



**CITY OF HUBER HEIGHTS
STATE OF OHIO
City Council Meeting
Regular Session
February 27, 2023
6:00 P.M.**

City Hall - Council Chambers - 6131 Taylorsville Road - Huber Heights, Ohio

1. **Call The Meeting To Order - Mayor Jeff Gore**
2. **Invocation - Mister Raby Of The New Seasons Ministry At 5711 Shull Road, Huber Heights, Ohio**
3. **Flag Ceremony - Wayne High School Junior ROTC Honor Guard**
4. **Pledge Of Allegiance**
5. **Roll Call**
6. **Approval Of Minutes**
 - A. City Council Meeting Minutes - February 13, 2023
7. **Special Presentations/Announcements**
 - A. Developmental Disabilities Awareness Month Proclamation Presentation To Representatives Of Choices In Community Living And The Montgomery County Board Of Developmental Disability Services - Mayor Jeff Gore

- B. Announcement: Consistent With The Applicable Provisions Of The Ohio Revised Code, The Clerk Of Council Of The City Of Huber Heights Is In Receipt Of The Complete And Certified Record Of The Proceedings Related To The Petition For Annexation For 260.369 Acres More Or Less In Bethel Township To The City Of Huber Heights. The Clerk Of Council Is Providing Notice To The Huber Heights City Council Of The Receipt Of The Complete Record Of The Proceedings Related To The Petition For Annexation To Initiate Consideration Of The Petition For Annexation In Accordance With The Applicable Provisions Of The Ohio Revised Code.

8. **Citizens Comments**

9. **Citizens Registered To Speak On Agenda Items**

10. **City Manager Report**

11. **Pending Business**

- A. An Ordinance Authorizing Advances And Transfers Between Various Funds Of The City Of Huber Heights, Ohio And Amending Ordinance No. 2022-O-2562 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2023 And Ending December 31, 2023.
(second reading)
- B. An Ordinance Increasing The Sewer Rates In Section 934.03 Of The Codified Ordinances Of Huber Heights.
(second reading)
- C. An Ordinance Authorizing A One-Time Transfer Of Monies From The Gasoline Tax Fund To Document An Advance Previously Made To The Carriage Trails Infrastructure Fund, And Declaring An Emergency.
(second reading)
- D. An Ordinance Amending Certain Sections Of Part Eleven, Planning And Zoning Code, Of The City Code Of Huber Heights Regarding Home Occupations (Case TA 22-42.1).
(third reading)

12. **New Business**

CITY COUNCIL

Anthony Rodgers, Clerk Of Council

- A. A Motion To Direct The Clerk Of Council To Respond To The Ohio Division Of Liquor Control With No Objections In Reference To New Liquor Permit #8827366 For Taylor Mart, LLC At 6025 Taylorsville Road, Huber Heights, Ohio 45424.

- B. An Ordinance To Adopt And Codify An Indigent Burial Policy For The City Of Huber Heights And Amending Part One, Administrative Code, Title One, General Provisions, Of The City Code Of Huber Heights To Add Chapter 111 – Indigent Burial Policy.
(first reading)

- C. 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 12 And Supplement 13; And Repealing Ordinances And Resolutions In Conflict Therewith.
(first reading)

ADMINISTRATION

Bryan Chodkowski, Interim City Manager

- D. A Resolution Declaring Certain City Property No Longer Needed For Municipal Purposes As Surplus And Authorizing Disposal Of Said Surplus Property.
(first reading)

- E. A Resolution Authorizing The Director Of Finance To Remove \$334.28 In Grass/Weeds Assessment Fees And \$834.05 In Trash/Litter Assessment Fees From 7084 Claybeck Drive.
(first reading)

- 13. **City Official Reports And Comments**

- 14. **Executive Session**

- 15. **Adjournment**

AI-9006

Minutes A.

City Council Meeting

Meeting Date: 02/27/2023

Approval of Minutes - 02/13/2023

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: None

Date(s) of Committee Review: N/A

Audio-Visual Needs: None

Emergency Legislation?: No

Motion/Ordinance/ N/A

Resolution No.:

Agenda Item Description or Legislation Title

City Council Meeting Minutes - February 13, 2023

Purpose and Background

Approval of the minutes from the February 13, 2023 City Council Meeting.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

There are no financial implications to this agenda item.

Attachments

Minutes

1. Call The Meeting To Order - Mayor Jeff Gore

The Huber Heights City Council met in a Regular Session on February 13, 2023. Mayor Jeff Gore called the meeting to order at 6:00 p.m.

2. Invocation - Mister Raby Of The New Seasons Ministry At 5711 Shull Road, Huber Heights, Ohio

3. Pledge Of Allegiance

4. Roll Call

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

Absent: Richard Shaw, Anita Kitchen

Mayor Gore said Mr. Shaw and Mrs. Kitchen are absent. He asked for a motion to excuse the absences of Mr. Shaw and Mrs. Kitchen.

Mr. Campbell moved to excuse the absences of Mr. Shaw and Mrs. Kitchen; Ms. Baker seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, and Mr. Webb voted yea; none voted nay. The motion passes 6-0.

5. Approval Of Minutes

- A. City Council Meeting Minutes - January 23, 2023

6. Special Presentations/Announcements

- A. Dayton Metro Library Presentation - Mr. Adam Schwiebert, Government Relations Director, Dayton Metro Library

Mr. Adam Schwiebert said he is relatively new to the position of Government Relations Director for Dayton Metro Library. He gave an overview and update of the Huber Heights branch of the Dayton Metro Library. He said his job is to connect with the elected officials at the federal, state, and local levels. He said if there are things that can be done better or there are ways to better serve the community, he would like to hear from Council and City Staff. He said during January, 2023, Huber Heights residents have checked out over 35,000 items, which includes physical books, digital media, and e-books. He said in terms of circulation, the Huber Heights branch is second or third to the main branch in downtown Dayton. He said construction of the Huber Heights library should be wrapped up by late March to early April, 2023. He said there would be a ribbon cutting and grand opening shortly thereafter. He said the Dayton Metro Library system received a \$250,000 grant from the Ohio Department of Education. He said the funds will be utilized for the Homework Help Program for the K-12 population and a kindergarten club which provides kids with basic level skills as the kids enter the school environment. He briefly discussed the programs. He discussed the library's workforce development efforts and described the associated programs.

Mayor Gore said the City is incredibly excited about the new branch opening.

Mrs. Byrge asked if the new location would have a makerspace?

Mr. Schwiebert said most of the new branches have a makerspace and said he will check into that matter.

Mr. Webb said he has always heard that the Huber Heights library was second or third in terms of the number of people visiting the library. He asked if this is a new metric or something that the library has always tracked.

Mr. Schwiebert said the Dayton Metro Library keeps detailed data on circulations. He said this information is publicly available on the State of Ohio's library website.

B. Greater Dayton RTA Presentation - Mr. Brandon Policicchio, Chief Customer And Business Development Officer, Greater Dayton RTA

Mr. Brandon Policicchio said a Huber Heights bus is coming out this year and will be on the road for the length of the bus life. He discussed service areas and staff positions. He said 65 percent of customers are going to places of employment, healthcare appointments, and educational opportunities. He said this year is the 50th anniversary of the Greater Dayton RTA. He discussed the tap pay system and said this system allows riders to pay as they go. He discussed multiple payment options for riders. He discussed Connect On Demand, Paratransit, and the 5310 Program. He said service routes 18 and 19 have been in Huber Heights for quite some time, but the company is looking to expand services. He discussed the system redesign public outreach program. He said under the redesign, RTA is looking to create more cross city connections so riders do not have to go to downtown Dayton. He said the redesign will make improvements, reaching over 70 percent of Montgomery County residents, and 80 percent of individuals living in poverty will have access to transportation under this program. He discussed how the On Demand service works. He said this system allows customers to get further beyond the bus route service and get to places not easily accessible from the bus routes. He discussed the east connector which will provide a direct connection from Huber Heights to Kettering.

Mayor Gore said a lot of the high school students use the RTA bus system to get to school. He said students have to get on the bus at 6:20 a.m. to 6:30 a.m. when school does not start until 7:40 a.m. He asked if any conversations have happened with the Huber Heights City Schools to find out if anything can be done to help those students.

Mr. Policicchio said he will have a conversation with the Huber Heights school district to see if anything can be done and to also get a good understanding of how many students are riding and where the students are riding.

Mrs. Byrge asked if there are student rates because the daily rate for students is expensive.

Mr. Policicchio said the student rate is the regular \$55 monthly pass rate and it is cheaper than the bulk rate. He said it would be good to sit and have a discussion and understand the ridership. He said those jurisdictions that buy the passes and distribute them to the students are jurisdictions that RTA sells passes to. He said Dayton is one of those jurisdictions.

Mayor Gore asked Mr. Chodkowski to make sure Mr. Policicchio gets the Huber Heights school superintendent's contact information.

Ms. Baker asked if there is a curfew for riders.

Mr. Policicchio said RTA does not have a curfew.

Ms. Baker asked about cleaning and care of the RTA bus shelters.

Mr. Policicchio said if the bus shelters were purchased through the Community Grants Program, the City would be responsible for the cleaning and care of the bus shelters. He also discussed the ability to service transportation to large events.

7. Citizens Comments

Mr. Kevin Carter said at the February 7, 2023 Council Work Session, a Councilmember posed a question during the Tri-Cities presentation regarding a sanitary sewer increase and the lack of long range planning and budgeting. He spoke about his concern over that statement. He talked about the continued rate increases, water softening, system pressure increase north of I-70, and replacement of aging water mains. He talked about how Council ridiculed and demeaned a resident who presented water quality reports before Council. He asked if residents need to be concerned about water quality and what happened to the \$30 million in the Water Fund, and how many of the aging water mains noted as the cause of the needed rate increases in 2018 have actually been replaced. He said the City paid \$87,000 for a water study which was completed in November, 2022, and there still has been no discussion about the water study and the discussions are being delayed another month. He said residents have been told so many stories about pipes, and the residents do not know what to believe. He said the Finance Director made it clear the City does not have the funds for repairs, but tonight Council is going to pass an ordinance to transfer funds from the Gasoline Tax Fund to the Carriage Trails Infrastructure Fund as an emergency and those funds will not be repaid. He spoke about suggested assessments on residents' property taxes to finance the water main replacements and he stated that concept is ludicrous and unfair. He asked if it would be fair that the developers pay for all of the costs and damages associated with the increased demand on the water systems and that no further rate increases are imposed on the residents. He discussed his concerns in greater detail and asked if City Staff or Councilmembers have ever considered the amount of impact the new developments are having on the water infrastructure. He said the vision needs to change from "Come Grow With Us" to "Let's Take Care of Us". He said all residents should have the right to voice opinions and concerns without fear of retaliation and he spoke about Mayor Gore's role in leading Council, City Staff, and residents. He also addressed a Facebook post made by Mayor Gore commenting on the waste of City resources for public records requests that Mr. Carter was submitting. He said Mayor Gore's statement was inexcusable.

Mr. Andrew Waldman said he lives on Rolling Glen Drive, and the sound from the Rose Music Center is disturbing to a lot of people. He said the City bought \$35,000 worth of curtains to help with the issue, but the curtains are not being used at all. He said he is concerned about the approval of the apartments on Executive Boulevard. He said there was a new zoning law regarding sound buffers and he asked what happened to that law and asked if a hill with trees would be built as a barrier. He asked if the apartments have already been approved?

Mayor Gore said the City only took ownership of the property within the last couple of years and it was farmland, so he does not believe the City could make the owners build berms. He said the Basic Development Plan for the apartments has been approved, but the developer has not brought back a Detailed Development Plan.

Mr. Chodkowski said the preliminary plan for the Neubauer property directly across from the Rose Music Center will be presented to the Planning Commission tomorrow. He said Horizon Line has not been in for preliminary review with the Planning Commission. He said many of the questions would be addressed at a future meeting of the Planning Commission prior to the arrival of the case before Council.

Mayor Gore explained that Mr. Waldman could attend the Planning Commission meeting to express his comments and he described the process.

8. Citizens Registered To Speak On Agenda Items

Mr. Paul Schaeffer registered to speak on multiple agenda items.

Mr. Anthony Rodgers asked Mr. Schaeffer to address all of the items at this time.

