



**CITY OF HUBER HEIGHTS
STATE OF OHIO
City Council Meeting
Regular Session - Amended
September 23, 2024
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 - Pastor Randy Griffith Of The Free Methodist Church At 6875 Old Troy Pike, Huber Heights, Ohio**
3. **Flag Ceremony - Wayne High School Junior ROTC Honor Guard**
4. **Pledge Of Allegiance**
5. **Roll Call**
6. **Approval Of Minutes**
 - A. City Council Meeting Minutes - September 9, 2024
7. **Special Presentations/Announcements**
 - A. National Service Dog Month Proclamation Presentation To Ms. Donna Sword, Canine Companions - Mayor Jeff Gore
 - B. Five Rivers MetroParks Presentation - Ms. Carrie Scarff, Chief Of Planning And Projects, Five Rivers MetroParks

8. **Citizens Comments - Agenda Items**

9. **City Manager Report**

10. **Pending Business**

- A. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$1,700,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Improving The Municipal Fire Safety Facilities By Constructing, Furnishing And Equipping A New Fire Station, And Otherwise Improving The Site Therefor, Together With All Necessary Appurtenances Thereto.
(second reading)
- B. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$3,250,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Improving The Municipal Fire Safety Facilities By Renovating, Equipping And Furnishing An Existing Fire Station And Otherwise Improving The Site Therefor, Together With All Necessary Appurtenances Thereto.
(second reading)
- C. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$2,934,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of The Meadows Infrastructure Project Including Constructing, Reconstructing, Extending, Opening, Improving, Widening, Grading, Draining And Changing The Lines Of Municipal Roads, Streets And Highways, Installing Curbs, Sidewalks And Landscaping, Installing, Improving And Relocating Street Lighting, Traffic Signalization And Electrical Lines, And Constructing, Reconstructing, Extending And Improving Storm Sewers And Culverts, Water And Sanitary Sewer Lines In Connection Therewith, And Acquiring Any Necessary Real Property And Interests Therein In Connection Therewith, Together With All Necessary Appurtenances Thereto.
(second reading)
- D. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$14,475,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Improving The City's Facilities By Constructing, Furnishing And Equipping A New Building To House The Public Works Department, Including Landscaping, Site Improvements, Any Necessary Utility Improvements, Constructing Related Parking Facilities, And Acquiring Real Property And Interests Therein In Connection Therewith, Together With All Necessary Appurtenances Thereto.
(second reading)
- E. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$14,577,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Improving The City's Municipal Waterworks System By Constructing And Installing Water Lines, Constructing A New Water Well, Rehabilitating Existing Water Lines, Acquiring Radio Read Water Meters And Acquiring Any Necessary Real Property And Interests Therein In Connection Therewith, Together With All Necessary Appurtenances Thereto.
(second reading)

- F. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$3,491,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Improving The City's Facilities By Constructing, Furnishing And Equipping A New Building To House The City Council Chambers And Other Administrative Purposes, Including Landscaping, Site Improvements, Any Necessary Utility Improvements, Constructing Related Parking Facilities, And Acquiring Any Necessary Real Property And Interests Therein In Connection Therewith, Together With All Necessary Appurtenances Thereto.
(second reading)
- G. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$6,000,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Improving The Public Infrastructure Serving The Carriage Trails Development By Acquiring Certain Real Property And Related Interests Therein And Related Roadways, Utilities And Other Related Public Infrastructure, Together With All Necessary Appurtenances Thereto.
(second reading)
- H. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$6,976,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Approximately 19.5 Acres Of Real Property Near The Intersection Of Brandt Pike And Fishburg Road, Providing For The Site Preparation Thereof, Improving And Rehabilitating Certain Buildings And Razing Certain Other Buildings Located Thereupon, All In Support Of Economic Development And Job Creation Within The City.
(second reading)
- I. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$2,300,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Approximately 16.5 Acres Of Real Property On Executive Boulevard And Providing For The Site Preparation Thereof, All In Support Of Economic Development And Job Creation Within The City.
(second reading)

11. **New Business**

CITY COUNCIL

Anthony Rodgers, Clerk Of Council

- A. A Motion To Direct The Clerk Of Council To Respond To The Ohio Division Of Liquor Control With No Objections In Reference To The Application For Change Of LLC Membership Interests For Liquor Permit #7511418 For Roosters At 5571 Merily Way, Huber Heights, Ohio 45424.
- B. 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 #0348647 For Blanco Bar And Lounge At 5478 Brandt Pike, Huber Heights, Ohio, 45424.

- C. A Public Hearing Scheduled For September 23, 2024 By The Huber Heights City Council For Case BDP 24-17. The Applicant Is Carriage Trails Co, LLC. The Applicant Is Requesting Approval Of A Rezoning From Agricultural (A) To Planned Mixed-Use (PM) And A Basic Development Plan For Property Located Between The Carriage Trails I Development And U.S. Route 40 And Further Described As Parcel Numbers A01-046600, A01-012310, A01-044400, A01-016400, A01-015000, A01-012210, A01-012220, And A01-012200 On The Miami County Auditor's Map.
- D. A Public Hearing Scheduled For September 23, 2024 By The Huber Heights City Council Regarding A Proposed Tax Increment Financing Incentive District To Be Established By The City Of Huber Heights, Ohio Under Ohio Revised Code Section 5709.40(c).

ADMINISTRATION

John Russell, City Manager

- E. An Ordinance To Approve A Rezoning From Agricultural (A) To Planned Mixed-Use (PM) And To Approve A Basic Development Plan Of 296.236 Acres For The Property Located Between The Carriage Trails I Development And U.S. Route 40 And Further Identified As Parcel Numbers A01-046600, A01-012310, A01-044400, A01-016400, A01-01500, A01-012210, A01-012220, And A01-012200 On The Miami County Auditor's Map And To Accept The Recommendation Of The Planning Commission (Case BDP 24-17).
(first reading)
- F. An Ordinance Creating A Tax Increment Financing Incentive District; Declaring Improvements To The Parcels Within The Incentive District To Be A Public Purpose And Exempt From Real Property Taxation; Requiring The Owners Of Those Parcels To Make Service Payments In Lieu Of Taxes; Establishing A Municipal Public Improvement Tax Increment Equivalent Fund For The Deposit Of Those Service Payments; Specifying The Public Infrastructure Improvements That Benefit Or Serve Parcels In The Incentive District; Authorizing Compensation Payments To Montgomery County, Ohio, The Huber Heights City School District, And The Miami Valley Career Technology Center.
(first reading)
- G. A Resolution Amending And/Or Establishing The City Of Huber Heights Organizational Chart And Authorizing The New Personnel Staffing Levels As Detailed Below.
(first reading)
- H. A Resolution Establishing And/Or Amending The Salary Ranges And Wage Levels For Employees Of The City Of Huber Heights, Ohio.
(first reading)
- I. A Resolution Accepting The Amounts And Rates As Determined By The Budget Commission Of Montgomery County, Ohio, Authorizing The Necessary Tax Levies, And Certifying The Amounts To The Montgomery County Auditor.
(first reading)

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

K. A Resolution Authorizing The City Manager To Enter Into Contract For The Curb And Sidewalk Improvement Project Along Brandt Pike At Thomas Cloud Park.
(first reading)

12. **Citizens Comments - General**

13. **City Official Reports And Comments**

14. **Executive Session**

15. **Adjournment**

AI-10350

Minutes A.

City Council Meeting

Meeting Date: 09/23/2024

Approval Of Minutes - 09/09/2024

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 - September 9, 2024

Purpose and Background

Approval of the minutes from the September 9, 2024 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 September 9, 2024. Mayor Jeff Gore called the meeting to order at 6:01 p.m.

2. Invocation - Pastor Randy Griffith Of The Free Methodist Church At 6875 Old Troy Pike, Huber Heights, Ohio

3. Pledge Of Allegiance

4. Roll Call

Present: Scott Davidson, Kathleen Baker, Mark Campbell, Nancy Byrge, Brian Looney, Fred Aikens, Don Webb, Jeff Gore

Absent: Anita Kitchen

Staff Clerk Of Council Anthony Rodgers; Law Director Christopher Conard;
Present: City Manager John Russell

Mayor Gore said Mrs. Kitchen notified Council at the last Council Work Session that she would be absent from the City Council Meeting and he asked for a motion to excuse her absence.

Mr. Campbell moved to excuse Mrs. Kitchen's absence; Mr. Davidson seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Aikens, Mr. Looney, Mr. Webb, and Mr. Davidson voted yea; none voted nay. The motion passes 7-0.

5. Approval Of Minutes

A. City Council Meeting Minutes - August 26, 2024

The minutes for the August 26, 2024 City Council Meeting were approved by the Huber Heights City Council as submitted.

6. Special Presentations/Announcements

A. Double H Square Dance Club 40th Anniversary Proclamation Presentation - Mayor Jeff Gore

Mayor Jeff Gore read and presented a proclamation to members of the Double H Square Dance Club.

Ms. Nancy Wilburn said some of those present have been members of the club for over thirty years. She said the Double H Square Dance Club will be giving lessons starting September 10, 2024 at the Sulphur Grove Methodist Church.

The members of the Double H Square Dance Club gave a square dance demonstration.

7. Citizens Comments - Agenda Items

Clerk of Council Anthony Rodgers said a citizen has registered to speak on Items 10-H and 10-J.

8. City Manager Report

City Manager John Russell discussed the progress on construction of the new Huber Heights Senior Center. He said an interview process for Firefighter/Paramedics began today and will hopefully yield three new hires. He said this process will also begin the Fire Recruit Program. He said the Fire Division will look for individuals enrolled in school and hire these individuals and provide on the job training. He said the Fire Division will hold an Open House on September 29, 2024. He said that event kicks off Fire Prevention Month in October. He said the Police Division will initiate a hiring process on September 10, 2024 which will hopefully yield four new hires. He said the Police Division is looking at beginning a cadet program to identify police officers who are in school or want to go to school and provide on the job training and an offer of hire at the completion of school. He said Officer Dylan Oney completed his field training and is now on shift, and Drew Metzger and Rylan Dilbeck are in the process of the FTO Program. He said The Big Hoopla Event was an outstanding success and exhibited a show of military appreciation. He said on September 6, 2024, the Community Outreach Staff participated in the Military Appreciation Game at Wayne High School. He said the City handed out approximately 2,500 t-shirts. He thanked the Police Explorers for assisting and he thanked Huber Heights City Schools. He said the Community Garage Sale will take place September 12-15, 2024. He said fire hydrant flushing is still underway.

Mayor Gore said with all of the difficulty that communities are having with hiring EMS personnel, he appreciates the out of the box thinking to hire personnel. He said the plans for the Police Division cadet programs are terrific.

Ms. Baker asked if the City is planning to help these students with tuition assistance.

Mr. Russell said City Staff are in the process of trying to figure out the costs. He said the City will be paying the trainees for the on the job training. He gave an update on the City's water infrastructure and water main breaks. He said he does not have a breakdown of how many water main breaks were caused by contractors versus how many were caused for other reasons. He said the water main breaks are trending downward.

Mayor Gore said all of the legislation regarding the issuance of notes on the meeting agenda will be recommended to move to a second reading. He asked Mr. Russell for comparisons on the water infrastructure prior to the vote at the next City Council Meeting. He said all of Council would like to know that the money that has been spent on the water infrastructure has helped address the problem and give Council more confidence moving forward on the new plan.

Mr. Russell said he will try to have the information for Council at the next Council Work Session.

9. Pending Business

There was no pending business.

10. 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 #94422770015 For Wawa At 4949 Chambersburg Road, Huber Heights, Ohio, 45424.

Mr. Rodgers said this item has been reviewed by the Police Division and the Fire Division with no objections to the new liquor permit for Wawa.

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

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

ADMINISTRATION

John Russell, City Manager

- B. An Ordinance Amending Ordinance No. 2024-O-2625 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2024 And Ending December 31, 2024.
(first reading)

Mr. Russell said this legislation authorizes supplemental appropriations for the revisions to the Table Of Organization for the two Assistant City Manager positions, funds temporary staffing in the Tax Division, and will authorize the first two months' lease payments for the new Huber Heights Senior Center.

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

Mrs. Byrge moved to waive the second reading; Mr. Davidson seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Aikens, Mr. Looney, Mr. Webb, Mr. Davidson, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 7-0.

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

- C. A Resolution To Increase The Not To Exceed Amount For Creative Financial Staffing For The Income Tax Division Of The Finance Department In Calendar Year 2024.
(first reading)

Mr. Russell said the City utilizes Creative Financial Staffing for temporary staffing services in the Tax Division. He said this legislation increases the not to exceed amount for Creative Financial Staffing by \$57,000.00.

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

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

- D. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$1,700,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Improving The Municipal Fire Safety Facilities By Constructing, Furnishing And Equipping A New Fire Station, And Otherwise Improving The Site Therefor, Together With All Necessary Appurtenances Thereto.
(first reading)

Mr. Russell had no comments on this item.

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

- E. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$3,250,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Improving The Municipal Fire Safety Facilities By Renovating, Equipping And Furnishing An Existing Fire Station And Otherwise Improving The Site Therefor, Together With All Necessary Appurtenances Thereto. (first reading)

Mr. Russell had no comments on this item.

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

- F. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$2,934,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of The Meadows Infrastructure Project Including Constructing, Reconstructing, Extending, Opening, Improving, Widening, Grading, Draining And Changing The Lines Of Municipal Roads, Streets And Highways, Installing Curbs, Sidewalks And Landscaping, Installing, Improving And Relocating Street Lighting, Traffic Signalization And Electrical Lines, And Constructing, Reconstructing, Extending And Improving Storm Sewers And Culverts, Water And Sanitary Sewer Lines In Connection Therewith, And Acquiring Any Necessary Real Property And Interests Therein In Connection Therewith, Together With All Necessary Appurtenances Thereto. (first reading)

Mr. Russell had no comments on this item.

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

- G. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$14,475,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Improving The City's Facilities By Constructing, Furnishing And Equipping A New Building To House The Public Works Department, Including Landscaping, Site Improvements, Any Necessary Utility Improvements, Constructing Related Parking Facilities, And Acquiring Real Property And Interests Therein In Connection Therewith, Together With All Necessary Appurtenances Thereto. (first reading)

Mr. Russell had no comments on this item.

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

- H. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$14,577,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Improving The City's Municipal Waterworks System By Constructing And Installing Water Lines, Constructing A New Water Well, Rehabilitating Existing Water Lines, Acquiring Radio Read Water Meters And Acquiring Any Necessary Real Property And Interests Therein In Connection Therewith, Together With All Necessary Appurtenances Thereto. (first reading)

Mr. Russell had no comments on this item.

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

Mr. Kevin Carter said he has issues with the way this ordinance is worded. He said he does not read "constructing and installing" as meaning the replacement of existing water lines. He said he does not read "constructing and installing water lines" as not foregoing any expansion to the east or north for more growth. He said given the issues seen with the water mains and the Water Main Replacement Program as a whole, including the history of underfunding needed repairs, he sees that by not specifically designating \$6 million of the \$14.5 million solely for water main

replacement as a major mistake. He said late last year, the City Council had discussions and approved future funding for water main replacement projects to occur at 18-month cycles, with each cycle having \$6 million in designated funds. He said this year when the budget was discussed, the \$6 million was reduced to \$1.8 million. He said the decreased funding was questioned, and the answer provided was that amount was all the City could afford without significant rate increases. He said that action was followed by a statement by the City Manager at that time that \$50,000 had been budgeted for a water and wastewater rate study to be conducted. He said Mayor Gore mentioned after that time about financing \$20 million to have the Water Main Replacement Program completed. He said even though the City is seeing decreased water main breaks at this time, the City cannot forego and forget the water main study paid for by the City that highly recommended and set out a specific timeline and path on how the water main replacement was to occur. He said the City is flirting with disaster if the City starts backing off of that study. He said validation of that fact is, in a previous meeting, Mr. Sorrell discussed a wastewater line that collapsed on Hubbard Court that had been scoped three years prior to the incident. He said after the repavement, the line collapsed. He said if the City prolongs the process because it is not seeing the rate of breaks that was seen last year and if the problem comes back again it might be a cost the City is not able to afford. He suggested the City stay on track with the 18-month cycle of \$6 million per cycle and he would like to have the ordinance reworded where \$6 million is designated solely for water main replacement and the remaining balance goes to the remaining water infrastructure projects listed.

Mayor Gore said the \$1.8 million was not a reduction from the \$6 million. He said the \$1.8 million is what the City has in annual funds in the City Budget to allocate for water main replacement. He said what the City decided to do was instead of spending \$1.8 million per year directly on these projects, was to see how much money the City could borrow for an annual debt service payment of \$1.8 million. He said that allows the City to take the notes out for a much bigger amount and it is the \$20 million Mr. Carter heard him reference altogether.

Mr. Carter said it is getting confusing, so he asked for full clarity to put people's minds at ease.

Mayor Gore asked if the legislation can be changed to reflect this wording.

Mr. Rodgers said the legislation cannot be changed without the consent of bond counsel because this ordinance is strictly worded legally as required for the issuance of these notes. He said a statement outside of the legislation could be done by Council to bring clarity to the process.

Mayor Gore said it is the understanding of Council that the City is spending \$1.8 million per year as a debt payment on a much larger amount of money to be used for water main replacement projects. He asked Mr. Carter if this legislation is not changed and it is passed at the second reading, and if there is a statement prepared by Council that clarifies where the money is going and how much is going to the water main replacement, would that be sufficient?

Mr. Carter said as long as the explanation is in writing that would be sufficient because he has learned if it is a verbal promise, things change. He said if it is in writing, it is clear cut to everyone.

Mayor Gore said he understands and he re-explained the debt service payment issue.

- I. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$3,491,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Improving The City's Facilities By Constructing, Furnishing And Equipping A New Building To House The City Council Chambers And Other Administrative Purposes, Including Landscaping, Site Improvements, Any Necessary Utility Improvements, Constructing Related Parking Facilities, And Acquiring Any Necessary Real Property And Interests Therein In Connection Therewith, Together With All Necessary Appurtenances Thereto.
(first reading)

Mr. Russell had no comments on this item.

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

- J. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$6,000,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Improving The Public Infrastructure Serving The Carriage Trails Development By Acquiring Certain Real Property And Related Interests Therein And Related Roadways, Utilities And Other Related Public Infrastructure, Together With All Necessary Appurtenances Thereto.
(first reading)

Mr. Russell had no comments on this item.

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

Mr. Kevin Carter asked if this ordinance is for improving the public infrastructure in Carriage Trails or a repayment to DEC for costs associated with developing the infrastructure in Carriage Trails I? He said on August 26, 2024, Ordinance No. 2024-O-2652 was passed and in that ordinance was the same dollar amount. He said when he reads the documentation associated with that ordinance, there are specific requirements listed that the developer must adhere to. He asked if the developer delivered on these requirements and if the City received and approved all of the required documents? He said the purpose of Ordinance No. 2024-O-2652 is to reimburse the developer who must submit within thirty (30) days of the effective date a detailed report and supporting invoices totaling at least \$6 million in actual expenditures. He said if the receipts are greater than \$6 million will residents see an additional need for more monies? He said this current ordinance mentions nothing of DEC or reimbursements to DEC, but instead clearly states this legislation is for the costs of improving the public infrastructure serving the Carriage Trails Development. He said that language is a very open statement. He said these are two separate and distinct ordinances. He said the dollar amount has remained the same, but the wording has changed. He said Finance Director Jim Bell verbally presented these ordinances as essentially being one in the same. He asked what is being funded by this particular ordinance? He said it is his understanding this amount is a free loan or cash advance to the developer which the developer does not repay. He said the residents of the community will actually repay the loan over a 20 to 30 year period through various property assessments. He said the way he reads this ordinance is that the City is going to reimburse the developer for infrastructure costs from Carriage Trails I, and now the City is giving the developer a \$6 million advance to provide infrastructure for Carriage Trails II, and when Carriage Trails II is developed, the proceeds will repay the \$6 million loan.

Mayor Gore said this legislation allows the City to go out on the open market and secure funding through the issuance of notes and it has to be written in a very specific manner. He said the wording is confusing and he apologized. He said this wording is the way the ordinance is written to legally go out and get the notes. He said the \$6 million being funded is a reimbursement for money DEC has already spent on infrastructure in Carriage Trails I. He explained one of the development agreements from years ago had a TIF revenue split between the City and the developer. He said the developer is owed much more than \$6 million and this amount is a settlement agreement to pay the developer now so the City is saving money, and it allows the City to receive two thirds of the remainder of the TIF revenue over the next 12 to 13 years. He said the City is paying the developer on an accelerated schedule because the developer is taking a much depreciated cost of what the developer has already spent. He said that money settles and solves that agreement before moving on to Carriage Trails II.

Mr. Webb asked Mayor Gore to clarify the infrastructure costs in Carriage Trails II.

Mayor Gore said with the CRA money within the Carriage Trails II development, there are no agreements for subsidized funding on the lots in Carriage Trails II, and the City is putting zero money into Carriage Trails II.

Mr. Davidson said when the City gives the developer \$6 million, then 100 percent of the TIF revenue goes to Huber Heights.

Mayor Gore said this payment ends the City's original development agreement with DEC for Carriage Trails II.

- K. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$6,976,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Approximately 19.5 Acres Of Real Property Near The Intersection Of Brandt Pike And Fishburg Road, Providing For The Site Preparation Thereof, Improving And Rehabilitating Certain Buildings And Razing Certain Other Buildings Located Thereupon, All In Support Of Economic Development And Job Creation Within The City.
(first reading)

Mr. Russell had no comments on this item.

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

- L. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$2,300,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Approximately 16.5 Acres Of Real Property On Executive Boulevard And Providing For The Site Preparation Thereof, All In Support Of Economic Development And Job Creation Within The City.
(first reading)

Mr. Russell had no comments on this item.

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

11. Citizens Comments - General

Mr. Kevin Carter said there are things that need to get discussed to straighten out the City. He said he is speaking on his behalf only on the referendum on the annexation of Bethel Township land. He said residents signing the petitions or merely taking the time to talk provided him with invaluable insights and a wealth of knowledge about the City of Huber Heights and Bethel Township. He said children shared what they see in their school and classrooms today. He said he realized the children are the residents impacted the most, but they have no voice in this annexation. He said the residents of Bethel Township are greatly affected by the annexation and they have no voice. He continued to read a statement. He said ultimately the PAC could have and should have implemented its effort earlier as the outcome would have been vastly different. He apologized to all residents for not doing a better job. He said his participation was solely to have the residents' voices heard and to decide what the City should or should not do be it for or against the annexation. He said a Dayton Daily News article quoted Mayor Gore stating that if there were enough votes to put this issue on the ballot, he would make sure the people are educated on the facts of the annexation and not just to side with those who are against the annexation. He asked why Mayor Gore did not do that before Council approved the annexation? He said the effort was not far from showing Council what "no" looked like. He said a Councilmember on August 8, 2024, sent him several messages stating the Town Hall Meeting was one of several meetings that would be required before a vote could occur and he listed several questions the Councilmember still had and he stated City Staff had been tasked to research and provide answers. He said two weeks later, the annexation was approved. He asked when and where those questions were answered and provided for residents to see and when and where did all of the additional Town Hall Meetings and public discussions occur? He asked if getting this issue on the ballot was the only way residents would be fully educated?. He said dispelling constituents' input needs to stop as one Councilmember did verbally during the Marian Meadows development discussion and more recently as most of Council silently did for the annexation. He said the false promises need to stop. He said in

January, 2024, one Councilmember said the City is doing so great that it is time to reward the residents with a property tax reduction, and then tasked the Finance Director to research and provide Council with recommendations. He said nothing has been heard since about this issue. He asked if the school proposed in the annexation agreement will fall silent too and are all the conditions and requirements for the school fully understood by all. He asked if the annexation moratorium was another false promise that falls silent as well. He discussed an aggressive verbal altercation that happened with a City volunteer during the petition drive. He said that situation further validates that division as intimidation appears to be the City's true objective. He said the City's actions left residents no other recourse than to organize and to attempt to have the annexation placed on the ballot. He said in four and a half days, the PAC obtained 54 percent of the needed signatures. He said this effort makes a loud and clear statement that the residents are unhappy, concerned, and have simply had enough. He said doing this referendum also showed the residents that options are available. He said a Councilmember made a comment and labeled the members of the PAC as a dark shadowy body and seems to think there is a conspiracy going on. He said please stop and embrace the fact that for all of the residents to do better, all of Council must do better first. He said the residents listen to Council, and it is time that the Council starts listening to the residents.

Mr. Jeff Morford said over the past 20 years, Huber Heights City Councilmembers have voted on numerous occasions to accept annexation requests from landowners/developers and have obtained approximately 1,000 acres and approved the building of thousands of houses on land located in Miami County and governed by the Bethel Township Trustees for hundreds of years. He said the voting has changed the lives of Bethel Township residents. He said Council has heard from residents of Huber Heights and Bethel Township. He said in a four day period, well over 1,000 Huber Heights voters were willing to sign a referendum petition going on record that they disagree with Council's voting on the annexation issue and developments. He said after all of this information, a majority of Council voted to accept the annexation request. He discussed the recognition of the Richard F. Shomper Governance Center and Mr. Shomper's commitment to fight the City of Dayton's annexation of Wayne Township. He said when realizing Bethel Township was against annexation and developments, he would have liked to believe Huber Heights and its leaders would have seen the similarities in the unwanted takeover bid and the loss of governing ability and would have been the first to come to Bethel Township's rescue by helping in all regards. He said the Huber Heights City Council voting history has not proven to be sympathetic or compassionate. He said he would like to believe Mr. Shomper would have been disappointed that his community has lost some of the important attributes that have made Huber Heights a great City. He discussed the U.S. Constitution and the rights of citizens. He said the most important part of the U.S. Constitution is democracy and the right and privilege to vote. He discussed the denial of voting rights and discrimination. He challenged all elected officials and representatives to stand tall with the oath of office. He read the Golden Rule.

12. City Official Reports And Comments

Mr. Webb said September 10, 2024 is the groundbreaking for the Wawa at Chambersburg Road and Old Troy Pike. He said there is no parking at the site, and parking is available at the Huber Heights Community Center and the F.O.P. Lodge on Powell Road where a shuttle service will be available. He said the groundbreaking ceremony is from 10:00 a.m. to 11:00 a.m. He said Wawa snacks will be provided along with a presentation on what Wawa intends to do as far as community involvement.

Mr. Charles French asked permission to speak to Council. He said he is a resident of Columbus, Ohio and he used to live in Dayton, Ohio. He said he is familiar with Huber Heights and he said he has a missing son, Aldric Miller French. He said his son has been missing for one and a half years. He said his son is suspected to be in the Huber Heights area as his biological mother, Erica Miller, has taken their son and is wanted by the state authorities for interference of custody. He said he has full custody and he gave information on the warrants. He said it is his concern that the Huber Heights Police Division has not taken a fully vested interest in this case due to

the suspect being a long-time resident of Huber Heights. He said he is asking for the cooperation of the City Council and the residents of Huber Heights to be on the lookout for Erica Miller who may also go by the name of Erica Hammond and to contact 9-1-1 or contact Private Investigator Patrick O'Connell at (937) 442-8620. He left flyers and he said the photo was taken when his son was 5 to 6 months old, and his son was taken seven days before he turned 6 months old. He gave more in-depth information. He said he is doing everything he can to find his son and he asked Council to spread the message further. He said Erica Miller grew up off of Leycross Drive, and it is the address she still uses for the court. He said all of the court documents are filed through the Franklin County, Ohio Juvenile Court.

Mayor Gore asked if anyone on Council would have a problem with him meeting with the City Manager and the Police Chief to discuss Mr. French's information.

There were no objections from the City Council.

13. Executive Session

There was no need for an Executive Session.

14. Adjournment

Mayor Gore adjourned the Regular Session City Council Meeting at 7:11 p.m.

Clerk of Council

Date

Mayor

Date

AI-10381

Special Presentations/Announcements A.

