



**CITY OF HUBER HEIGHTS
STATE OF OHIO**

City Council Work Session

**February 21, 2023
6:00 P.M.**

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

1. **Call Meeting To Order/Roll Call**
2. **Approval Of Minutes**
 - A. February 7, 2023
3. **Work Session Topics Of Discussion**
 - A. City Manager Report
 - B. Disposal Of Surplus Vehicles
 - C. Water Utility Study Presentation
 - D. Water Infrastructure Update
 - E. East Sanitary Sewer Extension Project - Award Contract
 - F. County Assessments Removals

G. Fire Division Staffing Update

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

I. Vacation Rental Properties

J. Indigent Burial Policy

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

L. City Code - Supplement 12/Supplement 13 - Adopting Ordinance

4. **Adjournment**

AI-9011

Topics of Discussion B.

Council Work Session

Meeting Date: 02/21/2023

Disposal Of Surplus Vehicles

Submitted By: Maria Beisel

Department: Police

Division: Police

Council Committee Review?: Council Work Session

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

Audio-Visual Needs:

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

Disposal Of Surplus Vehicles

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-9020

Topics of Discussion C.

Council Work Session

Meeting Date: 02/21/2023

Water Utility Study Presentation

Submitted By: Hanane Eisentraut

Department: Engineering

Division: Engineering

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

Water Utility Study Presentation

Purpose and Background

This agenda item is for a presentation from Burgess & Niple regarding the Water Utility Study.

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-9016

Topics of Discussion D.

Council Work Session

Meeting Date: 02/21/2023

Water Infrastructure Update

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 02/07/2023 and 02/21/2023

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

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

Agenda Item Description or Legislation Title

Water Infrastructure Update

Purpose and Background

This agenda item has been requested by Councilmembers Glenn Otto, Anita Kitchen, and Ed Lyons for an update on City water infrastructure. The updated spreadsheet on the City's current water infrastructure projects has been provided (see attached).

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

Spreadsheet

Mardi Gras Water Main

Replacement

Mardi Gras Drive
Charlesgate Drive
Parish Court

2022 Water Main Replacement

Program

Crukten Drive Alter Road
Hubbard Drive Holbrook Drive
Helwig Drive

2023 Watermain Replacement

Program

Hubbard Drive Tewkesbury Drive
Chesham Drive Hartwick Drive
Sandbury Drive Alter Road
Longford Road Storck Drive

Council Approved to Solicit Design for RFP	X		X		X
Design Proposals Were Due	X		X		X
Council Approved the Award Design Consultant	X		X		X
Notice to Proceed with Design Consultant(s)	X		X		X
Order Pipe (Poss. 8-9 mo Delay)	X		X		X
Design Completion Date	X		X		3/1/2023
Work Session for Going Out to Construction Bid	X		X		4/4/2023
Council Approval to Go Out to Construction Bid	X		X		4/10/2023
Advertise for Construction Bidding	X		X		4/14/2023
Construction Bids Due	X		X		5/5/2023
Work Session to Award Construction	X		X		5/16/2023
Council Approval to Award Construction	X		X		5/22/2023
Notice to Proceed with Contractor(s)	X		X		6/5/2023
Estimated Pipe Delivery	X		X		9/1/2023
Begin Construction	2/15/2023		3/1/2023		9/1/2023
Construction Complete	5/1/2023		8/1/2023		4/1/2024

X = Completed

AI-9022

Topics of Discussion E.