Mr. Schaeffer said he is opposed to Item 10-B regarding home occupations and he takes issue with expanding home businesses to include one additional person who does not reside at the home. He said if a home business has grown to require additional people, the business should relocate to an area zoned to conduct business. He said he also takes issue with the addition of one non-illuminated sign being permitted on the building of a home business. He said neighborhoods are residentially zoned areas within the community and are not substitutes for strip malls. He said he cannot believe the City wants to encourage more transient traffic in the neighborhoods by permitting storefront advertising. He continued with a list of issues on that topic. He said he is opposed to Item 10-C regarding bed and breakfast establishments and he listed his issues along with the inconsistencies in the City Code. He said he was opposed to Item 10-D due to inconsistencies in the City Code and environmental issues. He said he is opposed to Item 11-E as the grant is provided via supplemental appropriations and makes the City responsible and accountable for Millat Industries. He said City funds should not be placed at risk. He said he is opposed to Item 11-F on the agenda due to specific elements such as the transfer of \$400,000 from the Sewer Fund to the Sewer Capital Fund for the East Sanitary Sewer Extension Project. He said the funds should be used to support current customer requirements. He listed in detail his objections to this item. He said he conditionally supports Item 11-G based on the elimination of the transfer of \$440,000 from the Sewer Fund to the Sewer Capital Fund for the East Sanitary Sewer Extension Project. He said that funding should be used first to offset future rate increases necessary to support the existing infrastructure. He said he is opposed to the approval of Item 11-N authorizing a contract for the East Sanitary Sewer Extension Project and he listed his reasons. He said entering a contract without having identified an acceptable revenue source should not be allowed.

9. City Manager Report

Interim City Manager Bryan Chodkowski said the City met with representatives from Bethel Township to begin discussing the potential terms of the annexation agreement should that matter move forward. He said a first draft of the boundary adjustment agreement with Miami County and Bethel Township to address the issue of the traffic signal at the intersection of Carriage Trails Boulevard and Brandt Pike has been forwarded to Miami County and Bethel Township for review. He said City Staff are meeting later this week with the developer associated with the Heathermere Woods project in an effort to take advantage of potential incentives as a means to leverage additional income for the City. He said on Friday, February 24, 2023, the City is scheduled to close on the acquisition of the 5001 Taylorsville Road property for the new Public Works Division facility. He said on Presidents' Day, February 20, 2023, City Hall will be closed, but Republic Services will continue regular trash service on that day. He said on February 21, 2023, from 10:00 a.m. to 10:30 a.m. at the Huber Heights branch of Dayton Metro Library is Toddler Storytime with the Huber Heights Police Division. He said the event is targeted for 2-3 year olds.

10. Pending Business

- A. An Ordinance To Approve A Rezoning From Light Industrial (I-1) To Residential (R-1) For The Properties Located At 7677 And 7777 Wildcat Road And Further Identified As Parcel Numbers P70 04009 0024 And P70 04009 0028 On The Montgomery County Auditor's Map (Case RZ 22-41).
(second reading)

Mr. Chodkowski said this item is to rezone two residential properties that are currently zoned Industrial. He said this Rezoning is to facilitate improvements to one of those properties, and the Planning Commission was in favor of this zoning change.

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

Mr. Campbell moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Webb, and Ms. Baker voted yea; Mr. Lyons voted nay. The motion passes 5-1.

- B. An Ordinance Amending Certain Sections Of Part Eleven, Planning And Zoning Code, Of The City Code Of Huber Heights Regarding Home Occupations (Case TA 22-42.1). (second reading)

Mr. Chodkowski said this legislation makes modifications to the City's Home Occupation provisions. He said the Planning Commission recommended in favor of this amendment. He said there was no recommendation made by Council.

Mr. Otto moved to adopt; Mr. Webb seconded the motion.

Mr. Webb said this legislation allows for a four square foot wall sign, and the residential requirement for wall signs is two square foot. He said Mr. Schaeffer mentioned it conflicts with other sign ordinances, but in particular, the four square feet conflicts with the City Code. He asked if this ordinance can be amended or if Council and City Staff could take a look at the City Code.

Mr. Chodkowski said the conflict was not intentional. He said if Council is not comfortable approving this item tonight, he is happy to have a conversation with Mr. Aaron Sorrell to address the conflict.

Mr. Otto and Mr. Webb withdrew the motion to adopt and the second to the motion.

Mayor Gore said this item will be moved to a third reading to give Mr. Sorrell an opportunity to clarify that part of the City Code.

- C. An Ordinance Amending Certain Sections Of Part Eleven, Planning And Zoning Code, Of The City Code Of Huber Heights Regarding Bed And Breakfast Establishments (Case TA 22-42.2). (second reading)

Mr. Chodkowski said this ordinance provides for the terms and conditions under which bed and breakfast establishments may be operated within the City. He said the Planning Commission recommended approval of this ordinance

Mayor Gore said there was a recommendation for an amendment to the legislation.

Mr. Rodgers said Mr. Sorrell submitted an alternative ordinance, but the specific recommendations were not highlighted.

Mr. Montgomery said it is his recollection that the change related to Mr. Shaw wanting clarification within the ordinance as to the word "reside" and what that term actually meant.

Mr. Rodgers read the original language and the amended language in the legislation.

Mrs. Byrge moved to amend the legislation as recommended; Ms. Baker seconded the motion.

Mayor Gore said the amendment reads that the owner has to be present while the building is being used as a bed and breakfast establishment.

Mr. Chodkowski further explained the amendment to Council.

Mr. Montgomery said his office worked with Mr. Sorrell in putting the language together.

Mr. Rodgers said because this amended legislation is a modification from the Planning Commission recommendation, the legislation requires six votes in the affirmative to adopt the legislation.

On a call of the vote, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Webb, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 6-0.

Mr. Webb moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mr. Otto, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; Mr. Lyons voted nay. The motion fails 5-1.

- D. An Ordinance Amending Certain Sections Of Part Eleven, Planning And Zoning Code, Of The City Code Of Huber Heights Regarding Automotive/Vehicle Repair Facilities (Case TA 22-42.3).
(second reading)

Mr. Chodkowski said this legislation provides provisions under which automotive and vehicular repair facilities may occur as a special use within Agricultural districts. He said this item came from the Planning Commission without a recommendation for approval and there was no recommendation made at the last Council Work Session.

Mr. Campbell moved to adopt; Mr. Otto seconded the motion.

Mr. Campbell said he would be voting no on this item.

Mrs. Cindi Rosengarten said she feels like the definition of a vehicle is too vague and leaves it open to semi-trucks and other industrial vehicles being able to go onto the Agricultural zoned property to be repaired. She said she has concerns about the environmental impact and asked how hazardous materials are being disposed of. She asked who would be monitoring that the work was being done indoors. She listed her concerns and said she and her husband strongly oppose the proposed amendment regarding vehicle repair as a special use on Agricultural zoned properties.

On a call of the vote, Ms. Baker voted yea; Mr. Lyons, Mr. Webb, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted nay. The motion fails 1-5.

- E. An Ordinance Amending Certain Sections Of Part Eleven, Planning And Zoning Code, Of The City Code Of Huber Heights Regarding Self Storage Facilities (Case TA 22-42.4).
(second reading)

Mr. Chodkowski said this amendment is being proposed to add clarifying language to the City Code regarding self-storage facilities and where those facilities may be located and how those facilities may be operated. He said the Planning Commission made a recommendation in favor of this legislation.

Mayor Gore said there was no Council Work Session recommendation.

Mr. Webb moved to adopt; Mr. Otto seconded the motion.

Mr. Otto asked if this ordinance loosens or tightens the current requirements in the City Code regarding self-storage facilities.

Mr. Chodkowski said this legislation tightens the requirements by providing additional definitions and clarification on the location of self-storage facilities.

On a call of the vote, Mr. Webb, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; Mr. Lyons voted nay. The motion passes 5-1.

11. New Business

CITY COUNCIL

Anthony Rodgers, Clerk Of Council

- A. A Motion To Appoint David Cassity To The Planning Commission To A Term Ending On January 31, 2028.

Mr. Campbell moved to adopt.

Mr. Rodgers said his comments will speak to Items 11-A through 11-D. He said these motions are all appointments or reappointments to City boards and commissions. He said all of the candidates have been screened either through the City's interview panel or by the City Council.

Ms. Baker seconded the motion.

On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, and Mr. Webb voted yea; none voted nay. The motion passes 6-0.

- B. A Motion To Appoint Lester Vaughn to the Property Maintenance Review Board To A Term Ending December 31, 2026.

Mr. Otto moved to adopt; Mr. Webb seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Webb, and Ms. Baker voted yea; none voted nay. The motion passes 6-0.

- C. A Motion To Reappoint Alexander Black To The Parks And Recreation Board For A Term Ending March 31, 2026.

Mrs. Byrge moved to adopt; Mr. Otto seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Webb, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 6-0.

- D. A Motion To Reappoint Kenneth Herstine To The Personnel Appeals Board For A Term Ending March 31, 2026.

Mr. Otto moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Otto, Mr. Lyons, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; none voted nay. The motion passes 6-0.

ADMINISTRATION

Bryan Chodkowski, Interim City Manager

- E. A Resolution Authorizing The City Manager To Enter Into An Agreement With Millat Industries For The Purposes Of Distributing A Grant Associated With The Economic Development/Government Equity (ED/GE) Agreement Between The City Of Huber Heights And Montgomery County.
(first reading)

Mr. Chodkowski said this legislation authorizes the City to enter into an agreement with Millat Industries to support a HVAC improvement project as well as the reinvigoration of one of Millat Industries' CNC machines. He said Millat Industries is within the top 25 percent of City taxpayers and is a direct supplier to NDC Technologies and Trimble Technologies.

Mrs. Byrge moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mr. Webb, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; Mr. Lyons voted nay. The motion passes 5-1.

- F. An Ordinance Authorizing Advances And Transfers Between Various Funds Of The City Of Huber Heights, Ohio And Amending Ordinance No. 2022-O-2562 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2023 And Ending December 31, 2023.
(first reading)

Mr. Chodkowski said this legislation addresses several financial matters of the City including the necessary funds to support the East Sanitary Sewer Extension Project, the property for the new Public Works Division facility, as well as to support the ED/GE grant previously approved by Council. He said it was the recommendation at the Council Work Session that the second reading be waived and this legislation be adopted.

Mrs. Byrge moved to waive; Ms. Baker seconded the motion. On a call of the vote, Mr. Webb, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto, voted yea; Mr. Lyons voted nay. The motion fails 5-1.

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

- G. An Ordinance Increasing The Sewer Rates In Section 934.03 Of The Codified Ordinances Of Huber Heights.
(first reading)

Mr. Chodkowski said this legislation provides for a sanitary sewer rate increase to offset the rate increase through Tri-Cities North Regional Wastewater Authority. He said this increase is in advance of the \$100 million improvements noted at the Tri-Cities facility for wet well retention as well as facility upgrades.

Mayor Gore said it was the recommendation to pass this item to a second reading.

Mr. Lyons said he understands the need for upgrades and normally he would be supportive of those upgrades in the future. He said the problem is the second survey is not due until spring of 2023. He said he has no intention of supporting an increase until he sees that study.

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

- H. An Ordinance Authorizing A One-Time Transfer Of Monies From The Gasoline Tax Fund To Document An Advance Previously Made To The Carriage Trails Infrastructure Fund, And Declaring An Emergency.
(first reading)

Mr. Chodkowski said this item will address what was originally intended to be an inter-fund loan to simply an inter-fund transfer. He said the City will not require repayment from the Carriage Trails Infrastructure Fund to the Gas Tax Fund. He said it was the recommendation at the Council Work Session that this item be passed to a second reading.

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

- I. A Resolution Amending Resolution No. 2022-R-7197 And Authorizing The City Manager To Enter Into Necessary Agreements And Make Necessary Purchases Of Goods And Services With Certain Vendors And Suppliers For The Purchase, Maintenance And Service Of Equipment, Professional Services, And Miscellaneous Operating Expenses By Various Departments And Divisions Of The City Of Huber Heights For Fiscal Year 2023 And Waiving The Competitive Bidding Requirements. (first reading)

Mr. Chodkowski said this legislation addresses the day to day business of the City. He said there are provisions in the City Code that require Council to approve expenditures above a certain threshold even if the expenditures are associated with competitive bidding.

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

Mr. Campbell moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, and Mr. Webb voted yea; Mr. Lyons voted nay. The motion passes 5-1.

- J. A Resolution Authorizing The City Manager To Solicit A Request For Proposals From Behavioral Health Providers To Provide Behavioral Support Services For Members Of The Fire Division. (first reading)

Mr. Chodkowski said in accordance with the provisions of the grant funding source, it has been the request of the federal government that the City solicit a Request For Proposals (RFP) for mental health services for the Fire Division. He said this RFP is being done to meet the grant requirements.

