



**CITY OF HUBER HEIGHTS
STATE OF OHIO**

City Council Work Session

**June 21, 2022
6:00 P.M.**

City Hall – Council Chambers – 6131 Taylorsville Road

1. **Call Meeting To Order/Roll Call**
2. **Approval of Minutes**
 - A. June 7, 2022
3. **Work Session Topics Of Discussion**
 - A. City Manager Report/Water Infrastructure Update
 - B. Increase Not To Exceed Amount - Diesel Fuel/Gasoline Vendors
 - C. Supplemental Appropriations
 - D. Water Main Replacement Program - Award Contract
 - E. Energy Aggregation
 - F. Resolution To Appropriate Property - Well Field

G. Thomas Cloud Park Expansion Agreement

H. Carriage Trails – Special Assessments – Sections 2-5/7-5

- * Resolution Of Necessity

- * Ordinance To Proceed

I. City Code - Supplement 10 - Adopting Ordinance

J. Public Works Facility

K. City Manager Search Process

4. **Adjournment**

AI-8473

Topics of Discussion B.

Council Work Session

Meeting Date: 06/21/2022

Increase Not To Exceed Amount - Diesel Fuel/Gasoline Vendors

Submitted By: Jim Bell

Department: Finance

Division: Accounting

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 06/21/2022

Audio-Visual Needs: None

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

Increase Not To Exceed Amount - Diesel Fuel/Gasoline Vendors

Purpose and Background

Resolution No. 2021-R-7065 was approved by City Council on November 22, 201. That legislation included the approved not to exceed amounts for purchasing diesel fuel and gasoline. The cost of these fuels for all City vehicles has increased significantly. Department/Division Heads submitted to the Director of Finance revised estimates as to the increases needed in department/division budgets to purchase fuel for the remainder of 2022. Those increases are included in the supplemental appropriations legislation. In addition to increasing the City budget, City Staff are requesting that City Council approve an increase to the not to exceed amounts for diesel fuel to \$350,000 and an increase in the not to exceed amounts for gasoline to \$450,000.

Fiscal Impact

Source of Funds: Various Funds

Cost: \$163,000

Recurring Cost? (Yes/No): No

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

Financial Implications:

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2022-R-

AMENDING RESOLUTION NO. 2021-R-7065 TO AUTHORIZE AN INCREASE IN THE NOT TO EXCEED AMOUNTS FOR DIESEL FUEL AND GASOLINE.

WHEREAS, Resolution No. 2021-R-7065 passed by Council on November 22, 2021 previously authorized a not to exceed purchase amount for diesel fuel of \$200,000.00 and a not to exceed purchase amount for gasoline of \$300,000.00; and

WHEREAS, the cost of diesel fuel and gasoline has increased far above expectations in 2022.

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

Section 1. Resolution No. 2021-R-7065 passed by Council on November 22, 2021 is hereby amended in Section 1 to increase the previously authorized not to exceed amount of \$200,000.00 for diesel fuel and \$300,000.00 for gasoline to a new total not to exceed amount of \$350,000.00 for diesel fuel and \$450,000.00 for gasoline.

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

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

Passed by Council on the ____ day of _____ 2022;
____ Yeas; ____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8469

Topics of Discussion C.

Council Work Session

Meeting Date: 06/21/2022

Supplemental Appropriations

Submitted By: Jim Bell

Department: Finance

Division: Accounting

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 06/21/2022

Audio-Visual Needs: None

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

Supplemental Appropriations

Purpose and Background

The supplemental appropriations are for the following purposes:

- \$17,800 additional needed for current CAD/RMS current vendor until new vendor takes over.
- \$163,000 for fuel for Police, Fire and Public Works vehicles.
- \$24,022.58 for refund of Fire Insurance deposit (matched by recent deposit received).

Fiscal Impact

Source of Funds: Various Funds

Cost: \$180,800

Recurring Cost? (Yes/No): No

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

Financial Implications:

Attachments

Ordinance

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2022-O-

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. Ordinance No. 2021-O-2511 is hereby amended as shown in Exhibit A of this Ordinance.

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 _____, 2022;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

EXHIBIT A

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 a) Dispatch, Operations and Capital of \$17,800.00
- 2) 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 \$63,000.00
- 3) 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 \$55,000.00.
- 4) Section 15 of Ordinance No. 2021-O-2511 is hereby amended to reflect an increase in the appropriations of the 226 Local Street Operating Fund, as follows:
 - a. Subsection a) Streets, Operations and Capital of \$45,000.00.
- 5) Section 47 of Ordinance No. 2021-O-2511 is hereby amended to reflect an increase in the appropriations of the 723 Fire Insurance Fund, as follows:
 - a. Subsection a) Capital, Operations and Capital of \$24,022.58.

General Fund	\$17,800.00
Police Fund	\$63,000.00
Fire Fund	\$55,000.00
Local Street Operating Fund	\$45,000.00
Fire Insurance Fund	\$24,022.58

AI-8476

Topics of Discussion D.

Council Work Session

Meeting Date: 06/21/2022

Water Main Replacement Program - Award Contract

Submitted By: Hanane Eisentraut

Department: Engineering

Division: Engineering

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 06/21/2022

Audio-Visual Needs: None

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

Water Main Replacement Program - Award Contract

Purpose and Background

This legislation will authorize the City Manager to enter into a contract with M & T Excavating as the lowest and best bidder for Phases 1, 2, and 3 of the 2022 Water Main Replacement Program. The Water Fund will be utilized to construct these phases at a cost not to exceed \$1,850,000.

Seven bids were received for the 2022 Water Main Replacement Program which includes 5 Phases of construction work.

Phase 1 consists of replacing water main, fire hydrants and appurtenances on Hubbard Drive from Morley to Hemingway and on Alter Road from Hubbard to Menlo. The lowest bidder for this phase was M & T Excavating at a cost of \$633,928.

Phase 2 consists of replacing water main, fire hydrants and appurtenances on Holbrook Drive from Harshmanville to Helwig and on Helwig Drive from Holbrook to Alter. The lowest bidder for this phase was M & T Excavating at a cost of \$561,069.