Council Work Session

Meeting Date: 02/21/2023

East Sanitary Sewer Extension Project - Award Contract

Submitted By: Hanane Eisentraut

Department: Engineering **Division:** Engineering

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

East Sanitary Sewer Extension Project - Award Contract

Purpose and Background

Five (5) bids were received for the East Sanitary Sewer Extension Project. Due to inflation and supply chain issues, the bids came in higher than anticipated. The project was bid with a main bid and an alternating bid. The main bid includes the installation of 9,000 feet of large sanitary sewer, 3,200 feet of force main, and 2 new pump stations. This sanitary sewer installation will start at the Fairborn Wastewater Treatment Plant and go north along the west side of State Route 4 to the Center Point 70 Commercial Park. This work will provide full sanitary service to Center Point 70. The bid for this work is shown on the attached bid sheet. The lowest and best bid for this work was from Helm & Sons at \$3,917,449.00. There was an alternate bid requested that was for installing sanitary sewer on Chambersburg Road starting at State Route 4 and going west up Chambersburg Road approximately 6,300 feet. Unfortunately, the alternate bid came in at \$1,515,942.00, making the total bid \$5,433,391.00. This total cost was about \$1,000,000.00 over the City Engineer's estimate. Due to this overage, the installation of the sewer line on Chambersburg Road will not be part of this award and the work will be deferred to a future year. This legislation will authorize the City Manager to enter into a contract with Helm & Sons Excavating, Inc. as the lowest and best bidder for the main bid for the East Sanitary Sewer Extension project at a cost not to exceed \$4,310,000.00. The Sewer Capital Fund will be utilized for the construction of this project.

