City Council Meeting Minutes - February 28, 2022
  - B. City Council Special Meeting Minutes - March 8, 2022
6. **Special Presentations/Announcements**
7. **Citizens Comments**
8. **Citizens Registered to Speak on Agenda Items**

9. **City Manager Report**

10. **Pending Business**

- A. An Ordinance Decreasing The Sewer Rates In Section 934.03 Of The Codified Ordinances Of Huber Heights And Increasing The Water Rates In Section 934.02 Of The Codified Ordinances Of Huber Heights.  
(second reading)
- B. An Ordinance Amending Chapter 738 – Massage Therapy Establishments, Sections 738.01, 738.02, And 738.03 Of The Huber Heights Codified Ordinances To Permit Certain Certified Massage Practitioners.  
(second reading)
- C. An Ordinance To Approve A Rezoning To Planned Residential And A Basic Development Plan For The Property Located At 6502 Old Troy Pike And Further Identified As Parcel Number P70 04004 0003 On The Montgomery County Auditor's Tax Map And Accepting The Recommendation Of The Planning Commission (Zoning Case 21-34).  
(sixth reading)

11. **New Business**

**CITY COUNCIL**

**Anthony Rodgers, Clerk of Council**

- A. A Motion To Reappoint Dennis Snider, Glenn Pottenger, Christopher Hall, And Ron Eifert (Special Liaison) To The Parks And Recreation Board For A Term Ending March 31, 2025.
- B. A Motion To Reappoint Jeff Schweinfurth To The Personnel Appeals Board For A Term Ending March 31, 2025.
- C. A Motion To Appoint Jeffrey Held As An Ex Officio Member To The Military And Veterans Commission For A Term Ending December 31, 2024.
- D. An Ordinance Approving The Editing And Inclusion Of Certain Ordinances And/Or Resolutions As Parts Of The Various Component Codes Of The City Code Of Huber Heights, Ohio; Providing For The Adoption And Publication Of New Matter In The Updated And Revised City Code As Supplement 9; And Repealing Ordinances And Resolutions In Conflict Therewith.  
(first reading)

**ADMINISTRATION**

**Bryan Chodkowski, Interim City Manager**

- E. A Resolution Authorizing The City Manager To Enter Into An Agreement For The Provision Of Emergency Preparedness, Homeland Security And Emergency Management Services.  
(first reading)
- F. A Resolution Establishing The 2022 Comprehensive Development Plan Steering Committee.  
(first reading)
- G. An Ordinance Authorizing Advances and Transfers Between Various Funds Of The City Of Huber Heights, Ohio And Amending Ordinance No. 2021-O-2511 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2022 And Ending December 31, 2022.  
(first reading)
- H. A Resolution Authorizing The City Manager To Increase The Not To Exceed Amount For The Maintenance And Supply Of Parts To Atlantic Emergency Solutions For Calendar Year 2022 And Waiving The Competitive Bidding Requirements.  
(first reading)
- I. A Resolution Authorizing The City Manager To Increase The Not To Exceed Amount For SHI International For The Calendar Year 2022 And Waiving The Competitive Bidding Requirements.  
(first reading)
- J. A Resolution Authorizing The City Manager To Increase The Not To Exceed Maintenance Contract Amount And Authorizing The City Manager To Enter Into A Contract Modification With Suez Water Environmental Services, Inc.  
(first reading)
- K. A Resolution Authorizing The City Manager To Enter Into Contracts For The 2022 Sidewalk Program And The Concrete Portion Of The 2022 Street Program.  
(first reading)

12. **City Official Reports and Comments**

13. **Executive Session**

14. **Adjournment**

AI-8237

Minutes A.

**City Council Meeting**

**Meeting Date:** 03/14/2022

Approval of Minutes - 2/28/22

**Submitted By:** Anthony Rodgers

**Department:** City Council

**Council Committee Review?:** None

**Date(s) of Committee Review:** N/A

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

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

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**Agenda Item Description or Legislation Title**

City Council Meeting Minutes - February 28, 2022

**Purpose and Background**

Approval of the minutes from the February 28, 2022 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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**1. Call The Meeting To Order - Mayor Jeff Gore**

The Huber Heights City Council met in a Regular Session on February 28, 2022. Mayor Jeff Gore called the meeting to order at 6:07 p.m. The start of the meeting was delayed due to technical difficulties with the recording system and live streaming.

**2. Invocation - Pastor John Gakwaya Of The Compassion Free Methodist Church At 6875 Old Troy Pike, Huber Heights, Ohio**

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

**4. Pledge Of Allegiance**

**5. Roll Call**

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

**6. Approval Of Minutes**

A. City Council Meeting Minutes - February 14, 2022

**7. Special Presentations/Announcements**

There were no Special Presentations or Announcements.

**8. Citizens Comments**

There were no Citizens Comments.

**9. Citizens Registered to Speak on Agenda Items**

There were two Citizens Registered To Speak; one on Item 11-B and one on Item 12-D.

**10. City Manager Report**

Interim City Manager Bryan Chodkowski said The Annex Group is on tonight's Pending Business portion of the agenda. He said he spoke with The Annex Group today, and they are still working through the final calculations regarding taxes, investments, and other components of the pro forma. He said The Annex Group will be reaching out to a local analytical firm to help finalize those items, and expect to be before Council with the final request regarding payments in lieu of taxes and final approval hopefully in the next thirty days. He said Addington Place is also on the agenda tonight under Pending Business. He said the developers for Addington Place have formally withdrawn the application associated with this proposal and will be resubmitting a Combined Basic Development and Detailed Development Plan to the Planning Commission with a new proposal at this location which will be a combination of single family homes as well as the proposed duplex units that were part of the original application. He said the City is approaching critical mass at The

Meadows project. He said the library is on the agenda tonight and Council has heard previously about the Homestead Group. He said Dogtown is moving forward. He said City Staff received updated information from Dogtown and will be looking to close on this matter.

Due to technical difficulties, the audio recording stopped at 6:16 p.m. The minutes are continued with the beginning of a new recording which began at 6:21 p.m.

Mr. Chodkowski said specific to the ask from this body when it comes to tax benefits, The Annex Group wants to make sure when it makes that ask that they are asking correctly. He said that is why The Annex Group is effectively going back and rebuilding its pro forma model and double-checking those numbers on both projects to make sure when they come back before this body, they are asking for the appropriate considerations from Council or determining if they need to withdraw the project outright. He said the company is conscientious of the fact that the fuse is growing short with Council.

Mr. Shaw said he agrees, and he just wanted to state his frustration that if memory serves correct, The Annex Group submitted this information around September or October of last year, and Council is still sitting on this update with no information. He said he thinks a strong conversation needs to be had, and the developer needs to withdraw and continue to do its research and resubmit at a later date. He said Council will be on a historic reading on this agenda item.

## **11. Pending Business**

- A. An Ordinance Designating Construction Noise During Certain Hours As Civil Infractions And Authorizing The City Manager To Adopt A Fine And Penalty Schedule For Such Infractions By Enacting Chapter 1323 Of The Codified Ordinances Of The City Of Huber Heights.  
(second reading)

Mayor Gore said there was no recommendation at the Council Work Session on this item. He asked if there is a motion to move this item forward.

Mr. Webb moved to adopt; Mr. Campbell seconded the motion and read a prepared statement.

Mr. Campbell said, upon review of the proposed ordinance designating construction noise during certain hours as a civil infraction as prepared by Law Director Gerald McDonald, he asked that issues be addressed by the Law Director. He said the proposed ordinance appears to conflict with the existing disturbing the peace ordinance as it is a criminal offense to make construction noise on Saturdays, but it is not a civil infraction to make that same construction noise on Saturdays. He also said the proposed ordinance does not affect the person making the construction noise, just the property owners, and it targets the property owners with a civil infraction. He asked if the property owners are really in charge of the construction crews or in control of the actions of the construction crews. He said the proposed ordinance does not appropriately affect the people making construction noise. He requested these issues be addressed by the City's Law Director before Council votes on the proposed ordinance.

Mr. Otto said Mr. Campbell brought up some legitimate questions. He said after receiving quite a few emails from developers and builders which other Councilmembers were copied on, and in looking at those and what is proposed and comparing it to the way the ordinance read before, he thinks the hours could be adjusted and Council could accomplish the goals for the builders and the residents. He said the complaints received by residents were primarily Saturday morning complaints. He said the developers and the builders recognize they need work hours during certain times of the year that extend before and after sunrise and sundown. He said he would like to propose rather than the general 7:00 a.m. to 7:00 p.m., maybe Council goes with a 6:00 a.m. to 8:00 p.m. Monday through Friday and then back off Saturdays to 9:00 a.m. to 5:00 p.m. He said that would net the builders an additional eight hours per week and give residents a Saturday morning and evening of peace.

Mr. Campbell said he agrees that the suggestions that Mr. Otto brought up should be reviewed with City Staff.

Mayor Gore said there is a motion and a second to adopt this item. He said Council would need to vote one way or another on this item unless Mr. Webb withdraws his motion to adopt and this item goes to another Council Work Session for further discussion.

Clerk of Council Anthony Rodgers said Council first needs to withdraw the motion that has been made to consider other alternative actions.

Mr. Webb withdrew his motion to adopt.

Mr. Campbell said he withdraws his second to the motion and he said the reason he seconded the motion was to get a discussion to occur. He said he would like to hear from the Law Director filling in for Gerald McDonald tonight. He said there are so many issues, and the two issues he brought up he feels are substantial and may warrant a tabling of this item for City Staff and the Law Director to work together and bring something else back.

Law Director Katie Wahl said Gerald McDonald has heard several concerns with the legislation that was proposed. She said it was Mr. McDonald's suggestion that this item be pulled from the agenda while he continues to do research and analyze the situation and have it come back at a future Council Work Session.

Mr. Shaw said he is tired of talking about this agenda item. He said it was his opinion that Council had this matter sewn up, and conversations with the Law Director, the Police Chief, and City Staff had taken place. He said it is apparent with Mr. Campbell's concerns that maybe that work has not been done fully. He said he disagreed with Mr. Otto's timeframe and he feels the time allotted that Council has discussed and reviewed with other communities is appropriate and needs to stand as written. He said again he is tired of talking about this matter, the builders are tired of hearing about it, and Council needs to put something on the books and move on.

Mr. Rodgers said a motion to postpone action indefinitely would remove this item from the agenda, and it could be brought back in another form to begin the process again at a later date. He said the other option would be to pass this item to a third reading, allowing for additional discussion on possible amendments. He said it sounded like the recommendation from the Law Director would be to remove this item from the agenda.

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

- B. An Ordinance To Approve A Rezoning From Agricultural To Planned Residential And A Basic Development Plan For The Property Located On The East Side Of Bellefontaine Road And South Of Chambersburg Road And Further Identified As Parcel Number P70-03908-0126 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Zoning Case 21-47). (fourth reading)

Mayor Gore said this item involves the Addington Place Project Bryan Chodkowski addressed in the City Manager Report that is being withdrawn with plans to submit a new application sometime in April, 2022. He said there is a citizen registered to speak on this item.

Mrs. Cindy Smith said she no longer wished to speak on this item at this time.

Mr. Otto moved to postpone action indefinitely on this item; Mrs. Kitchen seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, Mr. Webb, Mr. Shaw, and Ms. Baker voted yea; none voted nay. The

motion passes 8-0.

- C. An Ordinance To Approve A Rezoning To Planned Residential And A Basic Development Plan For The Property Located At 6502 Old Troy Pike And Further Identified As Parcel Number P70 04004 0003 On The Montgomery County Auditor's Tax Map And Accepting The Recommendation Of The Planning Commission (Zoning Case 21-34).  
(fifth reading)

Mayor Gore said this item involves The Annex Group project. He said if Mr. Chodkowski believes the updated information in this matter will be available within thirty days; he would be okay giving this item until the end of March, 2022 before taking action by Council. He said the Council Work Session recommendation was to pass this item to a sixth reading. He said this item can be moved on to a sixth reading and then wait to hear back from the developer one more time. He said there needs to be a resolution on this item as well.

Mr. Chodkowski said he agrees with the Mayor's suggestion to allow The Annex Group to provide the updated information by the end of March, 2022; and then if The Annex Group does not have anything definitive by then, it would be time for Council to act and remove the matter from the agenda.

Seeing no objections, Mayor Gore said this item will be moved to a sixth reading.

**12. New Business**

**CITY COUNCIL**

**Anthony Rodgers, Clerk of Council**

- A. A Public Hearing Scheduled For February 28, 2022 By The Huber Heights City Council For Zoning Case 22-05. The Applicant Is LWC, Incorporated. The Applicant Is Requesting Approval Of A Combined Basic And Detailed Development Plan For Four Acres Of Property Located At 6243 Brandt Pike For Construction Of A New Library.