City Council Meeting

City Council

Meeting Date: 09/23/2024

National Service Dog Month 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

National Service Dog Month Proclamation Presentation To Ms. Donna Sword, Canine Companions - Mayor Jeff Gore

Purpose and Background

Mayor Jeff Gore will present a mayoral proclamation to designate September, 2024 as National Service Dog Month in Huber Heights to a representative from Canine Companions.

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



City of Huber Heights Mayoral Proclamation 2024 National Service Dog Month

WHEREAS, Canine Companions believes in the joyful, transformative power of the human-canine bond and inclusivity of all citizens; and

WHEREAS, in the United States, 64 million adults and children have a disability, and only 16,000 service dogs from accredited training programs exist nationwide and the need is growing; and

WHEREAS, Canine Companions is a nonprofit organization that enhances the lives of people with disabilities by providing expertly trained service dogs and ongoing support to ensure quality partnerships; and

WHEREAS, Canine Companions and its service dogs empower people with disabilities to lead life with greater independence, by providing best-in-class training, ongoing follow up services, and a deeply committed community of support; and

WHEREAS, National Service Dog Month aims to educate the community about the benefits of service dogs and the laws protecting service dogs; and

WHEREAS, the City of Huber Heights, Ohio continues to work towards becoming an inclusive community in which all citizens and their service dogs are embraced.

THEREFORE, in recognition of service dogs and the adults and children with disabilities in the Huber Heights community, I, Jeff Gore, Mayor of the City of Huber Heights, Ohio do hereby proclaim the month of September, 2024 as

National Service Dog Month

in the City of Huber Heights, and I encourage all citizens to celebrate service dogs and be respectful of the rights afforded to the adults, children, and veterans who lead more independent lives because of the assistance of service dogs.

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

JEFF GORE
MAYOR

AI-10380

Special Presentations/Announcements B.

City Council Meeting

Meeting Date: 09/23/2024

Five Rivers MetroParks Presentation

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: None

Date(s) of Committee Review: N/A

Audio-Visual Needs: SmartBoard

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

Five Rivers MetroParks Presentation - Ms. Carrie Scarff, Chief Of Planning And Projects, Five Rivers MetroParks

Purpose and Background

Ms. Carrie Scarff, Chief Of Planning And Projects, Five Rivers MetroParks will be giving a PowerPoint presentation to the City Council and the public on Five Rivers MetroParks.

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

Presentation



FIVE RIVERS
METROPARKS



TM



DAYTON - MONTGOMERY COUNTY PARK DISTRICT
LET'S WIN THE RACE FOR OPEN SPACE

- PICNICKING
- DAY CAMPS
- BOATING
- FISHING
- HIKING
- NATURE STUDY
- HORSE TRAILS
- CAMPING

PARKS FOR PEOPLE

VOTE
YELLOW
FOR
GREEN SPACE
FOR
PARKS AND RECREATION

Protecting the region's natural heritage
for more than 60 years



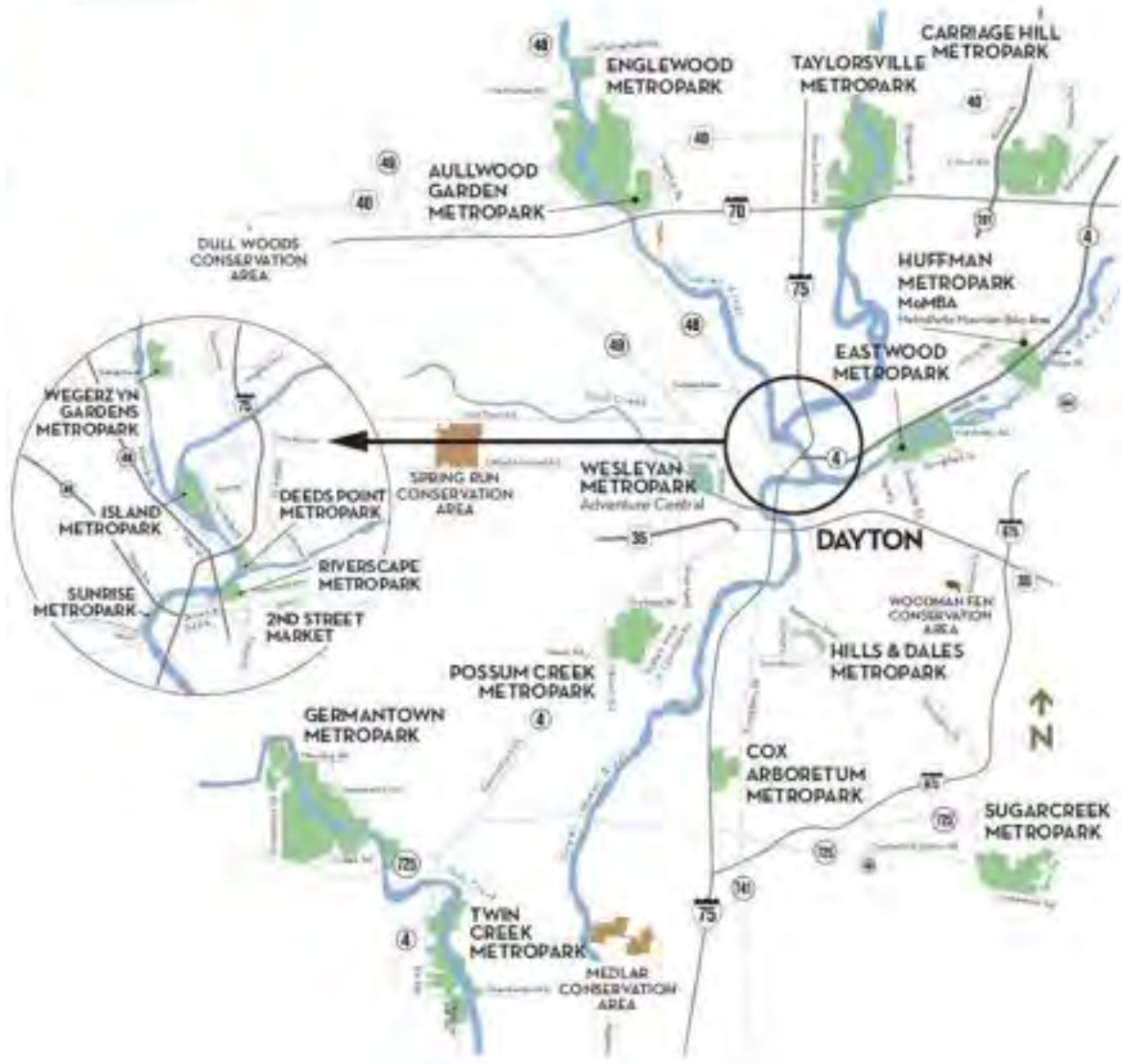
Mission: Protect the region's natural heritage and provide experiences that inspire a personal connection with nature



METROPARKS.ORG

Park Locations

Montgomery County



METROPARKS.ORG

CONSERVATION

90% of Land Managed as Natural Area



METROPARKS.ORG



EDUCATION

Teaching kids and adults about nature so they connect to it and come to love it.



METROPARKS.ORG

RECREATION

Making it fun and easy to live an active, healthy outdoor lifestyle.



EVENTS

Building community around nature



METROPARKS.ORG

MetroParks are about quality of life



MetroParks are accessible to all



What will the 2024 levy will support?




What if the levy doesn't pass?



Voting 101

- **Voter Registration Deadline: Monday, October 7, 2024**
- **Confirm your voting location with the Board of Elections**
- **Plan to vote absentee or early if needed. Process begins beginning Tuesday, October 8, 2024**
- **Election Day: Tuesday, November 5**
Polls open from 6:30am – 7:30pm





By law, Five Rivers MetroParks cannot advocate for this issue. An independent campaign committee, Five Rivers MetroParks Levy Committee, has formed to do this. To contact the campaign committee, you can visit their website:

VoteforFiveRivers.org

AI-10351

**Pending Business A.
City Manager**

City Council Meeting

Meeting Date: 09/23/2024

Issuance Of Notes - Refunding - Fire Station 25 - \$1,700,000

Submitted By: Jim Bell

Department: City Manager

Division:

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 09/03/2024

Audio-Visual Needs: None

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$1,700,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Improving The Municipal Fire Safety Facilities By Constructing, Furnishing And Equipping A New Fire Station, And Otherwise Improving The Site Therefor, Together With All Necessary Appurtenances Thereto.
(second reading)

Purpose and Background

The following series of nine (9) note ordinances on the meeting agenda for refunding and new money were discussed at the September 3, 2024 Council Work Session. A copy of the updated presentation given by Andy Brossart at this meeting has been provided as requested (see attached).

The attached ordinance will allow the City to issue 8-month notes in the amount of \$1,700,000 for the refunding of the notes issued in 2015 for the cost of the construction of Fire Station 25. The estimated tax-exempt rate for this note is 5.5%. The City's Municipal Advisor, Andy Brossart, will make a brief presentation at the Sepyember 3, 2024 Council Work Session and be available to answer any questions. City Staff are requesting this ordinance be passed as non-emergency legislation with final approval at the City Council Meeting on September 23, 2024, so the notes can be sold with eight additional notes, and the proceeds received prior to the maturity of the notes issued in 2015.

Fiscal Impact

Source of Funds:

Notes

Cost:

\$1,700,000

Recurring Cost? (Yes/No):

No

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

Financial Implications:

Attachments

Presentation
FOC
Ordinance



Bond Market Update
Outstanding Debt Summaries
Series 2024 BANs

Debt Summary



Overview of Ratings by Various Agencies

Bond Rating Services	Best Quality	High Quality			Upper Medium Grade			Medium Grade		
MOODY'S INVESTORS SERVICE	Aaa	Aa1	Aa2	Aa3	A1	A2	A3	Baa1	Baa2	Baa3
STANDARD & POOR'S	AAA	AA+	AA	AA-	A+	A	A-	BBB+	BBB	BBB-
FitchRatings	AAA	AA+	AA	AA-	A+	A	A-	BBB+	BBB	BBB-



Ratings By Security

Aa3 – General Obligation Rating – Moody’s -AA – Income Tax Revenue – S&P

A1 – Water Revenue Rating – Moody’s -AA - Water Revenue Rating – S&P

Rating Factors That Could Lead to an Upgrade:

- Improvement in economic and demographic indicators including population, income & wealth
- Moderation of the City’s debt burden

Rating Factors That Could Lead to a Downgrade:

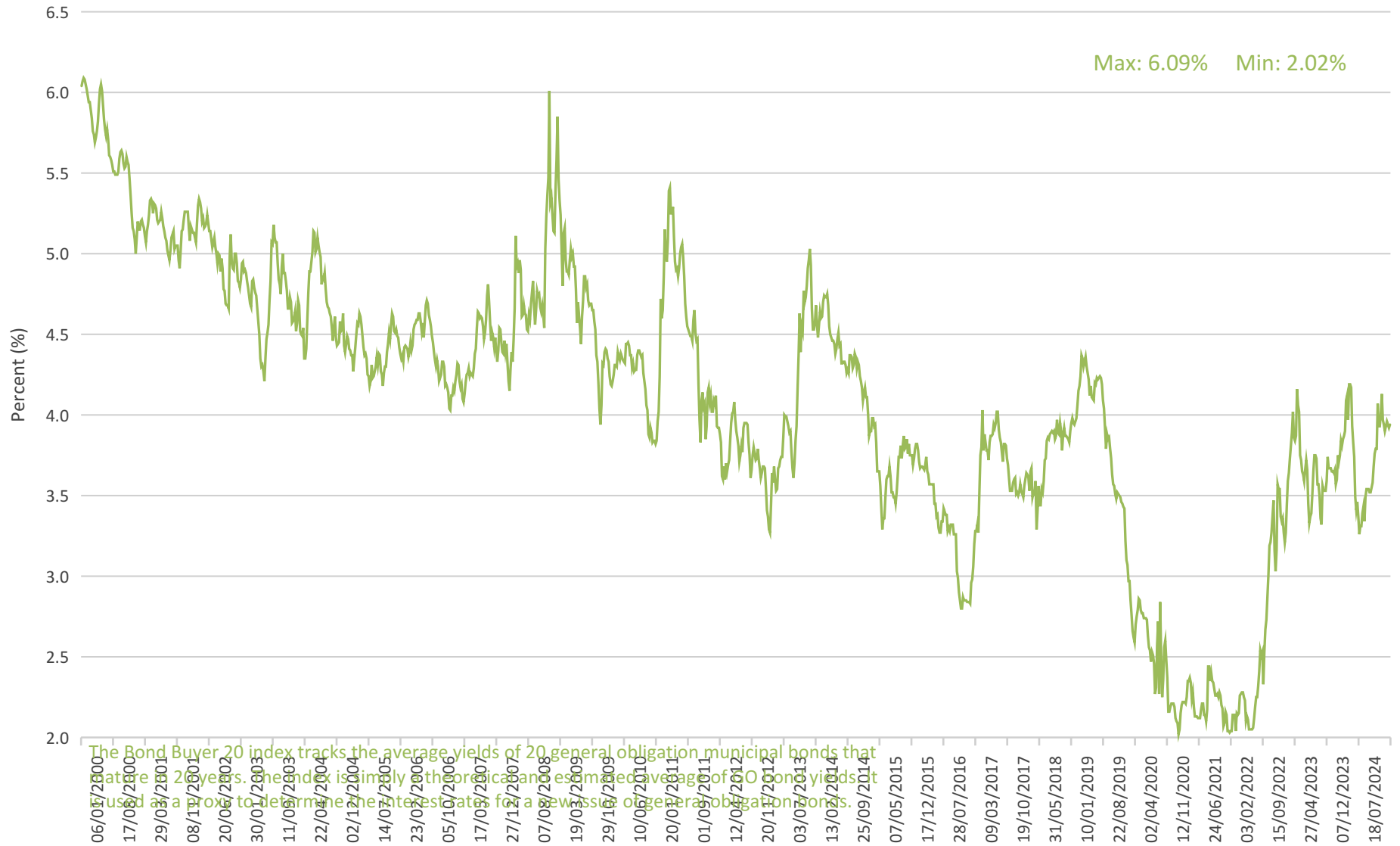
- Deterioration of the City’s economic profile, inclusive of population and income declines
- Structurally imbalanced operations leading to decline in fund balance or liquidity
- Any notable increases in the City’s debt or pension burdens

Sources: Moody’s, S&P, Fitch

Tax Exempt Interest Rates | Benchmark Yields



Bond Buyer 20-Bond GO (“General Obligation”) Index (August 1, 2024)

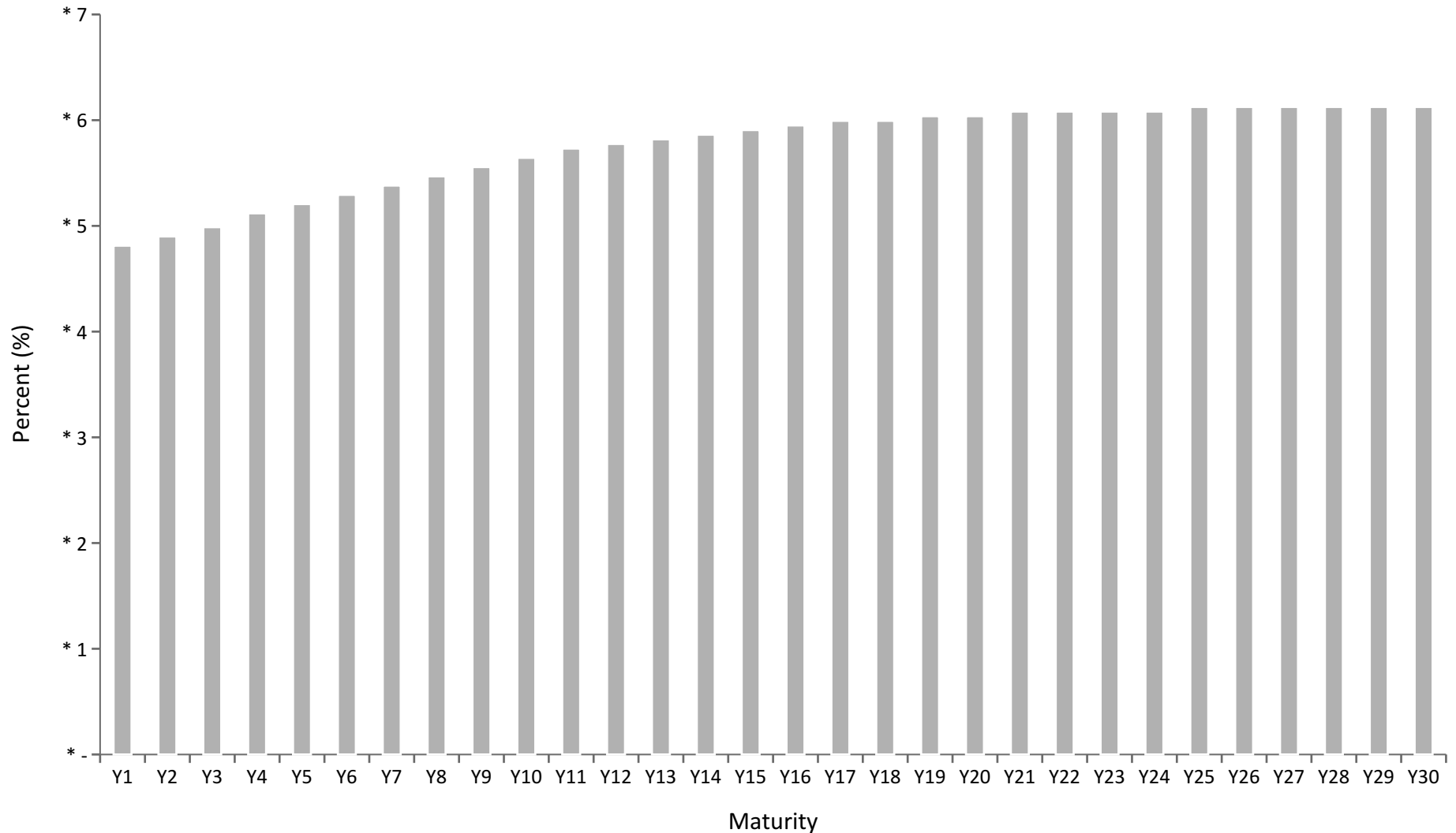


Source: Bond Buyer

Tax Exempt Interest Rates | Benchmark Yields



AAA MMD Range by Maturity: Current Market vs. Average Rates
Range from 1991 - Current Market (August 1, 2024)

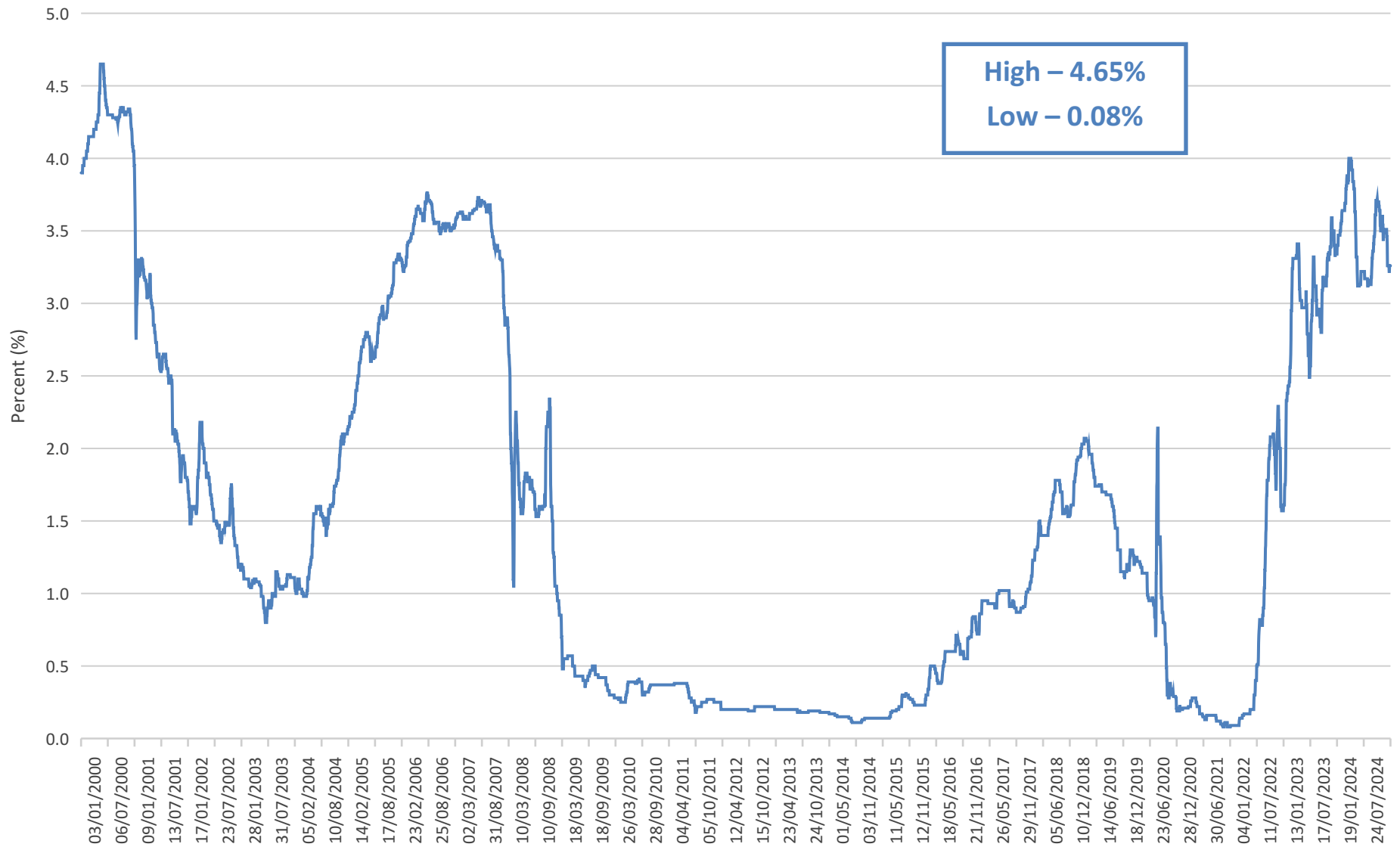


Source: Refinitiv, TM3

Tax Exempt Interest Rates | Benchmark Yields



Short-Term (MIG-1 12 Month Index) Benchmark Rate (August 1, 2024)



Source: Refinitiv, TM3

2024 BAN Renewal and New Money Needs



BAN Description	2023 Issued Amount	2024 New Money Needs	Capitalized Interest	2024 Total Issued Amount	Funding Source
Public Works Facility - Design	\$650,000	\$0	\$31,000	\$681,000	Mont. County TIF, Gas Tax Fund, Water/Sewer/Storm
Public Works Facility – Const.	\$5,000,000	\$8,000,000	\$239,000	\$13,239,000	Mont. County TIF, Gas Tax Fund, Water/Sewer/Storm
Governance Center - Design	\$550,000	\$100,000	\$27,000	\$677,000	Dogtown CRA Meadows TIF Authentix TIF
Fire Station #23 Renovation	\$0	\$3,250,000	\$0	\$3,250,000	Fire Cap Fund
Dayton Strip Mall Renovation	\$3,000,000	\$0	\$192,000	\$3,192,000	Dogtown CRA Meadows TIF Authentix TIF
The Meadows Infrastructure	\$2,800,000	\$0	\$134,000	\$2,934,000	Dogtown CRA Meadows TIF Authentix TIF
Land Purchase – Public Works Facility	\$588,000	(\$62,000)	\$29,000	\$555,000	Mont. County TIF, Gas Tax Fund, Water/Sewer/Storm
Land Purchase on Executive	\$0	\$2,300,000	\$0	\$2,300,000	Future Land Sale

2024 BAN Renewal and New Money Needs (continued)



BAN Description	2023 Issued Amount	2024 New Money Needs	Capitalized Interest	2024 Total Issued Amount	Funding Source
2023 Water Main Construction	\$2,700,000	\$0	\$129,000	\$2,829,000	Water Fund
New Water Well	\$3,100,000	\$0	\$148,000	\$3,248,000	Water Fund
Water Main Construction 2025-2030	\$0	\$6,000,000	\$0	\$6,000,000	Water Fund
Radio Read Water Meters	\$0	\$2,500,000	\$0	\$2,500,000	Water Fund
Fire Station #25 Bond Refinancing	\$1,800,000	(\$100,000)	\$0	\$1,700,000	Fire Cap Fund
2020 Property Acq. City Administration	\$2,685,000	\$0	\$129,000	\$2,814,000	Dogtown CRA Meadows TIF Authentix TIF
2020 Taxable Note Property Acquisition	\$4,262,000	(\$750,000)	\$272,000	\$3,784,000	Future Land Sale
TOTALS	\$27,135,000	\$27,238,000	\$1,330,000	\$55,703,000	

Debt Summary



Overview of Outstanding Bond Issues & Repayment Source

Series	2010B	2015-SIB	2004-SIB	2005-SIB	2010-SIB	2020-SIB	2017	2017-HB1	2017-HB2	2017	2017-FM	2017-FM2
Security	LTGO	SIB Loan	SIB Loan	SIB Loan	SIB Loan	SIB Loan	LTGO	LTGO	LTGO	LTGO	LTGO Ref	LTGO Ref Bank Place.
Purpose	New Money	Music Center Parking Facility	State Route 202 / I-70 #0410	State Route 202 / I-70 #0510	Car. Trls Public Impr. #190017	Car. Trls Public Impr. #200007	Carriage Trails TIF	Carriage Trails Note Retirement	Carriage Trails (TIF, Amend # 19)	Carriage Trails and Music Center	Carriage Trails Infrastructure SA	Music Center Debt
Tax Status	Taxable	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Original Par	\$6,375,000	\$3,802,411	\$2,102,465	\$822,895	\$1,139,540	\$1,286,000	\$5,975,000	\$4,961,000	\$1,014,000	\$10,810,000	\$2,180,000	\$8,630,000
Outstanding Par	\$3,305,000	\$2,559,785	\$2,863,350	\$407,885	\$1,016,296	\$1,209,776	\$4,160,000	\$3,655,000	\$705,000	\$8,960,000	\$1,805,000	\$7,155,000
Dated Date	10/28/2010	9/15/2016	1/3/2008	8/26/2010	12/28/2019	12/20/2019	5/8/2017			5/8/2017		
Final Maturity	12/1/2030	9/15/2034	1/3/2033	2/26/2033	6/28/2039	12/10/2039	12/1/2032	12/1/2032	12/1/2032	12/1/2042	Due XX	Due XX
Optional Redemption	12/1/2020 @ 100%	N/A	N/A	N/A	N/A	N/A	12/2/2022 @ 102%			5/8/2024	5/8/2024	5/8/2024
Underlying Rating(s)	Aa2 (Moody's)	Non-Rated	Non-Rated	Non-Rated	Non-Rated	Non-Rated	Non-Rated	Non-Rated	Non-Rated	Non-Rated	Non-Rated	Non-Rated
Interest Rates	Capital Market Deal 4.21%-5.92%	ODOT SIB Loan 3.00%	ODOT SIB Loan 3.00%	ODOT SIB Loan 3.00%	ODOT SIB Loan 3.00%	ODOT SIB Loan 3.00%	PP-Huntington Bank 2.67%	PP-Huntington Bank 2.67%	PP-Huntington Bank 2.67%	PP-First Merchants 3.35%	PP-First Merchants 3.35%	PP-First Merchants 3.35%
Payment Source	Miami County TIF District	Miami County TIF	Montgomery Co. TIF	Montgomery Co. TIF	Miami County TIF and DEC Special Assessments	Miami County TIF and DEC Special Assessments	Miami County TIF and DEC Special Assessments	Miami County TIF (B-1)	Miami County TIF (B-2)	Montgomery County TIF and DEC Special Assessments	SA Revenues	Montgomery Co. TIF
Annual Max Debt Service	647,507.48	274,932.52	95,743.00	49,662.00	82,466.00	97,152.00	443,888.00	369,457.50	74,430.50	645,862.50	132,167.50	513,695.00

Sources: EMMA, Official Statements, OMAC

Debt Summary (continued)