Mr. Campbell moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Webb, and Ms. Baker voted yea; none voted nay. The motion passes 6-0.

- K. A Resolution Authorizing The City Manager To Solicit, Advertise And Receive Bids From Qualified Firms For The 2023 Street Improvement Program, Non-Concrete Work. (first reading)

Mr. Chodkowski said this item is annual recurring legislation and it is the initiating legislation for the annual street improvement program.

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

Mr. Otto moved to adopt; Mr. Webb seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Otto, Mr. Webb, Ms. Baker, and Mr. Campbell voted yea; Mr. Lyons voted nay. The motion passes 5-1.

- L. A Resolution Authorizing The City Manager To Enter Into An Agreement To Conduct Bridge Repair On Various Structures In District 7 Including SFN 5709504 MOT SR 201 8.870 In The City Of Huber Heights. (first reading)

Mr. Chodkowski said the City partners with the Ohio Department of Transportation for the inspection and repair of various bridges within the City's jurisdiction.

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

Mr. Campbell moved to adopt; Mr. Webb seconded the motion. On a call of the vote, Mr. Otto, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; Mr. Lyons voted nay. The motion passes 5-1.

- M. A Resolution Authorizing The City Manager To Solicit, Advertise And Receive Bids From Qualified Firms For The Construction Of The Old Troy Pike North Bound Widening Project.
(first reading)

Mr. Chodkowski said this item is the City's obligatory share of the partnership with Broad Reach for infrastructure improvements from Taylorsville Road north to I-70. He said it is the recommendation of City Staff that Council adopt this item.

Mr. Webb moved to adopt; Mr. Otto seconded the motion.

Mr. Otto said this project is long overdue, and the only discerning thing is the fact the City had to wait so long. He said this project should have been done a couple of years ago when it was first discussed as it is sorely needed.

Mr. Webb thanked Mr. Chodkowski for the inclusion of the map as requested.

On a call of the vote, Mr. Webb, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; Mr. Lyons voted nay. The motion passes 5-1.

- N. A Resolution Authorizing The City Manager To Enter Into A Contract For The East Sanitary Sewer Extension Project.
(first reading)

Mr. Chodkowski said this measure provides for a new sanitary sewer trunk line to connect Center Point 70 with the City of Fairborn wastewater treatment plant.

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

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

Mr. Lyons said several of his votes tonight have been no and for the first time since he has been on the dais, he has voted no on an ED/GE grant, to pay bills, and on bridge repair. He said the reason for his no votes is the priority of 42 firefighters. He said it is a high concern for him, but he does not believe it is a high concern for City Staff or Council based on the most recent Council Work Session. He said he wanted to see this project done 10 years ago, and he supported it up to this time. He said it is particularly difficult, but he plans on voting no on this item.

On a call of the vote, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; Mr. Otto and Mr. Lyons voted nay. The motion fails 4-2.

- O. A Resolution Accepting Certain Streets And Public Improvements For Old Dominion Way.
(first reading)

Mr. Chodkowski said this item is to ensure that Old Dominion Way is accepted into the City as part of its public infrastructure portfolio.

Ms. Baker moved to adopt; Mr. Campbell seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, and Mr. Webb voted yea; Mr. Lyons voted nay. The motion passes 5-1.

- P. A Resolution Authorizing The City Manager To Award A Contract To Burgess & Niple For A Street Safety Study And Waiving The Competitive Bidding Requirements.
(first reading)

Mr. Chodkowski said in accordance with the wishes of Council, this street safety study is needed to have the City qualify for additional funding made available through the bipartisan infrastructure legislation.

Mr. Campbell moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Webb, and Ms. Baker voted yea; Mr. Lyons voted nay. The motion passes 5-1.

12. City Official Reports And Comments

Mr. Lyons said he hopes with last week's Council Work Session and tonight's conversations, Council can find a way to make it a priority with City Staff and Council to fully fund 42 firefighters and to get quality firefighters hired quickly. He said Council passed legislation for additional money in 2022 and it is included in the 2023 City Budget this year. He said the process normally takes three to four months, and it is past six months now. He said he hopes that hiring is a priority Council sets.

Mayor Gore asked Mr. Chodkowski since there is money invested in the East Sanitary Sewer Extension Project and this project has been worked on for two years, where does the City go from here?

Mr. Chodkowski said there will need to be a conversation between legal counsel and Council. He said he appreciates the opinions expressed tonight at the dais, but he wants to remind Council that City Staff provided an extensive briefing on this project in August, 2021. He said the City has a commitment to the Ohio EPA to provide service to Center Point 70, in particular to Old Dominion, and the obligation must be met by June, 2023. He said additionally, as part of the briefing Council was provided, this option protects the City's interests as it relates to controllable commitments because the only other way to ensure sanitary sewer is made available to Center Point 70 beyond this project is to acquiesce to significant demands made by Clark County and Bethel Township/Clark related to an existing Joint Economic Development District (JEDD) agreement. He said by failing to adopt this legislation, the City is agreeing to pay 50 percent of all infrastructure to be constructed in the future as part of this JEDD, and more importantly, the JEDD can be amended by two of its members meaning that Bethel Township/Clark and Clark County have the ability to extend the existing JEDD based on the terms and conditions of the agreement as proposed and which these parties are unwilling to amend, to expand that JEDD to all 500 acres of developable industrial property which currently abuts the existing JEDD. He said that is an issue the City will have to address because he is not sure how the City will be able to build and control the funding associated with those commitments in the future. He said there are serious and significant long-term consequences to tonight's vote.

13. Executive Session

There was no need for an Executive Session.

14. Adjournment

Mayor Gore adjourned the Regular Session City Council Meeting at 7:40 p.m.

Clerk of Council

Date

Mayor

Date

AI-9029

Special Presentations/Announcements A.

City Council Meeting

City Council

Meeting Date: 02/27/2023

Developmental Disabilities Awareness Month Mayoral Proclamation Presentation

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: None

Date(s) of Committee Review: N/A

Audio-Visual Needs: None

Emergency Legislation?: No

Motion/Ordinance/
Resolution No.: N/A

Agenda Item Description or Legislation Title

Developmental Disabilities Awareness Month Proclamation Presentation To Representatives Of Choices In Community Living And The Montgomery County Board Of Developmental Disability Services - Mayor Jeff Gore

Purpose and Background

Mayor Jeff Gore will present a mayoral proclamation to local representatives and clients of organizations serving individuals with developmental disabilities to designate March, 2023 as Developmental Disabilities Awareness Month in the City of Huber Heights. Ms. Leah Byrd, Program Director, and Mr. Trent Grooms, CEO, of Choices In Community Living along with clients will be in attendance for the presentation along with Ms. Madeline Iseli, Board President, and Ms. Janice Rice, Communications Director, of the Montgomery County Board Of Developmental Disability Services.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

Proclamation



Developmental Disabilities Awareness Month Mayoral Proclamation

WHEREAS, individuals with developmental disabilities, their families, friends, neighbors and co-workers encourage everyone to focus on the abilities of all people; and

WHEREAS, the most effective way to increase this awareness is through everyone's active participation in community activities and the openness to learn and acknowledge each individual's contributions; and

WHEREAS, opportunities for citizens with developmental disabilities to function as independently and productively as possible must be fostered in the community; and

WHEREAS, galvanizing efforts to create equitable inclusive environments for individuals with developmental disabilities is a shared responsibility that will lead communities and policy makers to create real systems change; and

WHEREAS, all citizens are encouraged to support opportunities for individuals with developmental disabilities in the Huber Heights community, including full access to education, housing, employment, and recreational activities.

NOW, THEREFORE, I, Jeff Gore, Mayor of the City of Huber Heights, Ohio do hereby proclaim the month of March, 2023 as:

DEVELOPMENTAL DISABILITIES AWARENESS MONTH

and recognize that communities are stronger when everyone participates in promoting awareness of developmental disabilities.

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

JEFF GORE
MAYOR

AI-9030

Special Presentations/Announcements B.

City Council Meeting

City Council

Meeting Date: 02/27/2023

Bethel Township Annexation Petition Announcement

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.:

Agenda Item Description or Legislation Title

Announcement: Consistent With The Applicable Provisions Of The Ohio Revised Code, The Clerk Of Council Of The City Of Huber Heights Is In Receipt Of The Complete And Certified Record Of The Proceedings Related To The Petition For Annexation For 260.369 Acres More Or Less In Bethel Township To The City Of Huber Heights. The Clerk Of Council Is Providing Notice To The Huber Heights City Council Of The Receipt Of The Complete Record Of The Proceedings Related To The Petition For Annexation To Initiate Consideration Of The Petition For Annexation In Accordance With The Applicable Provisions Of The Ohio Revised Code.

Purpose and Background

This announcement and notification by the Clerk of Council is required by the Ohio Revised Code as the next step in the annexation process for the Petition For Annexation of 260.369 acres more or less in Bethel Township to the City of Huber Heights.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

No file(s) attached.

AI-9008

Pending Business A.
City Manager

City Council Meeting

Meeting Date: 02/27/2023

Supplemental Appropriations

Submitted By: Jim Bell

Department: Finance **Division:** Accounting

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 02/07/2023

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

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

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. 2022-O-2562 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2023 And Ending December 31, 2023.
(second reading)

Purpose and Background

The supplemental appropriations are for the following purposes:

- \$440,000 transfer from Sewer Fund to Sewer Capital Fund for East Sanitary Sewer Extension Project (bids received over amount budgeted).
- \$525,000 advance from General Fund to Capital Improvement Fund to purchase land for the new Public Works facility.
- \$62,400 advance from the General Fund to ED/GE Capital Improvements Fund for initial funding for the Millat Industries Project (to be reimbursed by grant proceeds).
- \$62,400 return of advance from ED/GE Capital Improvements Fund to General Fund upon receipt of grant proceeds.
- \$22,610 reduction in Accounting Division personnel expenses.
- \$22,610 for temporary staffing services for the Accounting Division.
- \$55,000 for the Street Safety Study Project.
- \$15,000 for Annual Storm Water Report and the Illicit Discharge Detection and Elimination Plan.
- \$14,545 for the remaining balance on the Comprehensive Development Plan.
- \$16,850 reduction in the Engineering section of the Gasoline Tax Fund.
- \$16,850 increase in the Public Works section of the Gasoline Tax Fund for a Ver-Mac high definition message board for traffic information.

Fiscal Impact

Source of Funds: Various Funds
Cost: \$1,049,545
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. 2023-O-

AUTHORIZING ADVANCES AND TRANSFERS BETWEEN VARIOUS FUNDS OF THE CITY OF HUBER HEIGHTS, OHIO AND AMENDING ORDINANCE NO. 2022-O-2562 BY MAKING SUPPLEMENTAL APPROPRIATIONS FOR EXPENSES OF THE CITY OF HUBER HEIGHTS, OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2023 AND ENDING DECEMBER 31, 2023.

WHEREAS, supplemental appropriations for expenses of the City of Huber Heights must be made for appropriations of funds for various 2023 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, 2023.

Section 2. Ordinance No. 2022-O-2562 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 _____, 2023;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

EXHIBIT A

Transfer:

<u>Amount</u>	<u>Fund From</u>	<u>Fund To</u>	<u>Purpose</u>
\$440,000.00	551 Sewer	552 Sewer Capital	East Sanitary Sewer Extension

Advance:

<u>Amount</u>	<u>Fund From</u>	<u>Fund To</u>	<u>Purpose</u>
\$525,000.00	101 General	406 Capital Imp.	Purchase land for PW facility
\$ 62,400.00	101 General	427 ED/GE Cap Imp	Millat Industries project

EXHIBIT B

AMENDING ORDINANCE NO. 2022-O-2562 BY MAKING APPROPRIATIONS FOR EXPENSES OF THE CITY OF HUBER HEIGHTS, OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2023 AND ENDING DECEMBER 31, 2023.