Mr. Chodkowski said Mr. Aaron Sorrell, the Interim City Planner, could not be here this evening. He said this presentation will look similar as it was reviewed with Council at the Council Work Session and it was presented to the Planning Commission at the initial application for both the Basic and Detailed Development Plans. He said the library will be a 26,000 square foot structure. He said it is located on approximately four acres and is zoned Mixed Use, so this use is an appropriate use for that particular zoning district. He said the location is currently vacant and formerly served as a parking area for the Marian Meadows strip mall. He said adjacent lands are zoned appropriately as Planned Mixed Use. He said this branch is one of the library's last constructed branches as part of the program. He said this site is 34 feet tall at its highest peak. He said the curb cut will be located on Miami Valley Way to help improve traffic flow on Brandt Pike and to provide ingress and egress in a safer manner for library patrons. He said there is a small encroachment of the facility into the public right of way for architectural purposes, and that particular encroachment was supported by the Planning Commission. He said there is an alternative landscaping plan for this particular property. He said the architect and the library proposed a landscape plan to include significant amounts of shrubbery in place of two trees missing from the requirements of the City Code. He said that change was also endorsed by the Planning Commission. He presented the overhead site plan. He said there is a significant amount of green space added to the project considering the location is all paved asphalt. He noted on the right-hand side of the plan that part of the arch is the structural encroachment into the right of way. He presented several site views from different directions. He said on the rear right-hand side, the arch on Brandt Pike is significantly landscaped with low height shrubbery in and above the requirements the City would normally seek. He said that is why the library had sought the lower requirement provided by the Planning Commission and its recommendation to this body. He said the proposed development reduces the impervious surface, reducing the runoff to other parcels in and around the site. He said the Zoning Code



requires 122 parking spaces, and the library is overbuilt for a cooperative sharing purpose with the City for potential adjacent uses. He said there is a pedestrian entrance off Brandt Pike for those who utilize RTA to access the facility with ease rather than coming around from the parking lot side. He said no sign package was submitted with this proposal, and it was recommended that the library return for appropriate signage approval. He said there was one particular wall sign associated with the submittal, and 35 square feet is the assigned square footage for that proposal. He said 16 percent of the building frontage encroaches into the setback. He said the overall facade is approximately 270 feet long. He said the facade itself is a combination of mixed materials. He said the recommendation from City Staff for the Basic and Detailed Development Plans was approval conditioned that the applicant submit a sign package in compliance with all stormwater requirements and all Fire Code requirements, and that a revised site and landscaping plan reflecting all of the conditions of the Planning Commission decision be submitted for Council review.

Mayor Gore asked if any representatives from LWC, Incorporated had any comments.

Mr. John Fabelo from LWC, Incorporated said he had nothing to add to the presentation, but he is available for questions.

Mayor Gore asked if the Law Director had any comments.

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

Seeing none, Mayor Gore asked if there was anyone present to speak in favor of the approval of this issue.

Seeing none, Mayor Gore asked if there was anyone present to speak against the approval of this issue.

Seeing none, Mayor Gore asked if there was any member of City Council to make comments or provide additional information.

Mrs. Byrge asked if the library would have the responsibility for maintaining the retention pond.

Mr. Fabelo said the retention pond is off of the library's property. He said the library is designing the site with water in mind in terms of accumulation, but the retention pond is outside of that property.

Mr. Chodkowski said the retention pond will be a component of the Homestead Project in partnership with the City. He said it will be designed to take surface water from this project if that is an option that the library would like to utilize. He said at this point in time, the library is making other arrangements with respect to stormwater management.

Mr. Fabelo confirmed for Ms. Baker that what is on the drawings is not a driveway and is actually landscaping.

Mr. Webb said Mr. Sorrell had mentioned a minor change to the parking lot with regard to a turning radius at the north entrance and he asked Mr. Chodkowski to speak about it to make it part of the public hearing.

Mr. Chodkowski said there was a minor issue with respect to the turn tables and the radius of that particular driveway off of Miami Valley Way. He said that issue is a minor modification that will need to be made to the plan.

Mayor Gore asked if there were any other members of City Council to make comments or provide additional information.

Seeing none, Mayor Gore asked one last time if there was anyone to speak in favor of or against the approval of this zoning case.

Seeing none, Mayor Gore said, barring further comments, this Public Hearing of the City Council for Planning Commission Case ZC 22-05 is hereby closed.

**ADMINISTRATION**

**Bryan Chodkowski, Interim City Manager**

- B. An Ordinance To Approve A Basic And Detailed Development Plan For The Property Located At 6243 Brandt Pike And Accepting The Recommendation Of The Planning Commission (Zoning Case 22-05).  
(first reading)

Interim City Manager Bryan Chodkowski asked that Council waive the second reading and adopt this item as emergency legislation. He said this measure was requested by the library so they can commence site development.

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

Clerk of Council Anthony Rodgers said this legislation was not prepared as emergency legislation, and would require an amendment to do so. He said the amendment would be to amend the title to add "and declaring an emergency" and then to add another section to the ordinance to include the emergency clause. He said the motion would be as he stated with the change to the title and changing Section 3 to include the emergency clause.

Mr. Chodkowski apologized and he said the legislation as presented is the legislation that was recommended by City Staff to Council. He apologized for any confusion from his comments as he recalled the legislation incorrectly.

Mayor Gore confirmed with Mr. Chodkowski that only a motion to waive the second reading and a motion to adopt is needed.

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

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

- C. A Resolution Authorizing The City Manager To Engage LWC Incorporated To Provide A Space Needs Assessment For Certain City Operations.  
(first reading)

Mr. Chodkowski said this resolution would empower LWC Incorporated to perform a needs assessment largely associated with the City's desire to place a Senior Center in The Meadows and also to look at other space needs of the City.

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

Mrs. Byrge moved to adopt; Mrs. Kitchen seconded the motion.

Mrs. Byrge said the notes in the packet said LWC Incorporated would work with City Staff to identify any requirements and asked that with respect to the Senior Center, that LWC Incorporated contact the Board of Directors of the Senior Center versus City Staff.

Mr. Chodkowski said it is the intention for LWC Incorporated to meet with representatives of the Senior Center.

On a call of the vote, Mr. Lyons, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto 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 Be Providing 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 Landowners (As Defined Below) And As Provided By Ohio Revised Code Section 709.023.  
(first reading)

Mr. Chodkowski said as previously discussed with Council and the Law Director, this item is a matter of statutory obligation in the State of Ohio.

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

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

Ms. Beth Van Haaren said this same issue was in front of Council in September, 2021 and Mayor Gore asked if the City could rescind the service agreement after it was passed for more or less the same parcel. She asked if Council could vote to table this item or push it out to a later date. She said this development involves 260 acres and 900 extra homes in Bethel Township, and there are a lot of infrastructure considerations to address.

Mr. Shaw requested the motion to adopt and the second to the motion be withdrawn to allow this item to go to another Council Work Session. He said in his opinion, this matter needs to be reviewed by the Law Director as the information in Exhibit A is incorrect as presented in the legislation as compared to the petition filing forwarded to Council by the Clerk of Council at 4:21 p.m. this afternoon. He said the survey on Exhibit A has a different date than that on the petition filing and different information provided in the service agreement letter, which would make it invalid in his opinion. He said he would like the Law Director's review prior to Council's vote.

Ms. Katie Wahl apologized and said she was not copied on that communication and she was not able to respond. She said the petition was filed today, and under the statute, the City shall file the statement within twenty days. She said that is a statutory obligation.

Mr. Shaw reiterated his concerns regarding a discrepancy in the information in the packet versus the information filed.

Mrs. Byrge said the surveys were done at a different time, and the dates would not be the same. She said she sees no reason to hold this item up. She said if there was a problem, the Law Director would have provided that information to Ms. Wahl.

Mr. Lyons said he had just now received his emails. He asked if this item had just come today and was then put on the agenda.

Mayor Gore said the petition filing was done today, but this item was discussed in the Council Work Session.

Mr. Lyons asked if there was a reason why this item could not be moved to the next Council Work Session and a vote at the next City Council Meeting.

Mayor Gore said that would be up to Mrs. Byrge to withdraw her motion.

Mr. Rodgers said if this item fails, it would have to be reintroduced at a later date.

Mr. Webb asked if the discrepancies impact the ability to service the proposed annexed area.

Mr. Chodkowski said it does not and that Council's task today is to determine whether the City has the resources and the ability to provide services to the area, not to determine the accuracy or the content of the petition. He advised Council that the issues Mr. Shaw raised may be valid concerns, but are not concerns that affect the City's ability to provide services. He encouraged Council to consider its responsibility under the statute. He said the only change between this request for service and the one previously seen by Council was with respect to the sanitary and water utility systems,

and this petition has been updated to reflect that there is water and sewer infrastructure in that area owned by Bethel Township/Miami County.

Mr. Lyons asked if Mr. Chodkowski had talked with the Fire Chief regarding having appropriate fire services to protect that area.

Mr. Chodkowski said having had conversations with the Fire Chief, the Police Chief, and the Public Works Manager, he said they believe the City will have the adequate resources to provide services to this area when the time comes.

Mr. Lyons said he has a hard time supporting development without hearing from the Fire Chief and he said Council was supposed to hear from the Fire Chief this year. He said if Council does not send this item to another meeting, he said he will then be a no vote until hearing from the Fire Chief.

Mrs. Byrge said the Fire Chief was at the Planning Commission meeting and said the Fire Division can support this area, and when asked, the Fire Chief said another fire station would not be needed.

Mr. Shaw said with respect to Mr. Webb's comments, he would agree in part on the service portion; however, the resolution in front of Council mentions Exhibit A, and that is his legal review question. He said if the information is legitimately different, he would like to know why there is different information and why it is legal to vote on this item. He said this review would not halt the timetable or disrupt it at all.

Mrs. Kitchen asked how much it costs the City to provide the services.

Mr. Chodkowski said those costs would be a calculation with respect to any capital items associated with this project and would be information determined via the due diligence process with respect to the township's desire to meet and talk about what an annexation agreement might look like. He said the City has the services now to respond, and as the development grows and the City's resources grow, additional funds will be available if necessary to add equipment or personnel which would be recommended by those individuals and approved by Council at the time those needs were determined to be necessary.

Mr. Webb said Council is being asked to make a statement that the City can extend services and City Staff has said yes, the City can. He said he would ultimately not vote yes for an annexation that would cost the City money.

Mr. Shaw left the meeting between 7:06 p.m. and 7:13 p.m.

Mayor Gore called a recess at 7:16 p.m. to try to locate Mr. Shaw.

Mayor Gore reconvened the meeting at 8:04 p.m.

Mayor Gore said this Council has a legal statutory obligation to vote on this matter. He said it is his belief that Mr. Shaw exited tonight's meeting in order to prevent the Mayor from voting to break a tie on this item. He said the City has a duly elected official who is playing games.

Mr. Otto said the Mayor's comments were out of order and he told Mayor Gore he was upset because he was not getting his way and throwing a temper tantrum.

Mayor Gore said what he expects to happen is that a vote will be called and this item will fail this evening; and he fully expects the landowners to file a court claim through an injunction, and he expects the City to get sued because Mr. Shaw is neglecting his legislative duty. He asked Mr. Rodgers to call the roll.

On a call of the vote, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; Mrs. Kitchen, Mr. Otto, and Mr. Lyons voted nay; Mr. Shaw was absent from the vote. The motion fails 4-3.

Mr. Lyons said he would hope this item comes back to the next Council Work Session.

Mayor Gore said the motion failed, so the item will not be back, and he expects the next action to be court action.

Mrs. Byrge said the item cannot just be put on another agenda after it has failed.

Mr. Campbell said he would like to entertain Mr. Lyons' thought and asked if Mr. Lyons was hoping this item would come back in the future.

Mr. Lyons said Mr. Shaw made a reasonable request and he himself had his own reasons for voting no tonight. He apologized for not being at the last Council Work Session and for not being more prepared with the information that was shared at the Council Work Session. He said he was prepared and read through the meeting packet tonight and he is confident about his vote tonight. He said he would like to discuss this item at the next Council Work Session.

Mr. Webb said this item was just voted down and there is no additional twenty days. He said this matter now goes back to the developers. He said with a no vote from Council, if the developer chooses, this issue will be a matter for the courts. He asked if Council would have anything further to do with this matter.

Ms. Wahl said she believes Mr. Webb is correct.

- E. An Ordinance Decreasing The Sewer Rates In Section 934.03 Of The Codified Ordinances Of Huber Heights And Increasing The Water Rates In Section 934.02 Of The Codified Ordinances Of Huber Heights.  
(first reading)

Mr. Chodkowski said this legislation would restructure the utility rates to provide for an approximate \$300,000 per year surplus in the Water Fund beginning 2023, so the City could apportion that money toward additional infrastructure improvements in the future.

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

- F. A Resolution Authorizing The City Manager To Acquire Needed Right Of Way, Drainage, Slope, And Temporary Easements For The East Water Main And East Sanitary Sewer Extension Projects.  
(first reading)

Mr. Chodkowski said this legislation allows City Staff to begin acquiring the necessary rights to utilize land to make connections to what will eventually be the Fairborn Wastewater Treatment Plant to provide sanitary sewer services to the east side of the City.

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

Mrs. Byrge moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, and Mr. Webb voted yea; none voted nay. The motion passes 7-0.

- G. A Resolution Authorizing The City Manager To Enter Into A Contract To Provide A Water Distribution System Integrity Study.  
(first reading)

Mr. Chodkowski said this authorizes staff to hire the necessary firm to assist staff in the study of the water system and help determine why the City is having issues.

Mr. Otto moved to adopt; Mrs. Kitchen seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, Mr. Webb, and Ms. Baker voted yea; none voted nay. The motion passes 7-0.

- H. An Ordinance Amending Chapter 738 – Massage Therapy Establishments, Sections 738.01, 738.02, And 738.03 Of The Huber Heights Codified Ordinances To Permit Certain Certified Massage Practitioners.  
(first reading)

Mr. Chodkowski said this ordinance is to authorize legitimate recreational or legitimate non-therapeutic massage. He asked Council to move this item to a second reading while City Staff continues to evaluate and address some concerns discussed by Council during the Council Work Session.

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

- I. A Resolution Authorizing The City Manager To Award A Contract For Services Related To The Mowing And Maintenance Of Specified City Properties.  
(first reading)

Mr. Chodkowski said this resolution would authorize City Staff to engage a contractor to assist in grounds maintenance within the park facilities and within certain right of ways.

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

Mr. Webb moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, Mr. Webb, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 7-0.

**13. City Official Reports and Comments**

Mrs. Kitchen said an email was sent out with Dr. Stock's presentation from the First Tier Suburbs Consortium. She said it was an interesting presentation on the workforce in this area. She asked all Council to look at it.