Overview of Outstanding Bond Issues & Repayment Source

Series	2017	2017-TIF	2017- Wastewater	2017-PAE Acq.	2017-SA Red Buckeye	2017-SA Carriage	2017-SA Brandt	2017-SA Car Tibs Parkway	2021 Bonds	2021 Bonds2	20212 Income Tax Ref 2013	2024	
Security	LTGO								LTGO	LTGO		LTGO-Fire	Various Leases
Purpose	Various	Refunded 2010 Carriage Trail TIF Amendments 16, 17, 18	Refunded 2010 Waste water Bonds	Refunded 2010 PAE Acq. Bonds	Refunded 2010 Red Buckeye Dr Bonds	Refunded 2010 Carriage Trails Bonds	Refunded 2007 Brand 6 Bonds	Refunded 2008 Car Tibs Parkway Bonds	Veterans Memorial	Music Center Financing	New Money- (Aquatic Center)	3rd Fire Station	Leases
Tax Status	Exempt								Exempt	Exempt	Exempt	Exempt	Various
Original Par	\$10,480,000	\$1,380,000	\$585,000	\$1,130,000	\$1,215,000	\$675,000	\$695,000	\$4,800,000	\$1,200,000	\$7,900,000	\$8,235,000	\$3,000,000	\$ 7,076,815
Outstanding Par	\$8,905,000	\$1,355,000	\$280,000	\$625,000	\$1,185,000	\$270,000	\$315,000	\$2,664,000	\$1,048,000	\$6,177,000	\$5,223,000	\$1,800,000	\$ 5,522,822
Dated Date	12/12/2017								6/1/2021	6/1/2021	9/15/2021	12/1/2015	Various
Final Maturity	11/1/2042	12/1/2037	12/1/2027	12/1/2028	12/1/2042	12/1/2042	12/1/2027	12/1/2028	12/1/2040	12/1/2041	12/1/2038	12/1/2039	10/26/2035
Optional Redemption	12/1/2026 @ 100%								12/1/2029 @ 100%	12/1/2029 @ 100%	12/1/2029 @ 100%	N/A	Various
Underlying Rating(s)	Aa3 (Moody's)								AA-	AA-	A1 (Moody's)	Non-Rated	Non-Rated
Interest Rates	2.00%-3.00%								Capital Market Deal 2.00%-4.00%	Capital Market Deal 2.00%-4.00%	Capital Market Deal 3.00%-4.75%	One Year Note 4.50%	Various Banks
Payment Source	Miami County TIF, Sewer Fund, SA Revenues	Miami County TIF (B-3)	Sewer Fund	Miami County TIF (D-1)	SA Revenues	SA Revenues	SA Revenues	SA Revenues	Montgomery County TIF	Montgomery County TIF	Miami County TIF District	Parktowne TIF - Shortage From Fire Capital Fund	Various
Annual Max Debt Service	1,412,250.00	167,250.00	74,000.00	148,750.00	225,750.00	89,000.00	88,000.00	619,500.00	83,190.00	430,000.00	549,312.50	150,000.00	539,461.00

Sources: EMMA, Official Statements, OMAC

Debt Summary (continued)



Overview of Outstanding Bond Issues & Repayment Source

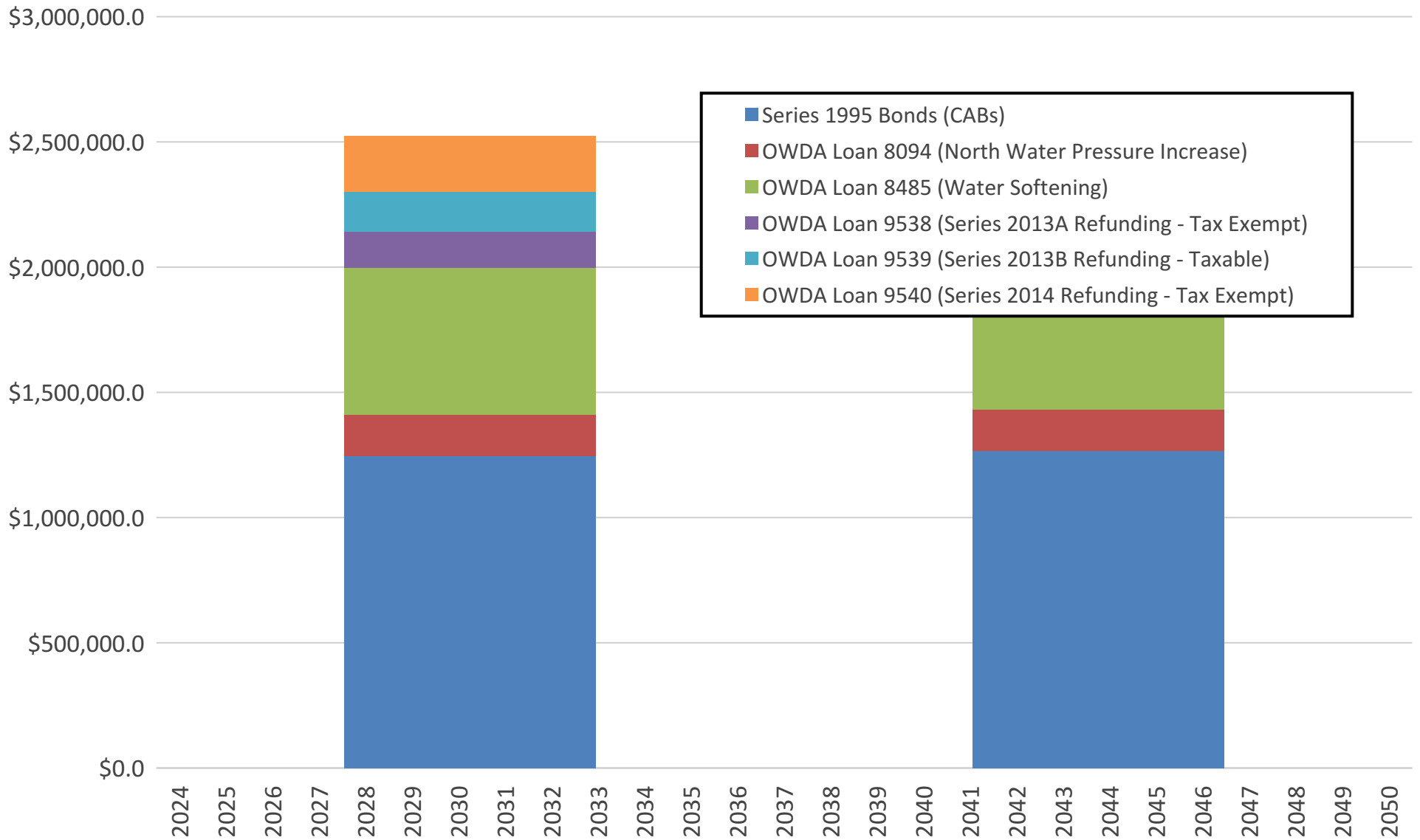
Series	1995	2018	2019	2021A	2021B	2021C
Security	Water Revenue	OWDA	OWDA	OWDA	OWDA	OWDA
Purpose	New Money	North Water Pressure	Water Softening	Water Tower & Water Line Construction Ref. 2013A	New Money - Water Meter Reimb.	Refunding Bonds
Tax Status	Exempt	Taxable	Taxable	Exempt	Taxable	Exempt
Original Par	\$12,495,517	\$2,911,598	\$11,994,188	\$4,260,000	\$1,770,000	\$8,125,000
Outstanding Par	\$410,135	\$2,579,159	\$11,228,921	\$4,137,488	\$309,339	\$7,632,120
Dated Date	9/15/1995	7/1/2019	7/1/2020	10/3/2013	10/3/2013	10/9/2014
Final Maturity	12/1/2025	7/1/2044	7/1/2050	7/1/2037	7/1/2025	7/1/2030
Optional Redemption	NC	Non Callable	Non Callable	Non Callable	Non Callable	Non Callable
Underlying Rating(s)	AA-(S&P)	Non-Rated	Non-Rated	Non-Rated	Non-Rated	Non-Rated
	Capital Market Deal	OWDA Loan	OWDA Loan	OWDA Loan	OWDA Loan	OWDA Loan
Interest Rates	CABs	3.02%	3.00%	1.55%	0.81%	1.10%
Payment Source	Water Revenues	Water Revenues	Water Revenues	Water Revenues	Water Revenues	Water Revenues
Annual Max Debt Service	1,265,000.00	167,036.32	584,028.79	730,325.00	146,000.00	1,516,914.00

Sources: EMMA, Official Statements, OMAC

Outstanding Water Debt



Debt Service by Series

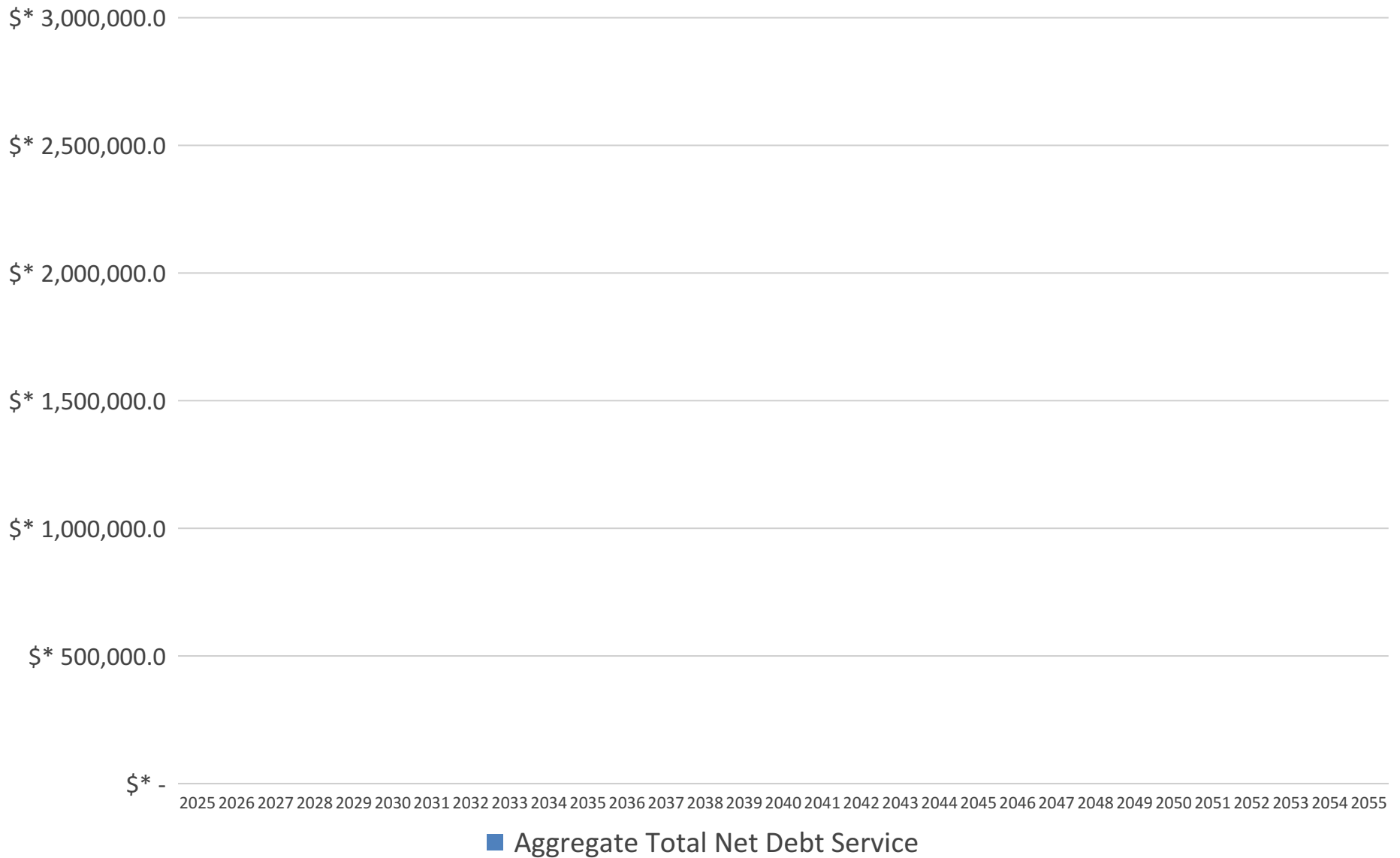


Sources: EMMA, Official Statements, OMAC

Water Debt



Modelling Analysis and Pro-Forma



Indirect 10 Mill Limitation Breakdown



City of Huber Heights Indirect Debt Limitation (10 Mill Limit)

Subdivision	Assessed Valuation (2023-2024)	Annual Principal	Annual Interest	Total Debt Service (2025)	Required Tax Rate
MIAMI COUNTY	\$3,267,586,530	\$1,390,588	\$331,201	\$1,721,789	0.52190
HUBER HEIGHTS CITY	\$1,030,476,820	\$3,389,805	\$2,863,562	\$6,253,367	6.06842
HUBER HEIGHTS CITY New Money Millage					2.19398
BETHEL TOWNSHIP	\$194,841,310	\$0	\$0	\$0	0.00000
BETHEL LOCAL SCHOOL DISTRICT	\$208,833,280	\$0	\$0	\$0	0.00000
MIAMI VALLEY CAREER CENTER JVSD	\$10,405,183,320	\$375,000	\$128,450	\$503,450	0.04838
	\$0	\$0	\$0	\$0	0.00000
		\$0	\$0	\$0	0.00000
		\$0	\$0	\$0	0.00000
		\$0	\$0	\$0	0
				Total	8.83268
				Allowable	10.00
				Balance of 10 Mill Limitation:	1.16732
				Balance of 5 Mill Charter Limitation:	1.00000
Additional City Charter Millage					
Millage Impact	Total Borrowing Capacity	Annual Debt Service	Debt Service Requirement	Millage Impact	
City Leverage Impact	\$ 10,000,000.00	20 Years	\$802,425.87	0.78	
City Leverage Impact	\$ 12,800,000.00	20 Years	\$1,027,105.12	1.00	
City Leverage Impact	\$ 15,000,000.00	25 Years	\$1,064,286.86	1.03	
City Leverage Impact	\$ 20,000,000.00	30 Years	\$1,301,028.70	1.26	
5 Mill Impact of additional charter millage	\$ -	25 Years	\$0.00	0.00	

Source: OMAC & Squires Patton Boggs

Important Disclosures



Disclosure of Conflicts of Interest and Legal or Disciplinary Events

- Pursuant to Municipal Securities Rulemaking Board (“MSRB”) Rule G-42, on Duties of Non-Solicitor Municipal Advisors, Municipal Advisors are required to make certain written disclosures to clients which include, amongst other things, conflicts of interest and any legal or disciplinary events of Bradley Payne Advisors, LLC (“Bradley Payne”) and its associated persons.
- **Conflicts of Interest**
Bradley Payne represents that the firm may receive compensation from an Issuer or Obligated Person for services rendered relating to the issuance of municipal securities, which compensation is contingent upon the successful closing of a transaction and/or is based on the size of a transaction. Consistent with the requirements of MSRB Rule G-42, Bradley Payne hereby discloses that such contingent and/or transactional compensation may present a potential conflict of interest regarding the firm’s ability to provide unbiased advice with respect to such transactions. This conflict of interest will not impair Bradley Payne’s ability to render unbiased and competent advice or to fulfill its fiduciary duty to the Issuer. If Bradley Payne becomes aware of any additional potential or actual conflict of interest after this disclosure, Bradley Payne will disclose the detailed information in writing to the Issuer in a timely manner.
- **Legal or Disciplinary Events**
Bradley Payne does not have any legal events or disciplinary history on its Form MA and Form MA-I, which includes information about any criminal actions, regulatory actions, investigations, terminations, judgments, liens, civil judicial actions, customer complaints, arbitrations, and civil litigation. The Issuer may electronically access Bradley Payne’s most recent Form MA and each most recent Form MA-I filed with the Securities and Exchange Commission (“SEC”) at the following website:
www.sec.gov/edgar/searchedgar/companysearch.html
- There have been no material changes to a legal or disciplinary event disclosure on any Form MA or Form MA-I that Bradley Payne filed with the SEC. If any material legal or regulatory action is brought against Bradley Payne, we will provide complete disclosure to the Issuer in detail allowing the Issuer to evaluate Bradley Payne, its management, and personnel.

Important Disclosures



Disclaimer

- Bradley Payne Advisors, LLC (“Bradley Payne”) has registered as a municipal advisor with the Municipal Securities Rule Making Board (“MSRB”) and the Securities and Exchange Commission (“SEC”). As a registered municipal advisor, Bradley Payne may provide advice to a municipal entity or obligated person. An obligated person is an entity other than a municipal entity, such as a not for profit corporation, that has commenced an application or negotiation with an entity to issue municipal securities on its behalf and for which it will provide support. If and when an issuer engages Bradley Payne to provide financial advisory or consultant services with respect to the issuance of municipal securities, Bradley Payne is obligated to evidence such a financial advisory relationship with a written agreement. When acting as a registered municipal advisor, Bradley Payne is a fiduciary required by federal law to act in the best interest of a municipal entity without regard to its own financial or other interests.
- The information in this presentation is provided for education and informational purposes only by Bradley Payne without any express or implied warranty of any kind, including warranties of accuracy, completeness, or fitness for any particular purpose. The Information contained in or provided from or through this presentation is not intended to be and does not constitute financial advice, investment advice, trading advice, or any other advice. You understand that you are using any and all information available within this presentation at your own risk.
- The views expressed constitute the perspective of Bradley Payne’s municipal advisory business at the time of distribution and are subject to change. The content is based on sources generally believed to be reliable and available to the public, however, Bradley Payne’s municipal advisory business cannot guarantee the accuracy, completeness, or suitability. This material is not intended to provide specific advice or a specific recommendation. Past performance is not necessarily a guide to future performance and estimates of future performance are based on assumptions that may not be realized.

**SUPPLEMENTAL
FISCAL OFFICER'S CERTIFICATE**

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


As fiscal officer of the City of Huber Heights, Ohio, and supplementing the fiscal officer's certificate of November 5, 2015, I certify in connection with your proposed issue of notes in the maximum principal amount of \$1,700,000 (the "*Notes*"), to be issued in anticipation of the issuance of bonds (the "*Bonds*") for the purpose of paying the costs of improving the municipal fire safety facilities by constructing, furnishing and equipping a new fire station, and otherwise improving the site therefor, together with all necessary appurtenances thereto (the "*Improvement*"), that:

1. The estimated life or period of usefulness of the Improvement is at least five (5) years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is at least twenty (20) years, being my estimate of the life or period of usefulness of the Improvement; *provided, however*, since notes in anticipation of Bonds have been outstanding for a period beyond December 31, 2020, that period beyond December 31, 2020 shall be deducted from the maximum maturity of the Bonds and therefore, the maximum maturity of the Bonds is sixteen (16) years. If and to the extent a portion of the proceeds of the Bonds may be determined to be allocated to a class or classes having a maximum maturity of less than sixteen (16) years but in excess of five years, then the maximum maturity of the Bonds would still be at least sixteen (16) years by reason of a sufficient portion of the proceeds of the Bonds allocated to a class or classes having a maximum maturity or an estimated period of usefulness in excess of sixteen (16) years.

3. The maximum maturity of the Notes is December 1, 2035.

Dated: Sept. 3, 2024



Director of Finance
City of Huber Heights, Ohio

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2024-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$1,700,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE MUNICIPAL FIRE SAFETY FACILITIES BY CONSTRUCTING, FURNISHING AND EQUIPPING A NEW FIRE STATION, AND OTHERWISE IMPROVING THE SITE THEREFOR, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO.

WHEREAS, pursuant to Ordinance No. 2023-O-2604 passed September 25, 2023, notes in anticipation of bonds in the principal amount of \$1,800,000, dated November 14, 2023 (the “*Outstanding Notes*”), were issued for the purpose stated in Section 1, to mature on November 7, 2024; and

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

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

WHEREAS, the Director of Finance has certified to this City Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is at least sixteen (16) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is December 1, 2035.

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

Section 1. It is necessary to issue bonds of this City in the maximum principal amount of \$1,700,000 (the “*Bonds*”) for the purpose of paying the costs of improving the municipal fire safety facilities by constructing, furnishing and equipping a new fire station, and otherwise improving the site therefor, together with all necessary appurtenances thereto (the “*Improvement*”).

Section 2. The Bonds shall be dated approximately July 1, 2025, shall bear interest at the now estimated rate of 5.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in sixteen (16) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment on the Bonds is estimated to be December 1, 2025.

Section 3. It is necessary to issue and this Council determines that notes in the maximum principal amount of \$1,700,000 (the “*Notes*”) shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the “*Certificate of Award*”) as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award in accordance with Section 6 of this Ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the “Code”) or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

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

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the

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

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

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

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

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

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

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

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

Section 16. 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 17. 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 _____, 2024;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

CERTIFICATE

The undersigned, Clerk of Council of the City of Huber Heights, Ohio, hereby certifies that the foregoing is a true and correct copy of Ordinance No. 2024-O-_____ passed by the City Council of the City of Huber Heights, on _____, 2024.

Clerk of Council

AI-10352

Pending Business B.
City Manager

City Council Meeting

Meeting Date: 09/23/2024

Issuance Of Notes - Fire Station 23 Renovations - \$3,250,000

Submitted By: Jim Bell

Department: City Manager

Division:

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 09/03/2024

Audio-Visual Needs: None

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$3,250,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Improving The Municipal Fire Safety Facilities By Renovating, Equipping And Furnishing An Existing Fire Station And Otherwise Improving The Site Therefor, Together With All Necessary Appurtenances Thereto.
(second reading)

Purpose and Background

The attached ordinance will allow the City to issue 8-month notes in the amount of \$3,250,000 for the costs of all renovations for Fire Station 23. The estimated tax-exempt rate for this note is 5.5%. The City's Municipal Advisor, Andy Brossart, will make a brief presentation at the September 3, 2024 Council Work Session and be available to answer any questions. City Staff are requesting this ordinance be passed as non-emergency legislation with final approval at the September 23, 2024 City Council Meeting, so the notes can be sold with eight additional notes.

Fiscal Impact

Source of Funds:

Notes

Cost:

\$3,250,000

Recurring Cost? (Yes/No):

No

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

Financial Implications:

Attachments

FOC

Ordinance

FISCAL OFFICER'S CERTIFICATE

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


As fiscal officer of the City of Huber Heights, Ohio, I certify in connection with your proposed issue of notes in the maximum principal amount of \$3,250,000 (the "*Notes*"), to be issued in anticipation of the issuance of bonds (the "*Bonds*") for the purpose of paying the costs of improving the municipal fire safety facilities by renovating, equipping and furnishing an existing fire station and otherwise improving the site therefor, together with all necessary appurtenances thereto (the "*Improvement*"), that:

1. The estimated life or period of usefulness of the Improvement is at least five (5) years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is at least twenty (20) years, being my estimate of the life or period of usefulness of the Improvement. If and to the extent a portion of the proceeds of the Bonds may be determined to be allocated to a class or classes having a maximum maturity of less than twenty (20) years but in excess of five years, then the maximum maturity of the Bonds would still be at least twenty (20) years by reason of a sufficient portion of the proceeds of the Bonds allocated to a class or classes having a maximum maturity or an estimated period of usefulness in excess of twenty (20) years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is two hundred forty (240) months.

Dated: Sept. 3, 2024



Director of Finance
City of Huber Heights, Ohio

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2024-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$3,250,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE MUNICIPAL FIRE SAFETY FACILITIES BY RENOVATING, EQUIPPING AND FURNISHING AN EXISTING FIRE STATION AND OTHERWISE IMPROVING THE SITE THEREFOR, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO.

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

WHEREAS, the Director of Finance has certified to this City Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is at least twenty (20) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is two hundred forty (240) months.

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

Section 1. It is necessary to issue bonds of this City in the maximum principal amount of \$3,250,000 (the “*Bonds*”) for the purpose of paying the costs of improving the municipal fire safety facilities by renovating, equipping and furnishing an existing fire station and otherwise improving the site therefor, together with all necessary appurtenances thereto (the “*Improvement*”).

Section 2. The Bonds shall be dated approximately July 1, 2025, shall bear interest at the now estimated rate of 5.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment on the Bonds is estimated to be December 1, 2025.

Section 3. It is necessary to issue and this Council determines that notes in the maximum principal amount of \$3,250,000 (the “*Notes*”) shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to pay the costs of the Improvement and any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the “*Certificate of Award*”) as the amount which, along with other available funds of the City, is necessary to pay the costs of the Improvement and any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award in accordance with Section 6 of this Ordinance.

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

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

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

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

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

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

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

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial

owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

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

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

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

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

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

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

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the tenmill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same

manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

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

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

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the “Code”) or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

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

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

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

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

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

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

Section 15. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

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

Section 17. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City.

Passed by Council on the _____ day of _____, 2024;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

CERTIFICATE

The undersigned, Clerk of Council of the City of Huber Heights, Ohio, hereby certifies that the foregoing is a true and correct copy of Ordinance No. 2024-O-_____ passed by the City Council of the City of Huber Heights, on _____, 2024.

Clerk of Council

AI-10353

Pending Business C.
City Manager

City Council Meeting

Meeting Date: 09/23/2024

Issuance Of Notes - Refunding - The Meadows Infrastructure - \$2,934,000

Submitted By: Jim Bell

Department: City Manager

Division:

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 09/03/2024

Audio-Visual Needs: None

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$2,934,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of The Meadows Infrastructure Project Including Constructing, Reconstructing, Extending, Opening, Improving, Widening, Grading, Draining And Changing The Lines Of Municipal Roads, Streets And Highways, Installing Curbs, Sidewalks And Landscaping, Installing, Improving And Relocating Street Lighting, Traffic Signalization And Electrical Lines, And Constructing, Reconstructing, Extending And Improving Storm Sewers And Culverts, Water And Sanitary Sewer Lines In Connection Therewith, And Acquiring Any Necessary Real Property And Interests Therein In Connection Therewith, Together With All Necessary Appurtenances Thereto.
(second reading)

Purpose and Background

The attached ordinance will allow the City to issue 8-month notes in the amount of \$2,934,000 for the costs of all infrastructure improvements needed on The Meadows property, prior to the construction of a new City Governance Center. The estimated tax-exempt rate for this note is 5.5%. The City's Municipal Advisor, Andy Brossart, will make a brief presentation at the September 3, 2024 Council Work Session and be available to answer any questions. City Staff are requesting this ordinance be passed as non-emergency legislation with final approval at the September 23, 2024 City Council Meeting, so the notes can be sold with eight additional notes.

Fiscal Impact

Source of Funds: Notes
Cost: \$2,934,000
Recurring Cost? (Yes/No): No
Funds Available in Current Budget? (Yes/No): Yes
Financial Implications:

Attachments

FOC
Ordinance

**SUPPLEMENTAL
FISCAL OFFICER'S CERTIFICATE**

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


As fiscal officer of the City of Huber Heights, Ohio, and supplementing the fiscal officer's certificate of August 30, 2023, I certify in connection with your proposed issue of notes in the maximum principal amount of \$2,934,000 (the "*Notes*"), to be issued in anticipation of the issuance of bonds (the "*Bonds*") for the purpose of paying the costs of the Meadows infrastructure project including constructing, reconstructing, extending, opening, improving, widening, grading, draining and changing the lines of municipal roads, streets and highways, installing curbs, sidewalks and landscaping, installing, improving and relocating street lighting, traffic signalization and electrical lines, and constructing, reconstructing, extending and improving storm sewers and culverts, water and sanitary sewer lines in connection therewith, and acquiring any necessary real property and interests therein in connection therewith, together with all necessary appurtenances thereto (the "*Improvement*"), that:

1. The estimated life or period of usefulness of the Improvement is at least five (5) years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is at least twenty (20) years. If and to the extent a portion of the proceeds of the Bonds may be determined to be allocated to a class or classes having a maximum maturity of less than twenty (20) years but in excess of five years, then the maximum maturity of the Bonds would still be at least twenty (20) years by reason of a sufficient portion of the proceeds of the Bonds allocated to a class or classes having a maximum maturity or an estimated period of usefulness in excess of twenty (20) years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is (a) November 14, 2043 as to \$2,800,000 of the principal amount and (b) two hundred forty (240) months as to \$134,000 of the principal amount.