- 1) Section 1 of Ordinance No. 2022-O-2562 is hereby amended to reflect changes in the appropriations of the 101 General Fund, as follows:
 - a. Subsection d) Planning & Development, Operations and Capital increase of \$14,545.00
 - b. Subsection k) Accounting, Personnel decrease of \$22,610.00
 - c. Subsection k) Accounting, Operations and Capital increase of \$22,610.00
 - d. Subsection r) Non-Departmental, Advances increase of \$587,400.00.
- 2) Section 3 of Ordinance No. 2022-O-2562 is hereby amended to reflect changes in the appropriations of the 203 Gasoline Tax Fund, as follows:
 - a. Subsection a) Engineering, Operations and Capital increase of \$55,000.00
 - b. Subsection a) Engineering, Operations and Capital decrease of \$16,850.00
 - c. Subsection b) Streets, Operations and Capital increase of \$16,850.00.
- 3) Section 30 of Ordinance No. 2022-O-2562 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 \$525,000.00.
- 4) Section 33 of Ordinance No. 2022-O-2562 is hereby amended to reflect an increase in the appropriations of the 427 ED/GE Capital Improvement Fund, as follows:
 - a. Subsection a) Capital, Operations and Capital of \$62,400.00
 - b. Subsection b) Non-Departmental, Advances of \$62,400.00.
- 5) Section 44 of Ordinance No. 2022-O-2562 is hereby added to reflect an increase in the appropriations of the 551 Sewer Fund, as follows:
 - a. Subsection e) Non-Departmental, Transfers of \$440,000.00.
- 6) Section 45 of Ordinance No. 2022-O-2562 is hereby added to reflect an increase in the appropriations of the 552 Sewer Acquisition/Capital Fund, Operations and Capital of \$440,000.00.
- 7) Section 46 of Ordinance No. 2022-O-2562 is hereby added to reflect an increase in the appropriations of the 571 Storm Water Management Fund, as follows:
 - a. Subsection a) Engineering, Operations and Capital of \$15,000.00.

General Fund	\$601,945.00
Gasoline Tax Fund	\$55,000.00
Capital Improvements Fund	\$525,000.00
ED/GE Capital Improvements Fund	\$124,800.00
Sewer Fund	\$440,000.00
Sewer Acquisition/Capital Fund	\$440,000.00
Storm Water Management Fund	\$15,000.00

AI-9009

**Pending Business B.
City Manager**

City Council Meeting

Meeting Date: 02/27/2023

Sanitary Sewer Rates

Submitted By: Jim Bell

Department: Finance

Division: Accounting

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 02/07/2023

Audio-Visual Needs: None

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

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

Purpose and Background

The Board of the Tri-Cities North Regional Wastewater Authority approved an increase in rates charged to the member cities by 10% beginning in January, 2023. The increase in cost to the City of Huber Heights is estimated to be \$204,474. Veolia Water will be implementing an increase of 5% in 2023. Veolia Water's contract allows for an increase in fees based on the annual CPI, with a cap of 5%. The amount of the Veolia Water increase in cost to the City is estimated to be \$33,600. A sanitary sewer rate increase of 6.0% would generate an estimated \$233,155 annually to help cover these increased fees from the Tri-CitiesNorth Regional Wastewater Authority and Veolia Water. An increase in the sanitary sewer rate of 6% would increase the sewer portion of an average monthly utility bill by \$1.21. The proposed sanitary sewer rate increase would go into effect with billings beginning on April 1, 2023.

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. 2023-O-

INCREASING THE SEWER RATES IN SECTION 934.03 OF THE CODIFIED ORDINANCES OF HUBER HEIGHTS.

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 sanitary sewer rates across the board effective in April, 2023 by six percent (6%).

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

Section 1. Effective with the first billing in April, 2023, Section 934.03(a) and (b) of Chapter 934 – Rates and Fees for Water Distribution and Sanitary Sewer Services, Title Three – Public Utilities, 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 1/2"	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 2. Section 934.03(c) shall remain in full force and effect.

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 _____, 2023;
 _____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

 Clerk of Council

 Mayor

 Date

 Date

AI-9010
City Council Meeting

Pending Business C.
City Manager

Meeting Date: 02/27/2023

Advances/Transfers - Finance Department

Submitted By: Jim Bell

Department: Finance **Division:** Accounting

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 02/07/2023

Audio-Visual Needs: None **Emergency Legislation?:** Yes

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

Agenda Item Description or Legislation Title

An Ordinance Authorizing A One-Time Transfer Of Monies From The Gasoline Tax Fund To Document An Advance Previously Made To The Carriage Trails Infrastructure Fund, And Declaring An Emergency. (second reading)

Purpose and Background

An advance was made from the Gasoline Tax Fund to the Carriage Trails Infrastructure Fund for initial financing for development prior to the receipt of a SIB Loan. The advance for this project was \$640,000 in anticipation of a SIB Loan which was not obtained. The Director of Finance recommends that the original advance of \$640,000 be now classified as a transfer from the Gasoline Tax Fund to the Carriage Trails Infrastructure Fund. This legislation, if approved, will make that correction so that those monies will not be expected to be returned to the Gasoline Tax Fund. The Director of Finance requests that the second reading of the legislation be waived and that this legislation be adopted as emergency legislation at the February 13, 2023 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

Ordinance

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2023-O-

AUTHORIZING A ONE-TIME TRANSFER OF MONIES FROM THE GASOLINE TAX FUND TO DOCUMENT AN ADVANCE PREVIOUSLY MADE TO THE CARRIAGE TRAILS INFRASTRUCTURE FUND, AND DECLARING AN EMERGENCY.

WHEREAS, the auditing firm of Plattenburg & Associates requires documentation of previously made advances to be authorized as transfers; and

WHEREAS, this Ordinance serves to satisfy the auditors' requirements.

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

Section 1. The Director of Finance is authorized to document the previous advance listed below as a transfer as follows:

Gasoline Tax Fund (203) to Carriage Trails Infrastructure Fund (454)	\$640,000
--	-----------

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 is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the further reason that there is a need to immediately provide for improved organizational structures in the City; therefore, this Ordinance shall take full force and effect immediately upon its adoption by Council.

Passed by Council this _____ day of _____, 2023;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-9007

**Pending Business D.
City Manager**

City Council Meeting

Meeting Date: 02/27/2023

Case TA 22-42.1 - City Of Huber Heights - Text Amendment - Home Occupations

Submitted By: Geri Hoskins

Department: Planning

Division: Planning

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 01/17/2023

Audio-Visual Needs: SmartBoard

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

An Ordinance Amending Certain Sections Of Part Eleven, Planning And Zoning Code, Of The City Code Of Huber Heights Regarding Home Occupations (Case TA 22-42.1).
(third reading)

Purpose and Background

The applicant, the City Of Huber Heights, is requesting approval of an amendment to Section 1123.53 of the Huber Heights Codified Ordinances for Home Occupations.

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

- Staff Report
 - Decision Record
 - Minutes
 - Presentation
 - Ordinance
-

Memorandum

Staff Report for Meeting of December 13, 2022

To: Huber Heights City Planning Commission
From: Aaron K. Sorrell, City Planner
Date: December 6, 2022
Subject: Proposed Zoning Text Amendments

Department of Planning and Zoning

City of Huber Heights

APPLICANT/OWNER: City of Huber Heights
DEVELOPMENT NAME: N/A
ADDRESS/LOCATION: Text Amendments
ZONING/ACREAGE: N/A
EXISTING LAND USE: N/A
**ZONING
ADJACENT LAND:** N/A
REQUEST: The City is proposing a number of zoning text amendments meant to enhance the future development of the city.
ORIGINAL APPROVAL: N/A
APPLICABLE HHCC: Chapter 1123, 1142
CORRESPONDENCE: In Favor – None Received
In Opposition – None Received

STAFF ANALYSIS AND RECOMMENDATION:

Overview

From time to time the zoning text should be reviewed for necessary amendments due to changing development and design values, updated laws and policies, and/or to ease administration or lessen regulatory burden. The amendments suggested below are due in part from discussions with the City Council, Planning Commission and staff review of the code. The planning commission is making a recommendation to the City Council on whether these proposed amendments should be adopted. Since it requires a supermajority to overturn the recommendation of the planning commission, the commission should consider grouping recommendations into two or more decision orders: the amendments favored by the planning commission and those they are against.

Suggested Text Amendment #1: Expand the definition of Home Occupations (Section 1123.53).

The home occupation definition is very limiting, especially considering the number of professions that have broadened work-at-home opportunities and advances in technology that make working from a home office easier. Additionally, traditional concerns about impacts from a home occupation such as delivery vehicles have primarily vanished with the increased popularity of Etsy, Amazon and other retailers who ship directly to consumers. Fed Ex, UPS and Amazon delivery vehicles are a ubiquitous sight in all residential areas.

Current Definition:

1123.53 Home occupation.

Home occupation means an occupation conducted in a dwelling unit, provided that:

- (a) Only members of the family residing on the premises shall be engaged in a home occupation, thus permitting no employees therein.
- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation. Accessory buildings may not be used for the home occupation.
- (c) There shall be no visible evidence of the conduct of a home occupation.
- (d) No traffic shall be generated by a home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Zoning Ordinance and shall not be located in a required front yard.
- (e) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment may be used which causes fluctuations in line voltage off the premises.

- (f) There shall be no stock in trade kept or commodities sold on the premises.

I recommend the following updated and expanded definition for home occupations. I have bolded areas that are substantial expansions from the current definition.

Proposed Definition:

1123.53 Home Occupations

Home occupations may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- 1) Such use shall be conducted entirely within the dwelling unit or an accessory building. In all cases, all activities related to home occupation must take place within the enclosed building.
- 2) Home occupations shall not change the character of the residential use and shall not adversely affect the uses permitted in the residential district of which they are a part.
- 3) The nature of home occupation as an accessory use relative to its location and conduct of activity is such that the average neighbor, under normal circumstances, would not be aware of its existence.
- 4) Any home occupation activities on the property shall be conducted only by persons residing in the dwelling unit and one additional person who does not reside at the home where the occupation takes place.
- 5) No building or structure shall be used to: operate a business, store equipment or supplies used for a business, or serve as a location where more than four employees meet or park prior to going to work off-site, where such employees do not work anywhere on the property.
- 6) The maximum floor area the use may cover shall not exceed 25 percent of the total floor area of the dwelling unit.
- 7) One, non-illuminated sign with a maximum square footage of four-square feet is permitted, without a permit, if it is mounted flat against the wall of the principal building.
- 8) Home occupations which provide a service shall not have more than two customers (including those arriving and waiting for service) at any one time.
- 9) The storage of all equipment, machinery, supplies, materials, files, and the like, shall be stored completely within the residence or accessory buildings.
- 10) Any need for parking generated by the conduct of such home occupation shall be accommodated on off-street parking spaces or areas that are paved for the purpose of parking.
- 11) No traffic shall be generated by such home occupation in greater volume than is normally expected for the residential neighborhood.
- 12) The following are examples of permitted types of home occupations:

- (i) Clerical and other similar business services;
- (ii) Instruction in music, dance or other types of teaching with a maximum number of two students at a time;
- (iii) The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office-oriented occupations;
- (iv) Artists, sculptors, photographers, and other providers of home crafts;
- (v) Barber shop/beauty salon with a maximum of one chair;
- (vi) A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
- (vii) Any similar use as determined by the Zoning Inspector.

Suggested Text Amendment #2 & #3: Expand Special Uses within the Agricultural District (Chapter 1142)

There is a limited list of allowable special uses in the agricultural district and expanding this list and with appropriate standards will provide the BZA with additionally options and widen the potential use of lands without impacting adjacent property owners. Unlike a rezoning or variance, the special use permit expires if the use is discontinued for more than one year.

Bed and Breakfast Establishments

I recommend adding “Bed and Breakfast Establishments” to the list of Special Uses within the Agricultural District. Currently, Bed and Breakfast (B&B) uses are not defined nor allowed in Huber Heights. While there are currently no B&B’s, there are a few unique buildings that may lend themselves to operating as a B&B, and they have very limited impact on neighboring properties. Most surrounding jurisdictions permit B&Bs in large-lot or historic residential areas.

Zoning Text Amendment #2: I recommend the following definition and development standards for Bed and Breakfast Establishments within the Agricultural District:

Definition

1123.141 Bed and Breakfast Establishments

Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner’s personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

The following standards shall apply to any bed and breakfast establishment:

- 1) Bed and breakfast establishments shall only be permitted within a single-family, detached dwelling or accessory structure, unless otherwise approved by the BZA.
- 2) The owner of the premises shall reside full-time in the dwelling, or in a dwelling on an adjoining lot.

- 3) No more than four bedrooms in any dwelling may be used for bed and breakfast lodging and at least one bathroom shall be dedicated to guest use.
- 4) One off-street parking space shall be provided for each bedroom used for guest lodging in addition to those normally required for the single-family dwelling.
- 5) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.
- 6) Meals provided for cost in a bed and breakfast establishment, shall only be served to the guests who are lodging at the bed and breakfast establishment.
- 7) Guests shall be permitted to reside at the facility for not longer than three continuous weeks.