**14. Executive Session**

There was no need for an Executive Session.

**15. Adjournment**

Mayor Gore adjourned the Regular Session City Council Meeting at 8:14 p.m.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

AI-8262

Minutes B.

**City Council Meeting**

**Meeting Date:** 03/14/2022

Approval of Minutes - 3/8/22

**Submitted By:** Anthony Rodgers

**Department:** City Council

**Council Committee Review?:** None

**Date(s) of Committee Review:** N/A

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

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

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**Agenda Item Description or Legislation Title**

City Council Special Meeting Minutes - March 8, 2022

**Purpose and Background**

Approval of the minutes from the March 8, 2022 City Council Special 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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**1. Call The Meeting To Order - Mayor Jeff Gore**

The Huber Heights City Council met in a Special Session on March 8, 2022. Mayor Jeff Gore called the meeting to order at 7:38 p.m.

**2. Roll Call**

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

**3. New Business**

**ADMINISTRATION**

**Bryan Chodkowski, Interim City Manager**

- A. A Resolution Authorizing And Directing The Clerk Of Council To Schedule A Joint Work Session Meeting With Bethel Township, Miami County For The Purposes Of Discussing Annexation.  
(first reading)

Interim City Manager Bryan Chodkowski said in follow up to the last City Council Meeting there were questions and concerns brought to his attention; and in discussions with some members of Council, it was requested this resolution be brought forward and considered by Council in advance of any other action by Council on annexation.

Mayor Gore asked for a motion to adopt Item 3-A to direct Clerk of Council Anthony Rodgers to schedule a joint meeting with Bethel Township and Miami County for the purpose of discussing annexation.

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

Mr. Otto asked what guarantee Council would have that this meeting would take place, as Council had already given the Clerk of Council direction to schedule a meeting in the past, which he did, and without direction from Council to cancel the meeting, it was cancelled.

Mayor Gore said this item is a formal resolution directing Anthony Rodgers to schedule the meeting.

Mr. Shaw said the resolution states the meeting would be set at the earliest date and time to accommodate a quorum. He said the resolution does not state the meeting will be set by a certain date. He said his fear with this resolution is the meeting could be scheduled on January 23, 2023. He said Council has seen how scheduling conflicts go, as Council has not had a joint meeting with the Huber Heights School Board in three and a half years. He asked what provisions are in the resolution that state the meeting will be set sooner rather than later.

Mr. Campbell asked Mr. McDonald if the resolution can be amended to set a date of within the next thirty days.

Mr. McDonald said there is a pending motion which would need to be withdrawn, and then Mr. Shaw could make a motion to amend the resolution.

Mr. Campbell withdrew his motion to adopt and then made a motion to amend the legislation to state the meeting will be scheduled within thirty days. Mr. Otto seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, Mr. Webb, and Mr. Shaw voted yea; none voted nay. The motion passes 8-0.



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

Mr. Rodgers said the only issue with the definitive date is recognizing he will put an email out to Council tomorrow seeking availability for that meeting, but the City does not control the actions of the Bethel Township Trustees. He asked Council to be aware that the limitation may work against others' schedules.

Mayor Gore said location should also be discussed as that was an issue last time. He said Council needs to decide where to hold the meeting that has a large enough space. He said the Council Chambers at City Hall would be an appropriate place.

Mr. Shaw said he would suggest the Huber Heights YMCA as it is a middle ground location and an equal drive for all parties.

Mr. Rodgers said there would be no access to the City's streaming and recording capabilities.

Mr. Shaw said people have access to Facebook Live and the meeting can be streamed on to the City's website as the previous City Manager had done before.

Mayor Gore asked Mr. Rodgers if Facebook Live meets the City's obligation.

Mr. Rodgers said the City is not required to record the meeting, the meeting just has to be open to the public.

Mr. Webb asked Mr. McDonald what happens with this legislation if the meeting is not scheduled within thirty days.

Mr. McDonald said the legislation would be brought back and amended to however long it is going to take to schedule the meeting.

Mrs. Byrge asked if spring break will be coming up and if it could affect this meeting.

Mayor Gore said spring break would be at the tail end of this time frame.

Mr. Shaw said the Bethel Township Trustees have been eager to state they would even show up at the next Council Work Session and he does not think their schedules will be an issue.

Ms. Baker said the City could host the meeting.

Mayor Gore said last time, there was difficulty settling on a place to have the joint meeting. He said if this meeting is going to move forward, Council has to be flexible on where the meeting is to be held.

Mr. Otto said he agrees with Mr. Shaw and he does not think the Bethel Township Trustees will have much of an issue with scheduling. He said as far as the location goes, whatever would accommodate a large group would be great. He said the Council Chambers may not be conducive. He said he does not care where it is as long as there is enough space and everyone is comfortable.

Mayor Gore said Council will leave that detail to Mr. Rodgers, but he asked Mr. Rodgers to come back to Council with a potential location for the meeting for Council to agree upon.

Mr. Rodgers said he will start tomorrow by reaching out to Council regarding availability, and then reach out to Bethel Township to see which dates work for availability on that side, and then discuss potential locations.

- B. A Resolution Adopting A Statement Indicating The Services The City Of Huber Heights, Ohio Will Be Providing 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 Landowners (As Defined Below) And As Provided By Ohio Revised Code Section 709.023.  
(first reading)

Mr. Chodkowski said there were a lot of questions and concerns brought to his attention following the last time this matter was brought before Council. He said it was his understanding based on the dialogue he was part of and the dialogue between members of Council, that there was the possibility that this matter had the potential for reconsideration.

Mrs. Kitchen moved to reconsider the resolution in Item 3-B; Mr. Campbell seconded the motion.

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

Mayor Gore said next there would need to be a motion to amend the resolution with some amendments presented by the Interim City Manager.

Mr. Chodkowski distributed an amended resolution for Item 3-B. He said in conversations with members of Council, there was a concern that the initial presentation of the legislation was too definitive. He said this matter is a process, and ultimately, in the end, when the process is about to conclude, the last particular item of that process is the City's decision to accept or reject the annexation, even if the petition to the Miami County Commissioner is found to have met all the requirements. He said the City still has an opportunity to accept or reject the annexation or to further condition the acceptance of the annexation. He said the request was to provide language or update the language in the resolution to demonstrate that this matter is still a process and there is still a choice. He said in the event the petition is certified by Miami County, that is not a sure thing and the City still has a choice. He said two language corrections were made in the declarations and he presented the amended resolution for Council review.

Mrs. Byrge moved to amend the resolution as proposed by Mr. Chodkowski; Ms. Baker seconded the motion. On a call of the vote, Mr. Otto, Mr. Lyons, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; none voted nay. The motion passes 8-0.

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

Mrs. Byrge asked Mr. McDonald what the legal ramifications are if this annexation comes to Council and it is rejected.

Mr. McDonald said Council has the right to accept or reject the annexation under Section 709.04 of the Ohio Revised Code.

Mrs. Kitchen asked what services the City would be providing. She said she was not comfortable with the water and sewer, and she wants it stated publicly how those services will be handled.

Mr. Chodkowski said this service letter does not include public utilities for water and sewer. He said storm sewer would be a possibility under this legislation. He said, unlike with the Carriage Trails Subdivision, Bethel Township has constructed its own public water system since that time and has constructed public wastewater infrastructure and is within its own Facilities Planning Area (FPA). He said Bethel Township has the right to provide these services, and the City cannot provide these services unless Bethel Township allows the City to do so. He said the City of Huber Heights does not intend to provide these services under this legislation. He said these services might be something the City would negotiate in the future under a separate agreement.

Mrs. Kitchen asked what the process is to get to where this matter is all approved.

Mr. McDonald explained the annexation process. He said annexation is primarily a county function. He said a petition is filed with Miami County and then the City has an initial obligation within twenty days to pass the statement of services letter. He said the annexation goes to Miami County as a Type II annexation, as one in which the property will not be taken out of the township, and the township will receive taxes and the City will receive taxes. He said the annexation goes before the Miami County Commissioners and if this annexation meets the list of criteria, Miami County has to approve it. He said the annexation would then come back to the City, and after sixty days, the City has one hundred and twenty days to approve or reject the annexation.

Mr. Chodkowski said there is a process that allows the City and Bethel Township to negotiate terms and conditions in which Bethel Township would release its territorial claim, making the residents not multi-jurisdictional.

Mrs. Kitchen asked if this annexation goes through, is it possible for the City to have a moratorium on annexations north of State Route 40.

Mr. Chodkowski said if that is the policy consent of Council and of Bethel Township, that could be a condition in an annexation agreement.

Mrs. Kitchen asked about the 2008 agreement when Carriage Trails first came into play and how that agreement comes into play with this service agreement.

Mr. Chodkowski briefly discussed the Benchrock development and how DEC resurrected that project. He said that agreement defines the terms of a partnership between the City and DEC about who would assume certain responsibilities and how the parties would be compensated in that role in the partnership. He said in this instance, the City is not involved in negotiations with DEC regarding a development agreement. He said it is not uncommon for the City to be involved in development agreements for economic development. He said he was not aware DEC had an interest in participating in a development agreement at this time. He said DEC may approach the City about a development agreement. He said that development agreement is not a requirement of the annexation and it is not part of the annexation.

Mrs. Kitchen said if this annexation goes through, she would want to have a serious talk about a moratorium on annexations north of State Route 40 and she would like to get something in place for the next Council Work Session.

Mayor Gore said that discussion would be part of Council's due diligence process or a discussion in the joint meeting with Bethel Township.

Mr. Chodkowski said it is his understanding that the intent of the joint meeting would be for both parties to talk about whatever their concerns or whatever their interests are in respect to this project. He said that meeting would be an opportunity for all of these concerns and issues to be aired publicly so everyone can hear those concerns and then both parties can put together a negotiating team, enabling both parties to get to a potential agreement sooner rather than later.

Mr. Shaw thanked Mrs. Kitchen for bringing this motion to reconsider this item back up so additional public discussion could occur. He asked Mr. Chodkowski why the September 13, 2021 services agreement annexation letter included water and sewer and this letter does not.

Mr. Chodkowski said at the time of the initial letter back in September, he was not privy to the discussions and conversations and he cannot comment on why the letter did or did not contain the information. He said when the City was contacted and advised that this letter would be forthcoming and that the petition would be resubmitted to Miami County, he said he reached back out and was advised that Bethel Township had provided that infrastructure, and as a result, the City would not be able to provide these services under this service letter.

Mr. Shaw asked if Mr. Chodkowski has learned since then or prior to that time that the Miami Valley Regional Planning Commission (MVRPC), as the facilitator of the facilities' boundary lines within the area that is being observed, are denying the changes to the boundary lines until both parties come to an agreement.

Mr. Chodkowski said he was not aware of that information.

Mr. Shaw said there was a meeting that took place in July, 2020 with the previous City Manager. He said he believes that communication was re-introduced to Council recently that the MVRPC is not comfortable giving its blessing on moving forward with the boundary lines for the utilities because Huber Heights and Bethel Township have not come to an agreement on this annexation. He asked Mr. Chodkowski if he is able to make any comments on the status of Tri-Cities and the capacity it has at this time with respect to ability or volume. He said since the last review of Tri-Cities, there have been five additional housing developments in the City of Huber Heights, including additional businesses. He said during the last review of Tri-Cities, north of I-70 was close to 80 percent capacity. He said this Council should be cognizant of its agreement with Tri-Cities and the capacity therein. He asked if Tri-Cities' capacity would preclude a large development of this nature.

Mr. Chodkowski said, having only served on Tri-Cities for three months, he is aware the plant is approaching capacity. He is also aware all of the cities have been notified and need to begin planning the expansion of that facility and are in the process of preparing a briefing for all members of the Tri-Cities Board. He said, based on the information he has related to Tri-Cities, it intends to expand the plant to accommodate for future growth, and in the event the City wants to service this particular subdivision, the plant would be designed to include the appropriate capacity. He said if Council and Bethel Township came to terms that the City would take on the service for that subdivision, he would say yes in the immediate term - the City would have the ability to provide service capacity at Tri-Cities because the plant will evolve in the next several years to accommodate for the volume which is how that development would expand over time. He reiterated the service agreement does not include service utilities from the City of Huber Heights. He said this legislation excludes providing utility services to this particular area regardless of whether MVRPC has certified or not certified the pending FPA agreement.

Mr. Shaw asked if City Staff would be willing to amend the resolution to include in Section One that Bethel Township will take care of water and sewer services for this area.

Mr. Chodkowski said that is a policy decision for Council to make.

Mr. Shaw said he knows there is a first and second for the motion to adopt on the table, but he was not provided the amended resolution prior to tonight's meeting. He said he does believe adding that information is important. He said he knows Bethel Township was approached recently about additional annexations, and the two proposed developments were not annexed but did go forward. He said it would provide the resident capacity for Bethel Township to become a charter city. He said moving this item forward would negate the future possibility for Bethel Township to become a city.

Mr. Rodgers said either the motion needs to be withdrawn or Council should proceed with the vote on the motion to adopt.

Mrs. Kitchen asked if the vote fails, can Council add the water and sewer information to the resolution and redo the vote?

Mr. Rodgers said if this motion fails, it is done.

Mr. Campbell asked Mr. McDonald if the legislation talks about Bethel Township providing water and sewer services.

Mr. McDonald said it does not and the City does not know if Bethel Township can provide sewer and water services.

Mr. Chodkowski said he assumed that issue would be one of the topics covered in the negotiations. He said Bethel Township publicly admitted it has put forth the infrastructure as an incentive to limit the interest in annexation. He said if Bethel Township has the ability to provide the services, it would want to provide the services. He said it is Bethel Township's services to give up to the City, not the City's services to

take. He said even if Council put these services within the City's agreement as something the City could provide, Bethel Township would still have to agree to allow the City to provide the services. He said everything was negotiable and he offered examples.