Phase 3 consists of replacing water main, fire hydrants and appurtenances on Hubbard Drive from Handel Court to cul-de-sac and on Hinckley Court from Hubbard south of Handel to 800 feet east. The lowest bidder for this phase was also M & T Excavating at a cost of \$535,237.

Phase 4 and 5 consists of replacing water main, fire hydrants and appurtenances on Cruxten Drive from Chesham to Tilbury and on Tomberg Street from Powell Road to Fishburg. Because of the higher cost, City Staff is recommending that the reconstruction of these two phases be deferred to next year when more funding will be available.

Fiscal Impact

Source of Funds: Water Fund

Cost: \$1,850,000

Recurring Cost? (Yes/No): No

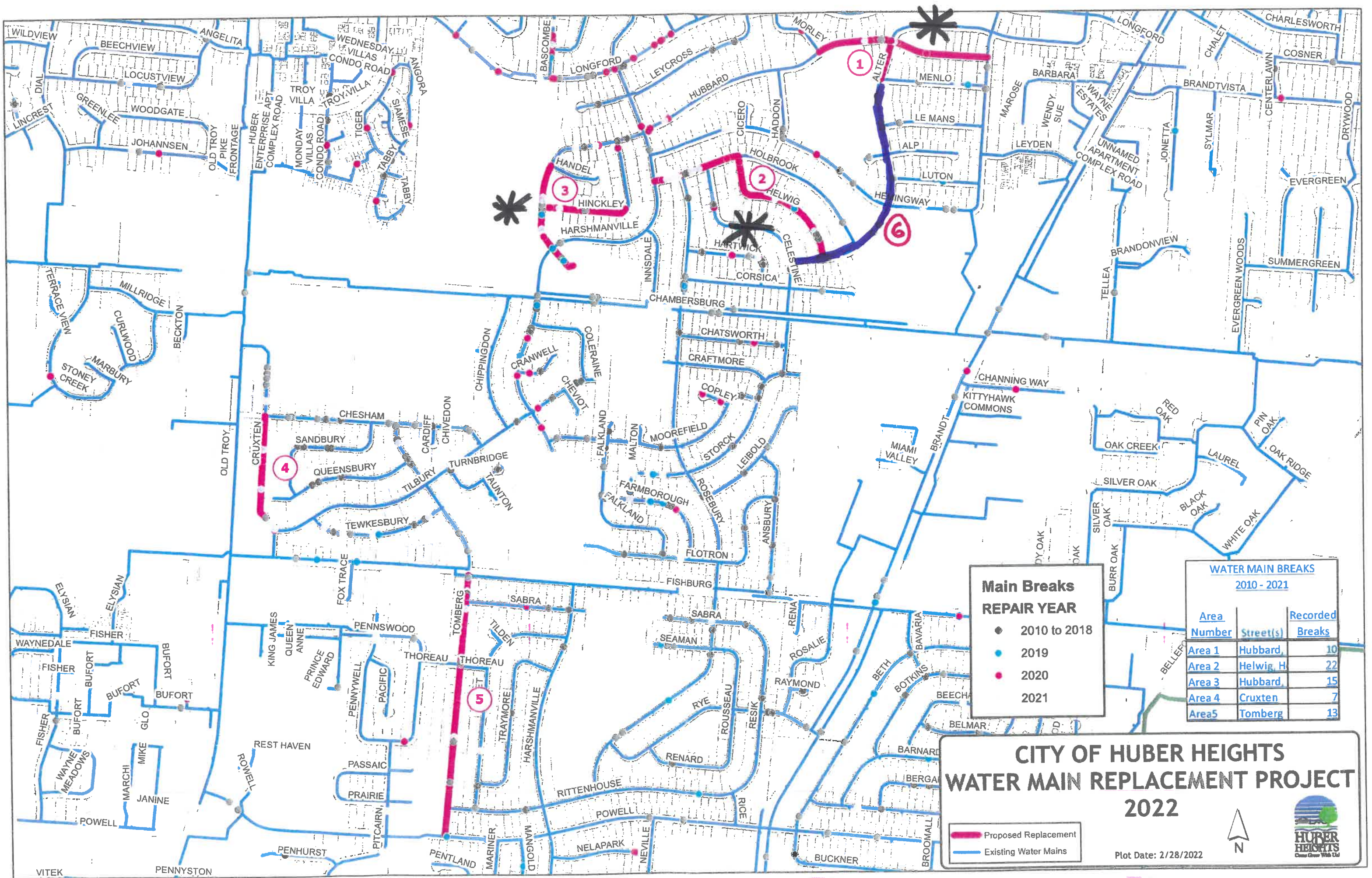
Funds Available in Current Budget? (Yes/No): Yes

Financial Implications:

Attachments

Project Map

Bid Results



**Main Breaks
REPAIR YEAR**

- 2010 to 2018
- 2019
- 2020
- 2021

WATER MAIN BREAKS 2010 - 2021		
Area	Street(s)	Recorded Breaks
Area 1	Hubbard	10
Area 2	Helwig, H	22
Area 3	Hubbard	15
Area 4	Cruxten	7
Area 5	Tomberg	13