Add to Special Use table:

1142.03 (g) Bed and Breakfast Establishments

Indoor Automotive / Vehicle Repair

Allowing the BZA to consider automotive/vehicle repair as a Special Use within the Agricultural District may provide the BZA with additional options when they were reviewing the Skilwies variance request. This approach is preferable to a rezoning or variance, because the use is no longer allowed if voluntarily discontinued after one year.

Zoning Text Amendment #3: I recommend the following development standards for indoor automotive / vehicle repair:

1142.03 (h) Automotive / Vehicle Repair (Indoor)

The following standards shall apply to any automotive or vehicle repair use:

- 1) Activities shall be limited to the servicing of motor vehicles with minor repair work, including engine and transmission repair. All activities shall be performed in an enclosed building.
- 2) Bodywork and painting shall be prohibited.
- 3) The storage of non-operational vehicles for longer than one week shall be prohibited. Vehicles must be able to move at least 100 feet under their own power within 24 hours' notice by the City. All vehicles shall be required to have a valid license plate.
- 4) Parking, storage, or salvaging of junk vehicles, as defined by the ORC, shall be prohibited
- 5) The building shall be set back a minimum of 40 feet from any adjacent residential lot and 200 feet from any adjacent residential structure. The parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 35 feet from any adjacent residential lot.
- 6) Parking areas within 100 feet of an adjacent residential lot shall be screened along said lot line by an 8-foot solid fence, or dense evergreen vegetation with a height of at least 8' feet within two years of planting.

Self-Storage Facilities

Self-Storage Facilities have been a topic of discussion both in Huber Heights and surrounding jurisdictions due to the recent acceleration in their development. While these facilities provide a service to the renters, they generate little employment opportunities, income tax, or vibrancy along a commercial corridor or areas designed to be active and vibrant.

Currently, there is no consistent definition for self-storage facilities within the zoning code. The terms "warehouse", "mini-warehouse" and "mini-storage warehouse" are used in the code but none of the terms are defined.

Text Amendment #4: I suggest we use the State of Ohio’s definition for “Self-Service Storage Facilities” to define self-storage facilities, mini-warehouse, and mini-storage warehouse. Operators of these facilities use the state’s definition because the state regulates how foreclosures and forfeitures of stored goods are handled.

Ohio Revised Code 5322.01 states:

"Self-service storage facility" means any real property that is designed and used only for the purpose of renting or leasing individual storage space in the facility under the following conditions:

(1) The occupants have access to the storage space only for the purpose of storing and removing personal property.

(2) The owner does not issue a warehouse receipt, bill of lading, or other document of title, as defined in section 1301.201 of the Revised Code, for the personal property stored in the storage space.

I suggest the following definition:

Section 1123.9301 “Self Storage Facilities, “mini-warehouse” and “mini-storage warehouse” are defined as Self-Service Storage Facilities as defined in ORC 5322.01.

Additionally, I suggest stand-alone self-storage facilities be principally permitted in the I-1, I-2, and PI Districts. The Planning Commission may wish to allow indoor self-storage facilities as a Special Use when existing buildings are being repurposed such as a vacant Wal-Mart, K-Mart, etc.

Suggested Amendments for each district:

I-1 District: 1156.02(a)(18) Self-Service Storage Facilities

PC District: 1176.05 (d) Indoor Self-Service Storage Facilities as part of an adaptive reuse of an existing building.

Planning Commission Action

The planning commission may make any changes to the recommended text amendments.



Planning Commission Decision Record

WHEREAS, on October 19, 2022, the City of Huber Heights requested amendments to Section 1123.53 of the Huber Heights City Code (Case TA 22-42.1), and;

WHEREAS, on December 13, 2022, the Planning Commission did meet and fully discuss the details of the request.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommended approval of the request.

Mr. Jeffries moved to recommend approval of the application by the City of Huber Heights requesting amendments to Section 1123.53 the Huber Heights City Code (Case TA 22-42) as follows:

Section 1123.53 of the Codified Ordinances is amended to read as follows:

1123.53 Home Occupations

Home occupations may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- 1) Such use shall be conducted entirely within the dwelling unit or an accessory building. In all cases, all activities related to home occupation must take place within the enclosed building.
- 2) Home occupations shall not change the character of the residential use and shall not adversely affect the uses permitted in the residential district of which they are a part.
- 3) The nature of home occupation as an accessory use relative to its location and conduct of activity is such that the average neighbor, under normal circumstances, would not be aware of its existence.
- 4) Any home occupation activities on the property shall be conducted only by persons residing in the dwelling unit and one additional person who does not reside at the home where the occupation takes place.
- 5) No building or structure shall be used to operate a business, store equipment, or supplies used for a business, or serve as a location where more than four

- employees meet or park prior to going to work off-site, where such employees do not work anywhere on the property.
- 6) The maximum floor area the use may cover shall not exceed 25 percent of the total floor area of the dwelling unit.
 - 7) One, non-illuminated sign with a maximum square footage of four-square feet is permitted, without a permit, if it is mounted flat against the wall of the principal building.
 - 8) Home occupations which provide a service shall not have more than two customers (including those arriving and waiting for service) at any one time.
 - 9) The storage of all equipment, machinery, supplies, materials, files, and the like, shall be stored completely within the residence or accessory buildings.
 - 10) Any need for parking generated by the conduct of such home occupation shall be accommodated on off-street parking spaces or areas that are paved for the purpose of parking.
 - 11) No traffic shall be generated by such home occupation in greater volume than is normally expected for the residential neighborhood.
 - 12) The following are examples of permitted types of home occupations:
 - (i) Clerical and other similar business services;
 - (ii) Instruction in music, dance, or other types of teaching with a maximum number of two students at a time;
 - (iii) The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office-oriented occupations;
 - (iv) Artists, sculptors, photographers, and other providers of home crafts;
 - (v) Barber shop/beauty salon with a maximum of one chair;
 - (vi) A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
 - (vii) Any similar use as determined by the Zoning Inspector.

Seconded by Ms. Vargo. Roll call showed: YEAS: Ms. Vargo, Mr. Jeffries, and Mr. Walton.
NAYS: None. Motion to recommend approval carried 3-0.

Terry Walton, Chair
Planning Commission

Date

**Planning Commission
December 13, 2022, Meeting
City of Huber Heights**

I. Chair Terry Walton called the meeting to order at approximately 6:02 p.m.

II. Present at the meeting: Mr. Jeffries, Ms. Vargo, and Mr. Walton.

Members absent: Ms. Opp and Ms. Thomas, both excused.

Staff Present: Aaron K. Sorrell, Interim City Planner, and Geri Hoskins, Planning & Zoning Administrative Secretary.

III. **Opening Remarks by the Chairman and Commissioners**

IV. **Citizens Comments**

None.

V. **Swearing of Witnesses**

Mr. Walton explained the proceedings of tonight's meeting and administered the sworn oath to all persons wishing to speak or give testimony regarding items on the agenda. All persons present responded in the affirmative.

VI. **Pending Business**

1. **TEXT AMENDMENTS - The applicant, THE CITY OF HUBER HEIGHTS, is requesting approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Use within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA22-42).**

Suggested Text Amendment #1: Expand the definition of Home Occupations (Section 1123.53).

The home occupation definition is very limiting, especially considering the number of professions that have broadened work-at-home opportunities and advances in technology that make working from a home office easier. Additionally, traditional concerns about impacts from a home occupation such as delivery vehicles have primarily vanished with the increased popularity of Etsy, Amazon and other retailers who ship directly to consumers. Fed Ex, UPS and Amazon delivery vehicles are a ubiquitous sight in all residential areas.

Suggested Text Amendment #2 & #3: Expand Special Uses within the Agricultural District (Chapter 1142)

There is a limited list of allowable special uses in the agricultural district, and expanding this list and with appropriate standards will provide the BZA with additional options and widen the potential use of lands without impacting adjacent property owners. Unlike a rezoning or variance, the special use permit expires if the use is discontinued for more than one year.

Bed and Breakfast Establishments

I recommend adding “Bed and Breakfast Establishments” and “Automotive / Vehicle Repair” to the list of Special Uses within the Agricultural District. Currently, Bed and Breakfast (B&B) uses are not defined nor allowed in Huber Heights. While there are currently no B&B’s, there are a few unique buildings that may lend themselves to operating as a B&B, and they have very limited impact on neighboring properties. Most surrounding jurisdictions permit B&B’s in many residential areas.

Indoor Automotive / Vehicle Repair

Allowing the BZA to consider automotive/vehicle repair as a Special Use within the Agricultural District may have provided the BZA with additional options when they were reviewing the Skilwies variance request. This approach is preferable to a rezoning or variance, because the use is no longer allowed if voluntarily discontinued after one year.

Self-Storage Facilities

Self-Storage Facilities have been a topic of discussion both in Huber Heights and surrounding jurisdictions due to the recent acceleration in their development. While these facilities provide a service to the renters, they generate little employment opportunities, income tax, or vibrancy along a commercial corridor or areas designed to be active and vibrant.

Currently, there is no consistent definition for self-storage facilities within the zoning code. The terms “warehouse”, “mini-warehouse” and “mini-storage warehouse” are used in the code but none of the terms are defined.

Action

Mr. Jeffries moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.1).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

Action

Ms. Vargo moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.2).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

Action

Ms. Vargo moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.3).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Ms. Vargo and Mr. Walton. NAYS: Mr. Jeffries. Motion to approve denied 2-1.

Action

Mr. Jeffries moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.4).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

2. BASIC DEVELOPMENT PLAN AND REZONING - The applicant, THOMAS E. DUSA, is requesting approval of a Basic Development Plan and Rezoning to PI (Planned Industrial) to construct a truck repair facility and truck/trailer drop lot on approximately three (3) acres. Property is located at the South East Corner of Technology Blvd and Artz Road (RZ BDP 22-35).

Mr. Sorrell stated that the applicant requests approval of a basic development plan and rezoning to Planned Industrial to construct a truck stop and repair facility on a three (3) acre parcel. The site is very close to the I-70 / SR 235 interchange.

The land is currently zoned B-3. The surrounding lands are predominantly zoned I-1 and used for manufacturing or logistics purposes. There is a significant amount of agricultural / vacant land immediately east of this site in Clark County that has development potential but limited access to SR 235 and I-70.

Approximately 35 acres was recently rezoned to Planned Commercial to accommodate a fueling station, truck stop and repair facility. The City Council amended the basic development plan to increase the number of truck stop spaces to 30, from 10 spaces that was approved by the Planning Commission.

The applicant has provided additional details regarding the building design and use of the site. Staff feels a repair facility with overnight parking as an accessory use is consistent with the comprehensive plan at this location; however, a simple drop lot facility for overnight parking or trailer storage, without driver support services is not consistent with the comprehensive plan.

Tom Dusa was present.

Discussion on the appropriate use, gateway entrance, and details.

Mr. Jeffries moved to approve the request by the applicant, THOMAS E. DUSA, for approval of Basic Development Plan and Rezoning to PI (Planned Industrial) to construct a truck repair facility and truck/trailer drop lot on approximately three acres. Property is located at the SouthEast Corner of Technology Blvd and Artz Road (RZ BDP 22-35).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

VII. New Business

- 1. MINOR CHANGE - The applicant, KAP SIGNS, is requesting approval of a Minor Change to add one 5'-8" ground sign. Property is located at 7050 Executive Blvd (MC 22-44).**

Mr. Sorrell stated that the Planning Commission granted approval for three wall signs in October 2014. At that time, no ground signs were planned or requested. At that time, the vegetation along Executive Boulevard did not obscure building visibility. Today, the vegetation has matured and obstructs building visibility from westbound traffic.

Staff supports the minor change to add one ground sign as detailed in the application dated November 17, 2022. Building visibility is difficult for westbound traffic since the vegetation has matured. There are similar ground signs along Executive Boulevard which meet the zoning code requirements.

David Williams from Kap Signs was present.

Action

Ms. Vargo moved to approve the request by the applicant, Kap Signs, for approval of a Minor Change to add one ground sign. Property is located at 7050 Executive Blvd (MC 22-44).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

- 2. MAJOR CHANGE - The applicant, JOHN KOPILCHACK, is requesting approval of a Major Change to the combined basic and detailed development plan for addition to the existing medical facility. Property is located at 8501 Old Troy Pike (MJC 22-43).**

Mr. Sorrell stated in October 2014, the Planning Commission approved a combined basic and detailed development plan to construct a Dayton Children's Urgent Care facility on the site of a previous medical office use.

The applicant is now proposing to add a 10,600 SF addition to the rear of the existing facility.