Mr. Shaw said he misspoke earlier when he said the water and sewer services would not be provided by Bethel Township, the services would be provided by Miami County.

Mr. McDonald said this legislation is a statement of what services the City of Huber Heights is going to provide, not what services anyone can, may, or may not provide. He said it would be improper to put in the legislation that someone else will provide the services. He said Council should concentrate on what services the City will provide.

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

**4. Executive Session**

There was no need for an Executive Session.

**5. Adjournment**

Mayor Gore adjourned the Special Session City Council Meeting at 7:38 p.m.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

AI-8239

Pending Business    A.  
City Manager

**City Council Meeting**

**Meeting Date:** 03/14/2022

Water and Sewer Rate Adjustments

**Submitted By:** Jim Bell

**Department:** Finance

**Division:** Accounting

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

**Date(s) of Committee Review:** 02/22/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

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

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**Agenda Item Description or Legislation Title**

An Ordinance Decreasing The Sewer Rates In Section 934.03 Of The Codified Ordinances Of Huber Heights And Increasing The Water Rates In Section 934.02 Of The Codified Ordinances Of Huber Heights.  
(second reading)

**Purpose and Background**

The final 2022 City Budget presentation and discussion included an option to increase water rates by 5% with a corresponding decrease in sewer rates by 7.5%. This plan would generate an estimated \$300,000 in additional water revenue annually.

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**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

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

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

**Financial Implications:**

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**Attachments**

Ordinance

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2022-O-

DECREASING THE SEWER RATES IN SECTION 934.03 OF THE CODIFIED ORDINANCES OF HUBER HEIGHTS AND INCREASING THE WATER RATES IN SECTION 934.02 OF THE CODIFIED ORDINANCES OF HUBER HEIGHTS.

WHEREAS, Section 934.02 of the Codified Ordinances of the City of Huber Heights sets forth the water distribution rates for all municipal water customers; and

WHEREAS, Section 934.03 of the Codified Ordinances of the City of Huber Heights sets forth the sanitary sewer rates for water customers; and

WHEREAS, Council has determined it is necessary to increase the water distribution rates across the board effective in April 2022 by five percent (5%) and to decrease the sanitary sewer rates across the board effective in April 2022 by seven and one half (7½%) percent.

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

Section 1. Effective with the first billing in April 2022, Section 934.02(a), (b) and (c) of Chapter 934 Rates and Fees for Water Distribution and Sanitary Sewer Services, of Title Three, Public Utilities, of Part Nine Streets and Public Services, of the Codified Ordinances of the City of Huber Heights is hereby amended to read as follows:

**934.02 WATER DISTRIBUTION RATES.**

(a) Except as provided elsewhere in this section, water rates for all customers, including customers that reside within the City limits that are in the Huber East Water District System shall be as follows.

- (1) The billing period shall be monthly and include estimated or actual readings.
- (2) The water rates to be charged shall be based on the volume of water consumption and the size of the water meter(s) servicing a property as follows:

Effective through the last billing in December 2018	Effective through the last billing in December 2018
Consumption Volume	Rate Per 100 Cubic Feet
0 to 1500 cubic feet	\$1.7794
Over 1500 cubic feet	1.5045

Effective with the first billing in January 2019:	Effective with the first billing in January 2019:
Consumption Volume	Rate Per 100 Cubic Feet
0 to 1500 cubic feet	\$2.0463
Over 1500 cubic feet	1.7302

Effective with the first billing in January 2020:	Effective with the first billing in January 2020:
Consumption Volume	Rate Per 100 Cubic Feet
0 to 1500 cubic feet	\$2.3532
Over 1500 cubic feet	1.9897

Effective with the first billing in April 2021:	Effective with the first billing in April 2021:
Consumption Volume	Rate Per 100 Cubic Feet
0 to 1500 cubic feet	\$2.3817
Over 1500 cubic feet	2.0138

Effective with the first billing in April 2022:	Effective with the first billing in April 2022:
Consumption Volume	Rate Per 100 Cubic Feet
0 to 1500 cubic feet	\$2.5008
Over 1500 cubic feet	2.1145

(3) Monthly service charges for water distribution services shall be based on the size of the largest meter servicing a property as follows:

Effective through the last billing in December 2018	Effective through the last billing in December 2018	Effective through the last billing in December 2018
Meter Size	Residential User Service Charge	Commercial User Service Charge
5/8"	\$10.28	\$10.28
1"	25.40	25.40
1 1/2"	50.63	54.02
2"	80.86	86.27
3"	151.44	161.56
4"	255.82	272.95

Effective with the first billing in January 2019:	Effective with the first billing in January 2019:	Effective with the first billing in January 2019:
Meter Size	Residential User Service Charge	Commercial User Service Charge
5/8"	\$11.82	\$11.82
1"	29.21	29.21
1 1/2"	58.22	62.12
2"	92.99	99.21
3"	174.16	185.79
4"	294.19	313.89

Effective with the first billing in January 2020:	Effective with the first billing in January 2020:	Effective with the first billing in January 2020:
Meter Size	Residential User Service Charge	Commercial User Service Charge
5/8"	\$13.59	\$13.59
1"	33.59	33.59
1 1/2"	66.95	71.44
2"	106.94	114.09
3"	200.28	213.66
4"	338.32	360.97

Effective with the first	Effective with the first	Effective with the first
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<b>billing in April 2021:</b>	<b>billing in April 2021:</b>	<b>billing in April 2021:</b>
<b>Meter Size</b>	<b>Residential User Service Charge</b>	<b>Commercial User Service Charge</b>
5/8"	\$13.75	\$13.75
1"	33.99	33.99
1 1/2"	67.76	72.30
2"	108.23	115.47
3"	202.70	216.25
4"	342.41	365.34

<b>Effective with the first billing in April 2022:</b>	<b>Effective with the first billing in April 2022:</b>	<b>Effective with the first billing in April 2022:</b>
<b>Meter Size</b>	<b>Residential User Service Charge</b>	<b>Commercial User Service Charge</b>
5/8"	\$14.44	\$14.44
1"	35.69	35.69
1 1/2"	71.15	75.92
2"	113.64	121.24
3"	212.84	227.06
4"	359.53	383.61

Monthly service charges for water distribution for meter sizes not enumerated above shall be determined by the City Engineer in proportion to the rates for meter sizes listed above. The Citizens Water and Sewer Advisory Board shall hear appeals concerning service charge determinations by the City Engineer and provide a recommendation of final action to the City Council. The City Council shall make the final decision regarding any appeal concerning service charge determinations by the City Engineer.

- (b) Except as otherwise provided in this section, Huber East Water District customers located outside of the City limits shall pay rates according to the following schedule:
- (1) Monthly service charge based on meter size.

<b>Effective through the last billing in December 2018:</b>	<b>Effective through the last billing in December 2018:</b>
<b>Meter Size</b>	<b>Service Charge</b>
5/8"	\$ 15.21
1"	36.53
1 1/2"	72.05
2"	114.67
3"	214.13

<b>Effective with the first billing in January 2019:</b>	<b>Effective with the first billing in January 2019:</b>
<b>Meter Size</b>	<b>Service Charge</b>
5/8"	\$17.49
1"	42.01
1 1/2"	82.86
2"	131.87
3"	246.25

<b>Effective with the first billing in January 2020:</b>	<b>Effective with the first billing in January 2020:</b>
<b>Meter Size</b>	<b>Service Charge</b>
5/8"	\$20.11
1"	48.31

1 1/2"	95.29
2"	151.65
3"	283.19

<b>Effective with the first billing in April 2021:</b>	<b>Effective with the first billing in April 2021:</b>
<b>Meter Size</b>	<b>Service Charge</b>
5/8"	\$20.35
1"	48.89
1 1/2"	96.44
2"	153.48
3"	286.62

<b>Effective with the first billing in April 2022:</b>	<b>Effective with the first billing in April, 2022:</b>
<b>Meter Size</b>	<b>Service Charge</b>
5/8"	\$21.37
1"	51.33
1 1/2"	101.26
2"	161.15
3"	300.95

(2) Volume charge based on the volume of consumption per cubic feet.

<b>Effective through the last billing in December 2018</b>	<b>Effective through the last billing in December 2018</b>
<b>Consumption Volume</b>	<b>Rate Per 100 Cubic Feet</b>
0 to 1500 cubic feet	\$4.1233
Over 1500 cubic feet	3.5601

<b>Effective with the first billing in January 2019:</b>	<b>Effective with the first billing in January 2019:</b>
<b>Consumption Volume</b>	<b>Rate Per 100 Cubic Feet</b>
0 to 1500 cubic feet	\$4.7418
Over 1500 cubic feet	4.0941

<b>Effective with the first billing in January 2020:</b>	<b>Effective with the first billing in January 2020:</b>
<b>Consumption Volume</b>	<b>Rate Per 100 Cubic Feet</b>
0 to 1500 cubic feet	\$5.4531
Over 1500 cubic feet	4.7082

<b>Effective with the first billing in April 2021:</b>	<b>Effective with the first billing in April, 2021:</b>
<b>Consumption Volume</b>	<b>Rate Per 100 Cubic Feet</b>
0 to 1500 cubic feet	\$5.5191
Over 1500 cubic feet	4.7652
<b>Effective with the first billing in April 2022:</b>	<b>Effective with the first billing in April 2022:</b>
<b>Consumption Volume</b>	<b>Rate Per 100 Cubic Feet</b>
0 to 1500 cubic feet	\$5.7951
Over 1500 cubic feet	5.0035

(c) Water Rates for Commercial/Industrial Customers not Within the City Limits.

(1) Commercial/Industrial Water District customers located outside of the City limits shall pay rates according to the following schedule:

A. Monthly service charge based on meter size.

<b>Effective through the last billing in December 2018:</b>	<b>Effective through the last billing in December 2018:</b>
<b>Meter Size</b>	<b>Service Charge</b>
5/8"	\$ 18.26
1"	43.84
1 1/2"	92.26
2"	146.82
3"	274.17

<b>Effective with the first billing in January 2019:</b>	<b>Effective with the first billing in January 2019:</b>
<b>Meter Size</b>	<b>Service Charge</b>
5/8"	\$21.00
1"	50.42
1 1/2"	106.10
2"	168.84
3"	315.30

<b>Effective with the first billing in January 2020:</b>	<b>Effective with the first billing in January 2020:</b>
<b>Meter Size</b>	<b>Service Charge</b>
5/8"	\$24.15
1"	57.98
1 1/2"	122.02
2"	194.17
3"	362.60

<b>Effective with the first billing in April 2021:</b>	<b>Effective with the first billing in April 2021:</b>
<b>Meter Size</b>	<b>Service Charge</b>
5/8"	\$24.44
1"	58.68
1 1/2"	123.50
2"	196.52
3"	366.99

<b>Effective with the first billing in April 2022:</b>	<b>Effective with the first billing in April 2022:</b>
<b>Meter Size</b>	<b>Service Charge</b>
5/8"	\$25.66
1"	61.61
1 1/2"	129.68
2"	206.35
3"	385.34

B. Volume charge based on the volume of consumption per cubic feet.

<b>Effective through the last billing in December 2018:</b>	<b>Effective through the last billing in December 2018:</b>
<b>Consumption Volume</b>	<b>Rate Per 100 Cubic Feet</b>
0 to 1500 cubic feet	\$4.9479
Over 1500 cubic feet	4.2842

<b>Effective with the first billing in January 2019:</b>	<b>Effective with the first billing in January 2019:</b>
<b>Consumption Volume</b>	<b>Rate Per 100 Cubic Feet</b>
0 to 1500 cubic feet	\$5.6901
Over 1500 cubic feet	4.9268

<b>Effective with the first billing in January 2020:</b>	<b>Effective with the first billing in January 2020:</b>
<b>Consumption Volume</b>	<b>Rate Per 100 Cubic Feet</b>
0 to 1500 cubic feet	\$6.5436
Over 1500 cubic feet	5.6658

<b>Effective with the first billing in April 2021:</b>	<b>Effective with the first billing in April 2021:</b>
<b>Consumption Volume</b>	<b>Rate Per 100 Cubic Feet</b>
0 to 1500 cubic feet	\$6.6228
Over 1500 cubic feet	5.7344

<b>Effective with the first billing in April 2022:</b>	<b>Effective with the first billing in April 2022:</b>
<b>Consumption Volume</b>	<b>Rate Per 100 Cubic Feet</b>
0 to 1500 cubic feet	\$6.9539
Over 1500 cubic feet	6.0211

- (d) Customer Equivalents. When the City agrees to provide service to apartment buildings, condominiums, townhouses, mobile home parks and office buildings to which water is furnished through a single meter, for the purpose of distribution to several customers, such billings shall be determined on the following bases:
- (1) The amounts of each such billing shall be determined on the basis of the "customer equivalents" provided by the meter employed. Such customer equivalents shall be determined by comparing the size of the meter in cross section area with the cross-section area of the five-eighths inches meter, which is the size of meter most typically installed on a service line which serves a single-family dwelling or single professional or business office. Such relationship is as follows:

Meter Size	Customer Equivalent
5/8"	1 Customer Equivalent
1"	2.5 Customer Equivalent
1 1/2"	5 Customer Equivalent
2"	8 Customer Equivalent
3"	15 Customer Equivalent
4"	40 Customer Equivalent

- (2) To determine the amount of any billing for water service pursuant to such special arrangement:
- A. The total consumption through the meter during the billing period will be divided by the customer equivalent for the meter included:

B. The applicable usage rates contained in this chapter will then be applied to the quotient to determine the charge per customer equivalent; and

C. Such charge per equivalent will then be multiplied by the customer equivalent for that meter, the product of such multiplication plus the customer charge producing the total bill as to that meter for that billing period.