Dated: Sept. 3, 2024



Director of Finance
City of Huber Heights, Ohio

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2024-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,934,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF THE MEADOWS INFRASTRUCTURE PROJECT INCLUDING CONSTRUCTING, RECONSTRUCTING, EXTENDING, OPENING, IMPROVING, WIDENING, GRADING, DRAINING AND CHANGING THE LINES OF MUNICIPAL ROADS, STREETS AND HIGHWAYS, INSTALLING CURBS, SIDEWALKS AND LANDSCAPING, INSTALLING, IMPROVING AND RELOCATING STREET LIGHTING, TRAFFIC SIGNALIZATION AND ELECTRICAL LINES, AND CONSTRUCTING, RECONSTRUCTING, EXTENDING AND IMPROVING STORM SEWERS AND CULVERTS, WATER AND SANITARY SEWER LINES IN CONNECTION THEREWITH, AND ACQUIRING ANY NECESSARY REAL PROPERTY AND INTERESTS THEREIN IN CONNECTION THEREWITH, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO.

WHEREAS, pursuant to Ordinance No. 2023-O-2607 passed September 25, 2023, notes in anticipation of bonds in the principal amount of \$2,800,000, dated November 14, 2023 (the “*Outstanding Notes*”), were issued for the purpose stated in Section 1, to mature on November 7, 2024; and

WHEREAS, this City Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City and provide an additional \$134,000 for the purpose described in Section 1; and

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

WHEREAS, the Director of Finance has certified to this City Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is at least twenty (20) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is (a) November 14, 2043 as to \$2,800,000 of the principal amount and (b) two hundred forty (240) months as to \$134,000 of the principal amount.

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

Section 1. It is necessary to issue bonds of this City in the maximum principal amount of \$2,934,000 (the “*Bonds*”) for the purpose of paying the costs of the Meadows infrastructure project including constructing, reconstructing, extending, opening, improving, widening, grading, draining and changing the lines of municipal roads, streets and highways, installing curbs, sidewalks and landscaping, installing, improving and relocating street lighting, traffic signalization and electrical lines, and constructing, reconstructing, extending and improving storm sewers and culverts, water and sanitary sewer lines in connection therewith, and acquiring any necessary real property and interests therein in connection therewith, together with all necessary appurtenances thereto (the “*Improvement*”).

Section 2. The Bonds shall be dated approximately July 1, 2025, shall bear interest at the now estimated rate of 5.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment on the Bonds is estimated to be December 1, 2025.

Section 3. It is necessary to issue and this Council determines that notes in the maximum principal amount of \$2,934,000 (the “*Notes*”) shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available

to the City, the Outstanding Notes, to provide additional money for the purpose described in Section 1 and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the “*Certificate of Award*”) as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes, to provide additional money for the purpose described in Section 1 and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award in accordance with Section 6 of this Ordinance.

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

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

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

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

“*Depository*” means any securities depository that is a clearing agency registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and

maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of and interest on the Notes, and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

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

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

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

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

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

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

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

issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Ohio Revised Code.

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

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

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

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

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

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the “Code”) or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

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

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

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

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

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

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

Section 14. The services of Bradley Payne, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory

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

Section 15. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 16. 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 17. 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 _____, 2024;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

CERTIFICATE

The undersigned, Clerk of Council of the City of Huber Heights, Ohio, hereby certifies that the foregoing is a true and correct copy of Ordinance No. 2024-O-_____ passed by the City Council of the City of Huber Heights, on _____, 2024.

Clerk of Council

AI-10354

**Pending Business D.
City Manager**

City Council Meeting

Meeting Date: 09/23/2024

Issuance Of Notes - Refunding/New Money - Public Works Facility - \$14,475,000

Submitted By: Jim Bell

Department: City Manager

Division:

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 09/03/2024

Audio-Visual Needs: None

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$14,475,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Improving The City's Facilities By Constructing, Furnishing And Equipping A New Building To House The Public Works Department, Including Landscaping, Site Improvements, Any Necessary Utility Improvements, Constructing Related Parking Facilities, And Acquiring Real Property And Interests Therein In Connection Therewith, Together With All Necessary Appurtenances Thereto.
(second reading)

Purpose and Background

The attached ordinance will allow the City to issue 8-month notes in the amount of \$14,475,000 for the cost of the property acquisition, pre-construction architectural and engineering design work, and additional construction costs, which will be used as a site for a new Public Works Facility. The estimated tax-exempt rate for this note is 5.5%. The City's Municipal Advisor, Andy Brossart, will make a brief presentation at the September 3, 2024 Council Work Session and be available to answer any questions. City Staff are requesting this ordinance be passed as non-emergency legislation with final approval at the September 23, 2024 City Council Meeting, so the notes can be sold with eight additional notes.

Fiscal Impact

Source of Funds:

Notes

Cost:

\$14,475,000

Recurring Cost? (Yes/No):

No

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

Financial Implications:

Attachments

FOC

Ordinance


**SUPPLEMENTAL
FISCAL OFFICER'S CERTIFICATE**

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

As fiscal officer of the City of Huber Heights, Ohio, and supplementing the fiscal officer's certificate of August 30, 2023, I certify in connection with your proposed issue of notes in the maximum principal amount of \$14,475,000 (the "*Notes*"), to be issued in anticipation of the issuance of bonds (the "*Bonds*") for the purpose of paying the costs of improving the City's facilities by constructing, furnishing and equipping a new building to house the Public Works Department, including landscaping, site improvements, any necessary utility improvements, constructing related parking facilities, and acquiring real property and interests therein in connection therewith, together with all necessary appurtenances thereto (the "*Improvement*"), that:

1. The estimated life or period of usefulness of the Improvement is at least five (5) years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is at least twenty (20) years. If and to the extent a portion of the proceeds of the Bonds may be determined to be allocated to a class or classes having a maximum maturity of less than twenty (20) years but in excess of five years, then the maximum maturity of the Bonds would still be at least twenty (20) years by reason of a sufficient portion of the proceeds of the Bonds allocated to a class or classes having a maximum maturity or an estimated period of usefulness in excess of twenty (20) years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is (a) November 14, 2043 as to \$6,176,000 of the principal amount and (b) two hundred forty (240) months as to \$8,299,000 of the principal amount.

Dated: Sept. 3, 2024



Director of Finance
City of Huber Heights, Ohio

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2024-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$14,475,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE CITY'S FACILITIES BY CONSTRUCTING, FURNISHING AND EQUIPPING A NEW BUILDING TO HOUSE THE PUBLIC WORKS DEPARTMENT, INCLUDING LANDSCAPING, SITE IMPROVEMENTS, ANY NECESSARY UTILITY IMPROVEMENTS, CONSTRUCTING RELATED PARKING FACILITIES, AND ACQUIRING REAL PROPERTY AND INTERESTS THEREIN IN CONNECTION THEREWITH, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO.

WHEREAS, pursuant to Ordinance No. 2023-O-2606 passed September 25, 2023, notes in anticipation of bonds in the principal amount of \$6,238,000, dated November 14, 2023 (the "*Outstanding Notes*"), were issued for the purpose stated in Section 1, to mature on November 7, 2024; and

WHEREAS, this City Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City and provide an additional \$8,299,000 for the purpose described in Section 1; and

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

WHEREAS, the Director of Finance has certified to this City Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is at least twenty (20) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is (a) November 14, 2043 as to \$6,176,000 of the principal amount and (b) two hundred forty (240) months as to \$8,299,000 of the principal amount.

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

Section 1. It is necessary to issue bonds of this City in the maximum principal amount of \$14,475,000 (the "*Bonds*") for the purpose of paying the costs of improving the City's facilities by constructing, furnishing and equipping a new building to house the Public Works Department, including landscaping, site improvements, any necessary utility improvements, constructing related parking facilities, and acquiring real property and interests therein in connection therewith, together with all necessary appurtenances thereto (the "*Improvement*").

Section 2. The Bonds shall be dated approximately July 1, 2025, shall bear interest at the now estimated rate of 5.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment on the Bonds is estimated to be December 1, 2025.

Section 3. It is necessary to issue and this Council determines that notes in the maximum principal amount of \$14,475,000 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes, to provide additional money for the purpose described in Section 1 and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the "*Certificate of Award*") as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes, to provide additional money for the purpose described in Section 1 and to pay any financing costs. The Notes shall be dated the date of

issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award in accordance with Section 6 of this Ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

Section 7. The proceeds from the sale of the Notes received by the City (or withheld by the original purchaser or deposited with the Paying Agent, in each case on behalf of the City) shall

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

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

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

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

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

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "*Code*") or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

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

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest

thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

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

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

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

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

Section 14. The services of Bradley Payne, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. To the extent they are

not paid or reimbursed pursuant to the Note Purchase Agreement and/or the Note Registrar Agreement, the Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 15. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 16. 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 17. 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 _____, 2024;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

CERTIFICATE

The undersigned, Clerk of Council of the City of Huber Heights, Ohio, hereby certifies that the foregoing is a true and correct copy of Ordinance No. 2024-O-_____ passed by the City Council of the City of Huber Heights, on _____, 2024.

Clerk of Council

AI-10355

Pending Business E.

City Council Meeting

City Manager

Meeting Date: 09/23/2024

Issuance Of Notes - Refunding/New Money - Water Infrastructure - New Water Well/Water Meters - \$14,577,000

Submitted By: Jim Bell

Department: City Manager

Division:

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 09/03/2024

Audio-Visual Needs: None

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$14,577,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Improving The City's Municipal Waterworks System By Constructing And Installing Water Lines, Constructing A New Water Well, Rehabilitating Existing Water Lines, Acquiring Radio Read Water Meters And Acquiring Any Necessary Real Property And Interests Therein In Connection Therewith, Together With All Necessary Appurtenances Thereto. (second reading)

Purpose and Background

The attached ordinance will allow the City to issue 8-month notes in the amount of \$14,577,000 for the costs of improving the City's municipal waterworks system by constructing and installing water lines, constructing a new water well, purchasing new radio read meters, and acquiring any property necessary for this project. The estimated tax-exempt rate for this note is 5.5%. The City's Municipal Advisor, Andy Brossart, will make a brief presentation at the September 3, 2024 Council Work Session and be available to answer any questions. City Staff are requesting this ordinance be passed as non-emergency legislation with final approval at the September 23, 2024 City Council Meeting, so the notes can be sold with eight additional notes.

Fiscal Impact

Source of Funds: Notes

Cost: \$14,577,000

Recurring Cost? (Yes/No): No

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

Financial Implications:

Attachments

FOC
Ordinance

**SUPPLEMENTAL
FISCAL OFFICER'S CERTIFICATE**

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


As fiscal officer of the City of Huber Heights, Ohio, and supplementing the fiscal officer's certificate of August 30, 2023, I certify in connection with your proposed issue of notes in the maximum principal amount of \$14,577,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") for the purpose of paying the costs of improving the City's municipal waterworks system by constructing and installing water lines, constructing a new water well, rehabilitating existing water lines, acquiring radio read water meters and acquiring any necessary real property and interests therein in connection therewith, together with all necessary appurtenances thereto (the "Improvement"), that:

1. The estimated life or period of usefulness of the Improvement is at least five (5) years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is forty (40) years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is (a) November 14, 2043 as to \$5,800,000 of the principal amount and (b) two hundred forty (240) months as to \$8,777,000 of the principal amount.

Dated: Sept. 3, 2024



Director of Finance
City of Huber Heights, Ohio

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2024-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$14,577,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE CITY'S MUNICIPAL WATERWORKS SYSTEM BY CONSTRUCTING AND INSTALLING WATER LINES, CONSTRUCTING A NEW WATER WELL, REHABILITATING EXISTING WATER LINES, ACQUIRING RADIO READ WATER METERS AND ACQUIRING ANY NECESSARY REAL PROPERTY AND INTERESTS THEREIN IN CONNECTION THEREWITH, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO.

WHEREAS, pursuant to Ordinance No. 2023-O-2608 passed September 25, 2023, notes in anticipation of bonds in the principal amount of \$5,800,000, dated November 14, 2023 (the "*Outstanding Notes*"), were issued for the purpose stated in Section 1, to mature on November 7, 2024; and

WHEREAS, this City Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City and provide an additional \$8,777,000 for the purpose described in Section 1; and

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

WHEREAS, the Director of Finance has certified to this City Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is forty (40) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is (a) November 14, 2043 as to \$5,800,000 of the principal amount and (b) two hundred forty (240) months as to \$8,777,000 of the principal amount.

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

Section 1. It is necessary to issue bonds of this City in the maximum principal amount of \$14,577,000 (the "*Bonds*") for the purpose of paying the costs of improving the City's municipal waterworks system by constructing and installing water lines, constructing a new water well, rehabilitating existing water lines, acquiring radio read water meters and acquiring any necessary real property and interests therein in connection therewith, together with all necessary appurtenances thereto (the "*Improvement*").

Section 2. The Bonds shall be dated approximately July 1, 2025, shall bear interest at the now estimated rate of 5.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment on the Bonds is estimated to be December 1, 2025.

Section 3. It is necessary to issue and this Council determines that notes in the maximum principal amount of \$14,577,000 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes, to provide additional money for the purpose described in Section 1 and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the "*Certificate of Award*") as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes, to provide additional money for the purpose described in Section 1 and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that

the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award in accordance with Section 6 of this Ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

Section 7. The proceeds from the sale of the Notes received by the City (or withheld by the original purchaser or deposited with the Paying Agent, in each case on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. The Certificate of Award and the Note Purchase Agreement may authorize the original purchaser to (a) withhold certain proceeds from the sale of the Notes or (b) remit certain proceeds from the sale of the Notes to the Paying Agent,

in each case to provide for the payment of certain financing costs on behalf of the City. If proceeds are remitted to the Paying Agent in accordance with this Section 7, the Paying Agent shall be authorized to create a fund in accordance with the Note Registrar Agreement for that purpose. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Retirement Fund.

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

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

In each year to the extent net revenues from the municipal waterworks system are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such net revenues so available and appropriated.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, and to the extent not paid from net revenues of the municipal waterworks system, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Notes or the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

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

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the “Code”) or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

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

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without

limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

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

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

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

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

Section 14. The services of Bradley Payne, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable

compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. To the extent they are not paid or reimbursed pursuant to the Note Purchase Agreement and/or the Note Registrar Agreement, the Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 15. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 16. 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 17. 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 _____, 2024;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

CERTIFICATE

The undersigned, Clerk of Council of the City of Huber Heights, Ohio, hereby certifies that the foregoing is a true and correct copy of Ordinance No. 2024-O-_____ passed by the City Council of the City of Huber Heights, on _____, 2024.

Clerk of Council

AI-10356
City Council Meeting

Pending Business F.
City Manager

Meeting Date: 09/23/2024
Issuance Of Notes - Refunding - Governance Center - \$3,491,000

Submitted By: Jim Bell

Department: City Manager

Division:

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 09/03/2024

Audio-Visual Needs: None

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$3,491,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Improving The City's Facilities By Constructing, Furnishing And Equipping A New Building To House The City Council Chambers And Other Administrative Purposes, Including Landscaping, Site Improvements, Any Necessary Utility Improvements, Constructing Related Parking Facilities, And Acquiring Any Necessary Real Property And Interests Therein In Connection Therewith, Together With All Necessary Appurtenances Thereto.
(second reading)

Purpose and Background

The attached ordinance will allow the City to issue 8-month notes in the amount of \$3,491,000 for the renewal of the notes issued in 2023 for the cost of the property acquisition, and pre-construction architectural and engineering design work, which will be used as a site for a City Governance Center to include City Council and City Administration meeting/office space. The estimated tax-exempt rate for this note is 5.5%. The City's Municipal Advisor, Andy Brossart, will make a brief presentation at the September 3, 2024 Council Work Session and be available to answer any questions. City Staff are requesting this ordinance be passed as non-emergency legislation with final approval at the September 23, 2024 City Council Meeting, so the notes can be sold with eight additional notes and the proceeds received prior to the maturity of the notes issued in 2023.

Fiscal Impact

Source of Funds: Notes

Cost: \$3,491,000

Recurring Cost? (Yes/No): No

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

Financial Implications:

Attachments

FOC
Ordinance

**SUPPLEMENTAL
FISCAL OFFICER'S CERTIFICATE**

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

As fiscal officer of the City of Huber Heights, Ohio, and supplementing the fiscal officer's certificates of October 20, 2020 and August 30, 2023, I certify in connection with your proposed issue of notes in the maximum principal amount of \$3,491,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") for the purpose of paying the costs of improving the City's facilities by constructing, furnishing and equipping a new building to house the City Council chambers and other administrative purposes, including landscaping, site improvements, any necessary utility improvements, constructing related parking facilities, and acquiring any necessary real property and interests therein in connection therewith, together with all necessary appurtenances thereto (the "Improvement"), that:

1. The estimated life or period of usefulness of the Improvement is at least five (5) years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is at least twenty (20) years. If and to the extent a portion of the proceeds of the Bonds may be determined to be allocated to a class or classes having a maximum maturity of less than twenty (20) years but in excess of five years, then the maximum maturity of the Bonds would still be at least twenty (20) years by reason of a sufficient portion of the proceeds of the Bonds allocated to a class or classes having a maximum maturity or an estimated period of usefulness in excess of twenty (20) years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is (a) November 18, 2040 as to \$2,685,000 of the principal amount, (b) November 14, 2043 as to \$550,000 of the principal amount and (c) two hundred forty (240) months as to \$256,000 of the principal amount.

Dated: Sept. 3, 2024



Director of Finance
City of Huber Heights, Ohio

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2024-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$3,491,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE CITY'S FACILITIES BY CONSTRUCTING, FURNISHING AND EQUIPPING A NEW BUILDING TO HOUSE THE CITY COUNCIL CHAMBERS AND OTHER ADMINISTRATIVE PURPOSES, INCLUDING LANDSCAPING, SITE IMPROVEMENTS, ANY NECESSARY UTILITY IMPROVEMENTS, CONSTRUCTING RELATED PARKING FACILITIES, AND ACQUIRING ANY NECESSARY REAL PROPERTY AND INTERESTS THEREIN IN CONNECTION THEREWITH, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO.

WHEREAS, pursuant to Ordinance No. 2023-O-2609 passed September 25, 2023, notes in anticipation of bonds in the principal amount of \$3,235,000, dated November 14, 2023 (the "*Outstanding Notes*"), were issued for the purpose stated in Section 1, to mature on November 7, 2024; and

WHEREAS, this City Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City and provide an additional \$256,000 for the purpose described in Section 1; and

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

WHEREAS, the Director of Finance has certified to this City Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is at least twenty (20) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is (a) November 18, 2040 as to \$2,685,000 of the principal amount, (b) November 14, 2023 as to \$550,000 of the principal amount and (c) two hundred forty (240) months as to \$256,000 of the principal amount.

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

Section 1. It is necessary to issue bonds of this City in the maximum principal amount of \$3,491,000 (the "*Bonds*") for the purpose of paying the costs of improving the City's facilities by constructing, furnishing and equipping a new building to house the City Council chambers and other administrative purposes, including landscaping, site improvements, any necessary utility improvements, constructing related parking facilities, and acquiring any necessary real property and interests therein in connection therewith, together with all necessary appurtenances thereto (the "*Improvement*").

Section 2. The Bonds shall be dated approximately July 1, 2025, shall bear interest at the now estimated rate of 5.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment on the Bonds is estimated to be December 1, 2025.

Section 3. It is necessary to issue and this Council determines that notes in the maximum principal amount of \$3,491,000 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes, to provide additional money for the purpose described in Section 1 and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the "*Certificate of Award*") as the amount which, along with other available funds of the City, is necessary to

provide for the retirement of the Outstanding Notes, to provide additional money for the purpose described in Section 1 and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award in accordance with Section 6 of this Ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

Section 7. The proceeds from the sale of the Notes received by the City (or withheld by the original purchaser or deposited with the Paying Agent, in each case on behalf of the City) shall

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

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

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

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

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

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "*Code*") or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

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

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest

thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

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

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

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

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

Section 14. The services of Bradley Payne, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. To the extent they are

not paid or reimbursed pursuant to the Note Purchase Agreement and/or the Note Registrar Agreement, the Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 15. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 16. 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 17. 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 _____, 2024;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

CERTIFICATE

The undersigned, Clerk of Council of the City of Huber Heights, Ohio, hereby certifies that the foregoing is a true and correct copy of Ordinance No. 2024-O-_____ passed by the City Council of the City of Huber Heights, on _____, 2024.

Clerk of Council

AI-10357

Pending Business G.

City Council Meeting

City Manager

Meeting Date: 09/23/2024

Issuance Of Notes - Carriage Trails Infrastructure - \$6,000,000

Submitted By: Jim Bell

Department: City Manager

Division: City Manager

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 09/03/24

Audio-Visual Needs: None

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$6,000,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Improving The Public Infrastructure Serving The Carriage Trails Development By Acquiring Certain Real Property And Related Interests Therein And Related Roadways, Utilities And Other Related Public Infrastructure, Together With All Necessary Appurtenances Thereto.
(second reading)

Purpose and Background

The attached ordinance will allow the City to issue 8-month notes in the amount of \$6,000,000 for the costs of improving the public infrastructure serving the Carriage Trails development. The estimated tax-exempt rate for this note is 5.5%. The City's Municipal Advisor, Andy Brossart, will make a brief presentation at the September 3, 2024 Council Work Session and be available to answer any questions. City Staff are requesting this ordinance be passed as non-emergency legislation with final approval at the September 23, 2024 City Council Meeting, so the notes can be sold with eight additional notes.

Fiscal Impact

Source of Funds: Notes

Cost: \$6,000,000

Recurring Cost? (Yes/No): No

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

Financial Implications:

Attachments

FOC
Ordinance

FISCAL OFFICER'S CERTIFICATE

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

As fiscal officer of the City of Huber Heights, Ohio, I certify in connection with your proposed issue of notes in the maximum principal amount of \$6,000,000 (the "*Notes*"), to be issued in anticipation of the issuance of bonds (the "*Bonds*") for the purpose of paying the costs of improving the public infrastructure serving the Carriage Trails development by acquiring certain real property and related interests therein and related roadways, utilities and other related public infrastructure, together with all necessary appurtenances thereto (the "*Improvement*"), that:

1. The estimated life or period of usefulness of the Improvement is at least five (5) years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is at least twenty (20) years, being my estimate of the life or period of usefulness of the Improvement. If and to the extent a portion of the proceeds of the Bonds may be determined to be allocated to a class or classes having a maximum maturity of less than twenty (20) years but in excess of five years, then the maximum maturity of the Bonds would still be at least twenty (20) years by reason of a sufficient portion of the proceeds of the Bonds allocated to a class or classes having a maximum maturity or an estimated period of usefulness in excess of twenty (20) years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is two hundred forty (240) months.

Dated: Sept. 3, 2024



Director of Finance
City of Huber Heights, Ohio

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2024-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$6,000,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE PUBLIC INFRASTRUCTURE SERVING THE CARRIAGE TRAILS DEVELOPMENT BY ACQUIRING CERTAIN REAL PROPERTY AND RELATED INTERESTS THEREIN AND RELATED ROADWAYS, UTILITIES AND OTHER RELATED PUBLIC INFRASTRUCTURE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO.

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

WHEREAS, the Director of Finance has certified to this City Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is at least twenty (20) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is two hundred forty (240) months.

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

Section 1. It is necessary to issue bonds of this City in the maximum principal amount of \$6,000,000 (the “*Bonds*”) for the purpose of paying the costs of improving the public infrastructure serving the Carriage Trails development by acquiring certain real property and related interests therein and related roadways, utilities and other related public infrastructure, together with all necessary appurtenances thereto (the “*Improvement*”).

Section 2. The Bonds shall be dated approximately July 1, 2025, shall bear interest at the now estimated rate of 5.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment on the Bonds is estimated to be December 1, 2025.

Section 3. It is necessary to issue and this Council determines that notes in the maximum principal amount of \$6,000,000 (the “*Notes*”) shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to pay the costs of the Improvement and any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the “*Certificate of Award*”) as the amount which, along with other available funds of the City, is necessary to pay the costs of the Improvement and any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award in accordance with Section 6 of this Ordinance.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the City’s paying agent, at the office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures

and safeguards are available for that purpose or at the office of the Director of Finance if agreed to by the Director of Finance and the original purchaser (the “*Paying Agent*”).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In each year to the extent the net revenues from any related tax increment financing service payments in lieu of taxes are available for the payment of the debt charges on the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such net revenues so available and appropriated.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, and to the extent not paid from net revenues of any related tax increment financing service payments in lieu of taxes, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Notes or the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

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

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the “Code”) or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

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

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more

appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

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

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

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

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

Section 15. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 17. 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 17. 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 _____, 2024;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

CERTIFICATE

The undersigned, Clerk of Council of the City of Huber Heights, Ohio, hereby certifies that the foregoing is a true and correct copy of Ordinance No. 2024-O-_____ passed by the City Council of the City of Huber Heights, on _____, 2024.

Clerk of Council

AI-10358

Pending Business H.

City Council Meeting

City Manager

Meeting Date: 09/23/2024

Issuance Of Notes - Refunding - Property Acquisition/Improvement - Economic Development - \$6,976,000

Submitted By: Jim Bell

Department: City Manager

Division:

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 09/03/2024

Audio-Visual Needs: None

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$6,976,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Approximately 19.5 Acres Of Real Property Near The Intersection Of Brandt Pike And Fishburg Road, Providing For The Site Preparation Thereof, Improving And Rehabilitating Certain Buildings And Razing Certain Other Buildings Located Thereupon, All In Support Of Economic Development And Job Creation Within The City.
(second reading)

Purpose and Background

The attached ordinance will allow the City to issue one-year notes in the amount of \$6,976,000 for the refunding of the notes issued in 2023 for the cost of property acquisition near the intersection of Brandt Pike and Fishburg Road, and for improving and rehabilitating certain buildings and razing other buildings on the property. The 2024 note issue has been reduced by \$750,000 to account for the sale of property in that area to Authentix. The estimated taxable rate for this note is 6%. The City's Municipal Advisor, Andy Brossart, will make a brief presentation at the September 3, 2024 Council Work Session and be available to answer any questions. City Staff are requesting this ordinance be passed as non-emergency legislation with final approval at the September 23, 2024 City Council Meeting, so the notes can be sold with eight additional notes and proceeds received prior to the maturity of the notes issued in 2023.

Fiscal Impact

Source of Funds: Notes
Cost: \$6,976,000
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. 2024-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$6,976,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF ACQUIRING APPROXIMATELY 19.5 ACRES OF REAL PROPERTY NEAR THE INTERSECTION OF BRANDT PIKE AND FISHBURG ROAD, PROVIDING FOR THE SITE PREPARATION THEREOF, IMPROVING AND REHABILITATING CERTAIN BUILDINGS AND RAZING CERTAIN OTHER BUILDINGS LOCATED THEREUPON, ALL IN SUPPORT OF ECONOMIC DEVELOPMENT AND JOB CREATION WITHIN THE CITY.

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

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

WHEREAS, pursuant to Ordinance No. 2023-O-2605 passed September 25, 2023, notes in anticipation of bonds in the principal amount of \$7,262,000, dated November 14, 2023 (the “*Outstanding Notes*”), were issued for the purpose described in Section 2, to mature on November 7, 2024; and

WHEREAS, this City Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 4 and other funds available to the City and provide an additional \$464,000 for the purpose described in Section 2.

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

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

Section 2. It is necessary to issue bonds of this City in the maximum principal amount of \$6,976,000 (the “*Bonds*”) for the purpose of paying the costs of acquiring approximately 19.5 acres of real property near the intersection of Brandt Pike and Fishburg Road, providing for the site preparation thereof, improving and rehabilitating certain of the buildings and razing certain other buildings located thereupon, all in support of economic development and job creation within the City (the “*Project*”).

Section 3. The Bonds shall be dated approximately November 1, 2025, shall bear interest at the now estimated rate of 5.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment on the Bonds is estimated to be December 1, 2026.