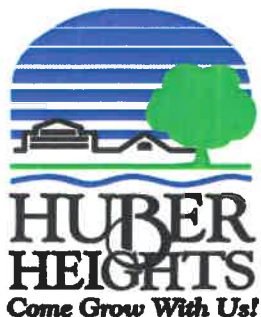
CITY OF HUBER HEIGHTS WATER MAIN REPLACEMENT PROJECT 2022

Proposed Replacement

Existing Water Mains

Plot Date: 2/28/2022


Huber Heights
Clean Green Web City



CITY OF HUBER HEIGHTS
2022 WATER MAIN REPLACEMENT PROGRAM
BID RESULT
BID DATE: MAY 27, 2022

CONTRACTOR'S NAME	SECTION A PHASE 1	SECTION A PHASE 2	SECTION A PHASE 3	SECTION B PHASE 4	SECTION B PHASE 5
C. G. Construction	\$672,600.00 180 Calendar Days Bid Bond - Yes	\$614,000.00 165 Calendar Days Bid Bond - Yes	\$595,600.00 150 Calendar Days Bid Bond - Yes	\$371,000.00 120 Calendar Days Bid Bond - Yes	\$758,882.00 210 Calendar Days Bid Bond - Yes
L. J .Deweese	\$748,273.00 150 Calendar Days Bid Bond - Yes	\$765,441.00 180 Calendar Days Bid Bond - Yes	NO BID	NO BID	NO BID
Associated Excavating	\$714,386.00 150 Calendar Days Bid Bond - Yes	\$658,754.50 150 Calendar Days Bid Bond - Yes	\$602,884.00 120 Calendar Days Bid Bond - Yes	\$385,032.00 120 Calendar Days Bid Bond - Yes	\$816,877.50 150 Calendar Days Bid Bond - Yes
Kinnison Excavating	NO BID	\$691,505.00 425 Calendar Days Bid Bond - Yes	NO BID	\$403,645.00 425 Calendar Days Bid Bond - Yes	NO BID
Outdoor	\$650,664.00 70 Calendar Days Bid Bond - Yes	\$604,777.00 70 Calendar Days Bid Bond - Yes	\$557,570.00 60 Calendar Days Bid Bond - Yes	\$366,875.00 50 Calendar Days Bid Bond - Yes	\$700,956.00 70 Calendar Days Bid Bond - Yes
Performance Site Development	\$651,386.20 365 Calendar Days Bid Bond - Yes	\$598,169.00 365 Calendar Days Bid Bond - Yes	NO BID	NO BID	NO BID
M&T Excavating	\$633,928.00 365 Calendar Days Bid Bond - Yes	\$561,069.00 365 Calendar Days Bid Bond - Yes	\$535,237.00 365 Calendar Days Bid Bond - Yes	\$343,698.00 365 Calendar Days Bid Bond - Yes	\$688,999.00 365 Calendar Days Bid Bond - Yes

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION 2022-R-

INCREASING THE NOT TO EXCEED AMOUNT AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE 2022 WATER MAIN REPLACEMENT PROJECT.

WHEREAS, City Council under Resolution No. 2022-R-7120, dated April 25, 2022, has previously authorized the securing of bids for the 2022 Water Main Replacement program; and

WHEREAS, construction bids were received on May 27, 2022; and

WHEREAS, there are adequate funds available to cover the cost of this work.

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, Phase 1: Hubbard Drive from Morley Lane to Hemingway Road and Alter Road from Hubbard Drive to Menlo Lane with M&T Excavating, LLC as the lowest and best bidder at a cost not to exceed \$673,850.00 on the terms and conditions as substantially set forth in the specifications of the contract.

Section 2. The City Manager is hereby authorized to enter into a contract for Section A, Phase 2: Holbrook Drive from Harshmanville Road to Helwig Drive and Helwig Drive from Holbrook Drive to Alter Road with M&T Excavating, LLC as the lowest and best bidder at a cost not to exceed \$600,990.00 on the terms and conditions as substantially set forth in the specifications of the contract.

Section 3. The City Manager is hereby authorized to enter into a contract for Section A, Phase 3: Hubbard Drive from Handel Court to cul-de-sac and Hinckley Court from Hubbard Drive south of Handel Court to 800 feet east with M&T Excavating, LLC as the lowest and best bidder at a cost not to exceed \$575,160.00 on the terms and conditions as substantially set forth in the specifications of the contract.

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

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

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

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8480

Topics of Discussion E.

Council Work Session

Meeting Date: 06/21/2022

Energy Aggregation

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 06/21/2022

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

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

Agenda Item Description or Legislation Title

Energy Aggregation

Purpose and Background

This agenda item is to discuss the City's energy aggregation program.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

No file(s) attached.

AI-8477

Topics of Discussion F.

Council Work Session

Meeting Date: 06/21/2022

Resolution To Appropriate Property - Well Field

Submitted By: Stephanie Wunderlich

Department: Engineering

Division: Engineering

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 06/21/2022

Audio-Visual Needs: None

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

Resolution To Appropriate Property - Well Field

Purpose and Background

This Resolution is for the intention to appropriate two properties on Rip Rap Road for providing water supply for the City and its inhabitants with the construction of wells, pumps, and water works. A map is included to show the location and size of the two properties. A description of the properties (Exhibit A and Exhibit B), as stated in the Resolution, are not included at this time, but will be included with the final Resolution presented at the City Council Meeting.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

Map

Resolution



Sources: Esri, Airbus DS, USGS, NGA, NASA, GEBCO, N Robinson, N
the GIS user community

City of Huber Heights

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CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2022-R-

SETTING FORTH THE INTENTION TO APPROPRIATE CERTAIN LAND ADJACENT TO THE CITY WELL FIELD FOR PUBLIC PURPOSES.

WHEREAS, the orderly and balanced development of the City of Huber Heights is necessary for the health, safety and general welfare of the citizens; and

WHEREAS, there is a need for acquisition of certain property for providing a water supply for itself and its inhabitants by the construction of wells, pumps, and water works, and for the protection thereof; and

WHEREAS, the City has attempted to negotiate the purchase of the property but has not been able to reach an agreement with the property owner; and

WHEREAS, the City deems it necessary to acquire the following properties for purposes of providing a water supply for itself and its inhabitants by the construction of wells, pumps, and water works, and for the protection thereof:

44.2441 acres in fee of the property titled in the name of Carson Schwab and Hollie Alexandria Endsleigh located on the land off of Rip Rap Road being Montgomery County Parcel # P70 04009 0022 and # P70 04009 0023 more particularly described in Exhibit A, which is attached hereto and incorporated into this Resolution by reference.