Section 2. Nothing herein shall affect the annual cost of living increase based on the Consumer Price Index pursuant to Ordinance No. 2018-O-2343.

Section 3. Effective with the first billing in April 2022, Section 934.02(a) and (b) of Chapter 934 Rates and Fees for Water Distribution and Sanitary Sewer Services, of Title Three, Public Utilities, of Part Nine Streets and Public Services, of the Codified Ordinances of the City of Huber Heights is hereby amended to read as follows:

**934.03 – Sanitary sewer rates.**

(a) Except as provided elsewhere in this section, sanitary sewer rates for all customers shall be as provided below.

(1) The billing period for sanitary sewer rates shall be monthly.

(2) The sanitary sewer rates to be charged shall be based on the volume of water consumption measured by meters servicing customers of the system, and the size of the water meter(s) servicing a property as follows:

Consumption Volume	Rate per 100 Cubic Foot
Per Cubic Foot	\$1.4202

(3) Consumption charges shall be used to pay for wastewater treatment service charges billed to the City.

(4) Residential customers with sanitary sewer service and no water service, and therefore no water meter shall be billed at a rate of \$15.66 per month plus the monthly service charge which, for these customers, shall be at the rate of the five-eighths inches meter.

(5) Monthly service charges for sanitary sewer services shall be based on the size of the largest meter servicing a property as follows:

Meter Size	Residential User Service Charge	Commercial User Service Charge
5/8"	\$8.84	\$8.84
1"	22.10	22.10
1 ½"	44.21	46.08
2"	70.73	73.75
3"	132.61	138.28
4"	173.00	178.67

Monthly service charges for water distribution for meter sizes not enumerated above shall be determined by the City Engineer in proportion to the rates for meter sizes listed above. The Citizens Water and Sewer Advisory Board shall hear appeals concerning service charge determinations by the City Engineer and provide a recommendation of final action to the City Council. The City Council shall make the final decision regarding any appeal concerning service charge determinations by the City Engineer.

(b) Rates for the Miami Villa Sewerage District. For any lot, parcel of land, building or premises situated within the Miami Villa plat limits of the City, having any connection with the City sanitary sewer system or otherwise discharging wastewater, either directly or indirectly, into the City sanitary sewer system, a monthly charge or rental shall be based upon the number of bedrooms or occupants of the facility, or by other means acceptable to the City Manager.

(1) The rates for residential users shall be as follows:

Number of Bedrooms	Number of Residents	Monthly Billing
--------------------	---------------------	-----------------

1-3	1-3	\$16.45
4	4	21.94
5+	5+	27.42

(2) The rates for commercial users shall be as follows:

- A. Restaurants, bars, etc. ....\$1.57 per seat
- B. Churches and public assembly hall .....\$0.08 per seat
- C. Manufacturing plant .....\$1.57 per employee

(3) Vacant property in the Miami Villa Sewerage District shall be billed at one-half the rate stated above for occupied property, provided notification of the vacancy is given to the City.

Section 4. Section 934.03(c) shall remain in full force and effect

Section 5. 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 6. 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 \_\_\_\_\_ 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

AI-8240

Pending Business    B.  
City Manager

**City Council Meeting**

**Meeting Date:** 03/14/2022

Massage Therapy Establishments

**Submitted By:** Anthony Rodgers

**Department:** City Council

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

**Date(s) of Committee Review:** 02/22/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

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

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**Agenda Item Description or Legislation Title**

An Ordinance Amending Chapter 738 – Massage Therapy Establishments, Sections 738.01, 738.02, And 738.03 Of The Huber Heights Codified Ordinances To Permit Certain Certified Massage Practitioners.  
(second reading)

**Purpose and Background**

This legislation provides for proposed amendments to Chapter 738 - Massage Therapy Establishments of the Huber Heights Codified Ordinances. The City Council enacted Ordinance No. 2018-O-2350 on October 22, 2018 providing that all massage establishments in the City must be operated by a State licensed massage therapist. Since that time, it has been determined that massage practitioners certified for Ayurveda massage should also be able to operate a massage establishment and perform massages in the City. This proposed ordinance has been reviewed by the Police Chief and the Law Director.

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**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

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

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

**Financial Implications:**

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**Attachments**

Ordinance

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2022-O-

AMENDING CHAPTER 738 – MASSAGE THERAPY ESTABLISHMENTS, SECTIONS 738.01, 738.02, AND 738.03 OF THE HUBER HEIGHTS CODIFIED ORDINANCES TO PERMIT CERTAIN CERTIFIED MASSAGE PRACTITIONERS.

WHEREAS, City Council enacted Ordinance No. 2018-O-2350 on October 22, 2018 providing that all massage establishments in the City must be operated by a State licensed massage therapist; and

WHEREAS, since that time, it has been determined that massage practitioners certified for Ayurveda massage should also be able to operate a massage establishment and perform massages in the City.

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

Section 1. Chapter 738 – Massage Therapy Establishments, Section 738.01 – Definitions is hereby amended as follows:

**738.01 - Definitions.**

For purposes of this chapter the following definitions shall apply:

*Applicant* means a person who has applied for a permit to operate a Massage Therapy Establishment in the City of Huber Heights.

*Licensed massage therapist* means a person who is licensed under Ohio R.C. Chapter 4731 to practice Massage Therapy in the State of Ohio.

*Certified massage practitioner* means a person who has received a certification for Ayurveda massage from a regional, state or nationally recognized certification body.

*Massage service* means any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance in exchange for anything of value. Massage Services shall also include the treatment of disorders of the human body by the manipulation of soft tissue through the systematic external application of massage techniques including touch, stroking, friction, vibration, percussion, kneading, stretching, compression, and joint movements within the normal physiologic range of motion; and adjunctive thereto, the external application of water, heat, cold, topical preparations, and mechanical devices in exchange for anything of value.

*Massage therapy establishment* means a fixed place of business where Massage Services are provided in exchange for anything of value.

Section 2. Chapter 738 – Massage Therapy Establishments, Section 738.02 – Permit Required; Prohibited Conduct; Exemptions is hereby amended as follows:

**738.02 - Permit required; prohibited conduct; exemptions.**

(a) After the effective date of this chapter all Licensed Massage Therapists, Certified Massage Practitioners and Massage Therapy Establishments operating in the City of Huber Heights shall obtain a permit pursuant to this chapter to operate.

(b) It shall be unlawful for any person to offer or perform Massage Services in the City of Huber Heights unless that person is a Licensed Massage Therapist with the State of Ohio, or a Certified Massage Practitioner. This provision applies to all Massage Services



including but not limited to those performed at a Day Spa as defined under Section 1123.31 of the Huber Heights Zoning Code.

(c) It shall be unlawful for any person to operate a Massage Therapy Establishment in the City of Huber Heights unless both of the following applies:

(1) The owner or manager is a Licensed Massage Therapist in the State of Ohio, or a Certified Massage Practitioner;

(2) Massage Services provided in the Massage Therapy Establishment are performed exclusively by a Licensed Massage Therapist in the State of Ohio, or a Certified Massage Practitioner.

(d) It shall be unlawful to employ a person to perform Massage Services in a Massage Therapy Establishment in the City of Huber Heights unless that person is a Licensed Massage Therapist in the State of Ohio, or Certified Massage Practitioner.

(e) It shall be unlawful for a person to operate a Massage Therapy Establishment in the City of Huber Heights without obtaining a Certificate of Zoning Compliance to operate a Massage Therapy Establishment from the City of Huber Heights.

(f) Prohibited Conduct. No person that is providing Massage Services in the City of Huber Heights shall knowingly do any of the following at, upon or within a Massage Therapy Establishment or elsewhere:

(1) Place his or her hand upon, touch with any part of his or her body, fondle in any manner, or massage the sexual or genital area of any other person;

(2) Perform, offer, or agree to perform any act which would require the touching of the sexual or genital area of any other person;

(3) Touch, offer or agree to touch the sexual or genital area of any other person with any mechanical or electrical apparatus or appliance;

(4) Wear unclean clothing, no clothing, transparent clothing, or clothing that otherwise reveals the sexual or genital areas of the masseur or masseuse;

(5) Uncover or allow the sexual or genital area of any other person to be uncovered while providing a massage;

(6) Perform, offer or agree to perform a massage with or without compensation to any individual less than 18 years of age without the full consent and permission of a parent or guardian.

(g) Exceptions. The permit requirement provisions of this chapter shall not apply to the following:

(1) Hospitals, medical facilities and public health centers (all as defined in Ohio R.C. 3701.01);

(2) A person licensed or registered by the State of Ohio Medical Board (other than a Massage Therapist) while performing his/her licensed or registered profession;

(3) A licensed cosmetologist, registered barber, registered barber apprentice, in which massages are administered only to the scalp, the face, the neck or the shoulder;

(4) A licensed chiropractor, licensed podiatrist, licensed nurse, or any other licensed health professional while performing his/her licensed or registered profession;

- (5) A trainer for any amateur, semiprofessional or professional athlete or athletic team or school athletic program;
- (6) A person working under the direct supervision of individuals or establishments mentioned in this subsection (g) while performing his/her licensed or registered profession;
- (7) A person undertaking the required course work to become a licensed massage therapist while working under the direct supervision of a licensed massage therapist;
- (8) As used in this subsection (g) "licensed" means licensed, certified, or registered to practice in the State of Ohio.

Section 3. Chapter 738 – Massage Therapy Establishments, Section 738.03 – Permit Application Process is hereby amended as follows:

**738.03 - Permit application process.**

(a) Permit for Massage Therapy Establishments. The Chief of Police, or his or her designee is responsible for granting, denying, revoking, and renewing Massage Therapy Establishment permits. A person who wishes to provide Massage Services in the City of Huber Heights must submit a current valid Certificate of Zoning Compliance to the City of Huber Heights Chief of Police or his/her designee and an Application for the Massage Therapy Establishment. The Application for Massage Therapy Establishment shall be accompanied by the following information:

- (1) Full legal name and current residential address of the applicant(s);
- (2) The address of the proposed Massage Therapy Establishment;
- (3) The names of any persons who will perform Massage Therapy at the Massage Therapy Establishment and copies of all licenses/certifications of those persons;
- (4) A list of other services to be offered at the Massage Therapy Establishment;
- (5) The website of the Massage Therapy Establishment, if applicable;
- (6) All felony and misdemeanor convictions, of the applicant excluding those for traffic offenses;
- (7) A copy of the license provided by the State Medical Board of Ohio for the owner and/or manager (if applicable);
- (8) A printed form, signed the owner of the parcel of real property which is the proposed location of the Massage Therapy Establishment, whereby each such owner certifies that he/she/it understands and acknowledges that a Massage Therapy Establishment will be located on said parcel of real property; and
- (9) Any other information requested at the time of application.

(b) Each individual that performs Massage Services in the City shall be required to obtain a permit from the Chief of Police or his/her designee. Such permits are nontransferable. Before any individual may be issued a permit, he or she shall submit on a form to be provided by the City the following information:

- (1) The individual's name and a personal or business address where mail may be delivered.
- (2) The address where Massage Services will be performed.

(3) A copy of the license provided by the State Medical Board of Ohio or certification for Ayurveda massage practice.

(4) For renewals, a statement that the applicant has not violated and provision of this chapter.

(c) A permit granted pursuant to this section shall be subject to annual renewal by the Chief of Police upon the written permit application of the individual and a finding by the Chief of Police that the individual has not committed any act during the existence of the previous permit period which would be grounds to deny the initial permit application.

(d) Applications shall be submitted and approved before a Massage Therapy Establishment can be operated and Massage Services offered.

(e) Establishments and individuals performing Massage Services that were in operation prior to the effective date of this section must submit an application not later than 90 days after the effective date of this section.

(f) Once an application is submitted, the applicant shall receive a response in writing no later than 30 days after the date of submission.

(g) In the event that an application is denied, the applicant may submit a new application.

Section 4. All other provisions of Chapter 738 not expressly amended herein shall remain in full force and effect.

Section 5. 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 6. 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 \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

_____	_____
Clerk of Council	Mayor

_____	_____
Date	Date

AI-8238

Pending Business C.  
City Manager

**City Council Meeting**

**Meeting Date:** 03/14/2022

ZC 21-34 - The Annex Group - 6502 Old Troy Pike - Rezoning/Basic Development Plan

**Submitted By:** Geri Hoskins

**Department:** Planning

**Division:** Planning

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

**Date(s) of Committee Review:** 11/16/2021 and 12/07/2021

**Audio-Visual Needs:** SmartBoard

**Emergency Legislation?:** No

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

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**Agenda Item Description or Legislation Title**

An Ordinance To Approve A Rezoning To Planned Residential And A Basic Development Plan For The Property Located At 6502 Old Troy Pike And Further Identified As Parcel Number P70 04004 0003 On The Montgomery County Auditor's Tax Map And Accepting The Recommendation Of The Planning Commission (Zoning Case 21-34).  
(sixth reading)

**Purpose and Background**

The applicant, the Annex Group is requesting approval of a Rezoning to Planned Residential and a Basic Development Plan for 20.0 acres at the northeast corner of Old Troy Pike and Chambersburg Road at 6503 Old Troy Pike (ZC 21-34).

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**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

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

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

**Financial Implications:**

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**Attachments**

Ordinance

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2021-O-

TO APPROVE A REZONING TO PLANNED RESIDENTIAL AND A BASIC DEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 6502 OLD TROY PIKE AND FURTHER IDENTIFIED AS PARCEL NUMBER P70 04004 0003 ON THE MONTGOMERY COUNTY AUDITOR'S TAX MAP AND ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION (ZONING CASE 21-34).