Section 4. It is necessary to issue and this Council determines that notes in the maximum principal amount of \$6,976,000 (the “Notes”) shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 2 and to retire, together with other funds available to the City, the Outstanding Notes, to provide additional money for the purpose described in Section 2 and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 7 of this Ordinance (the “*Certificate of Award*”) as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes, to provide additional money for the purpose described in Section 2 and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 7.50% per year (computed on the basis of a 360day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award in accordance with Section 7 of this Ordinance. The Notes shall be issued pursuant to the Act, the Charter of the City, this Ordinance and the Certificate of Award.

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

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

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

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

the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

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

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

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

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

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

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

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

The City Manager, the Director of Finance, the City Attorney, the Clerk of Council and other City officials, as appropriate, and any person serving in an interim or acting capacity for any such official, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or

appropriate to consummate the transactions contemplated by this Ordinance. Any actions heretofore taken by the City Manager, the Director of Finance, the City Attorney, the Clerk of Council or other City official, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Notes are hereby ratified and confirmed.

Section 8. The proceeds from the sale of the Notes received by the City (or withheld by the original purchaser or deposited with the Paying Agent, in each case on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. The Certificate of Award and the Note Purchase Agreement may authorize the original purchaser to (a) withhold certain proceeds from the sale of the Notes or (b) remit certain proceeds from the sale of the Notes to the Paying Agent, in each case to provide for the payment of certain financing costs on behalf of the City. If proceeds are remitted to the Paying Agent in accordance with this Section 7, the Paying Agent shall be authorized to create a fund in accordance with the Note Registrar Agreement for that purpose. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Fund (as described below).

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

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

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

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

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

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

For purpose of this Ordinance, “*Nontax Revenues*” shall mean all moneys of the City which are not moneys raised by taxation, to the extent available for such purposes, including, but not limited to the following: (a) grants from the United States of America and the State of Ohio; (b) payments in lieu of taxes now or hereafter authorized by State statute; (c) fines and forfeitures which are deposited in the City’s General Fund; (d) fees deposited in the City’s General Fund from properly imposed licenses and permits; (e) investment earnings on the City’s General Fund and which are credited to the City’s General Fund; (f) investment earnings of other funds of the City that are credited to the City’s General Fund; (g) proceeds from the sale of assets which are deposited in the City’s General Fund; (h) rental income which is deposited in the City’s General Fund; (i) gifts and donations; and (j) proceeds from the sale of any portion of the Project.

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

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

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

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

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

regular and due form as required by law; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 16. 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 17. 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 _____, 2024;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

CERTIFICATE

The undersigned, Clerk of Council of the City of Huber Heights, Ohio, hereby certifies that the foregoing is a true and correct copy of Ordinance No. 2024-O-_____ passed by the City Council of the City of Huber Heights, on _____, 2024.

Clerk of Council

AI-10359

Pending Business I.

City Council Meeting

City Manager

Meeting Date: 09/23/2024

Issuance Of Notes - Property Acquisition/Improvement - Economic Development - \$2,300,000

Submitted By: Jim Bell

Department: City Manager

Division:

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 09/03/2024

Audio-Visual Needs: None

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$2,300,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Approximately 16.5 Acres Of Real Property On Executive Boulevard And Providing For The Site Preparation Thereof, All In Support Of Economic Development And Job Creation Within The City.
(second reading)

Purpose and Background

The attached ordinance will allow the City to issue 8-month notes in the amount of \$2,300,000 for the cost of property acquisition of approximately 16.5 acres on Executive Blvd and providing site preparation for economic development. The estimated federally taxable rate for this note is 6%. The City's Municipal Advisor, Andy Brossart, will make a brief presentation at the September 3, 2024 Council Work Session and be available to answer any questions. City Staff are requesting this ordinance be passed as non-emergency legislation with final approval at the September 23, 2024 City Council Meeting, so the notes can be sold with eight additional notes.

Fiscal Impact

Source of Funds: Notes

Cost: \$2,300,000

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. 2024-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,300,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF ACQUIRING APPROXIMATELY 16.5 ACRES OF REAL PROPERTY ON EXECUTIVE BOULEVARD AND PROVIDING FOR THE SITE PREPARATION THEREOF, ALL IN SUPPORT OF ECONOMIC DEVELOPMENT AND JOB CREATION WITHIN THE CITY.

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

WHEREAS, to facilitate the creation of jobs and employment opportunities and improving the economic welfare of the people of the City and of the State of Ohio, the City has determined to issue the Notes (described below) to acquire approximately 16.5 acres of real property on Executive Boulevard and providing for the site preparation thereof.

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

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

Section 2. It is necessary to issue bonds of this City in the maximum principal amount of \$2,300,000 (the “Bonds”) for the purpose of paying the costs of acquiring approximately 16.5 acres of real property on Executive Boulevard and providing for the site preparation thereof, all in support of economic development and job creation within the City (the “Project”).

Section 3. The Bonds shall be dated approximately November 1, 2025, shall bear interest at the now estimated rate of 5.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment on the Bonds is estimated to be December 1, 2026.

Section 4. It is necessary to issue and this Council determines that notes in the maximum principal amount of \$2,300,000 (the “Notes”) shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 2 and to pay the costs of the Project and any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 7 of this Ordinance (the “Certificate of Award”) as the amount which, along with other available funds of the City, is necessary to pay the costs of the Project and any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 7.50% per year (computed on the basis of a 360day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award in accordance with Section 7 of this Ordinance. The Notes shall be issued pursuant to the Act, the Charter of the City, this Ordinance and the Certificate of Award.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 8. The proceeds from the sale of the Notes received by the City (or withheld by the original purchaser or deposited with the Paying Agent, in each case on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. The Certificate of Award and the Note Purchase Agreement may authorize the original purchaser to (a) withhold certain proceeds from the sale of the Notes or (b) remit certain proceeds from the sale of the Notes to the Paying Agent, in each case to provide for the payment of certain financing costs on behalf of the City. If proceeds are remitted to the Paying Agent in accordance with this Section 7, the Paying Agent shall be authorized to create a fund in accordance with the Note Registrar Agreement for that purpose. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Fund (as described below).

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

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

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

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

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

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

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

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

Section 12. The Director of Finance is authorized to request a rating for the Notes from Moody's Ratings or S&P Global Ratings, or both, as the Director of Finance determines is in the

best interest of the City. The expenditure of the amounts necessary to secure any such ratings as well as to pay the other financing costs (as defined in Section 133.01 of the Ohio Revised Code) in connection with the Notes is hereby authorized and approved and the amounts necessary to pay those costs are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

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

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

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

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

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

Passed by Council on the _____ day of _____, 2024;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

CERTIFICATE

The undersigned, Clerk of Council of the City of Huber Heights, Ohio, hereby certifies that the foregoing is a true and correct copy of Ordinance No. 2024-O-_____ passed by the City Council of the City of Huber Heights, on _____, 2024.

Clerk of Council

AI-10373

**New Business A.
City Council**

City Council Meeting

Meeting Date: 09/23/2024

Liquor Permit #7511418 - Roosters - 5571 Merily Way

Submitted By: Anthony Rodgers

Department: City Council

Type of Other

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 The Application For Change Of LLC Membership Interests For Liquor Permit #7511418 For Roosters At 5571 Merily Way, Huber Heights, Ohio 45424.

Review and Comments - Police Division

The Police Division had no objections to the change of corporate stock ownership for this liquor permit.

Review and Comments - Fire Division

The Fire Division had no objections to the change of corporate stock ownership for this 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: September 5, 2024

RE: Liquor Permit #7511418 - Roosters – 5571 Merily Way

I am writing to inform you that there are no outstanding Fire Code Violations with this building.

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
 8838 TUSSING ROAD, P.O. BOX 4005
 REYNOLDSBURG, OHIO 43068-9005
 (614)844-2360 FAX (614)844-3166

TO

7511418		STCK	ROOSTERS HUBER HEIGHTS INC	
PERMIT NUMBER		TYPE	DBA ROOSTERS	
ISSUE DATE		5571 MERILY WAY		
05 14 2024		HUBER HGTS OH 45424		
EXPIRE DATE				
D5 D6		PERMIT CLASS		
57	083	A	F31936	
TAX DISTRICT			RECEIPT NO.	

FROM 08/23/2024

		TYPE		
PERMIT NUMBER				
ISSUE DATE				
EXPIRE DATE				
		PERMIT CLASS		
TAX DISTRICT			RECEIPT NO.	



MAILED 08/23/2024

RESPONSES MUST BE POSTMARKED NO LATER THAN 09/23/2024

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 STCK 7511418**

(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
 Clerk of City Council
 Township Fiscal Officer

(Date)

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

OHIO DIV. LIQUOR CONTROL
FRONT DESK-1CK# 1476
\$100.00

F31936

2020 JUN 14 AM 11:01

SECTION A - Issued Permit Holder Information

*Issued Permit Holder's Business Name as listed on the issued permit: ROOSTERS HUBER HEIGHTS INC.		*Issued Permit Holder #: 7511418	
*Permit Premises Address: 5571 MERRILY WAY		*Is Permit Holder an Agency Store? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If YES, what is the assigned agency # _____	
*Township (if premises is outside city limits):	*City: HUBER HEIGHTS	*Zip Code: 45424	*County: MONTGOMERY
*Contact Name: Teresa Wells		*Who will be the Primary Contact for this Application: <input type="checkbox"/> Contact Listed <input checked="" type="checkbox"/> Attorney Listed Below	
Phone: (614) 221-5212		*Business Phone: (614) 221-5212	
*Primary Contact's Email Address: T W E L L S @ L R E L A W . C O M			
*Attorney Information (if applicable)		Name: LUMPE, RABER & EVANS	
Address: 37 W. BROAD STREET, SUITE 1140	City: COLUMBUS	State: OHIO	Zip Code: 43215
Attorney Email Address: T W E L L S @ L R E L A W . C O M		Phone #: (614) 221-5212	

SECTION B - Corporate Ownership Description

1. * List the **CURRENT 5% or more** owners in the issued permit as currently disclosed to us - Not sure who/what we have on record? Go to com.ohio.gov/liquorinfo (select "who has a disclosed ownership interest in a particular liquor permit" tab and enter the permit number listed on your issued permit).

	Person or Company Name	Current # of Shares Held
1	DANIEL PONTON	25
2	CORRINE FRICK	25
3	ROBERT FRICK	25
4	JACOB SARAKAITIS	20
5	DAN NADER	5

2. * List the **NEW/REVISED 5% or more** owners as they should be listed in the issued permit **AFTER** the change. (Note, depending on your proposed change its possible that some individuals might be listed above and below.) Any real persons **MUST** be at least 21 years of age. In addition to filling out the below information, please submit an updated Officer/Shareholder Disclosure Form (OR com.ohio.gov/requiredforms, select form #4030) that matches the "NEW/REVISED" information below.

	Person or Company Name	Revised # of Shares Held
1	ROBERT FRICK	38
2	CORRINE FRICK	37
3	JACOB SARAKAITIS	20
4	DAN NADER	5
5		

AI-10374

**New Business B.
City Council**

City Council Meeting

Meeting Date: 09/23/2024

Liquor Permit #0348647 - Blanco Bar And Lounge - 5478 Brandt Pike

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 #0348647 For Blanco Bar And Lounge At 5478 Brandt Pike, Huber Heights, Ohio, 45424.

Review and Comments - Police Division

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

Review and Comments - Fire Division

The Fire Division had 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: September 12, 2024

RE: Liquor Permit #0348647 – Blanco Bar and Lounge – 5478 Brandt Pike

I am writing to inform you that there are no outstanding Fire Code Violations with this building.

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6808 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3188

TO

0348647		NEW		BLANCO BAR & LOUNGE LLC DBA BLANCO BAR & LOUNGE 5478 BRANDT PK HUBER HGTS OH 45424
PERMIT NUMBER		TYPE		
ISSUE DATE				
08 05 2024				
FILING DATE				
D5 <i>DL</i>				
PERMIT CLASSES				
57	083	A	E25548	
TAX DISTRICT		RECEIPT NO.		

FROM 08/14/2024

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



MAILED 08/14/2024

RESPONSES MUST BE POSTMARKED NO LATER THAN.

09/16/2024

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 0348647**

(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-10363

New Business C.

City Council Meeting

City Council

Meeting Date: 09/23/2024

Case BDP 24-17 - Carriage Trails Co, LLC - Rezoning/Basic Development Plan - Between Carriage Trails And U.S. Route 40 - Public Hearing

Submitted By: Geri Hoskins

Department: Assistant City Manager - Public Services

Division: Planning

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 09/17/2024

Audio-Visual Needs: SmartBoard

Emergency Legislation?: No

Motion/Ordinance/
Resolution No.: N/A

Agenda Item Description or Legislation Title

A Public Hearing Scheduled For September 23, 2024 By The Huber Heights City Council For Case BDP 24-17. The Applicant Is Carriage Trails Co, LLC. The Applicant Is Requesting Approval Of A Rezoning From Agricultural (A) To Planned Mixed-Use (PM) And A Basic Development Plan For Property Located Between The Carriage Trails I Development And U.S. Route 40 And Further Described As Parcel Numbers A01-046600, A01-012310, A01-044400, A01-016400, A01-015000, A01-012210, A01-012220, And A01-012200 On The Miami County Auditor's Map.

Purpose and Background

The applicant, Carriage Trails Co, LLC, is requesting approval of a Rezoning from Agricultural (A) to Planned Mixed-Use (PM) and a Basic Development Plan for property located between the Carriage Trails I development and U.S. Route 40 (Case BDP 24-17).

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-10378

New Business D.
City Council

City Council Meeting

Meeting Date: 09/23/2024

Authentix TIF District - Public Hearing

Submitted By: Kyren Gantt

Department: Assistant City Manager - Finance/ED

Council Committee Review?: Council Work Session

Division: Economic Development

Date(s) of Committee Review: 09/17/2024

Audio-Visual Needs: SmartBoard

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

A Public Hearing Scheduled For September 23, 2024 By The Huber Heights City Council Regarding A Proposed Tax Increment Financing Incentive District To Be Established By The City Of Huber Heights, Ohio Under Ohio Revised Code Section 5709.40(c).

Purpose and Background

This agenda item is for a public hearing on the establishment of the Authentix Development TIF District. The Incentive District includes a proposed development of a 288+/- market-rate multifamily housing development on approximately 15 contiguous acres within the City, known as the Authentix Development Project (the "Project"). The proposed development is located west of Brandt Pike, north of Fishburg Road, and south of Chambersburg Road. The City is considering the creation of a residential Tax Increment Financing (TIF) Incentive District (the "Incentive District") which will include the proposed residential development. The Incentive District will: (1) use quality architecture and design; (2) permit the development of high quality, multi-unit housing; (3) enhance the City by providing for public infrastructure improvements necessary for the preservation and advancement of public health, safety, and well-being; and (4) increase the City's collection of income taxes and, over time, real property taxes.

The City has determined that the construction of the project is expected to result in the creation of employment opportunities within the City as well as the creation of market-rate multifamily housing for residents of the City. Additionally, the Incentive District is projected to net a 30-year benefit to the City of \$4.4 million.

The legislation establishing the Economic Development Plan for this TIF District was previously passed by the City Council on July 8, 2024.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

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

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

Financial Implications:

The developer estimates that the Authentix Development will have a total fair market value of approximately \$38,880,055 upon completion. The projected total 30-year revenue benefit to the City is \$4.4 million.

Attachments

Presentation

Authentix Development TIF District

September 23, 2024



Authentix Development TIF District

Legislation Procedures

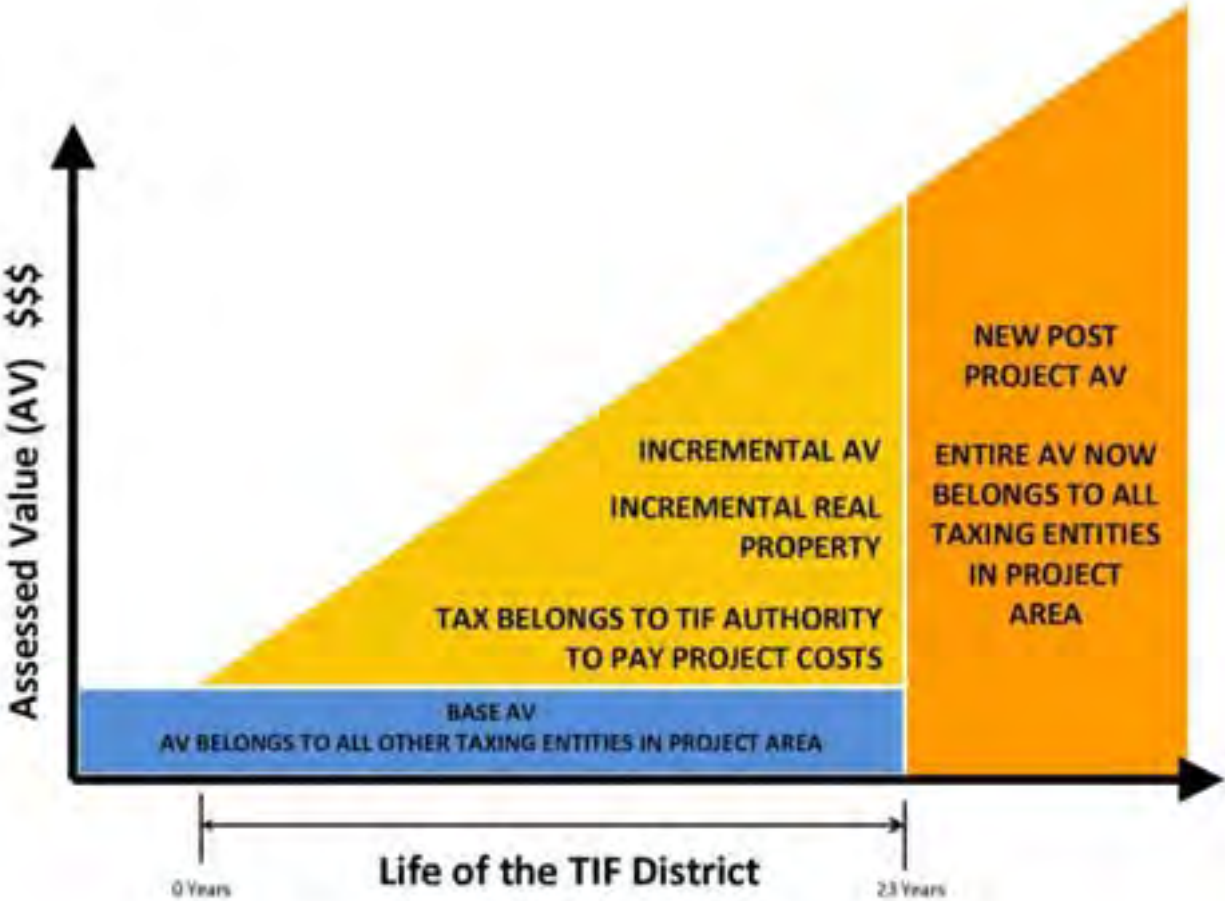
- June 18, 2024- Introduction of Economic Development Plan
- July 8, 2024- Second Reading & Final Adoption (Ordinance NO. 2024-O-2643)
- ***September 23, 2024- Public Hearing & First Reading (TIF Ordinance)***
- October 14th Council Meeting- Second Reading & Final Adoption

Authentix Development TIF District

- Tax Increment Financing (TIF) is a way to capture property tax dollars from new development and leveraging those dollars as a way to directly support that new development.
- TIFs are authorized under the Ohio Revised Code (ORC).
- TIF monies are spent on “stuff”, not people.
- The Authentix Development TIF does not impact the Huber Heights City Schools District.

Authentix Development TIF District

How Exactly
Does a TIF
Work?



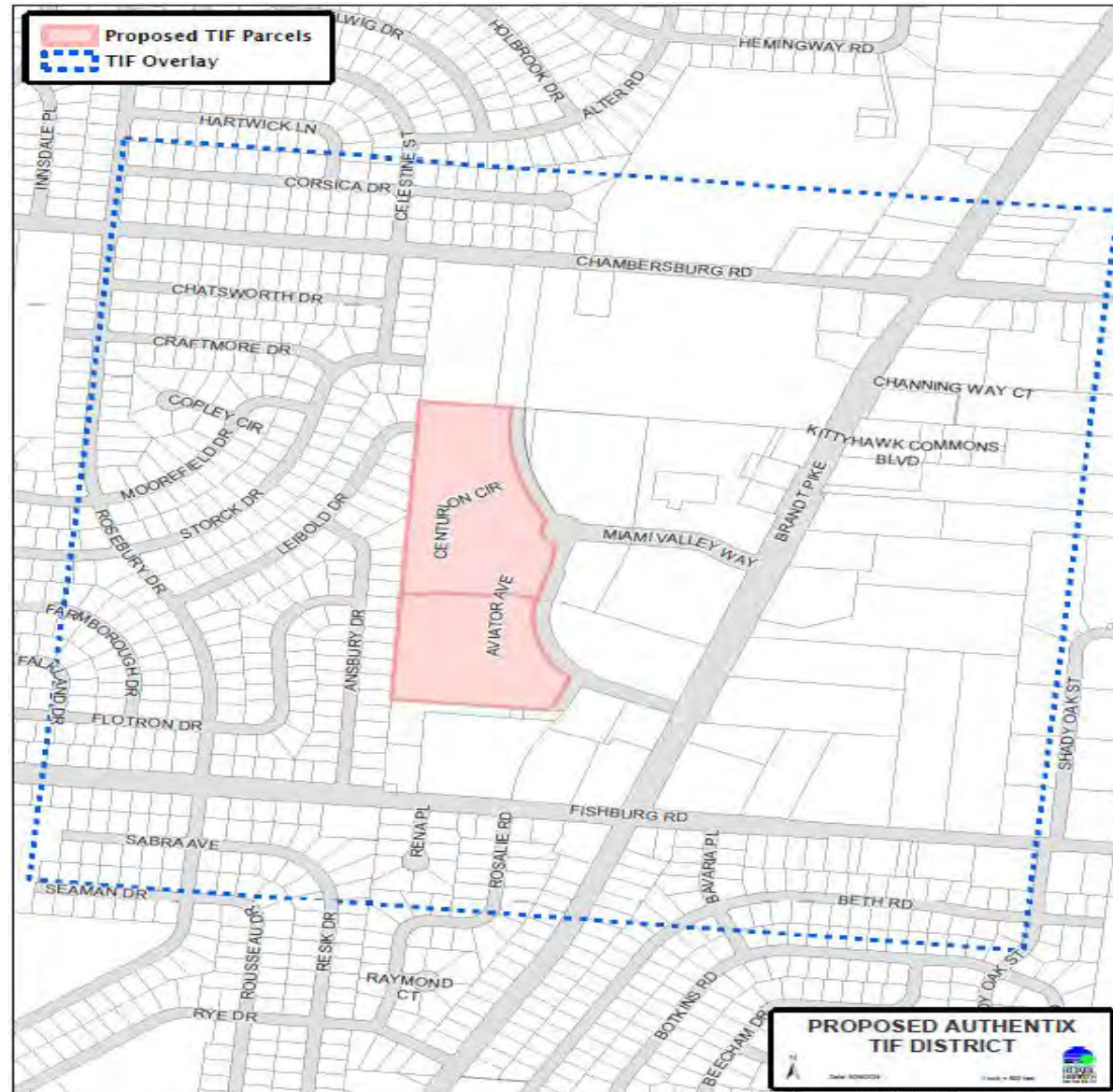
Authentic Development TIF District

288+/- unit market-rate multifamily housing development on approx. 15 contiguous acres.

HHCS not affected by the TIF.

30-year gross revenue of \$4.4 million

Effective for calendar year 2024.



Authentix Development TIF District

Authentix Site Plan



Authentix Development TIF District

Potential Incentive Districts



Authentix Development TIF District

Revenues

Money generated by this TIF will go back into the project to pay for the expenses to build Meadows Park Drive as well as site preparation costs for Authentix.

TIF funds will also pay for expenses associated with the Governance Center design the Meadows infrastructure.

- Projected total 30-year revenue benefit to the City: \$4.4M
- \$750k land sale to Authentix
- \$1M land sale to the library
- Future sale of 1 acre lot where used to sit the north building of CR Dayton
- Future TIF revenues from future development of the Premier Health lot
- 30 years of rent proceeds from the Meadows

****Service payments in lieu of taxes collected from the proposed Incentive District will fund public infrastructure improvements necessary to support residential development.***



Authentic Development TIF District

- June 18 (Work Session) Introduce Economic Development Plan
- June 24 (Council Meeting) First Reading
- July 8 (Council Meeting) Second Reading & Final Adoption
- July 12 (Staff) Notice to Property Owner(s), County Commission Office & School Districts
- September 23 (Council Meeting) Public Hearing & First Reading (TIF Ordinance)
- **October 14 (Council Meeting) Second Reading & Final Adoption**

Authentic Development TIF District

Questions?



AI-10372

New Business E.

City Council Meeting

City Manager

Meeting Date: 09/23/2024

Case BDP 24-17 - Carriage Trails Co, LLC - Rezoning/Basic Development Plan - Between Carriage Trails I And U.S. Route 40

Submitted By: Geri Hoskins

Department: Assistant City Manager - Public Services

Division: Planning

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 09/17/2024

Audio-Visual Needs: SmartBoard

Emergency Legislation?: No

Motion/Ordinance/
Resolution No.:

Agenda Item Description or Legislation Title

An Ordinance To Approve A Rezoning From Agricultural (A) To Planned Mixed-Use (PM) And To Approve A Basic Development Plan Of 296.236 Acres For The Property Located Between The Carriage Trails I Development And U.S. Route 40 And Further Identified As Parcel Numbers A01-046600, A01-012310, A01-044400, A01-016400, A01-01500, A01-012210, A01-012220, And A01-012200 On The Miami County Auditor's Map And To Accept The Recommendation Of The Planning Commission (Case BDP 24-17).
(first reading)

Purpose and Background

The applicant, Carriage Trails Co, LLC, is requesting approval of a Rezoning from Agricultural (A) to Planned Mixed-Use (PM) and a Basic Development Plan for 296.236 acres recently annexed into the City of Huber Heights (Case BDP 24-17).

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. 2024-O-

TO APPROVE A REZONING FROM AGRICULTURAL (A) TO PLANNED MIXED-USE (PM) AND TO APPROVE A BASIC DEVELOPMENT PLAN OF 296.236 ACRES FOR THE PROPERTY LOCATED BETWEEN THE CARRIAGE TRAILS I DEVELOPMENT AND U.S. ROUTE 40 AND FURTHER IDENTIFIED AS PARCEL NUMBERS A01-046600, A01-012310, A01-044400, A01-016400, A01-01500, A01-012210, A01-012220, AND A01-012200 ON THE MIAMI COUNTY AUDITOR'S MAP AND TO ACCEPT THE RECOMMENDATION OF THE PLANNING COMMISSION (CASE BDP 24-17).

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

WHEREAS, the City Council approved a Pre-Annexation Agreement (the "Agreement") pertaining to the development of the approximately 296.236 +/- acres as described in the above legislation title by parcel numbers (the "Property") with Carriage Trails Co., LLC (the "Developer") by Resolution No. 2024-R-7454 on July 22, 2024; and

WHEREAS, the Annexation of the Property by the City was approved by the Miami County Commissioners as an Expedited Type II annexation at the Property owner's request (the "Annexation"); and

WHEREAS, the City enacted Resolution No. 2024-R-7363 stating the services the City would provide to the property upon Annexation; and

WHEREAS, the City agreed to support approval of Developer funded special assessments on terms consistent with those described in Resolution No. 2021-R-7018 and Ordinance No. 2021-O-2483; and

WHEREAS, the Agreement specifically set forth the Rezoning sought in this Ordinance following the acceptance by the City of the Property owner's Annexation request as approved by the Miami County Commissioners; and

WHEREAS, the City accepted the Annexation by Resolution No. 2024-R-7455 on July 22, 2024; and

WHEREAS, a Referendum petition pertaining to Resolution No. 2024-R-7455 was circulated and presented to the City on or about August 16, 2024 in attempt to place the Annexation approval before the City electors (the "Annexation Referendum"); and

WHEREAS, the Montgomery County Board of Elections determined that the Annexation Referendum did not have the required number of qualified voters' signatures on the petition to be placed on the ballot thereby causing the Annexation Referendum to fail; and

WHEREAS, the City's Planning Commission reviewed Case BDP 24-17 and on September 10, 2024 and recommended approval by a vote of 4-0 of the Rezoning from Agricultural (A) to Planned Mixed-Use (PM) and a Basic Development Plan consistent with the terms set forth in Agreement; and

WHEREAS, the recommendation of the City's Planning Commission is before the Council for approval in furtherance of the Property development as set forth in the Agreement and consistent with previously adopted resolutions and ordinances duly presented and approved by the Council including Resolution No. 2024-R-7455 that was the subject of the Annexation Referendum; and

WHEREAS, the City Council has considered the issue.