Fiscal Impact

Source of Funds: Sewer Capital Fund

Cost: \$4,310,000

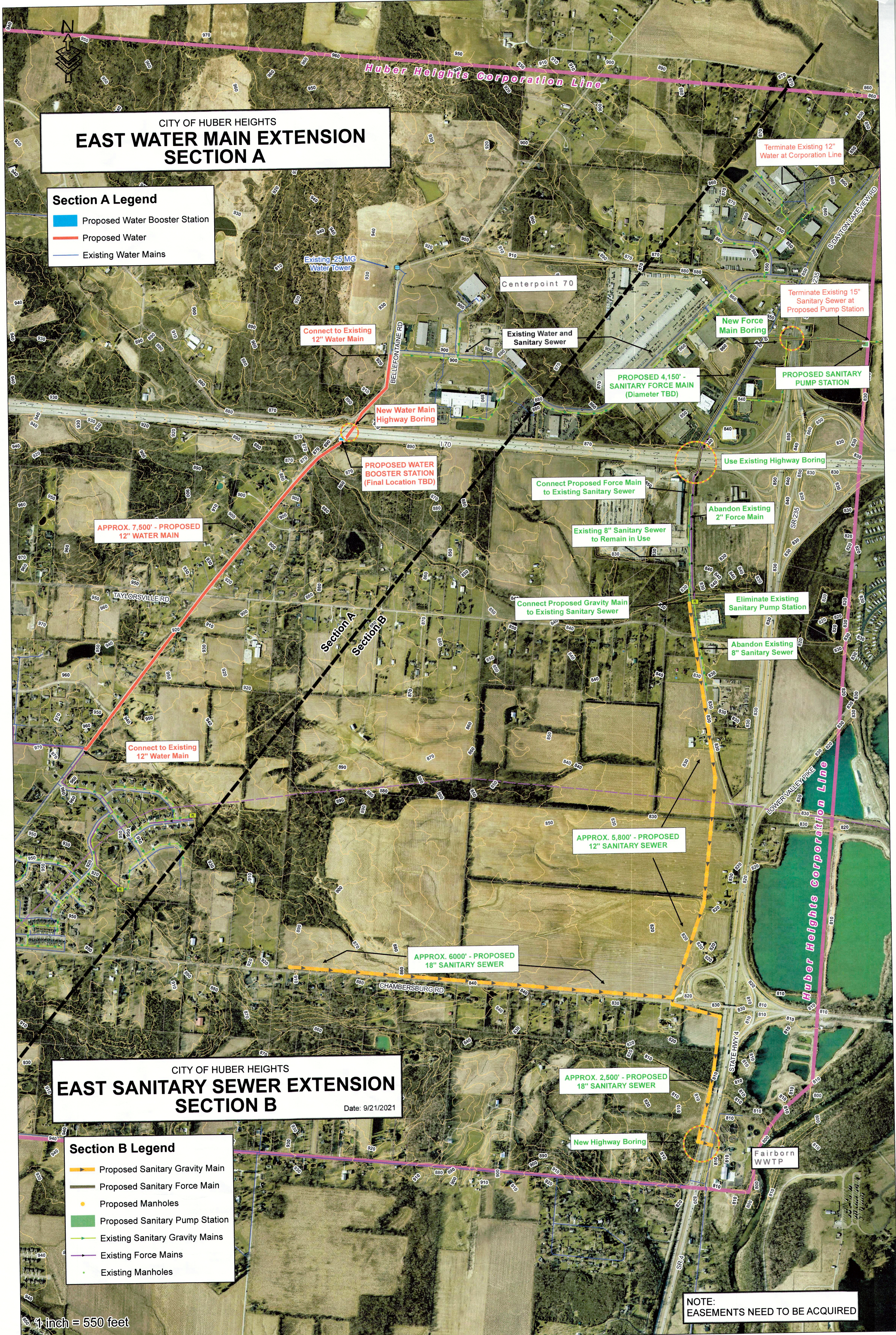
Recurring Cost? (Yes/No): No

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

Financial Implications:

Attachments

- Map
- Bid Results
- Resolution



CITY OF HUBER HEIGHTS
**EAST WATER MAIN EXTENSION
 SECTION A**

- Section A Legend**
- █ Proposed Water Booster Station
 - █ Proposed Water
 - Existing Water Mains

CITY OF HUBER HEIGHTS
**EAST SANITARY SEWER EXTENSION
 SECTION B**
 Date: 9/21/2021

- Section B Legend**
- █ Proposed Sanitary Gravity Main
 - █ Proposed Sanitary Force Main
 - Proposed Manholes
 - █ Proposed Sanitary Pump Station
 - Existing Sanitary Gravity Mains
 - Existing Force Mains
 - Existing Manholes

1 inch = 550 feet

NOTE:
 EASEMENTS NEED TO BE ACQUIRED

FINAL



**CITY OF HUBER HEIGHTS
EAST SANITARY SEWER EXTENSION
BID RESULT
BID DATE: JANUARY 20, 2023**

CONTRACTOR'S NAME	BASE BID	ALTERNATE BID CHAMBERSBURG SANITARY SEWER	TOTAL BID AMOUNT	
Kelchner	\$5,322,448.00	\$2,177,935.00	\$7,500,383.00	300 Calendar Days
			Bid Bond - Yes	
Milcon Concrete	\$4,411,829.25	\$1,311,325.40	\$5,723,154.75	220 Calendar Days
			Bid Bond - Yes	
Helms and Sons	\$3,917,449.00	\$1,515,942.00	\$5,433,391.00	220 Calendar Days
			Bid Bond - Yes	
Outdoor Enterprise	\$4,462,202.00	\$1,829,385.00	\$6,291,587.00	465 Calendar Days
			Bid Bond - Yes	
Kinnison Excavating	\$5,459,500.00	\$1,725,185.00	\$7,184,685.00	500 Calendar Days
			Bid Bond - Yes	

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE EAST SANITARY SEWER EXTENSION PROJECT.

WHEREAS, City Council under Resolution No. 2022-R-7188, dated October 24, 2022, has previously authorized the securing of bids for the East Sanitary Sewer Extension Project; and

WHEREAS, construction bids were received on January 20, 2023; and

WHEREAS, City Council has determined to proceed with this improvement.

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

Section 1. The City Manager is hereby authorized to enter into a contract for the East Sanitary Sewer Extension Project with Helms and Sons Excavating, Inc. as the lowest and best bidder at a cost not to exceed \$4,310,000.00 on the terms and conditions as substantially set forth in the specifications of the contract.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and 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

AI-9012

Topics of Discussion F.

Council Work Session

Meeting Date: 02/21/2023

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

County Assessments Removals

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

AI-9015

Topics of Discussion G.