62.068 acres in fee of the property titled in the name of John Harvey Schwab, Jr. located on the land off of Rip Rap Road being Montgomery County Parcel # P70 04009 0091 more particularly described in Exhibit B, which is attached hereto and incorporated into this Resolution by reference; and

WHEREAS, the Ohio Revised Code Section 719.01 provides that any municipal corporation may appropriate, enter upon, and hold real estate within its corporate limit for the purpose of providing a water supply for itself and its inhabitants by the construction of wells, pumps, cisterns, aqueducts, water pipes, dams, reservoirs, reservoir sites, and water works, and for the protection thereof; and to provide for a supply of water for itself and its inhabitants; and

WHEREAS, a Notice of Intent to Appropriate and Good Faith Offer were provided to the property owners by certified mail or personal services as required by the Ohio Revised Code; and

WHEREAS, Ohio Revised Code Section 719.04 prescribes that the legislative authority of a municipal corporation, whenever it is deemed necessary to appropriate property, must pass a resolution declaring such intent, defining the purpose of the appropriation, and setting forth the pertinent description of the land and the estate of interest therein described to be appropriated.

NOW, THEREFORE, be it resolved by the City Council of the City of Huber Heights that:

Section 1. It is the intent of the City of Huber Heights to appropriate a fee interest in and to the land as described in Exhibit A, the record title owner of all of such property being Carson Schwab and Hollie Alexandria Endsleigh.

Section 2 It is the intent of the City of Huber Heights to appropriate a fee interest in and to the land as described in Exhibit B, the record title owner of all of such property being John Harvey Schwab, Jr.

Section 3. The purpose of the acquisitions is to acquire the land necessary for purpose of providing a water supply for itself and its inhabitants by the construction of wells, pumps, and water works, and for the protection thereof.

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

Section 5. This Resolution shall go into effect at the earliest time provided by law.

Passed by Council on the ____ day of _____, 2022.
____ Yeas; ____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date:

Date:

AI-8436

Topics of Discussion G.

Council Work Session

Meeting Date: 06/21/2022

Thomas Cloud Park Expansion Agreement

Submitted By: Bryan Chodkowski

Department: City Manager

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 06/21/2022

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

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

Agenda Item Description or Legislation Title

Thomas Cloud Park Expansion Agreement

Purpose and Background

In an effort to advance the interests of the City of Huber Heights as it relates to a proposed development of single-family homes on property immediately adjacent to the City's Thomas Cloud Park, but outside the City limits; this legislation would authorize the City Manager to begin acquiring a nine acre portion of the property in question. This property acquisition is for the purpose of expanding Thomas Cloud Park to increase the area available for recreational activities.

Fiscal Impact

Source of Funds: General Fund

Cost: \$15,000

Recurring Cost? (Yes/No): No

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

Financial Implications:

Attachments

Resolution

Exhibit A

Exhibit B

Exhibit C

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2022-O-

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO EXPAND THOMAS CLOUD PARK BY NINE ACRES.

WHEREAS, Oakes Tree Development (the “Developer”) has proposed to construct single-family homes (the “Project”) on property with the Montgomery County Parcel Number I39 00802 0033 (the “Parcel”) for which a proposed site plan for the Project is attached hereto as Exhibit A; and

WHEREAS, the Parcel is located within the City of Riverside, Ohio (“Riverside”); and

WHEREAS, approximately nine (9) acres (the “Acres”) of the Parcel can only be accessed via the City of Huber Heights (“Huber Heights”) roadway infrastructure on Harshmanville Road, a map of which is attached hereto as Exhibit B; and

WHEREAS, the Developer, Riverside, and Huber Heights wish for the Project to proceed but acknowledge that developing the Acres presents certain practical challenges with respect to providing basic governmental services; and

WHEREAS, Huber Heights has previously expressed an interest in purchasing the Parcel for the purposes of expanding Thomas Cloud Park.

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 sign the attached agreement, attached hereto as Exhibit C, or an agreement substantially similar, as approved by the Law Director.

Section 2. The City Manager is further directed and authorized to apply for those qualifying grant opportunities necessary to support and advance the acquisition of the aforescribed Acres.

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





Exhibit B



1 inch = 188 feet

Date: 5/2/2022



EXHIBIT C

PURCHASE AGREEMENT BETWEEN OAKES TREES DEVELOPMENT;
THE CITY OF RIVERSIDE, OHIO; AND THE CITY OF HUBER HEIGHTS, OHIO

WHEREAS, Oakes Trees Development (the “Developer”) has proposed to construct single-family homes (the “Project”) on Montgomery County parcel identification number I39 00802 0033 (the “Parcel”), a proposed site plan for the Project is attached hereto as Exhibit A for reference; and

WHEREAS, the Parcel is located within the City of Riverside, Ohio (“Riverside”); and

WHEREAS, approximately nine (9) acres (the “Acres”) of the Parcel can only be accessed via the City of Huber Heights’ (“Huber Heights”) roadway infrastructure on Harshmanville Road, a map of which is attached hereto as Exhibit B for reference; and

WHEREAS, the Developer, Riverside, and Huber Heights wish for the Project to proceed but acknowledge that developing the Acres presents certain practical challenges with respect to providing basic governmental services; and

WHEREAS, the Developer, Riverside, and Huber Heights met and, in the interest of advancing the Project in a manner that benefits all the parties, have agreed that:

- 1) The Developer willingly offers for sale, and Huber Heights willingly agrees to purchase, the Acres under the mutually agreeable terms and conditions:
 - a. The agreed upon purchase price for the Acres shall be established via an appraisal performed by a licensed, neutral third party in accordance to the Uniform Appraisal Standard for Federal Land Acquisitions or the Developer’s purchase price of \$18,000 per acre, whichever amount is greater. The cost of said appraisal shall be paid equally by the Developer and Huber Heights. .
 - b. The Acres shall be purchased for the purposes of expanding Tom Cloud Park, which is immediately adject to the Acres’ eastern boundary line.
 - c. Huber Heights shall have five (5) years from the date of this agreement’s execution of this agreement to complete its acquisition of the Acres. The purpose being to provide Huber Heights sufficient time and opportunity to apply for the grant funding necessary to purchase the Acres in accordance with the conditions noted above.
 - d. In exchange for the time considerations noted in Section 1(c), Huber Heights agrees to pay the Developer earnest monies. For the purposes of determining earnest payments in absences of an appraisal, the parties agree that Developer’s purchase price of \$18,000 per acre shall be used. Total interest monies shall equal 20% of the total purchase price of the Acres which will paid in the amounts and on the dates as follows:
 - i. \$ 15,000.00 upon the execution of this agreement;

EXHIBIT C

- ii. \$ 7,500.00 on or before July 1, 2023;
- iii. \$ 5,000.00 on or before July 1, 2024;
- iv. \$ 2,500.00 on or before July 1, 2025;
- v. \$ 2,500.00 on or before July 1, 2026.