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

Section 1. The application requesting approval of a Rezoning from Agricultural (A) to Planned Mixed-Use (PM) and a Basic Development Plan (Case BDP 24-17) is hereby approved in accordance with the Planning Commission's recommendation.

Section 2. The Basic Development Plan development standards are outlined in the Carriage Trails Development Standards attached hereto as Exhibit A.

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 _____, 2024;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

EXHIBIT A – CARRIAGE TRAILS II DEVELOPMENT STANDARDS

The basic development standards outlined below shall apply to the Carriage Trails II development.

Permitted Dwelling Definitions: Multi-family units shall be defined as multi-unit residential structures with stacked flats that share common hallways. Attached single family shall be defined as two or more residential units sharing a common wall with individual grade level entrances for each unit. Townhomes and garden condos are included in the attached single-family category.

Density: The maximum residential gross density permitted in the development shall not exceed seven (7) dwelling units per acre. Gross density includes land occupied by public rights-of-way and any recreational, civic, commercial, and other nonresidential uses.

Adjacent Uses to Carriage Trails I Homes: Detached single-family homes, on equal or greater sized lots, shall be required in all sections abutting existing platted Carriage Trails I homes. Multi-family and commercial shall not be permitted in any area abutting existing Carriage Trails I residential development.

Open Space: A minimum of 20% of the total Carriage Trails I & II site area of 825 acres, or 165 acres, of land shall be reserved for open or green spaces, which may include both public and private areas within the subdivisions. Open space may be developed in phases with the submission of detailed development plans for various sections.

Connectivity: Roadway connectivity shall be guided by Exhibit C in the Basic Development Plan application dated August 20, 2024. Significant flexibility shall be permitted in the final design of roads, but all public roads shall be approved by the City Engineer with the Detailed Development Plans.

The development standards set forth below shall apply to all areas unless otherwise specifically stated. The Huber Heights Zoning code shall govern in all other instances.

Development Standards

1. Minimum lot dimensions for each lot type per the Basic Development Plan and Pattern Book shall be as follows. Larger lots than those listed are also permitted.

<u>Lot Type</u>	<u>Minimum Width</u>	<u>Minimum Area</u>	<u>Maximum Building Coverage of Lot Area</u>
Townhomes	20'	2,000	60%
Attached Single-Family	30'	3,600	60%
Village Homes/Cluster Homes	40'	4,800	60%
Small Single-Family	50'	6,000	60%
Large Single-Family	60'	7,500	50%

2. Minimum lot dimensions for non-residential components shall be approved with the Detailed Development Plan. However, the maximum building coverage for non-residential buildings shall not exceed 50% of the lot area.

3. Setbacks throughout the development shall be as follows:

<u>Unit Type</u>	<u>Front Yard</u>	<u>Minimum Side Yard</u>	<u>Minimum Rear Yard</u>	<u>Minimum Building Separation</u>
Townhomes/Attached Single-Family	20' from ROW	0'	20'	10'
All Single-Family	25' from ROW	5'	25'	10'
Multi-Family/Condo	20' from ROW	n/a	25'	6'
Commercial	10' from ROW	Per Detailed Development Plan	Per Detailed Development Plan	50' from a residential structure

4. Basic architecture shall be based on the concepts provided on Exhibits E.1-E.4 in the Basic Development Plan application dated August 20, 2024, and follow minimum standards:

Minimum floor areas shall be:

- i. Townhome/Attached Single-Family lots
 1. One-story dwelling shall have a minimum floor area of 800 square feet.
 2. Two-story dwelling shall have a minimum floor area of 1,000 square feet.
 3. Three-story dwelling shall have a minimum floor area of 1,200 square feet.
 - ii. Single family residential lots up to and including 50 feet to 60 feet in width
 1. One-story dwellings shall have a minimum floor area of 1,100 square feet,
 2. One and one-half story dwellings shall have a minimum floor area of 1,200 square feet, and
 3. Two-story dwellings shall have a minimum floor area of 1,300 square feet.
 - iii. Single family residential lots 60 feet to 70 feet in width
 1. One-story dwellings shall have a minimum floor area of 1,200 square feet,
 2. One and one-half story dwellings shall have a minimum floor area of 1,300 square feet, and
 3. Two-story dwellings shall have a minimum floor area of 1,400 square feet.
 - iv. Single family residential lots 70 feet plus in width,
 1. One-story dwellings shall have a minimum floor area of 1,400 square feet,
 2. One and one-half story dwellings shall have a minimum floor area of 1,500 square feet, and
 3. Two-story dwellings shall have a minimum floor area of 1,600 square feet.
 - v. Multi-family units, the minimum floor area shall be 700 square feet.
5. No single-family residential unit or multi-family residential building may be constructed on the property having a height greater than thirty-five (35) feet measured from the finish grade of the property at the main entrance of the residence or building to the eave of the roof.
 6. Any commercial building over twenty (20) feet in height shall be designed with multiple floors or the appearance of multiple floors.
 7. The major roof slopes on all single-family residential structures of traditional design shall have a minimum pitch of 5/12. Softer pitches may be accepted as an accent roof, or on porches, garage transitions and shed dormers etc. For multi-family units, all one-, two- or three-story buildings shall be required to have: i) pitched roofs with gable or hip ends; ii) mansard style roofs; and iii) flat roofs with mansard style roof or detailed parapet appearance so as to screen any roof top equipment and avoid a general flat roof appearance.
 8. Roof materials and colors should be compatible throughout the community. Earth tone colors are preferred. Roof fans, vents and flashing are to be painted or finished to match the roof.
 9. Exterior building materials shall be wood, brick, stone, stucco, fiber-cement products (such as Hardie Plank) or vinyl siding with a minimum gauge of 0.040".
 - i. Natural earth tone colors are preferred. Accent colors can only be used to carefully add a highlight or detail to the natural earth tone colors. Gutters and downspouts are to be finished to complement fascia color. Trim is to be stained or painted to complement the exterior walls and roof.
 - ii. All exterior building materials and colors are subject to review by the Architectural Review Committee of the Master Homeowners Association.
 - iii. A minimum of 50% of the single-family homes within the development shall have primary facades finished with masonry products that meet the Definition of Other Approved Masonry Type of Material Per Section 1181.20 as published by the City. The masonry product shall be used over a minimum of 25% of the surface area of the façade. Alternate materials may be used for detail and trim. The masonry coverage area shall be applied to the façade area remaining after removing the area occupied by windows and doors or roofing surfaces.
 - iv. A minimum of 30% of the primary façade(s) of a multi-family structure of attached single family structure shall be finished with masonry products.
 - v. A minimum of 50% of the primary façade(s) of all non-residential structures shall be finished with masonry products.
 10. Asphalt or gravel driveways shall not be permitted.
 11. All yards, front, side and rear, shall be landscaped. All vacant lots shall be seeded and maintained in such a manner as to prevent erosion of the property and excess drainage onto adjoining lands. Each residential lot shall have at least one shade tree on each street frontage.

12. All entryway signs shall be ground mounted and shall be approved by the Master Owners' Association Design Review Committee. All signs must adhere to the City of Huber Heights signage code.

Detailed Development Plan Submission Criteria

In addition to the procedures outlined in Section 1171 of the Huber Heights Zoning Code, the following shall be submitted with, or prior to, the Detailed Development Plan applications:

1. All of the above standards shall be included in the covenants and restrictions for the master homeowner's association (Master Homeowners' Association"), which will be submitted to Planning Commission in conjunction with or prior to the first Detailed Development Plan.
2. Prior to the submission of any Detailed Development Plans, a landscaping plan for the greenspace, including any buffering or transitions between uses, shall be submitted for approval by Planning Commission. The plan shall include a site plan showing existing and proposed topography, proposed plantings, and a schedule or proposed grass / plant types.
3. Prior to the submission of any Detailed Development Plans, a master sign plan for the development shall be submitted for approval by Planning Commission. The sign plan will include a plan showing the location and type of each sign, and spec sheets showing typically materials, type of each sign, and spec sheets showing typically materials, appearance, and lighting of each type of sign, Maximum size/area for each type shall be provided, and a list of permitted materials and colors shall be included.
4. All Detailed Development Plans for the various sections shall include landscape and buffering plans, and green spaces, if applicable, which will be submitted to Planning Commission for approval.
5. All Detailed Development Plans for the various sections shall include water plans which will be submitted for approval by the City Engineer based on the City's standard requirements.
6. All Detailed Development Plans for the various sections shall include sanitary sewer plans which must be approved by the City Engineer based on the City's standard requirements.
7. All Detailed Development Plans for the various sections shall include storm water management plans which must be approved by the City Engineer based on the City's standard requirements.
8. Specific elevations will be provided with the Detailed Development Plan submittals.

AI-10371

**New Business F.
City Manager**

City Council Meeting

Meeting Date: 09/23/2024

Authentix TIF District

Submitted By: Kyren Gantt

Department: Assistant City Manager - Public Services

Council Committee Review?: Council Work Session
Date(s) of Committee Review: 09/17/2024

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

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

Agenda Item Description or Legislation Title

An Ordinance Creating A Tax Increment Financing Incentive District; Declaring Improvements To The Parcels Within The Incentive District To Be A Public Purpose And Exempt From Real Property Taxation; Requiring The Owners Of Those Parcels To Make Service Payments In Lieu Of Taxes; Establishing A Municipal Public Improvement Tax Increment Equivalent Fund For The Deposit Of Those Service Payments; Specifying The Public Infrastructure Improvements That Benefit Or Serve Parcels In The Incentive District; Authorizing Compensation Payments To Montgomery County, Ohio, The Huber Heights City School District, And The Miami Valley Career Technology Center.
(first reading)

Purpose and Background

The purpose of this Economic Development Plan (the "Plan") is to satisfy the requirement of Section 5709.40(A)(5)(f) of the Ohio Revised Code, which requires that an economic development plan evidence that the public infrastructure serving a proposed residential tax increment financing incentive district is inadequate to meet the development needs of the district. This Plan has been developed to continue the efficient and effective development of the City of Huber Heights, Ohio (the "City"). This Plan relates to the proposed development of a 288+/- market-rate multifamily housing development on approximately 15 contiguous acres within the City, known as the Authentix Development Project (the "Project"). The proposed development is located west of Brandt Pike, north of Fishburg Road, and south of Chambersburg Road. The City has determined that the construction of the Project is expected to result in the creation of employment opportunities within the City as well as the creation of market-rate multifamily housing for residents of the City.

The City is considering the creation of a residential Tax Increment Financing (TIF) Incentive District (the "Incentive District") which will include the proposed Authentix residential development. The Incentive District will: (1) use quality architecture and design; (2) permit the development of high quality, multi-unit housing; (3) enhance the City by providing for public infrastructure improvements necessary for the preservation and advancement of public health, safety, and well-being; and (4) increase the City's collection of income taxes and, over time, real property taxes.

Fiscal Impact

Source of Funds: N/A
Cost: N/A
Recurring Cost? (Yes/No): N/A

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

Financial Implications:

The developer estimates that the Authentix Development Project will have a total fair market value of approximately \$38,880,055 upon completion.

Attachments

Ordinance

Exhibit A

Exhibit A - Attachment A

Exhibit A - Attachment B

Exhibit B

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2024-O-

CREATING A TAX INCREMENT FINANCING INCENTIVE DISTRICT; DECLARING IMPROVEMENTS TO THE PARCELS WITHIN THE INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE AND EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THOSE SERVICE PAYMENTS; SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT BENEFIT OR SERVE PARCELS IN THE INCENTIVE DISTRICT; AUTHORIZING COMPENSATION PAYMENTS TO MONTGOMERY COUNTY, OHIO, THE HUBER HEIGHTS CITY SCHOOL DISTRICT, AND THE MIAMI VALLEY CAREER TECHNOLOGY CENTER.

WHEREAS, this Council has determined pursuant to Ohio Revised Code (“*ORC*”) Sections 5709.40, 5709.42 and 5709.43 (collectively, the “*TIF Statutes*”) to declare the improvement to each parcel of real property located within the incentive district to be a public purpose and exempt from taxation, require the owner of each parcel to make service payments in lieu of taxes, require the owner of each parcel to make service payments in lieu of taxes, to provide for the distribution of an applicable portion of such service payments to the County of Montgomery, Ohio, the Huber Heights City School District and the Miami Valley Career Technology Center, establish a municipal public improvement tax increment equivalent fund for the deposit of the remainder of those service payments, and specify public infrastructure improvements made, to be made or in the process of being made that benefit or serve in Exhibit A attached hereto, or that once made will benefit or serve, parcels in the incentive district; and

WHEREAS, this Council has determined to create the Authentix Development Project Incentive District, a residential incentive district (the “*Incentive District*”), the boundaries of which will be coextensive with the boundaries of, and will include, the parcels of real property specifically identified and depicted in Exhibit B attached hereto (as currently or subsequently configured, the “*Parcels*”, with each of those parcels referred to herein individually as a “*Parcel*”); and

WHEREAS, the City anticipates that 288 market-rate multi-family homes will be constructed within the Incentive District (collectively, the “*Project*”); and
WHEREAS, by Ordinance No. 2024-O-2643 passed on July 8, 2024, this Council approved an Economic Development Plan for the Authentix Development Project Incentive District (the “*Economic Development Plan*”), which Economic Development Plan is on file in the City’s Division of Engineering; and

WHEREAS, the City Engineer has certified to this Council that (i) the Incentive District and the related overlay area is less than 300 acres in size and is enclosed by a continuous boundary and (ii) the public infrastructure serving the Incentive District is inadequate to meet the development needs of the Incentive District as evidenced by the Economic Development Plan; and

WHEREAS, notice of the public hearing regarding this Ordinance has been sent by first class mail to each owner of real property within the proposed Incentive District at least 45 days prior to such hearing, which notice included a map of the proposed Incentive District as well as the overlay area required by ORC Section 5709.40(C)(2); and

WHEREAS, a public hearing regarding this Ordinance was conducted by the City on September 23, 2024 which hearing was conducted at least 45 days following the provision of notice to each owner of real property within the proposed Incentive District; and

WHEREAS, notice of this proposed Ordinance has been delivered to the Board of County Commissioners of Montgomery County, Ohio in accordance with and within the time period prescribed in ORC Section 5709.40(E); and

WHEREAS, notice of this proposed Ordinance has been delivered to the Board of Education of the Huber Heights City School District and the Miami Valley Career Technology Center in accordance with and within the time periods prescribed in ORC Sections 5709.40 and 5709.83.

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

Section 1. Incentive District Findings and Determinations; Creation of Incentive District.

This Council hereby: (a) accepts and adopts the City Engineer's certification to this Council and the City Engineer's findings set forth therein that (i) the Incentive District and the related overlay area is less than 300 acres in size and is enclosed by a continuous boundary and (ii) the public infrastructure serving the Incentive District is inadequate to meet the development needs of the Incentive District as evidenced by the Economic Development Plan, (b) finds and determines that the Project will place additional demand on the Public Infrastructure Improvements, (c) finds and determines that the City sent written notice of the public hearing regarding this Ordinance by first class mail to each owner of real property within each proposed Incentive District at least 30 days prior to such hearing, which notice included a map of the proposed Incentive District as well as the overlay area required by ORC Section 5709.40(C)(2), (d) finds and determines that this Council has not received a request from the owner of any real property within any proposed Incentive District to exclude that owner's property from the Incentive District, (e) finds and determines that notice of this Ordinance has been delivered to the Board of County Commissioners of Montgomery County, Ohio within the time period prescribed in ORC Section 5709.40 and (f) finds and determines that notice of this ordinance has been delivered to the Huber Heights City School District and the Miami Valley Career Technology Center within the time periods prescribed in ORC Sections 5709.40 and 5709.83. This Council further finds that the sum of the taxable value of real property in the Incentive District for tax year 2025 and the taxable value of all real property in the City that would have been taxable in tax year 2025 were it not for the fact that the property was in an existing incentive district and therefore exempt from taxation, does not exceed twenty-five percent of the taxable value of real property within the City for tax year 2025. Pursuant to the TIF Statutes, this Council creates the Authentix Development Project Incentive District, the boundaries of which are coextensive with the boundaries of, and include, the Parcels as depicted on Exhibit B attached hereto.

Section 2. Public Infrastructure Improvements. This Council designates the Public Infrastructure Improvements described in Exhibit A attached hereto, and any other public infrastructure improvements hereafter designated by ordinance, as public infrastructure improvements made, to be made or in the process of being made by the City that benefit or serve, or that once made will benefit or serve, the Parcels.

Section 3. Authorization of Tax Exemption; Life of Incentive District. Pursuant to and in accordance with the provisions of ORC Section 5709.40(C), this Council hereby declares that 100% of the increase in assessed value of each Parcel subsequent to the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the "Improvement," as defined in ORC Section 5709.40(A)) is a public purpose and exempt from taxation for a period coextensive with the life of the Incentive District. The life of the Incentive District commences with the first tax year that begins after the effective date of this Ordinance and in which an Improvement attributable to a new structure would first appear on the tax list and duplicate of real and public utility property for any Parcel within the Incentive District were it not for the exemption granted in this Ordinance and ends on the earlier of (a) 30 years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Statutes. Notwithstanding any other provision of this Ordinance, the exemption granted pursuant to this Section 3 and the payment obligations established pursuant to Section 4 of this Ordinance are subject and subordinate to any tax exemption applicable to the Improvement approved by the City pursuant to ORC Sections 3735.65 through 3735.70.

Section 4. Service Payments and Property Tax Rollback Payments. Subject to any tax exemption applicable to the Improvement approved by the City pursuant to ORC Sections 3735.65 through 3735.70, and pursuant to ORC Section 5709.42, the owner of each Parcel is hereby required to make annual service payments in lieu of taxes with respect to the Improvement to that Parcel to the Treasurer of Montgomery County, Ohio (the "County Treasurer") on or before the final dates for payment of real property taxes. Each service

payment in lieu of taxes, including any penalties and interest at the then current rate established for real property taxes (collectively, the “*Service Payments*”), will be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement if it were not exempt from taxation pursuant to Section 3 of this Ordinance. The Service Payments, and any other payments with respect to each Improvement that are received by the County Treasurer in connection with the reduction required by ORC Sections 319.302, 321.24, 323.152 and 323.156, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the “*Property Tax Rollback Payments*”), will be deposited and distributed in accordance with Section 6 of this Ordinance.

Section 5. TIF Fund. This City Council establishes, pursuant to and in accordance with the provisions of ORC Section 5709.43, the Authentix Development Project Incentive District Municipal Public Improvement Tax Increment Equivalent Fund (the “*TIF Fund*”). The TIF Fund shall be maintained in the custody of the City and shall receive all distributions to be made to the City pursuant to Section 6 of this Ordinance. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement of each Parcel and so deposited pursuant to ORC Section 5709.42 shall be used solely for the purposes authorized in the TIF Statutes or this Ordinance (as it may be amended or supplemented). The TIF Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any incidental surplus funds remaining therein transferred to the City's General Fund, all in accordance with ORC Section 5709.43.

Section 6. Distribution of Funds. Pursuant to the TIF Statutes, the County Treasurer is requested to distribute the Service Payments and the Property Tax Rollback Payments as follows:

(a) to Montgomery County, Ohio, any amounts payable pursuant to ORC Section 5709.40(E)(3) or as otherwise established in a compensation agreement between the City and Montgomery County, Ohio;

(b) to the Huber Heights City School District, an amount equal to the amount the Huber Heights City School District would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to each Parcel if the Improvement had not been exempted from taxation pursuant to this Ordinance;

(c) to the Miami Valley Career Technology Center, an amount equal to the amount the Miami Valley Career Technology Center would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to each Parcel if the Improvement had not been exempted from taxation pursuant to this Ordinance; and

(d) to the City, all remaining amounts for further deposit into the TIF Fund for payment of costs of the Public Infrastructure Improvements, including, without limitation, debt charges on any notes or bonds of the City issued to pay or reimburse costs of those Public Infrastructure Improvements or finance costs for those improvements.

All distributions required under this Section are requested to be made at the same time and in the same manner as real property tax distributions.

Section 7. Further Authorizations. This City Council hereby authorizes and directs the City Manager, the Director of Finance, the Law Director, the Clerk of Council or other appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments and the Property Tax Rollback Payments. This City Council further hereby authorizes and directs the City Manager, the Director of Finance, the Law Director, the Clerk of Council or other appropriate officers of the City to prepare and sign all documents and instruments and to take any other actions as may be appropriate to implement this Ordinance.

Section 8. Tax Incentive Review Council. The applicable Tax Incentive Review Council, with the membership of that Council to be constituted in accordance with ORC Section 5709.85,

shall, in accordance with ORC Section 5709.85, review annually all exemptions from real property taxation granted by this Ordinance and any other such matters as may properly come before that Council, all in accordance with ORC Section 5709.85.

Section 9. Filings with Ohio Department of Development. Pursuant to ORC Section 5709.40(I), the City Manager is hereby directed to deliver a copy of this Ordinance to the Director of the Ohio Department of Development within fifteen days after its effective date. Further, and on or before March 31 of each year that the tax exemption authorized by Section 3 remains in effect, the Director of Development or other authorized officer of the City is directed to prepare and submit to the Director of the Ohio Department of Development the status report required under ORC Section 5709.40(I).

Section 10. Open Meetings. This City Council finds and determines that all formal actions of this City Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Council or any of its committees, and that all deliberations of this City Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including ORC Section 121.22.

Section 11. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order to facilitate the orderly and timely development of the Project and the related Public Infrastructure Improvements; therefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed by Council on the ____ day of _____, 2024;
____ Yes; ____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

CERTIFICATE

The undersigned, Clerk of Council of the City of Huber Heights, Ohio, hereby certifies that the foregoing is a true and correct copy of Ordinance No. 2024-O-____ passed by the City Council of the City of Huber Heights, on _____, 2024.

Clerk of Council

EXHIBIT A

CITY OF HUBER HEIGHTS, OHIO
AUTHENTIX DEVELOPMENT PROJECT
RESIDENTIAL INCENTIVE DISTRICT
ECONOMIC DEVELOPMENT PLAN

May 8, 2024

The Plan

The purpose of this Economic Development Plan (the “Plan”) is to satisfy the requirement of Section 5709.40(A)(5)(f) of the Ohio Revised Code, which requires that an economic development plan evidence that the public infrastructure serving a proposed residential tax increment financing incentive district is inadequate to meet the development needs of the district. This Plan has been developed to continue the efficient and effective development of the City of Huber Heights, Ohio (the “City”).

Proposed Development

This Plan relates to the proposed development of a 288+/- market-rate multifamily housing development on approximately 15 contiguous acres within the City, known as the Authentix Development Project (the “Project”). The proposed development is located west of Brandt Pike, north of Fishburg Road, and south of Chambersburg Road. The City has determined that the construction of the Project is expected to result in the creation of employment opportunities within the City as well as the creation of market-rate multi-family housing for residents of the City. The current development plans for the Project are contained in Attachment A.

Proposed Incentive District

The City is considering the creation of a residential Tax Increment Financing (TIF) Incentive District (the “Incentive District”) which will include the proposed residential development. The Incentive District will: (1) use quality architecture and design; (2) permit the development of high quality, multi-unit housing; (3) enhance the City by providing for public infrastructure improvements necessary for the preservation and advancement of public health, safety, and well-being; and (4) increase the City’s collection of income taxes and, over time, real property taxes.

Public Infrastructure Improvements

Service payments in lieu of taxes collected from the proposed Incentive District will fund public infrastructure improvements necessary to support multifamily development, including, without limitation, the installation of utilities, roadways, sidewalks, and streetlights. It is understood that the City is only responsible for maintaining infrastructure within the public right of way or other public easement.

Water Improvements- It shall be the obligation of the Developer to construct the water lines, fire hydrants, valves, and related appurtenances within the Project to service only the Authentix Development Project, which water lines, fire hydrants, valves, and related appurtenances shall be installed and inspected pursuant to plans and specifications approved by the City Engineer in accordance with the City's standards. The domestic water network will be composed of a tap connection and public extension within a recorded public easement onto the developed portion of the property, connecting to a municipal utility provider-approved meter and backflow assembly, generally thereafter further consisting of an appropriately sized underground fire water loop routed throughout the site and to building structures within a recorded public easement, servicing fire hydrants, fire sprinkler systems, standpipes and other emergency connections, as well as an appropriately sized underground private water loop routed throughout the site and to building structures servicing the domestic and potable water infrastructure requirements of the Project. The City hereby confirms that it will supply water services to the Project, including maintenance of any water lines and related appurtenances accepted by the City as public improvements, under the terms and conditions that it supplies such services to similarly situated customers and that it has, and will have, sufficient capacity to supply such services to the Project.

Roadways- All private drives and internal roads on the property servicing the Project shall be constructed by the Developer, as needed for its intended use of the Project. All private drives and internal roads servicing the Apartment Housing Complex shall be (A) constructed in accordance with the standards customarily employed by a multi-family developer for projects of a similar scope and size, (B) designed in accordance by a licensed professional engineering firm using the degree of care and skill ordinarily exercised by reputable professionals practicing in the same field of service in the State of Ohio, and (C) located in accordance with final development plans and permits approved by the City.

All public roads or public road modifications on the Property shall be constructed by the Developer, in accordance with City standards, and as may be applicable and appropriate to the type of road being constructed. Any such public roads or public road modifications constructed on the Property shall be (A) located within current or future dedicated right of way, and (B) reviewed, inspected and approved by the City. The City shall be responsible for maintenance of any public roads and related appurtenances accepted by the City as public improvements.

Adjacent Public Roads. The City acknowledges that it is responsible for the construction, repair and maintenance of the extension of Miami Valley Way and

Meadows Park Drive as shown on those certain Public Improvement Plans for: Meadows Park Drive prepared by Burkhardt Engineers Project 23.185 (“Road Improvements” and collectively with the Water Improvements and Sewer Improvements, the “Public Improvements”).

Additional improvements will include all Public Infrastructure Improvements (as that term is defined in Section 5709.40(A)(8) of the Ohio Revised Code) that directly benefit, or that once made will directly benefit, the Incentive District, as detailed in the Citywide Infrastructure Reliance Study prepared by LBJ, Inc. (see Attachment B), dated September 30, 2022. Improvements will include, but not be limited to, excavating, grading, paving, constructing and installing curbs and gutters, public utilities which include water mains, sanitary sewers, and storm sewers, street lighting, sidewalks, bikeways, landscaping, traffic signalization, and also including design and other related costs, any right-of-way acquisition, erosion and sediment control measures, grading and other related work, survey work, soil engineering and construction staking, and in each case, all other costs and improvements necessary and appurtenant thereto, all of which will directly benefit, or that one made will direct benefit the Incentive District.

Conclusion

Residential development has been an important catalyst to the City’s economic development success. The proposed development area will serve as an additive for sustaining such economic development in the City. The residential development will provide a desired housing option for the City’s growing population. The public infrastructure improvements will support the residential development by increasing the safety levels of the pedestrian transportation and recreational amenities utilized by the residents of the proposed development. The proposed Incentive District is located in an area identified by the City for growth and development.

Analysis and Assessment

The proposed residential development described in this Plan will help play a vital role in supporting the growth and preservation of the community through planned development. The proposed residential development will create an urgent need for infrastructure upgrades in this area of the City. The service payments in lieu of taxes generated by the proposed Incentive District will assist in financing public infrastructure improvements vital to the growth and development of the proposed development. Moreover, the Incentive District will ensure such amenities are

maintained in a timely and appropriate manner to ensure their safe and effective use by residents of the proposed development.