WHEREAS, the citizens of Huber Heights require the efficient and orderly planning of land uses within the City; and

WHEREAS, the City Planning Commission has reviewed Zoning Case 21-34 and on October 26, 2021, recommended approval by a vote of 5-0 of the Rezoning to Planned Residential and a Basic Development Plan; and

WHEREAS, the City Council has considered the issue.

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

Section 1. The application requesting approval of a Rezoning to Planned Residential and a Basic Development Plan (Zoning Case 21-34) is hereby approved in accordance with the Planning Commission's recommendation and following conditions:

1. The Basic Development Plan shall be the plans stamped received by the City of Huber Heights Planning Department on September 24, 2021.
2. A minimum of 25% of the surface area of the buildings shall be finished with brick or stone masonry products.
3. Chambersburg Road will be improved to a forty-five (45) foot half right-of-way section per our City's Thoroughfare Plan.
4. Prior to the issuance of a zoning permit, the applicant shall submit and receive approval of a Detailed Development Plan through the Planning Commission.
5. Applicant shall implement any recommendation from the Traffic Impact Study dated October 2021.
6. Prior to the issuance of a zoning permit, the applicant shall enter into a PUD Agreement with the City for the purpose, but not the sole purpose, of establishing the development obligations of the applicant and requiring the submittal of a performance bond, cash bond, or letter of credit to insure the installation of landscaping as approved. The bond or letter of credit shall be in an amount equal to the applicant's estimate of the cost of installation as approved by the Planning Department and shall remain in effect until such time as the landscaping has been completed as determined by the Planning Department. Upon completion of the installation of landscaping as required by the approved landscape plan, the applicant may request release of the performance bond or letter of credit. Following an inspection by the Planning Department and upon determination by the department that the landscaping has been completed in accordance with the approved landscaping plan, 80% of the performance bond or letter of credit may be released. However, the performance bond or letter of credit will not be released until a maintenance bond lasting three growing seasons, or letter of credit equal to 20% of the initial performance bond or letter of credit to ensure maintenance of the landscaping, is submitted to and accepted by the Planning Department. The term of the maintenance bond shall be three growing seasons.

Section 2. 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 3. 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

AI-8270

**New Business    A.**  
**City Council**

**City Council Meeting**

**Meeting Date:** 03/14/2022

Parks and Recreation Board Reappointments - D. Snider/G. Pottenger/C. Hall/R. Eifert

**Submitted By:** Anthony Rodgers

**Department:** City Council

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

**Date(s) of Committee Review:** 03/08/2022

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

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

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**Agenda Item Description or Legislation Title**

A Motion To Reappoint Dennis Snider, Glenn Pottenger, Christopher Hall, And Ron Eifert (Special Liaison) To The Parks And Recreation Board For A Term Ending March 31, 2025.

**Purpose and Background**

City Staff recommend the reappointment of Dennis Snider, Glenn Pottenger, Christopher Hall, and Ron Eifert (Special Liaison) to the Parks and Recreation Board for a term ending March 31, 2025. Updated background checks were completed as necessary on these individuals and no adverse information was reported according to Human Resources.

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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-8271

**New Business    B.**  
**City Council**

**City Council Meeting**

**Meeting Date:** 03/14/2022

Personnel Appeals Board Reappointment - J. Schweinfurth

**Submitted By:** Anthony Rodgers

**Department:** City Council

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

**Date(s) of Committee Review:** 03/08/2022

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

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

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**Agenda Item Description or Legislation Title**

A Motion To Reappoint Jeff Schweinfurth To The Personnel Appeals Board For A Term Ending March 31, 2025.

**Purpose and Background**

City Staff recommend the reappointment of Jeff Schweinfurth to the Personnel Appeals Board for a term ending March 31, 2025. An updated background check was not necessary at this time due to the recent appointment of Mr. Schweinfurth to an unexpired term.

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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-8272

**New Business    C.**  
**City Council**

**City Council Meeting**

**Meeting Date:** 03/14/2022

Military and Veterans Commission Ex Officio Appointment - J. Held

**Submitted By:** Karen Powell

**Department:** City Council

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

**Date(s) of Committee Review:** 03/08/2022

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

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

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**Agenda Item Description or Legislation Title**

A Motion To Appoint Jeffrey Held As An Ex Officio Member To The Military And Veterans Commission For A Term Ending December 31, 2024.

**Purpose and Background**

The City's interview panel recommends the appointment of Jeffrey Held as an Ex Officio member to the Military and Veterans Commission for a term ending December 31, 2024. A background check on Mr. Held was completed through Human Resources.

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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**

Application - J. Held

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6131 Taylorsville Road  
Huber Heights, Ohio 45424  
Phone: (937) 233-1423  
Fax: (937) 233-1272  
[www.hhoh.org](http://www.hhoh.org)  
An Equal Opportunity Employer

# Application For City Boards and Commissions

Qualified applicants are considered for all positions without regard to race, color, religion, sex, national origin, marital or veteran status, or disability.

**PLEASE COMPLETE ALL SECTIONS AND EACH QUESTION COMPLETELY AND ACCURATELY**

<b>Board or Commission Applied For:</b> Military and Veterans Commission	<b>Date Applied:</b> 1/21/22
---	---------------------------------

Held	Jeffrey	Franklin
Last Name	First Name	Middle Name
3203 Dry Run St	Tipp City	OH 45371
Address	City	State Zip Code
757-912-3852		held.jeffrey@yahoo.com
Home Phone Number	Daytime Phone Number	E-mail Address

## EDUCATION

	SCHOOL	COURSE OF STUDY OR DEGREE EARNED
HIGH SCHOOL	E.L. Meyers High School	
COLLEGE	Pennsylvania State University	BA Psychology
GRADUATE SCHOOL		
OTHER (Specify)	Community College of the Air Force	Associates of Intelligence Studies Associates of Education

## COMMUNITY INVOLVEMENT

Please list all civic, community, or non-profit organizations to which you have belonged or currently do belong, and your dates of service.

Organization	Dates of Service
H2Grow	06/01/2019
USAF Wright-Patterson Top 3	10/1/2017

## EMPLOYMENT HISTORY

Name of Employer	Position(s) Held	Dates of Employment
USAF	Superintendent	2003-Present

## REFERENCES

Danna Plewe	6958 Charlesgate Rd, Huber Heights	937-510-5772
Name	Address	Telephone Number
Don Webb	8801 Classic Ct, Huber Heights	937-478-5231
Name	Address	Telephone Number
Jeff Gore	6967 Charlesgate Rd Huber Heights	937-672-7272
Name	Address	Telephone Number

## STATEMENT OF INTEREST

Please tell us why you are interested in serving on this board or commission

I believe I can be an asset to this commission. Currently I am the Superintendent of the largest Division
within the Air Force Research Lab. I regularly work with leadership across the base, and am informed on
issues relating to the Active Duty, Guard/Reserve, and civilian workforce on the base. I believe I can be an
effective liaison between the commission, the city, and the base.
Additionally, the Division I work for operates the Gaming Research Integration for Learning Laboratory
(GRILL). This facility has state of art learning technology that can be accessed by high school students
from across the country. It offers paid summer internships, college mentoring, and job preparation in the
STEM career fields. I would like to help Huber Heights students access this amazing resource.

## REQUIREMENTS AND APPLICANT STATEMENT

Are you at least 18 years of age? ☒ Yes ☐ No

Do you currently reside in the City of Huber Heights? ☒ Yes ☐ No

Have you resided in the City of Huber Heights for at least one year prior to making this application? ☒ Yes ☐ No

Are you a registered voter? ☐ Yes ☒ No

I am a Texas resident due to my military service, since I no longer live there I am not registered.

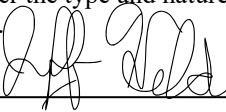
Are you willing to sign a release to allow the City of Huber Heights to perform a background screening and criminal records check? ☒ Yes ☐ No

I certify that all of the information furnished in this application and its addenda are true and complete to the best of my knowledge. I understand that the City of Huber Heights may investigate the information I have furnished and I realize that any omissions, misrepresentation or false information in this application and/or its addenda may lead to revocation of any volunteer appointment.

I hereby acknowledge that I, voluntarily and of my own free will, have applied for a volunteer position with the City of Huber Heights with the understanding that the City may use a variety of screening procedures to evaluate my qualifications and suitability for appointment. I have been advised that these screening procedures might include, but are not limited to, interviews, criminal record checks, driving records checks and reference checks. I also acknowledge that any such screening procedures, as reasonably required by the City of Huber Heights, are prerequisites to my appointment to a volunteer position with the City of Huber Heights.

In addition, I also hereby understand that the City of Huber Heights cannot guarantee the confidentiality of the results of, or information obtained through the aforementioned screening procedures. Decisions of the Ohio Supreme Court regarding the Ohio Public Records Act indicate that, with certain enumerated exceptions, records maintained by a governmental entity are a matter of public record and, should a proper request be made by a member of the public for such records, the governmental entity would be required to make such records available to that member of the public within a reasonable time. Additionally, all information furnished in this application is subject to disclosure under the Ohio Public Records Act.

Therefore, in consideration of my application being reviewed by the City of Huber Heights, under no legal disability, and on behalf of my heirs and assigns, hereby release and agree to hold harmless the City of Huber Heights and any of its agents, employees, or related officials from any and all liability, whatever the type and nature resulting from the administration of any such screening procedures and/or release of the results therefrom.



2/9/2022

Signature

Date

AI-8269

**New Business     D.**  
**City Council**

**City Council Meeting**

**Meeting Date:** 03/14/2022

City Code - Supplement 9 - Adopting Ordinance

**Submitted By:** Anthony Rodgers

**Department:** City Council

**Council Committee Review?:** Council Work Session  
**Date(s) of Committee Review:** 03/08/2022

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

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

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**Agenda Item Description or Legislation Title**

An Ordinance Approving The Editing And Inclusion Of Certain Ordinances And/Or Resolutions As Parts Of The Various Component Codes Of The City Code Of Huber Heights, Ohio; Providing For The Adoption And Publication Of New Matter In The Updated And Revised City Code As Supplement 9; And Repealing Ordinances And Resolutions In Conflict Therewith.  
(first reading)

**Purpose and Background**

This ordinance is to adopt Supplement 9 to the City Code for the period of October 1, 2021 to December 31, 2021. Appropriate legal notice of this ordinance has been advertised as required by the Huber Heights City Charter.

---

**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

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

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

**Financial Implications:**

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**Attachments**

Ordinance

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2022-O-

APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND/OR RESOLUTIONS AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CITY CODE OF HUBER HEIGHTS, OHIO; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CITY CODE AS SUPPLEMENT 9; AND REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

WHEREAS, Municipal Code Corporation has completed its updating and revision of the City Code of Huber Heights, Ohio within Supplement 9; and

WHEREAS, certain provisions within the City Code of Huber Heights, Ohio were changed to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various resolutions and/or ordinances of a general and permanent nature have been passed by the City Council which should be included in the City Code of Huber Heights, Ohio.

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

Section 1. The resolutions and/or ordinances of the City of Huber Heights, Ohio, of a general and permanent nature, as edited, revised, codified and re-codified, rearranged and consolidated into component codes, titles, chapters and sections within Supplement 9 to the City Code of Huber Heights, Ohio for the period of October 1, 2021 to December 31, 2021, a copy of which is available for copying and inspection in the Office of the Clerk of Council, and incorporated herein by this reference, are hereby approved and adopted.

Section 2. The provisions within the City of Huber Heights Code that mirror provisions as contained in the Ohio Revised Code as set forth within Supplement 9 to the City Code of Huber Heights, Ohio for the period of October 1, 2021 to December 31, 2021, a copy of which is available for copying and inspection in the Office of the Clerk of Council, and incorporated herein by this reference, are hereby approved and adopted to conform with current State law.

Section 3. All ordinances and resolutions or parts thereof that are in conflict or inconsistent with any provision of the new matter adopted in Section 1 or 2 of this ordinance are hereby repealed as of the effective date of this ordinance except as follows:

(a) The enactment of such sections shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purposes of revision and recodification.

(b) The repeal provided above shall not affect any legislation enacted subsequent to December 31, 2021.

Section 4. Pursuant to Section 5.08(B) of the Huber Heights City Charter, the Clerk of Council shall cause a notice of this proposed adopting Ordinance to be published one time in a newspaper of general circulation in the City at least seven days prior to adoption and no further publication shall be necessary. Such publication shall constitute sufficient notice of all new material contained therein.

Section 5. 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 6. 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 \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

AI-8267

**New Business E.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 03/14/2022

Montgomery County Emergency Management Services Agreement

**Submitted By:** Bryan Chodkowski

**Department:** City Manager

**Council Committee Review?:** Council Work Session  
**Date(s) of Committee Review:** 03/08/2022

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

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

---

**Agenda Item Description or Legislation Title**

A Resolution Authorizing The City Manager To Enter Into An Agreement For The Provision Of Emergency Preparedness, Homeland Security And Emergency Management Services.  
(first reading)

**Purpose and Background**

The City of Huber Heights, along with all other chartered subdivisions of government within Montgomery County, contract with Montgomery County to provide Emergency Management Services. At present, Montgomery County has uniquely specific contracts with each jurisdiction, all with separate start and end dates. Montgomery County is asking all jurisdictions to enter into a "new" contract which is universal to all participating jurisdictions in language, terms, and dates. The legislation associated would authorize the City Manager to enter into this "new" contract.

---

**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:**

The fee structure under this new agreement is the same fee structure in place under the current agreement. As the City has already adopted the 2022 Operating Budget, which includes this service contract, there is no additional expense to the City by entering this agreement.

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**Attachments**

Resolution

Exhibit A

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE PROVISION OF EMERGENCY PREPAREDNESS, HOMELAND SECURITY AND EMERGENCY MANAGEMENT SERVICES.