If appraisal amount comes in higher than the \$18,000 per acre price, the City will add the difference to their next deposit amount in order to get the deposit to 20% of the purchase price.

Provided that the City is able to obtain the grant(s) necessary to purchase the acres on or before December 31, 2026, those monies paid in earnest in advance of the grant's award shall be applied toward the purchase of the property and, if possible, applied as the City's matching percentage of the awarded grant.

- 2) In the event the Huber Heights has not successfully secured the necessary grant(s) to acquire the Acres by December 31, 2026, those earnest monies paid by Huber Heights as noted in Section 1(d) shall be forfeit to the Developer unless subsequent terms and conditions can be negotiated by and agreed to by the Developer and Huber Heights.
- 3) Riverside acknowledges that Huber Heights' efforts to expand Tom Cloud Park presents an opportunity for improved recreational opportunities to its future residents within the Project. Upon the execution of this agreement, Riverside agrees to adopt a resolution in support of Huber Heights' efforts to expand Tom Cloud Park.
- 4) Should Huber Heights successfully obtain the grant funds necessary to purchase the Acres, Riverside agrees and commits to meet with Huber Heights for the purposes of discussing and planning the access to and development of the Acres and each community's respective role in executing and supporting such plans.

NOW, THEREFORE AGREED AMONGST THE PARTIES, the Developer, Huber Heights, and Riverside enter into this Agreement in furtherance of their mutual interests and benefit.

Mr. Lance Oakes, Principal
Oakes Trees Development

Date

Mr. Bryan RH Chodkowski, Interim City Manager
City of Huber Heights, OH

Date

Mr. Joshua Rauch, City Manager
City of Riverside, OH

Date

AI-8419

Topics of Discussion H.

Council Work Session

Meeting Date: 06/21/2022

Carriage Trails - Special Assessments - Sections 2-5/7-5 - Resolution Of Necessity

Submitted By: Bryan Chodkowski

Department: Economic Development

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 06/21/2022

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

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

Agenda Item Description or Legislation Title

Carriage Trails – Special Assessments – Sections 2-5/7-5

* Resolution Of Necessity

Purpose and Background

DEC Land Company has requested that the City provide funding for a portion of the costs of constructing the public streets within Sections 2-5 and 7-5 of the Carriage Trails development through the use of special assessments. DEC has requested the City provide funding in the amount of \$1,016,000, which is \$8,000 per lot for the 127 lots proposed for construction. DEC has asked the City to then assess each of the 127 newly created lots \$650 per lot per year for 25 years in order to repay the funding provided for this portion of the construction costs for the public improvements (the roads). In order to accomplish this, the City will need to pass a Resolution Of Necessity and an Ordinance To Proceed with the improvement - both of which are included in the meeting packet for Council's consideration. This item is the Resolution Of Necessity.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

Resolution

Exhibit A

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2022-R-

DECLARING IT NECESSARY TO IMPROVE PUBLIC STREETS AND EASEMENTS IN SECTION 2 - PHASE 5 AND SECTION 7 - PHASE 5 BY CONSTRUCTING AND INSTALLING CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS, INCLUDING STREET IMPROVEMENTS, SUBBASE, CONCRETE CURB/GUTTER WITH DRAINAGE, ASPHALT, STREET LIGHTS AND SIGNS, SIDEWALK, SURVEY WORK AND ENGINEERING, AND IN EACH CASE, ALL OTHER COSTS AND IMPROVEMENTS NECESSARY AND APPURTENANT THERETO.

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

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

WHEREAS, this Council has determined to adopt this Resolution to accept the Petition and approve the plans, specifications, profiles and estimate of cost of the Improvement, as prepared by the Developer in conjunction with IBI Group Inc. (f/k/a ME Companies Inc.), and to further provide for such other terms and provisions relating to the Improvement as are set forth in this Resolution.

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

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

Section 2. It is declared necessary to improve public streets and easements by constructing and installing on the Property (as described in the Petition) excavating, grading, paving, constructing and installing street improvements, including subbase, concrete curb/gutter with drainage, asphalt, street lights and signs, sidewalk, survey work and engineering, and in each case, all other costs and improvements necessary and appurtenant thereto (collectively, the "Improvement").

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

Section 4. This Council finds and determines that (a) the Improvement is conducive to the public health, convenience and welfare of this City and the inhabitants thereof and (b) the lots and lands to be assessed as described in Section 9 hereof and in the Petition are specially benefited by the Improvement.

Section 5. This Council hereby accepts the Petition. Subject to the provisions of and limitations set forth in the Petition, \$1,016,000.00 of the costs of the Improvement (plus interest on the costs of the Improvement to be computed in accordance with Sections 1 and 2 of the Petition) shall be assessed against the real property described in and pursuant to the Petition. Any additional costs of the Improvement shall be paid by the landowner.

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

opinions, cost of labor and material and interest on securities issued in anticipation of the levy and collection of the special assessments, together with all necessary expenditures.

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

Section 8. The special assessments to be levied shall be paid in twenty-five (25) annual installments of \$650.00 (plus any administrative or similar collection or processing fee) for Sections 2-5 and 7-5 (each annual installment to be payable semi-annually at the time real estate taxes in Miami County, Ohio are payable), together with interest on the unpaid principal amount of each special assessment as provided for by law and in accordance with the Petition and the ordinance levying the final special assessments.

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

Section 10. The City shall directly reimburse the Developer as and when the special assessments are collected for the Developer's costs and interest thereon. The City shall pay the Developer for a portion of the Improvement as set forth in the Petition, but only as and when the City receives these funds from the assessments described in the Petition. The remainder of the entire cost of the Improvement, after application of the special assessments, shall be paid by the landowner. The City assumes no obligation beyond the transfer of the assessments to the Developer following completion of the Improvements.