Council Work Session

Meeting Date: 02/21/2023

Fire Division Staffing Update

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 02/07/2023 and 02/21/2023

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

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

Agenda Item Description or Legislation Title

Fire Division Staffing Update

Purpose and Background

This agenda item has been requested by Councilmembers Ed Lyons, Anita Kitchen, and Glenn Otto for an update on staffing in the Fire Division. The updated spreadsheet on the hiring activities in the Fire Division has been provided (see attached).

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

Spreadsheet

Firefighter/Paramedic Hiring Status

		Withdraw	No Response	Background	Conditional Offer	Psych.	Phys.	Prints	PAT	Paramedic Cert	Start Date	Count Based on Start Date
May 6, 2022 Eligibility List	Candidate 1			X	X	X	X	X	X	X	1/3/2023	34 of 42
	Candidate 2			X	X	X	X	X	X	X	1/3/2023	35 of 42
	Candidate 3			X	X	X	X	X	X	X	1/4/2023	36 of 42
	Candidate 4			X	X	X	X	X	X		TBD	39 of 42
December 9, 2022 Eligibility List	Candidate 1	X									X	
	Candidate 2			X	X	X	X	X	X	X	2/20/2023	38 of 42
	Candidate 3											
	Candidate 4			X	X	X	X	X	X	X	2/6/2023	37 of 42
	Candidate 5	X		X							X	
	Candidate 6											
	Candidate 7	X									X	
	Candidate 8	X		X	X	X	X		X	X	X	
	Candidate 9		X								X	
	Candidate 10	X									X	
	Candidate 11			X	X	X		X		X	TBD	40 of 42
	Candidate 12		X								X	
New Process started February 3, 2023 with a deadline for applications on February 24, 2023.												

	indicates conditional offer has been made
	indicates updates from previous meeting

AI-9014

Topics of Discussion H.

Council Work Session

Meeting Date: 02/21/2023

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 and 02/21/2023

Audio-Visual Needs: SmartBoard

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

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

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. This ordinance had a first reading at the January 23, 2023 City Council Meeting and a second reading at the February 13, 2023 City Council Meeting. The ordinance was passed to a third reading at the February 27, 2023 City Council Meeting to allow City Staff to address concerns about signs for Home Occupations. City Staff have provided information about signs for Home Occupations (see attached).

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

Information

Ordinance

From: [Aaron Sorrell](#)
To: [Chodkowski, Bryan](#); [Rodgers, Anthony](#)
Subject: Home Occupation Ordinance
Date: Wednesday, February 15, 2023 11:18:21 AM

CAUTION EXTERNAL EMAIL: This message originated from a non Huber Heights email server. DO NOT CLICK ANY LINKS or OPEN ANY ATTACHMENTS unless you have contacted the sender to verify its legitimacy or confirmed you were expecting it. Contact the IT Department if you need assistance.

Bryan & Tony,

During the council meeting, there was a question concerning the sign size for home occupations. The allowance of 4 square feet was intentional, and I do not view it as conflicting with the sign code.

We wanted to give a home-based business slightly more visibility. Let me know if I need to follow up with Council and the process for doing so.

Aaron

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-9018

Topics of Discussion I.

Council Work Session

Meeting Date: 02/21/2023

Vacation Rental Properties

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

Vacation Rental Properties

Purpose and Background

This agenda item was requested by Councilmember Richard Shaw to discuss vacation rental properties in the City.

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-9019

Topics of Discussion J.

Council Work Session

Meeting Date: 02/21/2023

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

Indigent Burial Policy

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

Policy

Application

Affidavit

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 recovery 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

AI-8988

Topics of Discussion K.

Council Work Session

Meeting Date: 02/21/2023

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

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

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-9017

Topics of Discussion L.

Council Work Session

Meeting Date: 02/21/2023

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

City Code - Supplement 12/Supplement 13 - Adopting Ordinance

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