WHEREAS, the Montgomery County Office of Emergency Management desires to enter into an Agreement to provide mitigation, preparation, response, and recovery support for emergencies, disasters, enemy attack, or any other action too great to be dealt with unassisted as outlined in the Montgomery County Jurisdictional Emergency Management Services Agreement; and

WHEREAS, an annual cost for these services will be determined by a representative executive committee and approved by the Montgomery County Board of Commissioners; and

WHEREAS, this agreement stands for a term not to exceed three (3) years in accordance with the Montgomery County Jurisdictional Emergency Management Services Agreement.

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 an Agreement attached hereto as Exhibit A to provide mitigation, preparation, response, and recovery support for emergencies, disasters, enemy attacks, or any other actions too great to be dealt with unassisted.

Section 2. The Clerk of Council is hereby directed to certify a copy of this Resolution to the Montgomery County Office of Emergency Management for distribution to the respective jurisdictions that are parties to this agreement.

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 \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

EXHIBIT A

**Jurisdictional Emergency Management Services Agreement**

**RECITALS**

The coordination of emergency management and homeland security activities is of paramount importance to all municipal corporations and townships, herein known as Political Subdivisions, within Montgomery County. Therefore as required by law pursuant to Section 5502.26 of the ORC, the Montgomery County Office of Emergency Management, herein known as MCOEM, is established to confer upon the Board of County Commissioners and the Director of MCOEM certain emergency powers provided herein; and to provide for the rendering of cooperation of mutual aid, if necessary, to surrounding and contiguous political subdivisions of the State and adjoining states.

MCOEM will serve local subdivisions providing mitigation, preparation, response, and recovery support for emergencies, disasters, enemy attack, or any other action too great to be dealt with unassisted.

Montgomery County desires to effect said coordination by entering into an agreement as permitted by Section 307.15 of the ORC, in the manner provided by law, with the Political Subdivisions comprising Montgomery County.

It is further declared to be the purpose of this Agreement and the policy of Montgomery County that all emergency management and homeland security functions of the County be coordinated with comparable functions of the State of Ohio and of the Federal Government, including their various departments and agencies, and other states and localities, and of private agencies of every type, so that the most effective preparation and use can be made of the County's resources and facilities for dealing with any disaster or emergency that may occur.

**REPRESENTATIONS AND WARRANTIES**

IT IS THEREFORE MUTALLY AGREED:

1. A countywide emergency management agency organized under ORC 5502.26 and this agreement shall establish a program for emergency management that:
  - a. Is in accordance with sections 5502.21 to 5502.51 of the Revised Code, rules adopted under those sections, local ordinances pertaining to emergency management, the "Robert T. Stafford Disaster Relief and Emergency Assistance Act," 88 Stat. 143, 42 U.S.C. 5121, et. seq., as amended, and all applicable rules and regulations adopted under that act;
  - b. Includes, without limitation, development of an all-hazards emergency operations plan that has been coordinated with all agencies, boards, and divisions having emergency management functions within the county;
  - c. Includes the preparation and conduct of an annual exercise of the county's all-hazards emergency operations plan;

- d. Is applicable to all political subdivisions entering into the countywide agreement.
2. A representative from each political subdivision entering into the agreement, selected by the political subdivision's chief executive, shall constitute a countywide advisory group for the purpose of appointing an executive committee through which the countywide agency shall implement emergency management in the county in accordance with ORC 5502.26 and for the purpose of advising the executive committee on matters pertaining to countywide emergency management. The executive committee shall consist of at least the following seven members: one (1) county commissioner representing the board of county commissioners entering into the agreement; four (4) chief executives representing the municipal corporations and townships entering into the agreement; one (1) chief executive of the largest municipal corporation of the county; and one (1) nonelected representative.
3. The executive committee shall appoint a director/coordinator of emergency management who shall pursue a professional development training program in accordance with rules adopted under section 5502.25 of the Revised Code. The director/coordinator of emergency management may be an official or employee of any political subdivision entering into the countywide agreement, except that the director/coordinator shall not be the chief executive of any such political subdivision. The compensation of the Director and staff shall be paid from MCOEM's budget. The director/coordinator of emergency management for a countywide agency organized under this section shall be responsible for coordinating, organizing, administering, and operating emergency management in accordance with the agency's program established under this section, subject to the direction and control of the executive committee. All agencies, boards, and divisions having emergency management functions within each political subdivision within the county shall cooperate in the development of the all-hazards emergency operations plan and shall cooperate in the preparation and conduct of the annual exercise.
4. Said executive committee shall convene at least twice within a calendar year and upon the request of MCOEM's Director. Special meetings may be held for the execution of unforeseen business requiring immediate attention. The Executive Committee Chair and/or three Executive Committee members may request such meetings be called.
5. There shall also be established, pursuant to this agreement, an Emergency Management Technical Advisory Committee.
6. MCOEM is authorized to render the services of coordinating emergency management and homeland security activities of each party hereto and to exercise such power and authority, on behalf of said parties, consistent with the State and Federal statutes and such regulations as have been or shall be promulgated by the Governor of the State, the provisions of this Agreement as hereinafter set forth, and the power of the parties hereto authorized, in coordinating such emergency management and homeland security activities within Montgomery County.

7. The agency, MCOEM, shall be supported financially by the political subdivisions entering into the countywide agreement. Jurisdictions entering into the countywide agreement will be required to contribute a per capita rate of \$0.2 for each citizen within their respective jurisdiction. The Montgomery County Board of County Commissioners shall be requested to pay an equivalent per capita fee of \$0.2 for each resident of Montgomery County. The Director shall prepare and submit for review and approval, a budget annually to the Montgomery County Board of County Commissioners.
  - a. Nonmember political subdivisions within Montgomery County shall be subject to a fee for services rendered by MCOEM. Said fee will be itemized and based on actual personnel, travel, and equipment usage expenses.
8. This agreement stands for a term not to exceed three (3) years and may be amended or altered at any time by a majority of the parties hereto.
  - a. This agreement shall be in full force and effect when no less than a majority of the political subdivisions of Montgomery County and the County Commissioners of Montgomery County shall have subscribed to this agreement by adopting a like resolution or passing a like ordinance, and shall continue in full force and effect thereafter unless terminated by the Montgomery County Board of County Commissioners.
  - b. This agreement may be terminated singularly by a city, village, or township at the end of any calendar year by action of its legislative authority and service of written notice thereof to the MCOEM executive committee not less than ninety (90) days prior to the end of said calendar year. However, any Political Subdivision that exercises a termination, shall organize an emergency management program under the provisions set-forth in ORC 5502.271, and shall be subject to paragraph 6.a above.

This agreement is declared to be an emergency measure and shall take effect and be in force from and after its passage by the Montgomery County Board of County Commissioners, and its adoption by the respective legislative bodies of the majority of the other political subdivisions.

(Signature Page for emergency management services agreement.)

Sign: \_\_\_\_\_  
Print: Sonja M. Keaton  
Title: Brookville City Manager  
Date: \_\_\_\_\_

Sign: \_\_\_\_\_  
Print: Erica Vogel  
Title: Butler Township Administrator  
Date: \_\_\_\_\_

Sign: \_\_\_\_\_  
Print: Wayne Davis  
Title: Centerville City Manager  
Date: \_\_\_\_\_

Sign: \_\_\_\_\_  
Print: Dale Winner, President  
Title: Clay Township Board of Trustees  
Date: \_\_\_\_\_

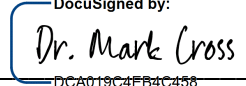
Sign: \_\_\_\_\_  
Print: Amanda Zimmerlin  
Title: Clayton City Manager  
Date: \_\_\_\_\_

Sign: \_\_\_\_\_  
Print: Shelley Dickstein  
Title: Dayton City Manager  
Date: \_\_\_\_\_

(Signature Page for emergency management services agreement.)

DocuSigned by:  
  
Sign: 9A85295A76FC415...  
Print: Eric Smith  
Title: Englewood City Manager  
Date: 2/17/2022

Sign: \_\_\_\_\_  
Print: Derek Shell  
Title: Farmersville Village Administrator  
Date: \_\_\_\_\_

DocuSigned by:  
  
Sign: DCA019C4EB4C458...  
Print: Dr. Mark Cross, President  
Title: German Township Board of Trustees  
Date: 2/17/2022

Sign: \_\_\_\_\_  
Print: Judith Gilleland  
Title: Germantown City Manager  
Date: \_\_\_\_\_

Sign: \_\_\_\_\_  
Print: Kris McClintick  
Title: Harrison Township Administrator  
Date: \_\_\_\_\_

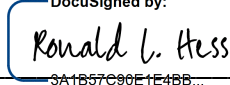
Sign: \_\_\_\_\_  
Print: Bryan R. H. Chodkowski  
Title: Huber Heights Interim City Manager  
Date: \_\_\_\_\_

(Signature Page for emergency management services agreement.)

Sign: \_\_\_\_\_  
Print: Ryan Hodson, President  
Title: Jackson Township Board of Trustees  
Date: \_\_\_\_\_

Sign: \_\_\_\_\_  
Print: M. Michael McLaughlin, President  
Title: Jefferson Township Board of Trustees  
Date: \_\_\_\_\_

Sign: \_\_\_\_\_  
Print: Mark W. Schwieterman  
Title: Kettering City Manager  
Date: \_\_\_\_\_

DocuSigned by:  
  
Sign: \_\_\_\_\_  
Print: Ronald L. Hess  
Title: Miami Township Administrator  
Date: 2/17/2022

Sign: \_\_\_\_\_  
Print: Keith Johnson  
Title: Miamisburg City Manager  
Date: \_\_\_\_\_

Sign: \_\_\_\_\_  
Print: Michael Davis  
Title: Moraine City Manager  
Date: \_\_\_\_\_

(Signature Page for emergency management services agreement.)

Sign: \_\_\_\_\_  
Print: Glena A. Madden  
Title: New Lebanon Municipal Manager  
Date: \_\_\_\_\_

Sign: \_\_\_\_\_  
Print: Norbert S. Klopsch  
Title: Oakwood City Manager  
Date: \_\_\_\_\_

Sign: \_\_\_\_\_  
Print: Jason Hartshorn, President  
Title: Perry Township Board of Trustees  
Date: \_\_\_\_\_

Sign: \_\_\_\_\_  
Print: Mary Rebecca Ford, Mayor  
Title: Village of Phillipsburg  
Date: \_\_\_\_\_

Sign: \_\_\_\_\_  
Print: Joshua Rauch  
Title: Riverside City Manager  
Date: \_\_\_\_\_

Sign: \_\_\_\_\_  
Print: Quincy E. Pope Sr.  
Title: Trotwood City Manager  
Date: \_\_\_\_\_



(Signature Page for emergency management services agreement.)

Sign: \_\_\_\_\_  
Print: John Applegate  
Title: Union City Manager  
Date: \_\_\_\_\_

Sign: \_\_\_\_\_  
Print: Dan Wendt  
Title: Vandalia City Manager  
Date: \_\_\_\_\_

Sign: \_\_\_\_\_  
Print: Jesse Lightle  
Title: Washington Township Administrator  
Date: \_\_\_\_\_

Sign: \_\_\_\_\_  
Print: Brad J. Townsend, ICMA-CM  
Title: West Carrollton City Manager  
Date: \_\_\_\_\_

(Signature Page for emergency management services agreement.)

**IN WITNESS WHEREOF,** the parties have hereunto set their hands this \_\_\_\_ day of \_\_\_\_\_, 2022.

Signed and acknowledged in the presence of:

BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO (Board)

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Judy Dodge, Commissioner

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Deborah A. Lieberman, Commissioner

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Carolyn Rice, Commissioner

**OR**

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Michael B. Colbert, County Administrator

**APPROVED AS TO FORM;  
MATHIAS H. HECK, JR.,  
PROSECUTING ATTORNEY**

**BY: \_\_\_\_\_  
Assistant Prosecuting Attorney**

**DATE: \_\_\_\_\_**

AI-8268

**New Business**     **F.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 03/14/2022

Comprehensive Development Plan Steering Committee

**Submitted By:** Bryan Chodkowski

**Department:** Planning

**Division:** Planning

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

**Date(s) of Committee Review:** 03/08/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:**

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

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**Agenda Item Description or Legislation Title**

A Resolution Establishing The 2022 Comprehensive Development Plan Steering Committee.  
(first reading)

**Purpose and Background**

The City has engaged YARD & Company to prepare an update to the City's Comprehensive Development Plan (Comp Plan). The Comp Plan is a document that looks at how the City has developed over the last ten years, marries that data with various community perspectives about what the community should look like in the future, and presents recommendations on how the City might want to support or encourage growth over the next ten years. While this effort will involve public input, a steering committee is necessary to help the consultant and City Staff understand and prioritize public input, fill in any informational gaps, as well as provide context to the vision of Huber Height's future.

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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. 2022-R-

ESTABLISHING THE 2022 COMPREHENSIVE DEVELOPMENT PLAN STEERING  
COMMITTEE.

WHEREAS, the City of Huber Heights (the “City”) has engaged YARD & Company to prepare its 2022 Comprehensive Development Plan (the “Plan”); and

WHEREAS, YARD & Company has requested the support of a Steering Committee to ensure that the Plan includes perspectives, insights, and opinions from a cross-section of persons with a vested interest in the City’s future growth and development.

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

Section 1. There is hereby established the 2022 Comprehensive Development Plan Steering Committee (the “Committee”).

Section 2. The Committee’s membership shall be no fewer than nine (9) but not more than 15 members appointed by the City Council. Such membership shall include not less than one (1) representative from the Huber Heights City School District, one (1) representative from the Bethel Local School District, and one (1) representative from the Huber Heights Chamber of Commerce. The remaining membership shall be as determined by the City Council.