Section 11. 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 12. 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

CERTIFICATE

The undersigned, Clerk of Council of the City of Huber Heights, Ohio, hereby certifies that the foregoing is a true and correct copy of Resolution No. 2022-R-_____ adopted by the Council of the City of Huber Heights, on _____, 2022.

Clerk of Council

EXHIBIT A

PETITION FOR SPECIAL ASSESSMENTS AND AFFIDAVIT

May 11, 2022

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

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

WHEREAS, the Property Owner acknowledges that, in connection with the development of the Property, the Property will benefit from the construction and installation on the Property of certain public infrastructure improvements, including but not limited to, street improvements, including subbase, concrete curb/gutter with drainage, asphalt, street lights and signs, sidewalk, survey work and engineering, and in each case, all other costs and improvements necessary and appurtenant thereto, to the special benefit of the Property and collectively referred to herein as the "*Improvement*"; and

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

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

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

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

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

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

Property will receive special benefits from the construction of the Improvement, and respectfully requests that \$8,000 per lot completed plus interest thereon as set forth below for Sections 2, Phase 5 ("Section 2-5") and Section 7, Phase 5 ("Section 7-5"), which represents the costs of the Improvement, including without limitation the compensation, damages and expenses of the Improvement, be assessed upon the Property. The Property Owner anticipates that the Property will be divided into one hundred twenty-seven (127) lots, consisting of sixty-two (62) lots for Section 2-5 and sixty-five (65) lots for Section 7-5, and that the actual costs of the Improvement will be apportioned equally among all of the lots included within the Property (with an apportionment of \$8,000 plus interest per lot for Section 2-5 and Section 7-5). Unless otherwise agreed to by the Property Owner and the City, to the extent the Property Owner, or its grantees or other successors with respect to the Property, does not pay the special assessments as levied in the time period provided for by Ohio law, the Property Owner acknowledges and agrees that the City may exercise any and all rights for the collection of unpaid special assessments in accordance with Ohio law and that the City may increase the unpaid assessments by an amount equal to the actual costs charged by Miami County to administer and collect the special assessments and if applicable, any related interest and other expenses.

2. *Construction and Payment of Costs of the Improvement.* (a) The Developer shall construct the Improvement in a manner consistent with the plans and specifications for such Improvement which shall have been approved by the City, (b) the Developer shall obtain performance and payment bonds meeting the requirements of Sections 153.54 and 153.57 of the Ohio Revised Code guaranteeing the completion of the construction of the Improvement and the payment of subcontractors, material providers and laborers from all of Developer's subcontractors and material suppliers, (c) the Developer shall pay prevailing wage to laborers as determined by the Ohio Department of Commerce under Chapter 4115 of the Ohio Revised Code in connection with the construction of the Improvement, (d) the Developer shall be responsible for paying the actual costs of such Improvement prior to the time such Improvement is dedicated to and accepted by the City, (e) the Developer shall provide warranties and guarantees with respect to the workmanship of the Improvement and the correction of deficiencies, (f) the City shall, promptly following completion of construction of the Improvement and dedication to and acceptance by the City of the Improvement, for Section 2-5 and Section 7-5, reimburse the Developer from the special assessments described in paragraph 1 above as those payments are collected (twice annually) at an annual interest rate of 6.5% (the "Interest") on any unpaid balance of the Improvement costs to provide the Developer reimbursement for the Improvement in an amount equal to the lesser of (i) \$8,000 per platted lot plus Interest or (ii) 100% of the actual cost of construction of the Improvement plus Interest thereon; *provided* that the amount of such payment shall be specially assessed pursuant to this Petition.

3. *Duration of Special Assessments.* The Property Owner hereby confirms that the special assessments and the interest thereon be payable in twenty-five (25) annual installments of \$650 (plus any administrative or similar collection or processing fee) for Section 2-5 and Section 7-5 (each annual installment to be payable semi-annually at the

time real property taxes in Miami County, Ohio are payable). The Property Owner hereby requests that the special assessments and interest thereon be certified to the County Auditor in order that the first installment of special assessments shall be due not later than the earliest of (a) the first date on which taxes and special assessments are due and payable in the first calendar year next following the first September 1 next following conveyance of the Property by the Property Owner to another entity or (b) the first date for 2026 on which taxes and special assessments are due and payable. Following the deferment, the special assessments will be collected in twenty-five (25) annual installments as described in this paragraph 3.

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

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

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

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

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

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

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

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

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

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

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

DEC Land Co. I, LLC
5131 Post Road, Suite 101
Dublin, Ohio 43017
Attention: William W. Keethler II
President of the Managing Member

[signature page follows]

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

SIGNED AND ACKNOWLEDGED
IN THE PRESENCE OF:

DEC LAND CO. I LLC

By: Carriage Trails at The Heights LLC

Its: Managing Member

By: [Signature]

Printed: William W. Keethler II

Title: President

[Signature]
Witness
[Signature]
Witness

STATE OF OHIO

SS.

COUNTY OF FRANKLIN

The foregoing instrument was sworn to and subscribed before me this 11th day of May, 2022 by William W. Keethler, President of Carriage Trails at The Heights LLC, an Ohio limited liability company and Managing Member of DEC Land Co. I, LLC, the authorized representative of DEC Land Co. I LLC. This is a jurat certificate; an oath or affirmation was administered to the signer with regard to this notarial act.