The expansion will encroach into the parking area which will reduce the number of spaces by eight (8) spaces to a total of 153 spaces. The expansion materials and design will be similar to the existing facility.

The proposed 10,600 SF building expansion will add 12 additional exam rooms, bringing the total to 40 exam rooms and the total size of the facility to just under 35,000 SF. The expansion will have minor impact on the parking, but staff feels the amount of parking provided is more than adequate for this facility.

No other changes to the approved basic and detailed development plan are presented. Staff feels the General Standards for Approval outlined in Chapter 1171.06 can be satisfied and recommend approval.

Mr. John Kopilchack was present.

Action

Ms. Vargo moved to approve the request by the applicant, John Kopilchack, for approval of a Major Change to the combined basic and detailed development plan for addition to the existing medical facility. Property is located at 8501 Old Troy Pike (MJC 22-43).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

3. REZONING - The applicants, RICHARD BAUMER and STACI CARRE, are requesting approval of a Rezoning from I-1 to R1. Properties are located at 7767 and 7777 Wildcat Road (RZ 22-41).

Mr. Sorrell stated in 1994, many of the properties along Wildcat Road were rezoned to Industrial to facilitate redevelopment on the east side of Wildcat Road. While the records are unclear, staff thinks the rezoning was expanded to include residential homes that were not owned by the original 1994 rezoning applicant on the west side of Wildcat Road.

The current applicant (7767 Wildcat Road) would like to expand his home, but the zoning code does not allow the expansion of a non-conforming use. Staff suggested rezoning the property to R-1. Staff also contacted owners of adjacent residential uses who are currently zoned I-1, one owner (7777 Wildcat Road) contacted city staff and requested to be included in this rezoning request.

The two residential properties meet all the R-1 district standards. They are currently legal non-conforming uses. A change in zoning will allow the primary applicant to expand his structure. Additionally, being zoned R-1, rather than I-1, may enable a smoother real estate transaction if the applicants sell their property in the future.

Mr. Richard Baumer was present.

Discussion on appropriate zoning.

Action

Mr. Jeffries moved to approve the request by the applicants, Richard Baumer and Staci Carre, for approval of a Rezoning from I-1 to R1. Properties are located at 7767 and 7777 Wildcat Road (RZ 22-41).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

VIII. Additional Business

Election of Officers, with only 3 members present, will move this item to the next meeting of January 10, 2023.

IX. Approval of the Minutes

Without objection, the minutes of the November 8, 2022, Planning Commission meeting are approved.

X. Reports and Calendar Review

Approval of 2023 Meeting Schedule

Action

Mr. Jeffries moved to approve the 2023 meeting schedule. Starting in April, we will only have 1 meeting a month. That will give more time to work on each case.

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

XI. Upcoming Meetings

January 10, 2023

XII. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at approximately 8:02 p.m.

Planning Commission Meeting
December 13, 2022

Terry Walton, Chair

Date

Geri Hoskins, Administrative Secretary

Date

TA 22-42
ZONING TEXT AMENDMENTS

January 17, 2023

PURPOSE FOR TEXT AMENDMENTS

- Align code to recent updates in regulations and laws.
- Reduce inconsistencies or regulatory burden
- Align with changing uses, technology, best practices, etc.
- Implement policy direction from Planning Commission / City Council

TA 22-42.1 EXPAND HOME OCCUPATIONS

- The home occupation regulations are limiting, and work-at-home opportunities have expanded and advances in technology that make working from a home office easier.
- Traditional concerns such as delivery vehicles have largely vanished with direct to consumers shipping. Fed Ex, UPS and Amazon delivery vehicles are a ubiquitous sight in all residential areas.

SUGGESTED CHANGES FROM CURRENT DEFINITION

- Such use shall be conducted entirely within the dwelling unit **or an accessory building**. In all cases, all activities related to home occupation must take place within the enclosed building.
- Any home occupation activities on the property shall be conducted only by persons residing in the dwelling unit **and one additional person who does not reside at the home where the occupation takes place**
- **One, non-illuminated sign with a maximum square footage of four-square feet is permitted, without a permit, if it is mounted flat against the wall of the principal building.**

SUGGESTED CHANGES FROM CURRENT DEFINITION

- **Home occupations which provide a service shall not have more than two customers (including those arriving and waiting for service) at any one time.**
- The following are examples of permitted types of home occupations:
 - **Barber shop/beauty salon with a maximum of one chair;**
 - **A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or**
 - **Any similar use as determined by the Director of Planning and Zoning, or their designee.**

PLANNING COMMISSION ACTION:

Planning Commission voted 3-0 to recommend approval.

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2023-O-

AMENDING CERTAIN SECTIONS OF PART ELEVEN, PLANNING AND ZONING CODE, OF THE CITY CODE OF HUBER HEIGHTS REGARDING HOME OCCUPATIONS (CASE TA 22-42.1).

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 Case TA 22-42.1 and on December 13, 2022, recommended approval by a vote of 3-0 the proposed text amendment to City Council; and

WHEREAS, after review by the Law Director, certain changes to Section 1123.53 as proposed by the Planning Commission were required to be put in Section 1181.26, yet all provisions as recommended by the Planning Commission, other than the new section number remain the same; 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. Part Eleven, Planning and Zoning Code, Chapter 1123 – Definitions, Section 1123.53 – Home Occupations is amended to read as follows:

1123.53 - Home Occupations

Home occupation means an occupation conducted in a dwelling unit or accessory building. Home occupations are subject to the standards in Section 1181.26.

Section 2. Part Eleven, Planning and Zoning Code, Chapter 1181 – General Provisions is hereby amended to add new Section 1181.26 – Home Occupations as follows:

1181.26 - Home Occupations.

(a) Home occupations may be permitted with standards when compliant with the following regulations and any other applicable sections of this zoning Ordinance:

- 1) Such use shall be conducted entirely within the dwelling unit or an accessory building. In all cases, all activities related to home occupation must take place within the enclosed building.
- 2) Home occupations shall not change the character of the residential use and shall not adversely affect the uses permitted in the residential district of which they are a part.
- 3) The nature of home occupation as an accessory use relative to its location and conduct of activity is such that the average neighbor, under normal circumstances, would not be aware of its existence.
- 4) Any home occupation activities on the property shall be conducted only by persons residing in the dwelling unit and one additional person who does not reside at the home where the occupation takes place.
- 5) No building or structure shall be used to operate a business, store equipment or supplies used for a business, or serve as a location where more than four employees meet or park prior to going to work off-site, where such employees do not work anywhere on the property.
- 6) The maximum floor area the use may cover shall not exceed 25 percent of the total floor area of the dwelling unit.
- 7) One, non-illuminated sign with a maximum square footage of four-square feet is permitted, without a permit, if it is mounted flat against the wall of the principal building.
- 8) Home occupations which provide a service shall not have more than two customers (including those arriving and waiting for service) at any one time.

- 9) The storage of all equipment, machinery, supplies, materials, files, and the like, shall be stored completely within the residence or accessory buildings.
- 10) Any need for parking generated by the conduct of such home occupation shall be accommodated on off-street parking spaces or areas that are paved for the purpose of parking.
- 11) No traffic shall be generated by such home occupation in greater volume than is normally expected for the residential neighborhood.
- 12) The following are examples of permitted types of home occupations:
 - (i) Clerical and other similar business services;
 - (ii) Instruction in music, dance, or other types of teaching with a maximum number of two students at a time;
 - (iii) The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office-oriented occupations;
 - (iv) Artists, sculptors, photographers, and other providers of home crafts;
 - (v) Barber shop/beauty salon with a maximum of one chair;
 - (vi) A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
 - (vii) Any similar use as determined by the Director of Planning and Zoning, or their designee.

Section 3. All provisions in Chapters 1123 and 1181 not expressly changed herein shall remain in full force and effect.

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

Section 5. This Ordinance 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 _____, 2023;
 _____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

 Clerk of Council

 Mayor

 Date

 Date

AI-9027

**New Business A.
City Council**

City Council Meeting

Meeting Date: 02/27/2023

Liquor Permit #8827366 - Taylor Mart, LLC - 6025 Taylorsville Road

Submitted By: Anthony Rodgers

Department: City Council

Type of New

Liquor Permit:

Motion/Ordinance/

Resolution No.:

Agenda Item Description

A Motion To Direct The Clerk Of Council To Respond To The Ohio Division Of Liquor Control With No Objections In Reference To New Liquor Permit #8827366 For Taylor Mart, LLC At 6025 Taylorsville Road, Huber Heights, Ohio 45424.

Review and Comments - Police Division

The Police Division has no objections to this new liquor permit.

Review and Comments - Fire Division

The Fire Division has no objections to this new liquor permit.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

Memorandum - Fire Division

Liquor Permit



Huber Heights Fire Division

TO: Anthony Rodgers, Clerk of Council

FROM: Keith Knisley, Fire Chief

DATE: 2/6/2023

RE: Liquor Permit #8827366 - Taylor Mart, LLC - 6025 Taylorsville Road

I am writing to inform you that there are no outstanding Fire Code Violations as this building is under construction, however all construction to this point is compliant with the codes.

NOTICE TO LEGISLATIVE
AUTHORITY

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

TO

8827366 <small>PERMIT NUMBER</small>		NEW <small>TYPE</small>	TAYLOR MART LLC 6025 TAYLORSVILLE RD HUBER HGTS OH 45431	
ISSUE DATE				
01 20 2023 <small>FILING DATE</small>				
C1 C2 <small>PERMIT CLASSES</small>				
57	083	A	D68693 <small>RECEIPT NO.</small>	
<small>TAX DISTRICT</small>				

FROM 01/30/2023

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



MAILED 01/30/2023

RESPONSES MUST BE POSTMARKED NO LATER THAN. 03/02/2023

IMPORTANT NOTICE

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

REFER TO THIS NUMBER IN ALL INQUIRIES

A NEW 8827366

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING.

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

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

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

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

AI-9026

**New Business B.
City Council**

City Council Meeting

Meeting Date: 02/27/2023

Indigent Burial Policy

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session
Date(s) of Committee Review: 02/21/2023

Audio-Visual Needs: None
Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

An Ordinance To Adopt And Codify An Indigent Burial Policy For The City Of Huber Heights And Amending Part One, Administrative Code, Title One, General Provisions, Of The City Code Of Huber Heights To Add Chapter 111 – Indigent Burial Policy.
(first reading)

Purpose and Background

This agenda item is to discuss the adoption and implementation of an indigent burial policy for the City of Huber Heights.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

Ordinance

Exhibit A

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2023-O-

TO ADOPT AND CODIFY AN INDIGENT BURIAL POLICY FOR THE CITY OF HUBER HEIGHTS AND AMENDING PART ONE, ADMINISTRATIVE CODE, TITLE ONE, GENERAL PROVISIONS, OF THE CITY CODE OF HUBER HEIGHTS TO ADD CHAPTER 111 – INDIGENT BURIAL POLICY.

WHEREAS, the citizens of Huber Heights require City codified ordinances that are current, up to date, and reflect the current practices and processes of the City; and

WHEREAS, City Staff have identified the need to establish and codify an indigent burial policy within the Huber Heights Codified Ordinances; and

WHEREAS, the City Council has determined that an indigent burial policy is necessary to enhance the effective and efficient delivery of municipal services.

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

Section 1. The City Council hereby adopts and codifies an Indigent Burial Policy for the City of Huber Heights attached hereto as Exhibit A.

Section 2. Part One, Administrative Code, of the City Code of Huber Heights is hereby amended to add Chapter 111 – Indigent Burial Policy to read as follows:

CHAPTER 111 – INDIGENT BURIAL POLICY

111.01 – Purpose.

This Indigent Burial Policy establishes a procedure and requirements for the disposition of a body of an indigent person within the corporate limits. This policy is in compliance with Ohio Revised Code Section 9.15 for reasons of public health, safety, and welfare and sensibilities pertaining to the following: (i) the burial of indigent persons found within the City who are not claimed by any person for private cremation or interment at the person’s own expense, or (ii) cremation or interment when the body of an indigent person is claimed by an indigent person. The municipality is responsible for the burial or cremation of an indigent individual within the corporate limits unless the deceased falls under one of the exceptions in the statute.

111.02 – Application of the policy.