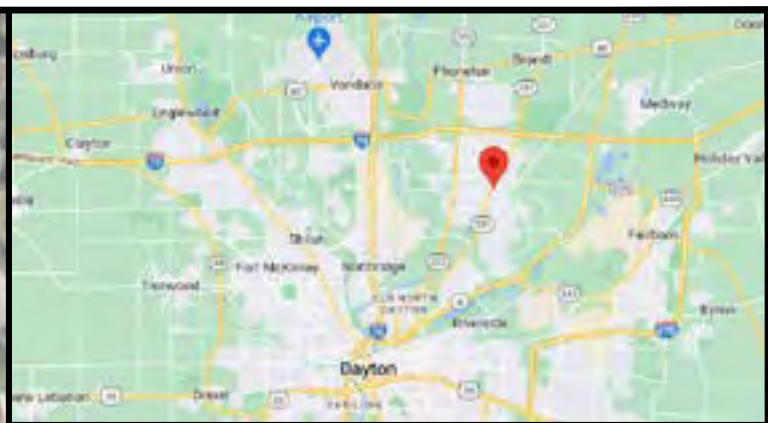
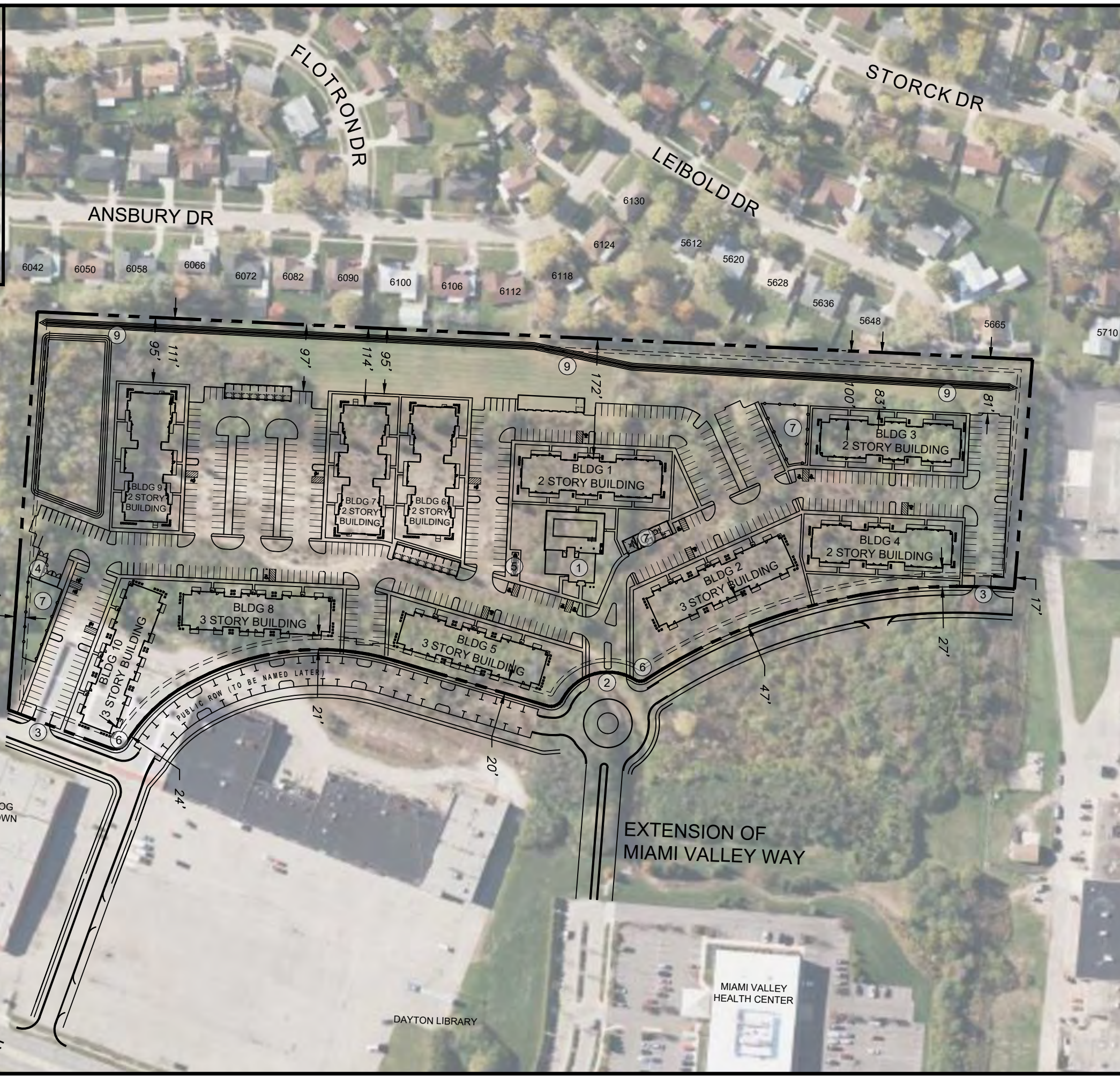
Attachments

Attachment A: Current development plans for the Project

Attachment B: Citywide Infrastructure Reliance Study

LEGEND

①	CLUBHOUSE
②	PROPOSED FULL ACCESS POINT
③	PROPOSED EMERGENCY ACCESS POINT
④	TRASH ENCLOSURE
⑤	MAIL KIOSK
⑥	MONUMENT SIGN
⑦	LEASH-FREE PET PARK
⑧	MAINTENANCE, CAR CARE CENTER, ADA GARAGE, & PACKAGE CENTER
⑨	6' PRIVACY FENCE ATOP A 5' BERM



VICINITY MAP
SCALE: NTS

CONTINENTAL PROPERTIES
W134 N8675 EXECUTIVE PARKWAY
MENOMONEE FALLS, WI 53051
262.502.5500 * FAX 262.502.5522

ON BEHALF OF
CONTINENTAL 752 FUND LLC

PROJECT INFORMATION

AUTHENTIX HUBER HEIGHTS
MIAMI VALLEY WAY & BRANDT PIKE | HUBER HEIGHTS, OH
CONTINENTAL 752 FUND LLC

SITE INFORMATION	
MULTIFAMILY AREA	15.78 ACRES
TOTAL AREA	15.78 ACRES
DENSITY	143.1 D.U./AC
BUILDING / LANDSCAPE SETBACK	NORTH: 95' / 100' SOUTH: 100' / 25' EAST: 25' / 100' WEST: 100' / 100'
BUILDING INFORMATION	
CLUSTERING	APARTMENTS
RESIDENT BUILDINGS	QUANTITY: 9 HEIGHT: 2-3 STORIES / 35'
COMMERCIAL BUILDINGS	QUANTITY: 1 HEIGHT: 2-3 STORIES / 35'
TOTAL RESIDENT BUILDINGS	10
GENERAL HOME MIX	
TYPED	HOME: 75% PERCENTAGE: 6%
1-BEDROOM	120 PERCENTAGE: 16%
2-BEDROOM	120 PERCENTAGE: 16%
3-BEDROOM	75 PERCENTAGE: 10%
TOTAL HOMES	246 100%
PARKING INFORMATION	
TYPED	QUANTITY
DETACHED GARAGE	24
AP (9' DEPTH)	1
CARPORT	0
GROUND BUILDING (MG-FL)	1
TOTAL COVERED PARKING	25
SURFACE PARKING	247
LAND INCLUDING CLUBHOUSE	0
APRON SPACES	NOT INCLUDED
TOTAL UNCOVERED PARKING	247
TOTAL PARKING PROVIDED	272
TOTAL HOME PARKING RATIO	1.11
ON-STREET PARKING (WEST-SIDE ONLY)	26
OVERALL GARAGE/HOME	0.05
COVERED PARKING RATIO	0.05
CLUBHOUSE PARKING	16
ADA PARKING	11
PARKING DIMENSIONS	
STANDARD STALL	8' x 12'
ADA STALL	8' x 12'
DRIVE WIDTH	20'-24'
SITE AMENITIES	
AMENITY	QTY / SQ. / NOTES
SWIMMING POOL	INCLUDED
FITNESS CENTER	INCLUDED
CAR CARE CENTER	INCLUDED
INT. PLAYGROUND TYPE B	4,000 SQ FT
EXT. PLAYGROUND TYPE C	8,000 SQ FT
ENCLOSED YARDS	24
STORAGE LOCKERS	0
PARKED PICKUP	INCLUDED
GRILLING AREA	INCLUDED
PROPERTY BOUNDARY	MIN 5'

SHEET INFORMATION

CONCEPTUAL SITE PLAN

DRAWN DATE: 9/8/2023
DRAWN BY: TLS

SHEET NUMBER

D1-3.0

ATTACHMENT A



ATTACHMENT B



CITYWIDE INFRASTRUCTURE RELIANCE STUDY

September 30, 2022



PREPARED FOR:

City of Huber Heights
Mr. Bryan Chodkowski

6131 Taylorsville Road
Huber Heights, Ohio 45424

PREPARED BY:

LJB Inc.

2500 Newmark Drive
Miamisburg, OH 45342
(937) 259-5000

Daniel J. Hoying, P.E., P.S., STP
DHoying@LJBinc.com

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> METHODOLOGY

BACKGROUND

The City of Huber Heights commissioned LJB Inc. to conduct a citywide Infrastructure Reliance Study that evaluates critical linkages in the city's roadway, water, wastewater, and stormwater infrastructure. The results of this study will help the city better understand the correlation and interdependence of infrastructure elements, which will better position the city for funding opportunities for the maintenance and expansion of critical services for city residents and businesses. Increased funding for infrastructure allows Huber Heights to better distribute improvements throughout the city, improve service, and attract new developments.

The City of Huber Heights covers 25 square miles with a population of more than 43,000 residents and 800 businesses. The city also includes 233.91 centerline miles of roadways, 210.24 miles of water main, 189.71 miles of sanitary sewer, and 163.81 miles of stormwater infrastructure facilities.

INFRASTRUCTURE ATTRIBUTE APPROACH

Infrastructure Districts

Allocation of the city's 45,833 individual infrastructure elements distributed over 25 square miles requires suballocation of districts within the city. The LJB team collaborated with city staff to develop 8 Infrastructure Districts. Most city infrastructure exists within roadway right of way. Right of way for major roadway corridors were selected as borders of the Infrastructure Districts. The city corporation limits were bisected by SR 202 and SR 201 in the north and south direction and by the Montgomery County / Miami County line, I-70, Taylorsville Road and Fishburg Road in the east west directions. These corridors were selected as District borders at various points in the city. **Figure 1**, on the following page, depicts the Infrastructure Districts that are used throughout this study.

The infrastructure facilities identified for evaluation in this study are each linked to the residents and businesses in the city in different ways. For that reason, a different approach was used for the determination of how each of the different infrastructure facility categories provides service to a region of the city. A description of the allocation approach that was used for each asset category is included below.

Mapping of the infrastructure elements attributable to each of the Infrastructure Districts is included in the Appendices of this report. Maps include an overall District Infrastructure Map as well as individual maps for each of the roadway, water, sanitary sewer and stormwater assets for that district.

Roadways

The city's roadway network provides critical access for people and goods to reach homes and businesses throughout the city. These residences and businesses rely on the roadway network to reach points inside and outside the city limits. The primary roadways that carry people and goods to points beyond the city limits are I-70, SR 202 and SR 201. A roadway segment was allocated to an Infrastructure District if it is located within that District or provided a critical, convenient link between residences and businesses within the district to the I-70, SR 202 or SR 201 corridors.

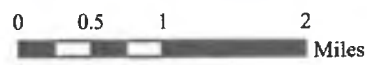
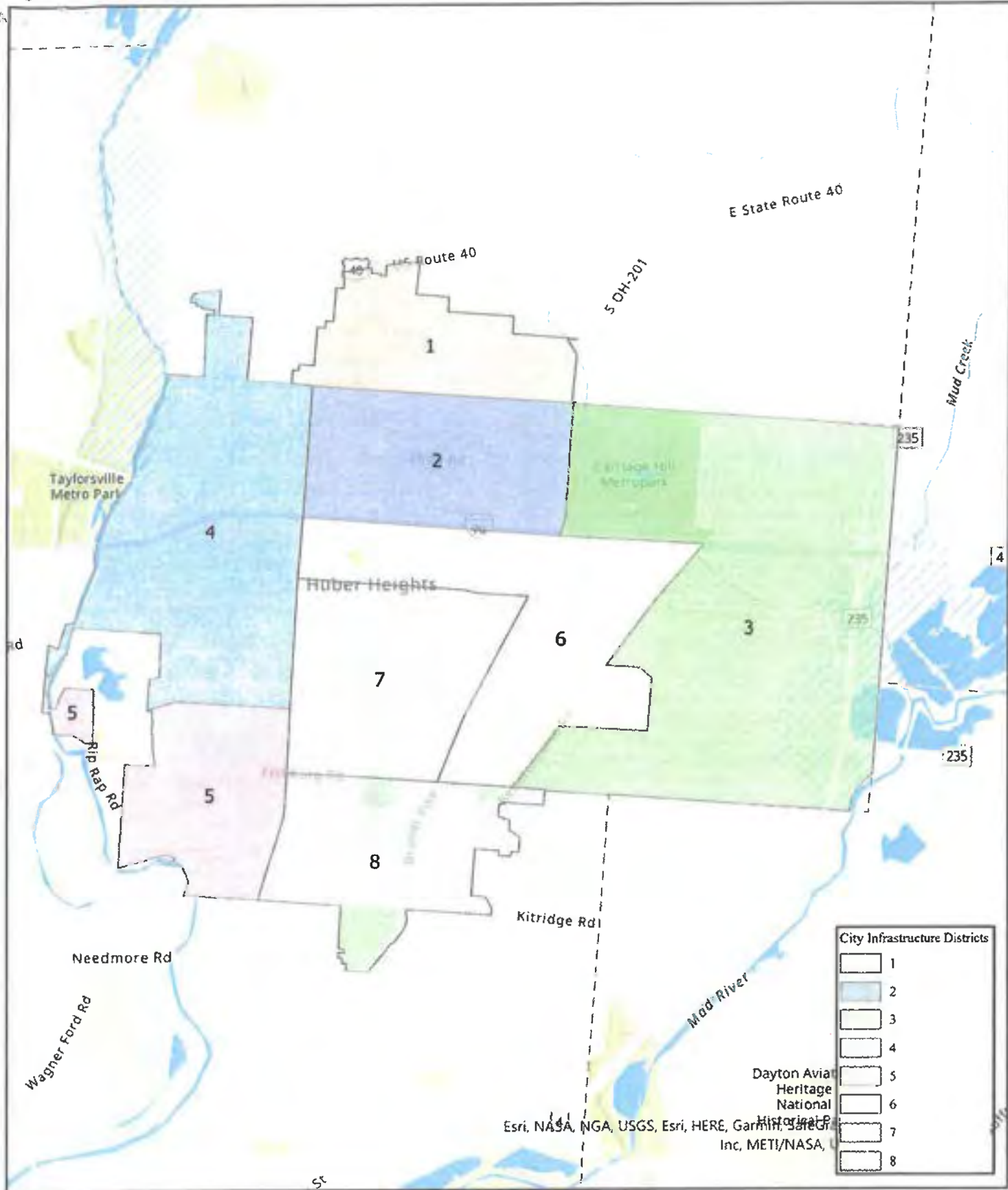
Clarifications

- > The Ohio Department of Transportation owns and maintains I-70 including grade separated interchanges with State Route 202 (SR 202) and State Route 201 (SR 201). This facility was not allocated to any of the Infrastructure Districts as it is not maintained by the city.
- > US 40 and SR 4 are also significant roadway assets in the region. While the city borders on these facilities, they are not maintained by the city and were not included in the study beyond being destinations beyond the city limits that are connected to the city's primary corridors.



Huber Heights Infrastructure Districts

Figure 7.1



1 inch equals 1 miles



Water Infrastructure

The city's supply of potable water for residential and commercial use and fire protection throughout the city is a very interconnected system. The entire city relies on the water treatment plant to provide safe water. The entire city also relies on elevated storage tanks, booster stations, and a network of pipes 6" in diameter and larger that provide appropriate redundancy and pressure balancing to all areas of the city.

A water infrastructure asset was allocated to an Infrastructure District if it is located in that district or is a part of the water treatment or pressure-providing system for that district. All water mains 6" in diameter and larger are included in the pressure-providing system and are therefore included in each of the Infrastructure Districts. A map of all water assets is included in Appendix X. See the table of contents for a listing of the exhibits that include maps for water assets in each of the Infrastructure Districts.

Sanitary Sewer Infrastructure

The city's sanitary sewer network includes all wastewater collection infrastructure from the individual residences, businesses and facilities to the lines that leave the city carrying sewage to the Tri-Cities Northern Regional Wastewater Authority or Clark County treatment plants. The system includes gravity sewer conduits, manholes, pump stations and sanitary sewer force mains.

A sanitary sewer infrastructure asset was allocated to an Infrastructure District if it is located in that district or is a downstream asset moving flows from the district towards the outfalls from the city. The vast majority of sanitary sewer infrastructure in the city carries flows to the Tri-Cities Northern Regional Wastewater Authority treatment plant located at 3777 Ncedmore Rd, Dayton, OH 45424, just outside the city's southwestern corporation limits. A small portion of the city's eastern sanitary sewer system, providing service to the Centre Point 70 development and businesses along New Carlisle Pike south of I-70, leaves the city to the east to enter the Clark County system just north of the Artz and SR 235 intersection.

Stormwater Infrastructure

The city's stormwater infrastructure network includes all publicly maintained open and closed drainage systems that carry rainwater from properties within the city limits to tributaries of the Great Miami River and Mad River as they exit the city corporation limits. The city's storm water system relies entirely on gravity flows and includes catch basins, manholes, storm sewer conduits, open channels and culverts within public right of way.

A storm sewer infrastructure asset was allocated to an Infrastructure District if it is located in that district or is a downstream asset moving flows from the district towards the outfalls from the city. Culverts carrying water under city owned and maintained roadways were included in the infrastructure asset assignments for Infrastructure Districts that drain to that location.

GIS MAP INTERFACE

The volume of infrastructure assets included in the city's dataset suggests that map-based presentations and management of the data will be the most effective. The LJB team applied additional data fields to the city's existing GIS information to allocate each asset to one or more Infrastructure Districts. This approach will allow the city to re-integrate the data into their existing system and apply similar approaches to modified or additional elements that are added. It will also allow city staff to query and produce maps and datasets according to the various District assignments.

Coding of Infrastructure Assets

Utility assets were assigned a code, which is viewable in the asset attribute field “Infrastructure Support District”, identifying the infrastructure district of origin. For road, storm and sanitary sewer assets, lines of continuity were followed until the utility assets exited the city boundary or ended at a body of water or processing facility. Codes were assigned to each segment in that path relating to the infrastructure district of origin, providing a clear path of asset origin to termination as defined earlier.

Query Process

To query assets, LJB first sorted by infrastructure district of origin by selecting the corresponding value from the “Infrastructure Support District” attribute field, thus showing all assets located within the boundaries of the district of interest. Next LJB added additional querying statements to show the path from origin to termination by selecting the corresponding value for “Support District” attribute fields 1-4. When structured correctly, the querying statement selects assets from the infrastructure district of origin and the accompanying assets required to perform a trace from infrastructure district of origin to point of termination.

Queried shapefile layers have been provided for each Infrastructure Support District.

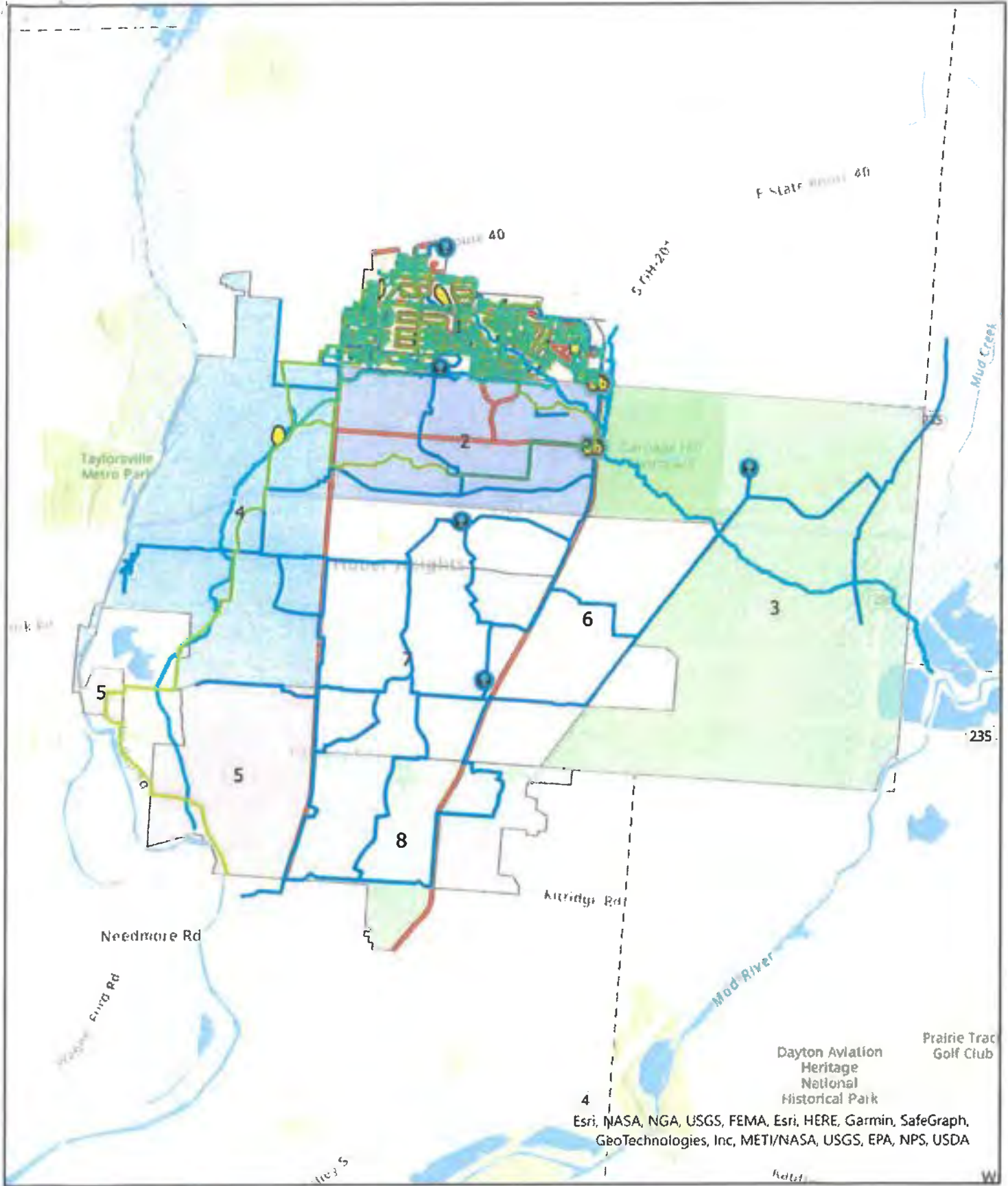


Appendix A

Infrastructure District 1



Infrastructure District 1 - Overview



Esri, NASA, NGA, USGS, FEMA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA



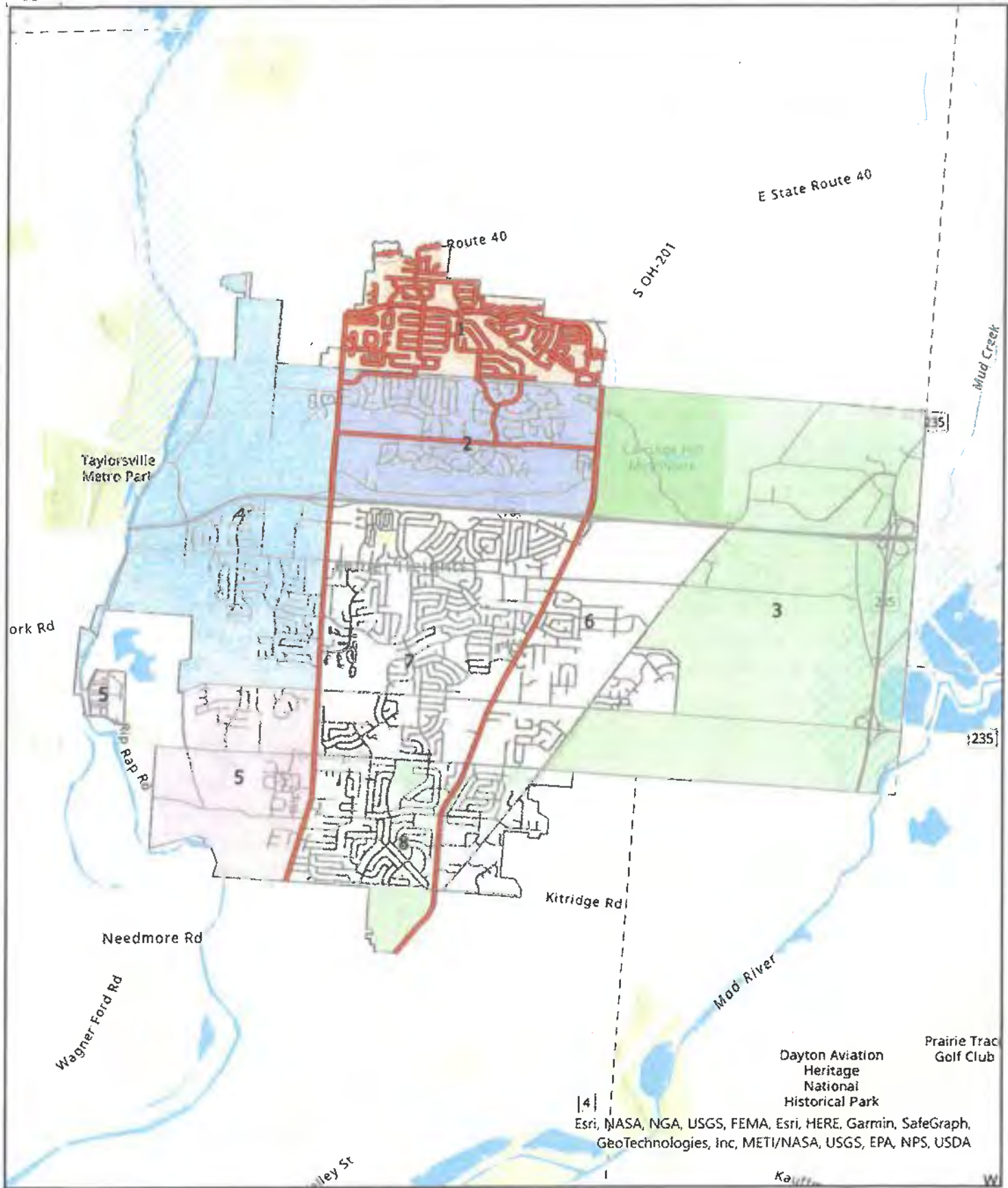
- Enclosed Storage Facility
- District 1 Lift Stations
- District 1 Water Distribution Mains
- District 1 Stormwater Mains
- District 1 Rivers
- District 1 Culverts
- District 1 Sanitary Gravity Mains
- District 1 Force Mains
- District 1 Tri Cities Gravity Mains
- District 1 Roads
- District 1 Basins