CASSANDRA L. RIEHLE
Notary Public, State of Ohio
My Commission Expires 08-16-2025

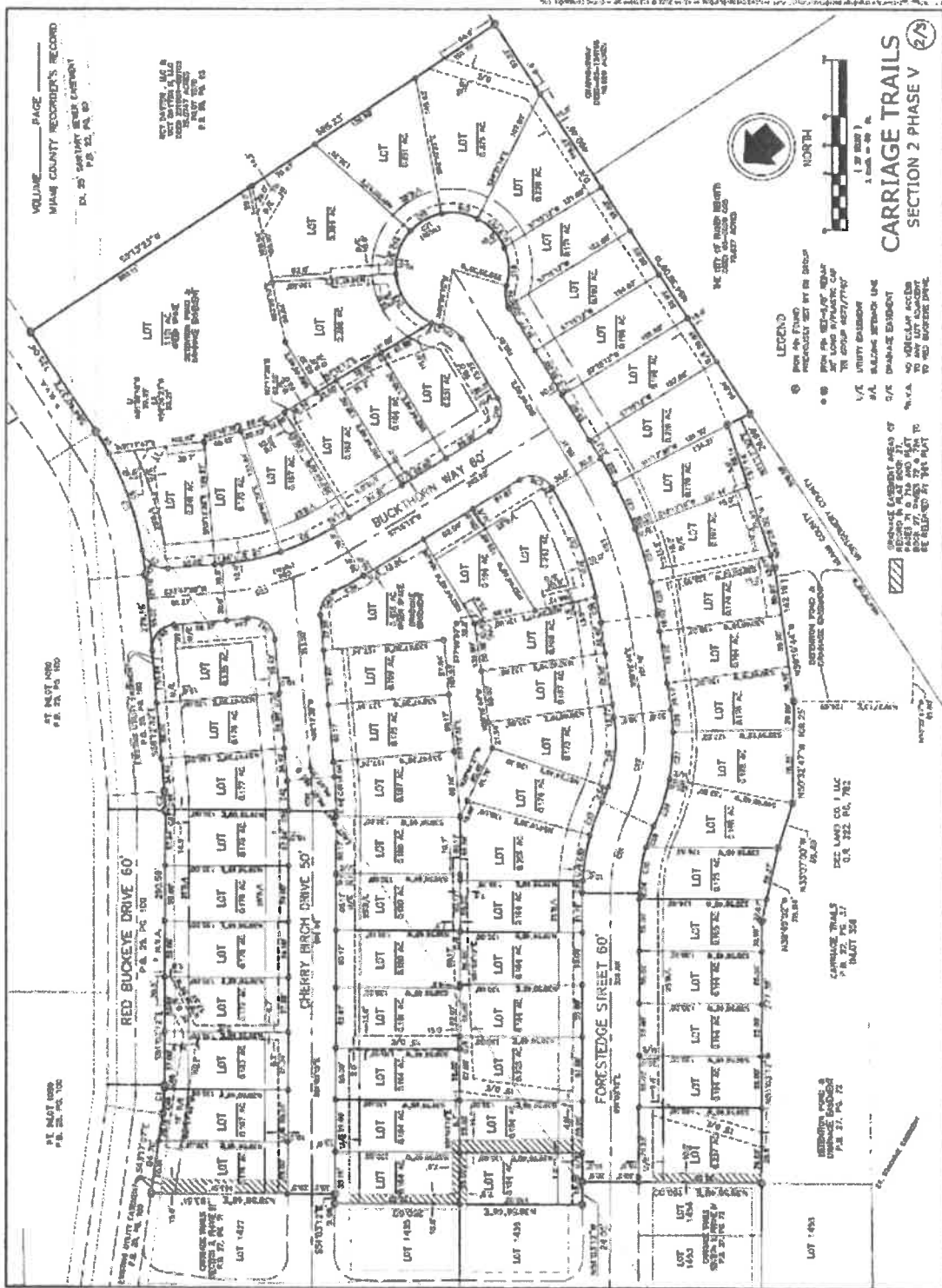
[Signature]
Notary Public

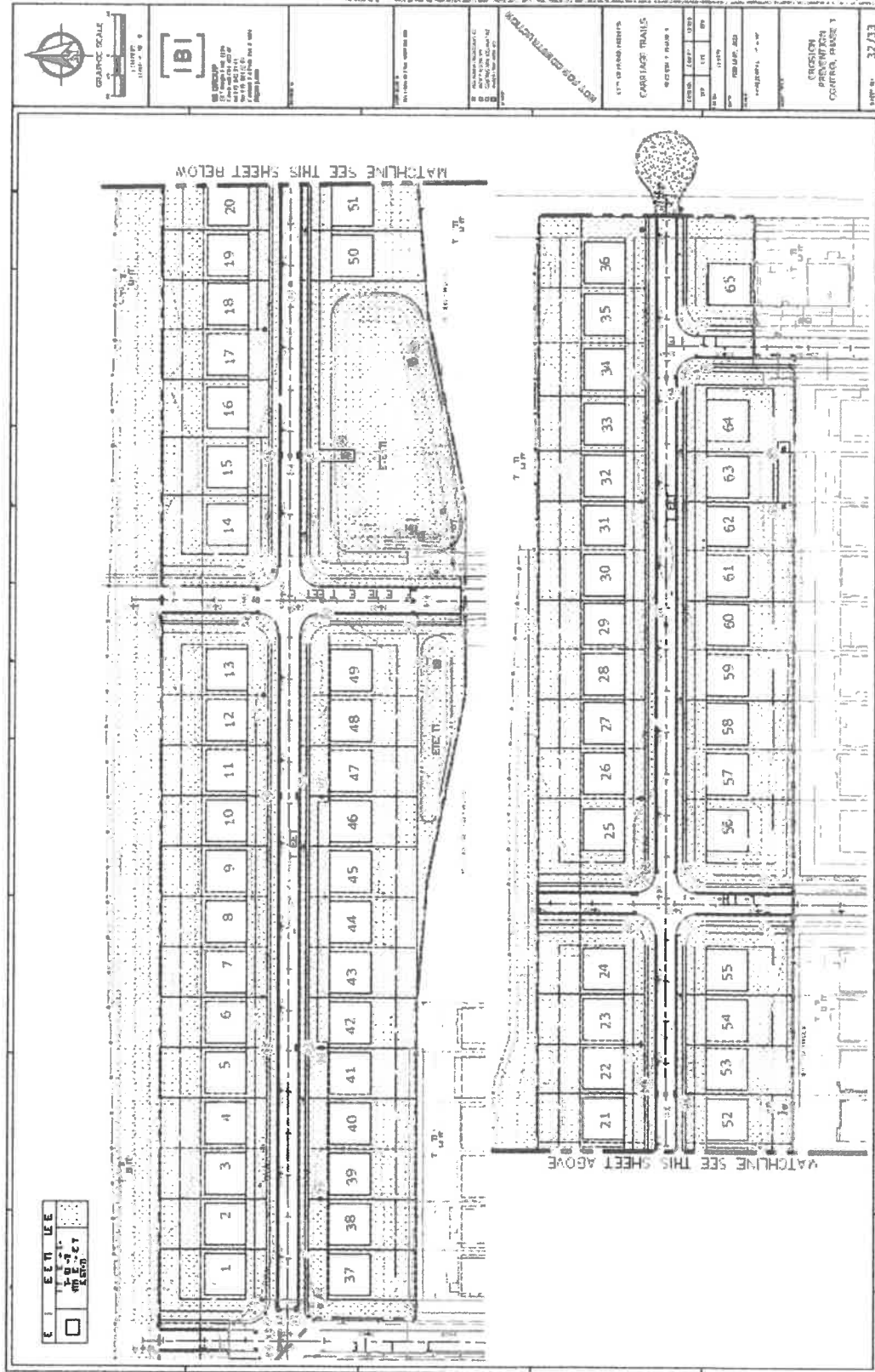
ATTACHMENT A-1

Description of the Property

Approximately 16.325 acres in Section 2-5 being lots 1 through 62; and approximately 17.34 acres in Section 7-5 being lots 1-65 of Carriage Trails, in the City of Huber Heights, Miami County, Ohio, as shown on Attachment A-2 attached hereto.

ATTACHMENT A-2
Depiction of the Property





AI-8420

Topics of Discussion

Council Work Session

Meeting Date: 06/21/2022

Carriage Trails Sections 2-5/7-5 - Special Assessment Request - Ordinance To Proceed

Submitted By: Bryan Chodkowski

Department: Economic Development

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 06/21/2022

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

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

Agenda Item Description or Legislation Title

* Ordinance To Proceed

Purpose and Background

DEC Land Company has requested that the City provide funding for a portion of the costs of constructing the public streets within Sections 2-5 and 7- 5 of the Carriage Trails development through the use of special assessments. DEC has requested the City provide funding in the amount of \$1,016,000 which is \$8,000 per lot for the 127 lots proposed for construction. DEC has asked the City to then assess each of the 127 newly created lots \$650 per lot per year for 25 years in order to repay the funding provided for this portion of the construction costs for the public improvements (the roads). In order to accomplish this the City will need to pass a Resolution Of Necessity and an Ordinance To Proceed with the improvement - both of which are included in the meeting packet for Council's consideration. This item is the Ordinance To Proceed.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

Ordinance

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2022-O-

DETERMINING TO PROCEED WITH THE IMPROVEMENT OF PUBLIC STREETS AND EASEMENTS, IN SECTION 2- PHASE 5 AND SECTION 7 - PHASE 5 BY CONSTRUCTING AND INSTALLING CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS, INCLUDING STREET IMPROVEMENTS, SUBBASE, CONCRETE CURB/GUTTER WITH DRAINAGE, ASPHALT, STREET LIGHTS AND SIGNS, SIDEWALK, SURVEY WORK AND ENGINEERING, AND IN EACH CASE, ALL OTHER COSTS AND IMPROVEMENTS NECESSARY AND APPURTENANT THERETO.

WHEREAS, this Council has adopted Resolution No. 2022-R-____ on _____, 2022 (the “*Resolution of Necessity*”), declaring the necessity of making the Improvement described in Section 1.

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

Section 1. It is determined to proceed with the improvement of public streets and easements by constructing and installing on the Property (as described in the Petition) certain public infrastructure improvements, including street improvements, subbase, concrete curb/gutter with drainage, asphalt, street lights and signs, sidewalk, survey work and engineering, and in each case, all other costs and improvements necessary and appurtenant thereto (collectively, the “*Improvement*”) more fully described in the plans and specifications on file in the Office of the Clerk of Council.

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

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