Sections 3. The Committee shall constitute a public body, subject to the Open Meetings Act, and guided by the City of Huber Heights Board and Commission Handbook.

Section 4. Upon City Council’s approval and adoption of the 2022 Comprehensive Development Plan, the Committee shall dissolve and cease to exist.

Section 5. 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 6. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

AI-8261

**New Business     G.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 03/14/2022

Supplemental Appropriations

**Submitted By:** Jim Bell

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

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

**Date(s) of Committee Review:** 03/08/2022

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

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

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**Agenda Item Description or Legislation Title**

An Ordinance Authorizing Advances and Transfers Between Various Funds Of The City Of Huber Heights, Ohio And Amending Ordinance No. 2021-O-2511 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2022 And Ending December 31, 2022.  
(first reading)

**Purpose and Background**

The supplemental appropriations are for the following purposes:

- \$2,500,000 advance from General Fund to Capital Improvements Fund for facade improvements at The Meadows (to be reimbursed later in 2022 with a debt issue).
- \$4,500 for Ohio Mayors Alliance membership.
- \$60,000 for installing new sidewalk on Bellefontaine in front of the Oaks subdivision.
- \$8,500 for purchase of police canine (covered by a donation from Mrs. Huber).
- \$40,000 for repairs to the existing Fire ladder truck.
- \$24,326.04 for 2022 police training (covered by a grant).
- \$85,829 for property taxes on the properties at Marian Meadows.
- \$160,000 for increased costs of asphalt and concrete for the 2022 Street Program project.
- \$55,000 for pump repairs at WTP.
- \$40,000 for lift station repairs at WTP.
- \$30,000 to upgrade the SCADA system programming at WTP.
- \$250,000 reduction in Water Utility Reserve Fund to move Emeraldgate Water Tower painting to 2023.

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**Fiscal Impact**

**Source of Funds:** Various Funds

**Cost:** \$2,725,329

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

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

**Financial Implications:**

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**Attachments**

Ordinance

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2022-O-

AUTHORIZING ADVANCES AND TRANSFERS BETWEEN VARIOUS FUNDS OF THE CITY OF HUBER HEIGHTS, OHIO AND AMENDING ORDINANCE NO. 2021-O-2511 BY MAKING SUPPLEMENTAL APPROPRIATIONS FOR EXPENSES OF THE CITY OF HUBER HEIGHTS, OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2022 AND ENDING DECEMBER 31, 2022.

WHEREAS, supplemental appropriations for expenses of the City of Huber Heights must be made for appropriations of funds for various 2022 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 advance and 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 advances and transfers necessary and effected after January 1, 2022.

Section 2. Ordinance No. 2021-O-2511 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 \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

EXHIBIT A

<i>Advance:</i>			
<u>Amount</u>	<u>Fund From</u>	<u>Fund To</u>	<u>Purpose</u>
\$2,500,000.00	101 General	406 Capital Imp	Meadows façade improvements

**EXHIBIT B**

AMENDING ORDINANCE NO. 2021-O-2511 BY MAKING APPROPRIATIONS FOR EXPENSES OF THE CITY OF HUBER HEIGHTS, OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2022 AND ENDING DECEMBER 31, 2022.

- 1) Section 1 of Ordinance No. 2021-O-2511 is hereby amended to reflect an increase in the appropriations of the 101 General Fund, as follows:
  - a. Subsection h) Mayor, Operations and Capital of \$4,500.00
  - b. Subsection r) Non-Departmental, Advances of \$2,500,000.00
- 2) Section 3 of Ordinance No. 2021-O-2511 is hereby amended to reflect an increase in the appropriations of the 203 Gasoline Tax Fund, as follows:
  - a. Subsection b) Streets, Operations and Capital of \$60,000.00.
- 3) Section 5 of Ordinance No. 2021-O-2511 is hereby amended to reflect an increase in the appropriations of the 209 Police Fund, as follows:
  - a. Subsection a) Police, Operations and Capital of \$8,500.00.
- 4) Section 6 of Ordinance No. 2021-O-2511 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 \$40,000.00.
- 5) Section 18 of Ordinance No. 2021-O-2511 is hereby amended to reflect an increase in the appropriations of the 242 Law Enforcement Assistance Grant Fund, Operations and Capital of \$24,326.04.
- 6) Section 30 of Ordinance No. 2021-O-2511 is hereby amended to reflect an increase in the appropriations of the 406 Capital Improvement Fund, as follows:
  - a. Subsection c) Capital, Operations and Capital of \$2,500,000.00.
- 7) Section 31 of Ordinance No. 2021-O-2511 is hereby amended to reflect an increase in the appropriations of the 410 Transformative Economic Development Fund, as follows:
  - a. Subsection a) Economic Development, Operations and Capital of \$85,829.00.
- 8) Section 35 of Ordinance No. 2021-O-2511 is hereby amended to reflect an increase in the appropriations of the 433 Local Street Capital Fund, as follows:
  - a. Subsection a) Street Capital, Operations and Capital of \$160,000.00.
- 9) Section 40 of Ordinance No. 2021-O-2511 is hereby amended to reflect an increase in the appropriations of the 501 Water Fund, as follows:
  - a. Subsection a) Engineering, Operations and Capital of \$125,000.00.
- 10) Section 42 of Ordinance No. 2021-O-2511 is hereby amended to reflect a decrease in the appropriations of the 504 Water Utility Reserve Fund, as follows:
  - a. Subsection a) Capital, Operations and Capital of \$250,000.00.

General Fund	\$2,504,500.00
Gasoline Tax Fund	\$60,000.00
Police Fund	\$8,500.00
Fire Fund	\$40,000.00
Law Enforcement Assist. Grant Fund	\$24,326.04
Capital Improvements Fund	\$2,500,000.00
Transformative Economic Dev. Fund	\$85,829.00
Local Street Capital Fund	\$160,000.00
Water Fund	\$125,000.00
Water Utility Reserve Fund	\$(250,000.00)



AI-8263

**New Business     H.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 03/14/2022

Increase Not to Exceed Amount - Atlantic Emergency Solutions - Fire Division

**Submitted By:** Keith Knisley

**Department:** Fire

**Council Committee Review?:** Council Work Session  
**Date(s) of Committee Review:** 03/08/2022

**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 Increase The Not To Exceed Amount For The Maintenance And Supply Of Parts To Atlantic Emergency Solutions For Calendar Year 2022 And Waiving The Competitive Bidding Requirements.  
(first reading)

**Purpose and Background**

This resolution is to increase the not to exceed amount for Atlantic Emergency Solutions. During annual inspection of Fire Division apparatus, significant repairs were identified as needing to be made to the existing Pierce Ladder Truck. Identified needed repairs are of a nature where the repairs need to be completed by an authorized Pierce repair center. The designated repair facility is operated by Atlantic Emergency Solutions.

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**Fiscal Impact**

**Source of Funds:** Fire Division Budget

**Cost:** \$50,000

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

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

**Financial Implications:**

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**Attachments**

Resolution

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE CITY MANAGER TO INCREASE THE NOT TO EXCEED AMOUNT FOR THE MAINTENANCE AND SUPPLY OF PARTS TO ATLANTIC EMERGENCY SOLUTIONS FOR CALENDAR YEAR 2022 AND WAIVING THE COMPETITIVE BIDDING REQUIREMENTS.

WHEREAS, it is necessary to make extensive repairs to our existing Pierce Ladder Truck for the Fire Division this calendar year; and

WHEREAS, Atlantic Emergency Solutions is the sole provider for authorized maintenance for our Pierce Ladder Truck, and needed repair cost and supply purchases will exceed the authorized spending limit of \$25,000 by an additional \$25,000.00.

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

Section 1. The City Manager is hereby authorized to increase the not to exceed amount for Atlantic Emergency Solutions by \$25,000.00 to a new total of \$50,000.00 for repair of apparatus and needed supplies to cover all additional expenses throughout Calendar Year 2022 as needed.

Section 2. The competitive bidding requirements are hereby waived consistent with appropriate provisions of the Huber Heights City Charter in Administrative Code Section 171.12(a)(2).

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 \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

AI-8264

**New Business    I.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 03/14/2022

Increase Not To Exceed Amount – SHI International - IT Department

**Submitted By:** Branden Payton

**Department:** Information Technology

**Council Committee Review?:** Council Work Session  
**Date(s) of Committee Review:** 03/08/2022

**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 Increase The Not To Exceed Amount For SHI International For The Calendar Year 2022 And Waiving The Competitive Bidding Requirements.  
(first reading)

**Purpose and Background**

This legislation is to increase the spending limit for SHI International for the City's annual Office 365 subscription fee.

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**Fiscal Impact**

**Source of Funds:** IT Budget

**Cost:** \$45,000

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

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

**Financial Implications:**

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**Attachments**

Resolution

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE CITY MANAGER TO INCREASE THE NOT TO EXCEED AMOUNT FOR SHI INTERNATIONAL FOR THE CALENDAR YEAR 2022 AND WAIVING THE COMPETITIVE BIDDING REQUIREMENTS.

WHEREAS, SHI International services are needed to provide software and licenses for cloud-based applications for the City business; and

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

WHEREAS, the City has determined to increase the not to exceed amount to pay SHI International as needed, without delay; and

WHEREAS, City Council agrees that it is prudent and cost effective to increase SHI International's amount to allow the company to perform additional work for the City due to additional services as needed, without delay.

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

Section 1. The City Manager is hereby authorized to increase the not to exceed cost for SHI International by \$20,000.00 for a new total of \$45,000.00 to cover all additional expenses throughout the year as needed.

Section 2. Consistent with the provisions of 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 \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

AI-8265

**New Business**     **J.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 03/14/2022

Suez Water - Contract Modification

**Submitted By:** Hanane Eisentraut

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

**Council Committee Review?:** Council Work Session  
**Date(s) of Committee Review:** 03/08/2022

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

**Purpose and Background**

This legislation will authorize the City Manager to enter into a contract modification and increase Suez Water's contract by \$125,000 to cover the cost of three items at the Rip Rap Road Water Treatment Plant. The first is replacing a package lift station that handles the water flow from the bathrooms and the continuous in-line PH and chlorine meters. The second item is repairing a large well pump for well number #6. The third item is to have CCI (Commerce Controls Inc) upgraded in the water plant's SCADA System (Supervisory Control and Data Acquisition) Programming to be able to report issues within the plant to be corrected.

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**Fiscal Impact**

**Source of Funds:** Water Fund

**Cost:** \$125,000

**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. 2022-R-

AUTHORIZING THE CITY MANAGER TO INCREASE THE NOT TO EXCEED MAINTENANCE CONTRACT AMOUNT AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT MODIFICATION WITH SUEZ WATER ENVIRONMENTAL SERVICES, INC.

WHEREAS, Suez Water Environmental Services, Inc. has operated the City’s water and wastewater systems since September 29, 1995; and

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

WHEREAS, the City has determined to increase the not to exceed amount of the contract to allow the company to perform additional work for the City due to emergency measures and additional services as needed, without delay; and

WHEREAS, City Council agrees that it is prudent and cost effective to increase Suez Water Environmental Services, Inc. contract to allow the company to perform additional work for the City due to emergency measures and additional services as needed, without delay.

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

Section 1. The City Manager is hereby authorized to enter into a contract modification to increase the maintenance cost of the Suez Water Environmental Services, Inc. by \$125,000.00 for a new total of \$540,000.00.

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

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

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

AI-8274

**New Business     K.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 03/14/2022

2022 Sidewalk Program and Concrete Portion of 2022 Street Program - Award Contract

**Submitted By:** Hanane Eisentraut

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

**Council Committee Review?:** Council Work Session **Date(s) of Committee Review:** 03/08/2022

**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 Enter Into Contracts For The 2022 Sidewalk Program And The Concrete Portion Of The 2022 Street Program.  
(first reading)

**Purpose and Background**

This legislation will authorize the award for:

Section A: Replacement of Concrete Sidewalks and Aprons to Multi Task Construction, at a cost not to exceed \$125,000

Section B: Concrete Portion of the 2022 Street Program to Multi Task Construction at a cost not to exceed \$940,000

Section C: Installation of new sidewalk on Bellefontaine Road to Multi Task Construction at a cost not to exceed \$60,000.

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**Fiscal Impact**

**Source of Funds:** Capital, Gas Tax, Street Capital Funds

**Cost:** \$1,125,000

**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. 2022-R-

AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS FOR THE 2022 SIDEWALK PROGRAM AND THE CONCRETE PORTION OF THE 2022 STREET PROGRAM.

WHEREAS, City Council previously authorized the Resolution of Necessity for the 2022 Sidewalk Program under Resolution No. 2021-R-7028 and secured of sidewalk bids under Resolution No. 2022-R-7092; and

WHEREAS, construction bids were received by the City on March 4, 2022; and

WHEREAS, it is important that this project be performed in a timely manner to complete the 2022 Sidewalk Program in an expeditious manner.

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

Section 1. The City Manager is hereby authorized to enter into a contract for Section A: Replacement Concrete, Sidewalks and Aprons of the bid with MultiTask Construction, as the lowest and best bidder, at a cost not to exceed \$125,000.00 on the terms and conditions as substantially set forth in the bid.

Section 2. The City Manager is hereby authorized to enter into a contract for Section B: Concrete Portion of 2022 Street Program of the bid with MultiTask Construction, as the lowest and best bidder, at a cost not to exceed \$940,000.00 on the terms and conditions as substantially set forth in the bid.

Section 3. The City Manager is hereby authorized to enter into a contract for the Installation of New Sidewalk on Bellefontaine Road with MultiTask Construction at a cost not to exceed \$60,000.00.

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 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 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 \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date