- (a) “Unclaimed”: When the body of a deceased individual is found within the City and such person was not an inmate of a correctional, benevolent, or charitable institution of this state, and the body is not claimed by any person for private cremation or interment at the person’s own expense or delivered for the purposes of medical or surgical study or dissection pursuant to Ohio Revised Code Section 1713.34, then the City shall be liable for the cremation or interment expenses if: (1) the deceased is determined to be an indigent person; and (2) the person was a legal resident of the City of Huber Heights at the time of death; or (3) the person was not a resident of the City of Huber Heights, but transient in nature and all measures of notification of next of kin have been exhausted.
- (b) “Claimed”: When the body of a deceased individual is claimed by a person without undertaking to arrange and pay for private cremation or interment, the City shall be liable for the cremation or interment expenses if: (1) the deceased is determined to be an indigent person; and (2) the claimant is determined to be an

indigent person; and (3) the person was a legal resident of the City of Huber Heights at the time of death.

111.03 – Determining legal residency.

- (a) The City Manager or authorized designee shall make reasonable attempt to determine whether the deceased person was a legal resident of Huber Heights at the time of death. “Legal residency” means a physical presence in a particular location, coupled with the choice to make that place home, or the place with which a person is most intimately connected.

111.04 – Determining indigence.

- (a) “Indigence”: In determining indigence, the City Manager or his/her designee shall make reasonable attempt to determine whether the deceased person is indigent, and where the deceased person is claimed by an indigent person, whether the claimant is indigent. Ohio Revised Code Section 9.15 states that an “indigent person” means a person whose income does not exceed one hundred fifty percent (150%) of the federal poverty line, as revised annually by the United States Department of Health and Human Services in accordance with Section 673(2) of the “Omnibus Budget Reconciliation Act of 1981,” as amended, for a family size equal to the size of the person’s family.
- (b) “Indigent Criteria”: The criteria used to evaluate indigency status shall include, but is not limited to, the income components as defined by the most recent version of the United States Census Bureau and other relevant considerations including fundraising revenue and insurance intended for funeral, cremation and/or burial expenses. Once the income has been verified, the most recent version of the United States Department of Health and Human Services Poverty Guideline Publication will be used to determine whether the person’s income exceeds 150% of the federal poverty line. In determining indigency, the wages or salary income earned by dependent minors under 18 years of age shall not be considered. Gross income shall include: wages and earning from employment, interest, annuities, pensions, Social Security, retirement, employment disability, public assistance, Supplemental Security Income (SSI), alimony, child support, unemployment benefits, veterans payments, worker’s compensation, and any other indirect income, rental income, and trust income.

111.05 – Policy.

- (a) Authority: The City Manager or his/her designee is appointed in accordance with Ohio Revised Code Section 9.15 to be responsible for the administration of the City’s Indigent Burial Policy. Upon a finding that the deceased was a legal resident of Huber Heights, or transient, and after verifying the indigency of the decedent and the claimant of the decedent’s body, if any, the City Manager or authorized designee shall exercise authority pursuant to Ohio Revised Code Section 2108.81(B)(10) and authorize the funeral director to arrange for the final disposition of the remains of the deceased person and to sign all documents necessary for cremation or interment. The City shall choose the funeral home to conduct the cremation or interment and will enter into an agreement with said funeral home for a specific price for the cremation of the remains of the deceased.
- (b) Remains: The cremated remains of the deceased may be released to the decedent’s family or next of kin.

111.06 – Procedure.

- (a) Because public funds are used for the disposition of a body of an indigent individual, the Ohio Revised Code gives the municipality the sole decision-making authority, when it comes to the most cost effective way to dispose of the body. The City may contract with a funeral home for cremation services and

have the body sent to the funeral home under contract. Any funds approved by any other agency shall be used to offset the funds provided by the City (i.e., \$250 provided by Social Security, veterans associations, donations, or other funding sources. The City Manager or his/her designee may authorize a burial of an indigent individual upon proof that cremation is prohibited by the indigent's religious faith.

- (b) Persons contacting the City regarding indigent burials will be provided with an Indigent Burial Application with Affidavit of Indigency. These forms must be completed and returned to the City for review and approval by the City prior to disposition of the deceased person's remains. Only upon approval of the Indigent Burial Application, and authorization by the City shall the funeral home proceed with the disposition of a body of an indigent individual.
- (c) The City Manager or his/her designee shall establish a not to exceed amount for payment of indigent burial expenses.
- (d) Before the City pays for the cremation of a body, the funeral home shall provide an itemized list and contract with pricing of the services being performed. To assist the funeral home, the City will only pay for direct cremation and any other requirements provided for in the law. The City shall not pay for an urn, graveside services, transportation costs to and from the cemetery of the city's choice (if needed), visitation, church and/or pastoral services, or any other funeral costs unrelated to the cremation process. The City shall not pay for embalming, visitation services, grave side service, flowers, limo service, etc.
- (e) All payments shall be made to the funeral home directly upon receipt of and City approval of an itemized bill. The funeral home shall reduce the cost to the City by the amount of funds received from any other source. If additional funds are paid to the funeral home after the City has paid, the City shall be refunded the additional funds paid within thirty (30) days after receipt thereof.
- (f) The City of Huber Heights will also seek reimbursement for the incurred costs of indigent burials through the State of Ohio's Indigent Burial and Cremation Support Program.

111.07 – Limitations.

- (a) No payment for Funeral Expenses: A person claiming the body of an indigent decedent may not make independent funeral arrangements and have the bill submitted to the City. Should this occur, the City is not liable for any expenses.
- (b) Not Supplemental: The City's Indigent Burial Policy is not supplemental. The funeral home shall not ask for nor accept any funds above the amounts agreed upon by the City and the funeral home.
- (c) Refund by Funeral Director: Should it be ascertained, after payment by the City, that such payment was made for a decedent who the City did not have responsibility to cremate or bury pursuant to Ohio Revised Code Section 9.15, the City shall be entitled to and may undertake proceedings to recover any benefits payable on behalf of such decedent by any person or agency who had the responsibility to pay burial benefits, up to an amount totaling the payment made.

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 _____, 2023;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

**CITY OF HUBER HEIGHTS, OHIO
INDIGENT BURIAL POLICY**

I. PURPOSE

This Indigent Burial Policy establishes a procedure and requirements for the disposition of a body of an indigent person within the corporate limits. This policy is in compliance with Ohio Revised Code Section 9.15 for reasons of public health, safety, and welfare and sensibilities pertaining to the following: (i) the burial of indigent persons found within the City who are not claimed by any person for private cremation or interment at the person's own expense, or (ii) cremation or interment when the body of an indigent person is claimed by an indigent person. The municipality is responsible for the burial or cremation of an indigent individual within the corporate limits unless the deceased falls under one of the exceptions in the statute.

II. APPLICATION OF THE POLICY

A. "Unclaimed": When the body of a deceased individual is found within the City and such person was not an inmate of a correctional, benevolent, or charitable institution of this state, and the body is not claimed by any person for private cremation or interment at the person's own expense or delivered for the purposes of medical or surgical study or dissection pursuant to Ohio Revised Code Section 1713.34, then the City shall be liable for the cremation or interment expenses if: (1) the deceased is determined to be an indigent person; and (2) the person was a legal resident of the City of Huber Heights at the time of death; or (3) the person was not a resident of the City of Huber Heights, but transient in nature and all measures of notification of next of kin have been exhausted.

B. "Claimed": When the body of a deceased individual is claimed by a person without undertaking to arrange and pay for private cremation or interment, the City shall be liable for the cremation or interment expenses if: (1) the deceased is determined to be an indigent person; and (2) the claimant is determined to be an indigent person; and (3) the person was a legal resident of the City of Huber Heights at the time of death.

III. DETERMINING LEGAL RESIDENCY

The City Manager or authorized designee shall make reasonable attempt to determine whether the deceased person was a legal resident of Huber Heights at the time of death. "Legal residency" means a physical presence in a particular location, coupled with the choice to make that place home, or the place with which a person is most intimately connected.

IV. DETERMINING INDIGENCE

A. "Indigence": In determining indigence, the City Manager or his/her designee shall make reasonable attempt to determine whether the deceased person is indigent, and where the deceased person is claimed by an indigent person, whether

CITY OF HUBER HEIGHTS, OHIO INDIGENT BURIAL POLICY

the claimant is indigent. Ohio Revised Code Section 9.15 states that an “indigent person” means a person whose income does not exceed one hundred fifty percent (150%) of the federal poverty line, as revised annually by the United States Department of Health and Human Services in accordance with Section 673(2) of the “Omnibus Budget Reconciliation Act of 1981,” as amended, for a family size equal to the size of the person’s family.

B. “Indigent Criteria”: The criteria used to evaluate indigency status shall include, but is not limited to, the income components as defined by the most recent version of the United States Census Bureau and other relevant considerations including fundraising revenue and insurance intended for funeral, cremation and/or burial expenses. Once the income has been verified, the most recent version of the United States Department of Health and Human Services Poverty Guideline Publication will be used to determine whether the person’s income exceeds 150% of the federal poverty line. In determining indigency, the wages or salary income earned by dependent minors under 18 years of age shall not be considered. Gross income shall include: wages and earning from employment, interest, annuities, pensions, Social Security, retirement, employment disability, public assistance, Supplemental Security Income (SSI), alimony, child support, unemployment benefits, veterans payments, worker’s compensation, and any other indirect income, rental income, and trust income.

V. POLICY

A. Authority: The City Manager or his/her designee is appointed in accordance with Ohio Revised Code Section 9.15 to be responsible for the administration of the City’s Indigent Burial Policy. Upon a finding that the deceased was a legal resident of Huber Heights, or transient, and after verifying the indigency of the decedent and the claimant of the decedent’s body, if any, the City Manager or authorized designee shall exercise authority pursuant to Ohio Revised Code Section 2108.81(B)(10) and authorize the funeral director to arrange for the final disposition of the remains of the deceased person and to sign all documents necessary for cremation or interment. The City shall choose the funeral home to conduct the cremation or interment and will enter into an agreement with said funeral home for a specific price for the cremation of the remains of the deceased.

B. Remains: The cremated remains of the deceased may be released to the decedent’s family or next of kin.

VI. PROCEDURE

Because public funds are used for the disposition of a body of an indigent individual, the Ohio Revised Code gives the municipality the sole decision-making authority, when it comes to the most cost effective way to dispose of the body. The City may contract with a funeral home for cremation services and have the body sent to the funeral home under contract. Any funds approved by any other agency shall be used

CITY OF HUBER HEIGHTS, OHIO INDIGENT BURIAL POLICY

to offset the funds provided by the City (i.e., \$250 provided by Social Security, veterans associations, donations, or other funding sources. The City Manager or his/her designee may authorize a burial of an indigent individual upon proof that cremation is prohibited by the indigent's religious faith.

Persons contacting the City regarding indigent burials will be provided with an Indigent Burial Application with Affidavit of Indigency. These forms must be completed and returned to the City for review and approval by the City prior to disposition of the deceased person's remains. Only upon approval of the Indigent Burial Application, and authorization by the City shall the funeral home proceed with the disposition of a body of an indigent individual.

The City Manager or his/her designee shall establish a not to exceed amount for payment of indigent burial expenses.

Before the City pays for the cremation of a body, the funeral home shall provide an itemized list and contract with pricing of the services being performed. To assist the funeral home, the City will only pay for direct cremation and any other requirements provided for in the law. The City shall not pay for an urn, graveside services, transportation costs to and from the cemetery of the city's choice (if needed), visitation, church and/or pastoral services, or any other funeral costs unrelated to the cremation process. The City shall not pay for embalming, visitation services, grave side service, flowers, limo service, etc.

All payments shall be made to the funeral home directly upon receipt of and City approval of an itemized bill. The funeral home shall reduce the cost to the City by the amount of funds received from any other source. If additional funds are paid to the funeral home after the City has paid, the City shall be refunded the additional funds paid within thirty (30) days after receipt thereof.

The City of Huber Heights will also seek reimbursement for the incurred costs of indigent burials through the State of Ohio's Indigent Burial and Cremation Support Program.

VII. LIMITATIONS

A. No payment for Funeral Expenses: A person claiming the body of an indigent decedent may not make independent funeral arrangements and have the bill submitted to the City. Should this occur, the City is not liable for any expenses.

B. Not Supplemental: The City's Indigent Burial Policy is not supplemental. The funeral home shall not ask for nor accept any funds above the amounts agreed upon by the City and the funeral home.

C. Refund by Funeral Director: Should it be ascertained, after payment by the City, that such payment was made for a decedent who the City did not have

**CITY OF HUBER HEIGHTS, OHIO
INDIGENT BURIAL POLICY**

responsibility to cremate or bury pursuant to Ohio Revised Code Section 9.15, the City shall be entitled to and may undertake proceedings to recover any benefits payable on behalf of such decedent by any person or agency who had the responsibility to pay burial benefits, up to an amount totaling the payment made.