Section 4. The City shall pay the Developer for a portion of the Improvement as set forth in the Petition, but only as and when the City receives these funds from the assessments described in the Petition. All costs shall be paid by the Developer or the landowner, and the City assumes no obligation beyond the transfer of the assessments it receives to the Developer following completion of the Improvements.

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

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

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

Section 8. Subject to the provisions of Section 727.24 of the Revised Code, the City Manager is authorized and directed to work with the Developer to proceed with contracting for the Improvement, and the Improvement shall be paid for by the Developer, which shall be reimbursed by the special assessments, all as provided in the Resolution of Necessity.

Section 9. 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 10. 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.

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

CERTIFICATE

The undersigned, Clerk of Council of the City of Huber Heights, Ohio, hereby certifies that the foregoing is a true and correct copy of Ordinance No. 2022-O-_____ passed by the City Council of Huber Heights, on _____, 2022.

Clerk of Council

AI-8472

Topics of Discussion I.

Council Work Session

Meeting Date: 06/21/2022

City Code - Supplement 10 - 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.:**

Agenda Item Description or Legislation Title

City Code - Supplement 10 - Adopting Ordinance

Purpose and Background

This ordinance is to adopt Supplement 10 to the City Code for the period of January 1, 2022 to March 31, 2022. 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:

Attachments

Ordinance

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 10; 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 10; 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 10 to the City Code of Huber Heights, Ohio for the period of January 1, 2022 to March 31, 2022, 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 10 to the City Code of Huber Heights, Ohio for the period of January 1, 2022 to March 31, 2022, 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 March 31, 2022.

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-8479

Topics of Discussion J.

Council Work Session

Meeting Date: 06/21/2022

Public Works Facility

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 06/07/2022 and 06/21/2022

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

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

Agenda Item Description or Legislation Title

Public Works Facility

Purpose and Background

This agenda item is to discuss a new Public Works Facility at the request of three Councilmembers.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

Map

New Public Works Facility Location



AI-8478

Topics of Discussion K.

Council Work Session

Meeting Date: 06/21/2022

City Manager Search Process

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 06/21/2022

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

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

Agenda Item Description or Legislation Title

City Manager Search Process

Purpose and Background

This agenda item is for discussion of the City Manager search process.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

No file(s) attached.