CITY OF HUBER HEIGHTS, OHIO
INDIGENT BURIAL APPLICATION

Return this form, completed and signed to:

City Of Huber Heights
6131 Taylorsville Road
Huber Heights, Ohio 45424
937-237-5807

APPLICATION FOR INDIGENT BURIAL FUNDS

Certain information contained in this application is a matter of public record subject to disclosure. Any false statement made or given in this application shall result in denial of payment and could result in criminal prosecution.

Deceased Person's Information:

Full Name of Deceased: _____ D.O.B.: ____/____/____

Last Known Address:

Street Address	City	State	Zip Code
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Social Security Number: _____ Sex: _____ Age: _____

Date of Death: _____

Place of Death: _____

1. At the time of death, was the deceased a resident of the City of Huber Heights:

Yes No If yes, please provide proof of residency.

2. Did the deceased receive benefits from Job and Family Services, such as Ohio Works First, Medicaid/Medicare, Healthy Start, Social Security, or other programs?

Yes No

If yes, please indicate which program(s):

3. Decedent's Household Income: *(Please include all forms of income including employment, unemployment, Social Security, or other income currently received by each household member identified below, excluding any household member under the age of 18. Attach documentation of each income source.)*

Size of Household: _____

Age(s) in Household: #1 ___ #2 ___ #3 ___ #4 ___

Income Source Of:

Household Member #1 _____ Monthly Amount: \$ _____

Household Member #2: _____ Monthly Amount: \$ _____

Household Member #3: _____ Monthly Amount: \$ _____

Household Member #4: _____ Monthly Amount: \$ _____

4. Did the deceased have one of the following?

a. Guardian; or Yes No

b. Legal document naming a representative for the estate and/or disposition of their remains? Yes No

If yes, list name and phone number of guardian or responsible party:

Name	Phone Number
------	--------------

5. Was the deceased a veteran? Yes No

If yes, has or will someone be applying for burial funds and/or for a marker from the Veterans Administration?

Yes No If no, why not?

6. Was the deceased receiving Social Security retirement benefits at the time of death?

Yes No If yes, indicate monthly amount: \$ _____

7. Is/was there any life insurance policies for the deceased?

Yes No

If yes, in what amount \$ _____

8. Did the deceased participate in any type of prepaid burial Fund?

Yes No

If yes, in what amount \$ _____

9. Did the deceased leave a will or trust fund?

Yes No

If yes, in what amount \$ _____

10. Did the deceased, or does the surviving spouse of the deceased, own real property?

Yes No

If yes, list address of property or properties and value: (Attach additional sheet if necessary)

TYPE	VALUE

11. Did the deceased, have a checking or savings account at the time of death or within the last twelve (12) months prior to death?

Yes No

If yes, please list name of financial institution and amount in account(s): (attach additional sheet if necessary)

NAME OF FINANCIAL INSTITUTION	AMOUNT

Gross Income shall include any of the following: wages, and earnings from employment, interest, annuities, pensions, Social Security, retirement, employment disability, public assistance, Supplemental Security Income (SSI), alimony, child support, unemployment benefits, veterans payments, worker's compensation, and any other indirect income, rental income, trust income. Do not include non-cash benefits

(i.e. food stamps, housing subsidies, capital gains and losses. Calculate wages before taxes.

SOURCE OF INCOME	AMOUNT

AUTHORIZATION:

I, the undersigned, authorize the disclosure of the above information to all persons as may be deemed proper for the purposed of reaching a proper decision on the question of my indigence.

Date: _____

Signature: _____

ACKNOWLEDGEMENT:

STATE OF OHIO

County Of: _____

I, _____, being duly sworn, depose and say that I am the individual making the forgoing application; and that the answers to the foregoing questions and other statements and authorizations contained herein are true to the best of my knowledge.

Applicant's Signature

Sworn before me and subscribed in my presence this day of _____,
20____

Notary Public

(This page is to be completed by Funeral Home.)

Funeral Home Information

Name of Funeral Home:

Address:

Street

City

State

Zip Code

Name of Representative:

Phone Number: _____

Federal ID#: _____

Funeral Director #: _____

You must include a copy of the death certificate along with this application.

Payment of funeral expenses shall not exceed \$750.00 and shall include direct cremation charges, less the amount of any contributions, insurance, or property, real or personal property or any other thing of value which may be applied towards the burial expenses. Accepting any additional payment for burial expenses not disclosed may be grounds for prosecution. I understand I must disclose, and have submitted and attached hereto, of the amount of any contributions received from friends, relatives, or others, of insurance or property, real or personal, or of any other thing of value which may be applied to the burial expenses of the deceased, or of the absence of any such things of value which may be so applied.

I, _____, acknowledge that I have read and understand this statement and its requirements and that by signing below, I agree to comply with all requirements set forth herein.

Funeral Home Representative's Signature

Sworn before me and subscribed in my presence this day of _____,
20____

Notary Public

AFFIDAVIT OF INDIGENCY

STATE OF OHIO)
) SS:
COUNTY OF:)

The undersigned (“Affiant”), being first duly cautioned and sworn, deposes, states and agrees that he/she has personal knowledge of the facts contained in this Affidavit and does hereby state under penalty of perjury that:

1. I understand that under Ohio Revised Code Section 9.15 when the body of an indigent person is not claimed and the deceased was a legal resident of the City of Huber Heights, the City shall cause the deceased to be buried or cremated at the expense of the City.

2. I understand that if the person claiming the body of the indigent person is also indigent the City shall cause the deceased indigent person to be buried or cremated at the expense of the City.

3. I am claiming the body/ashes of: _____ an indigent person, who was a resident of the City of Huber Heights at the time of death and swear that I am also an indigent person in that my income does not exceed one hundred fifty per cent of the federal poverty line, as revised annually by the United States Department of Health and Human Services in accordance with Section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the person's family.

4. To my knowledge the deceased was not a veteran of the United States Armed Forces.

5. As I do not have the means nor resources to pay for private interment or cremation at my own expense, I ask that the deceased be buried or cremated at the expense of the City of Huber Heights.

Further, Affiant sayeth naught.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Affiant Signature: _____
Printed Name: _____

Sworn to or affirmed and subscribed before me by _____ this _____
day of _____, 20__

Notary

My Commission Expires: _____

This document is used for official proceedings under Ohio Revised Code Section 9.15. Pursuant to ORC Section 2921.11 (A) No person, in any official proceeding, shall knowingly make a false statement under oath or affirmation, or knowingly swear or affirm the truth of a false statement previously made, when either statement is material. Whoever violates that section is guilty of perjury, a felony of the third degree.

AI-9028

**New Business C.
City Council**

City Council Meeting

Meeting Date: 02/27/2023

City Code - Supplement 12/Supplement 13 - Adopting Ordinance

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session
Date(s) of Committee Review: 02/21/2023

Audio-Visual Needs: None
Emergency Legislation?: No

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

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 12 And Supplement 13; And Repealing Ordinances And Resolutions In Conflict Therewith.
(first reading)

Purpose and Background

This ordinance is to adopt Supplement 12 to the City Code for the period of July 1, 2022 to September 30, 2022 and to adopt Supplement 13 to the City Code for the period of October 1, 2022 to December 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. 2023-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 12 AND SUPPLEMENT 13; 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 12 and Supplement 13; 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 12 to the City Code of Huber Heights, Ohio for the period of July 1, 2022 to September 30, 2022 and Supplement 13 to the City Code of Huber Heights, Ohio for the period of October 1, 2022 to December 31, 2022, copies of which are 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 12 to the City Code of Huber Heights, Ohio for the period of July 1, 2022 to September 30, 2022 and Supplement 13 to the City Code of Huber Heights, Ohio for the period of October 1, 2022 to December 31, 2022, copies of which are 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 June 30, 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 _____, 2023;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-9023

**New Business D.
City Manager**

City Council Meeting

Meeting Date: 02/27/2023

Disposal Of Surplus Vehicles

Submitted By: Maria Beisel

Department: Police **Division:** Police

Council Committee Review?: Council **Date(s) of Committee Review:** 02/21/2023
Work
Session

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

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

Agenda Item Description or Legislation Title

A Resolution Declaring Certain City Property No Longer Needed For Municipal Purposes As Surplus And Authorizing Disposal Of Said Surplus Property.
(first reading)

Purpose and Background

This legislation is to declare surplus vehicles from the Zoning Division and the Police Division as surplus property and to authorize the disposal of these surplus vehicles.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2023-R-

DECLARING CERTAIN CITY PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES AS SURPLUS AND AUTHORIZING DISPOSAL OF SAID SURPLUS PROPERTY.

WHEREAS, the City of Huber Heights is in possession of certain property including vehicles assigned to the Police Division and the Zoning Division; and

WHEREAS, the property is no longer needed for municipal purposes.

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

Section 1. Consistent with the provisions of the Ohio Revised Code Section 721.15 and applicable Huber Heights Codified Ordinances and purchasing procedures, the following equipment is declared surplus, no longer required for municipal purposes, and authorization is hereby provided to dispose of the property consistent with the provisions of the Huber Heights Codified Ordinances.

<u>VIN #</u>	<u>Make / Model / Year</u>	<u>ASSET TAG</u>
2G1WC5E35E1124464	CHEVROLET IMPALA 2014	P01636
2G1WS57M291298278	CHEVROLET IMPALA 2020	P01421
1FM5K8AR1GGA02073	FORD EXPLORER 2016	P01643
1FM5K8AR0HGC26033	FORD EXPLORER 2017	P01803
2C3CDXAG5EH279622	DODGE CHARGER 2014	P01591
2C3CDXAG4JH279721	DODGE CHARGER 2018 (TOTALED)	P01839
2C3DXAT0EH122089	DODGE CHARGER 2014	P01580
2B3AA4CT9AH224607	DODGE CHARGER 2010	PD00145
2C3CDXAT0CH287783	DODGE CHARGER 2012	PD00146
1FMEU73E17UB65497	FORD EXPLORER 2017	A00233

Section 2. Authorization is hereby provided to the City Manager to dispose of the listed surplus item(s) on an online auction site or in such other manner as authorized by law.

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 _____, 2023;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-9025

**New Business E.
City Manager**

City Council Meeting

Meeting Date: 02/27/2023

County Assessments Removals

Submitted By: Jim Bell

Department: Finance **Division:** Accounting

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 02/21/2023

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

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

Agenda Item Description or Legislation Title

A Resolution Authorizing The Director Of Finance To Remove \$334.28 In Grass/Weeds Assessment Fees And \$834.05 In Trash/Litter Assessment Fees From 7084 Claybeck Drive.
(first reading)

Purpose and Background

An assessment for grass/weeds of \$334.28 and an assessment for trash/litter of \$834.05 for the property at 7084 Claybeck Drive were each authorized by City Council in 2022. These assessments were sent to the Montgomery County Auditor for inclusion on the 2023 property taxes for that property. Those assessments were authorized based on expenses incurred by the City of Huber Heights prior to the sale of the property to a new owner in May, 2023. The title company for the new owner contacted the City and Montgomery County prior to the purchase of the property to ask if there were any assessments on the property. City Staff at both the City and Montgomery County reported at the time contact was made prior to the purchase that no assessments existed on the property at 7084 Claybeck Drive. The assessments were not authorized until after the sale of the property was complete. The assessments appeared on the first half of the 2023 property tax bill for the new owner. The Montgomery County Auditor requires legislation be approved by the City Council to remove the special assessments since legislation was approved by the City Council to certify the assessments. The assessments were approved for this property to recoup expenses incurred by the City due to negligence of the prior owner. Therefore, City Staff recommend that the assessments be removed as the assessments should not be the responsibility of the new owner of the property.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE DIRECTOR OF FINANCE TO REMOVE \$334.28 IN GRASS/WEEDS ASSESSMENT FEES AND \$834.05 IN TRASH/LITTER ASSESSMENT FEES FROM 7084 CLAYBECK DRIVE.

WHEREAS, 7084 Claybeck Drive was assessed \$334.28 in grass/weed assessment fees and \$834.05 in trash/litter assessment fees after the sale of the property to a new owner; and

WHEREAS, the Director of Finance is requesting approval of City Council to remove the previously certified assessments on 7084 Claybeck Drive.

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

Section 1. The Director of Finance is hereby authorized to remove the grass/weeds assessment of \$334.28 and the trash/litter assessment of \$834.05 from the property at 7084 Claybeck Drive. Approval is given for the Director of Finance to contact the Montgomery County Auditor and provide any documents necessary to remove the aforementioned assessments from the property at 7084 Claybeck Drive.

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 _____, 2023;
____ Yeas; ____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date