1 inch equals 1 mile



Infrastructure District 1 - Roads



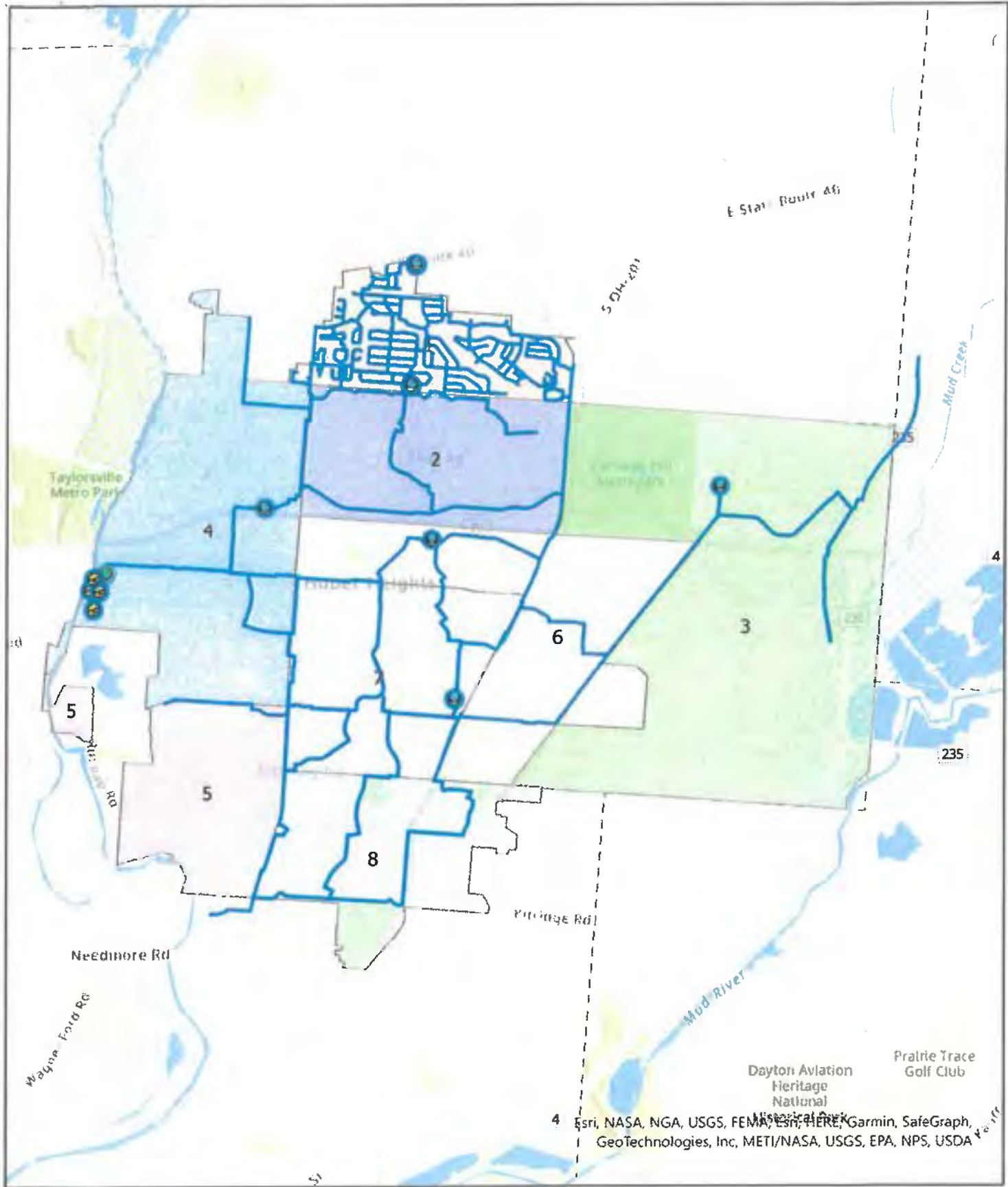
— District 1 Roads
— Huber Heights Streets



1 inch equals 1 miles



Infrastructure District 1 - Water



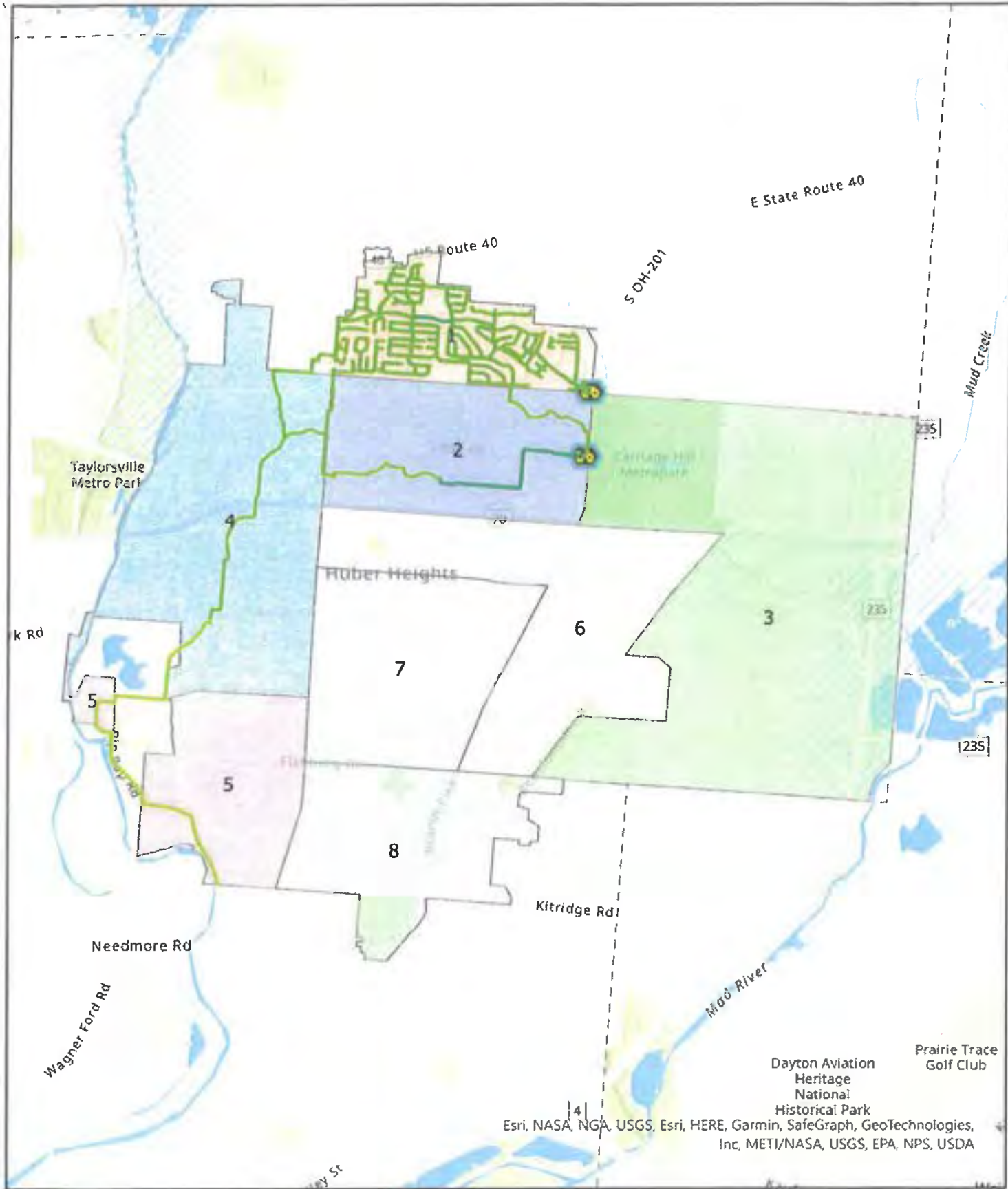
	Enclosed Storage Facility		Pump Station
	Intake		Storage Basin
	Meter Station		Treatment Plant
	Production Well		Water Distribution Mains



1 inch equals 1 miles



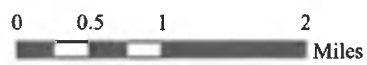
Infrastructure District 1 - Sanitary Sewer



Esri, NASA, NGA, USGS, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA



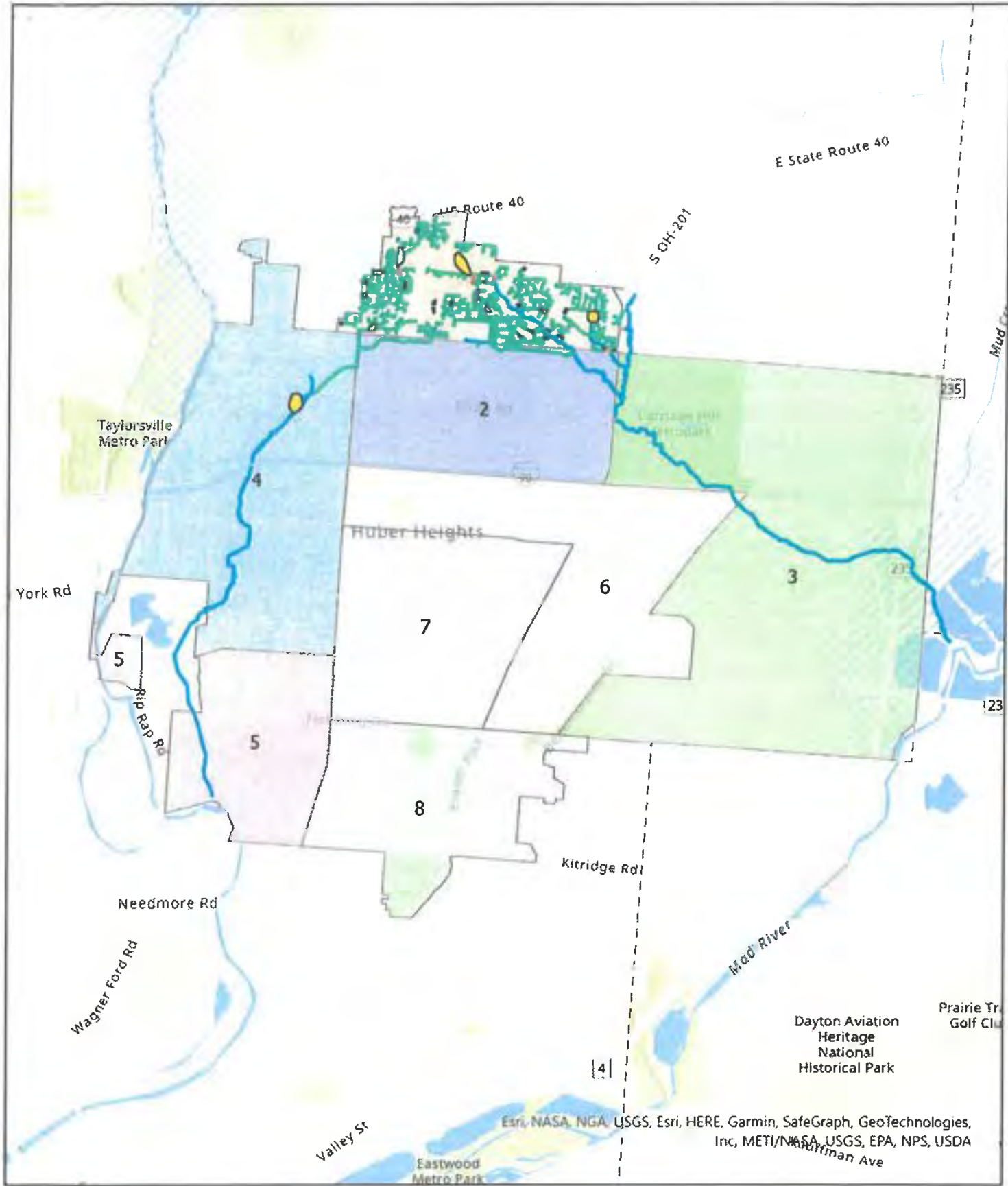
- District 1 Gravity Mains
- District 1 Force Mains
- District 1 Lift Stations
- District 1 Tri Cities Gravity Mains








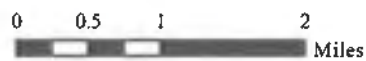
1 inch equals 1 miles



Infrastructure District 1 - Stormwater



 District 1 Stormwater Mains	 District 1 Channels
 District 1 Rivers	 District 1 Basins
 District 1 Culverts	



1 inch equals 1 miles



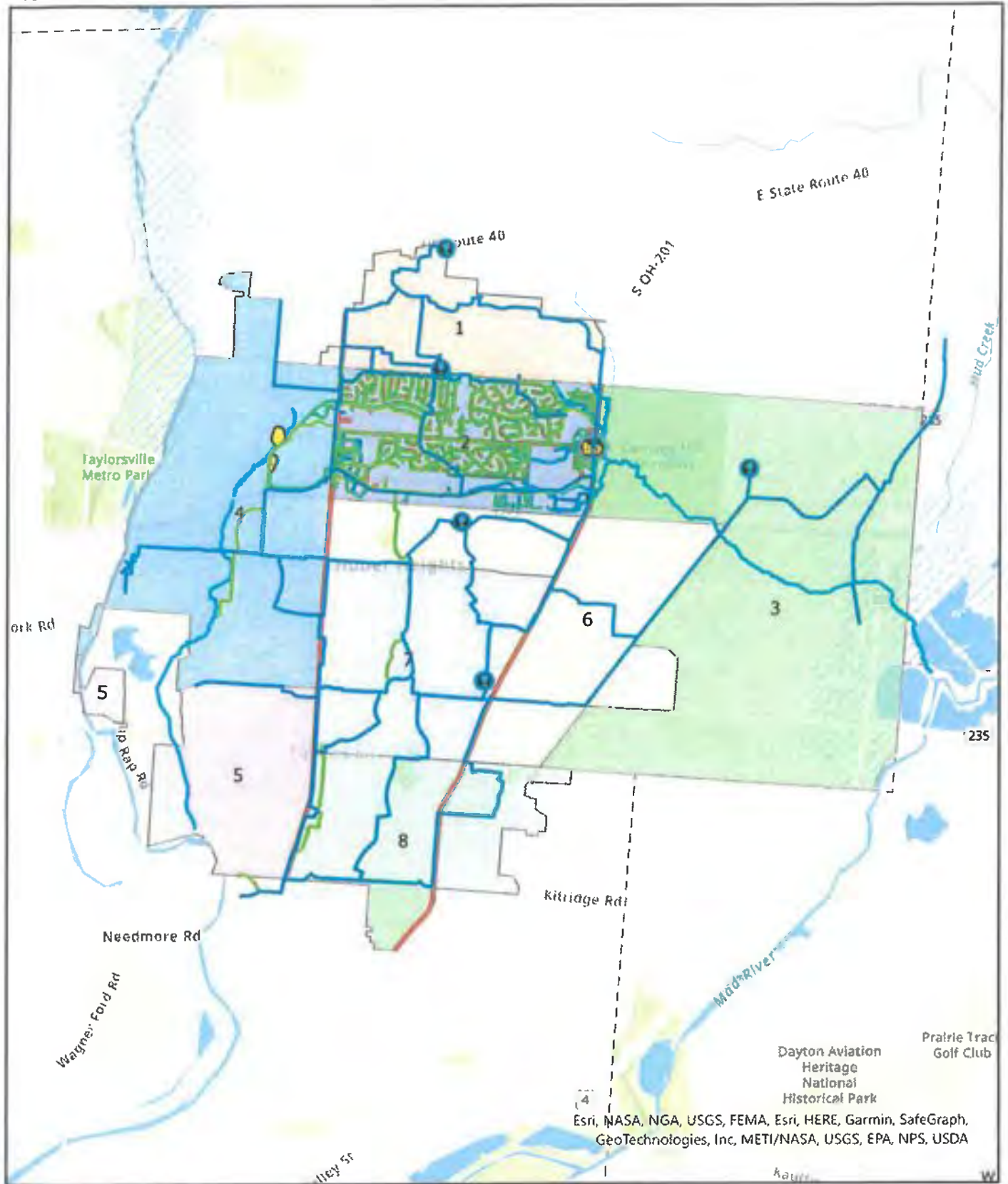
Esri, NASA, NGA, USGS, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA

Appendix B

Infrastructure District 2














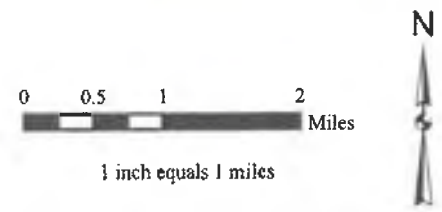
Infrastructure District 2 - Overview



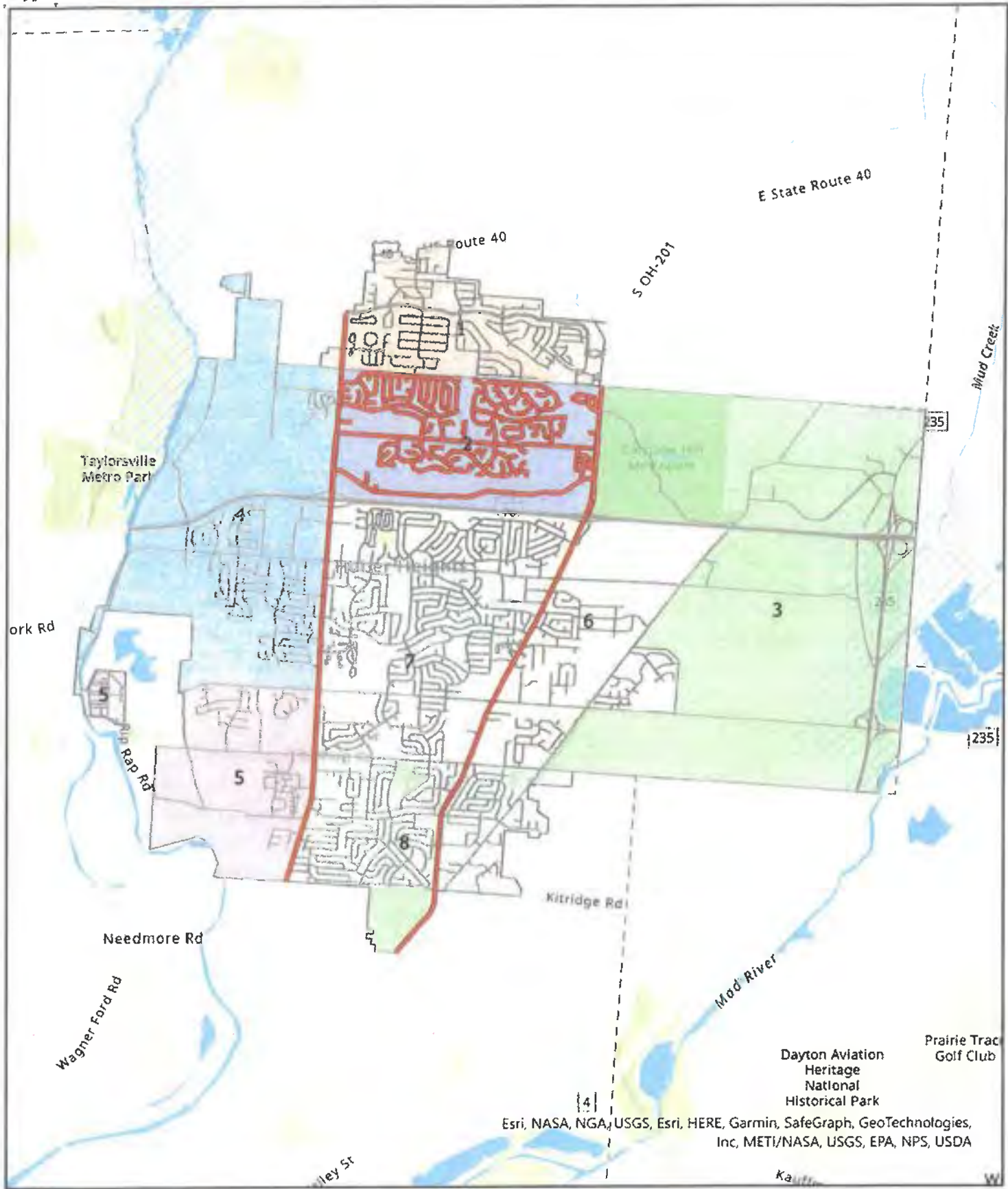
Esri, NASA, NGA, USGS, FEMA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA



- | | |
|---|--|
|  Enclosed Storage Facility |  District 2 Force Main |
|  District 2 Lift Station |  District 2 Sanitary Gravity Main |
|  District 2 Water Distribution Mains |  District 2 Roads |
|  District 2 Stormwater Mains |  District 2 Basins |
|  District 2 Rivers | |
|  District 2 Culverts | |
|  District 2 Channels | |



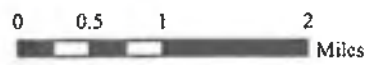
Infrastructure District 2 - Roads



Esri, NASA, NGA, USGS, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA



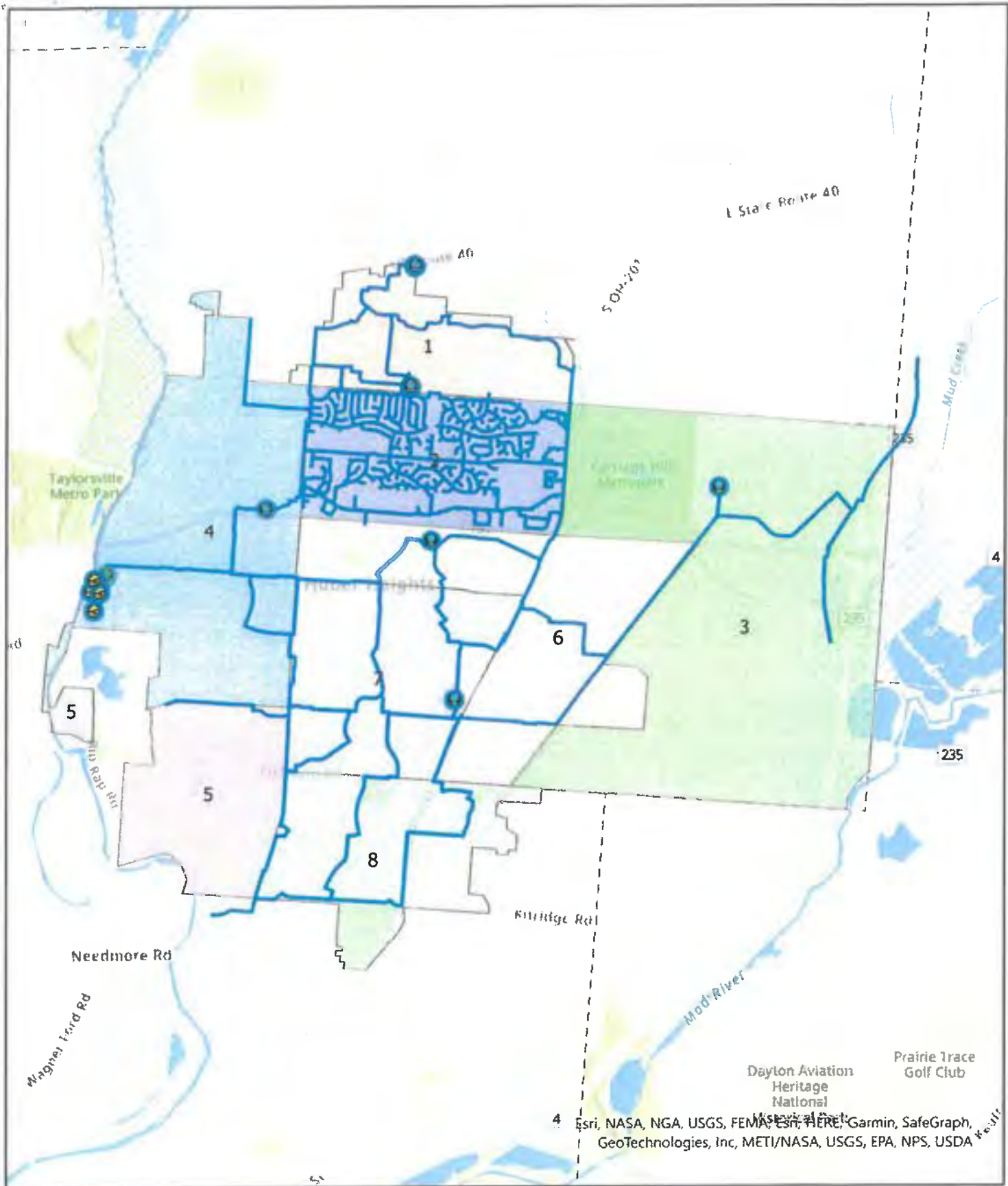
- District 2 Roads
- Huber Heights Streets



1 inch equals 1 miles



Infrastructure District 2 - Water



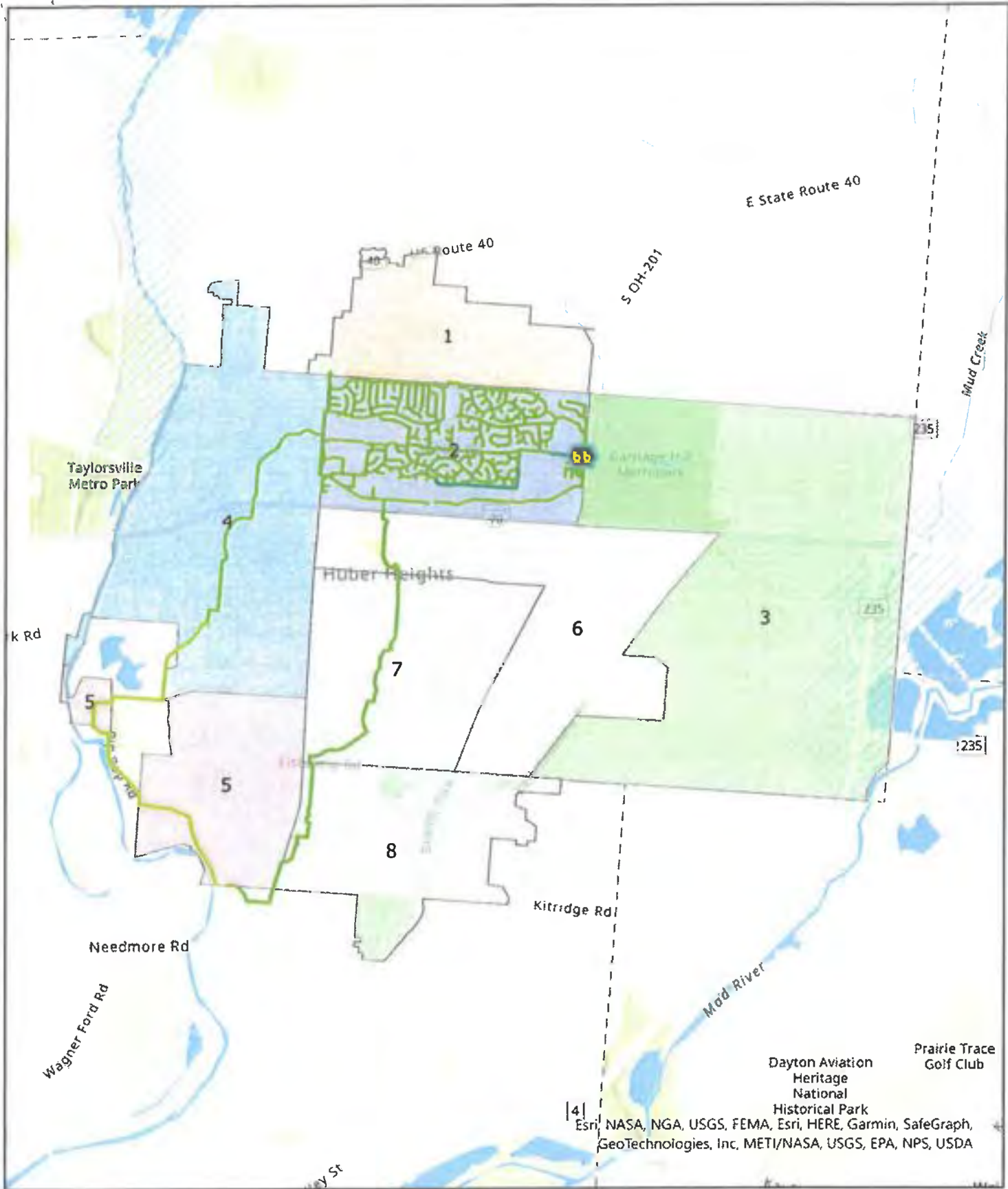
	Enclosed Storage Facility		Pump Station
	Intake		Storage Basin
	Meter Station		Treatment Plant
	Production Well		Water Distribution Mains



1 inch equals 1 miles



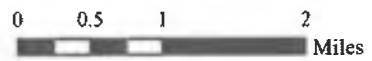
Infrastructure District 2 - Sanitary Sewer



Esri, NASA, NGA, USGS, FEMA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA



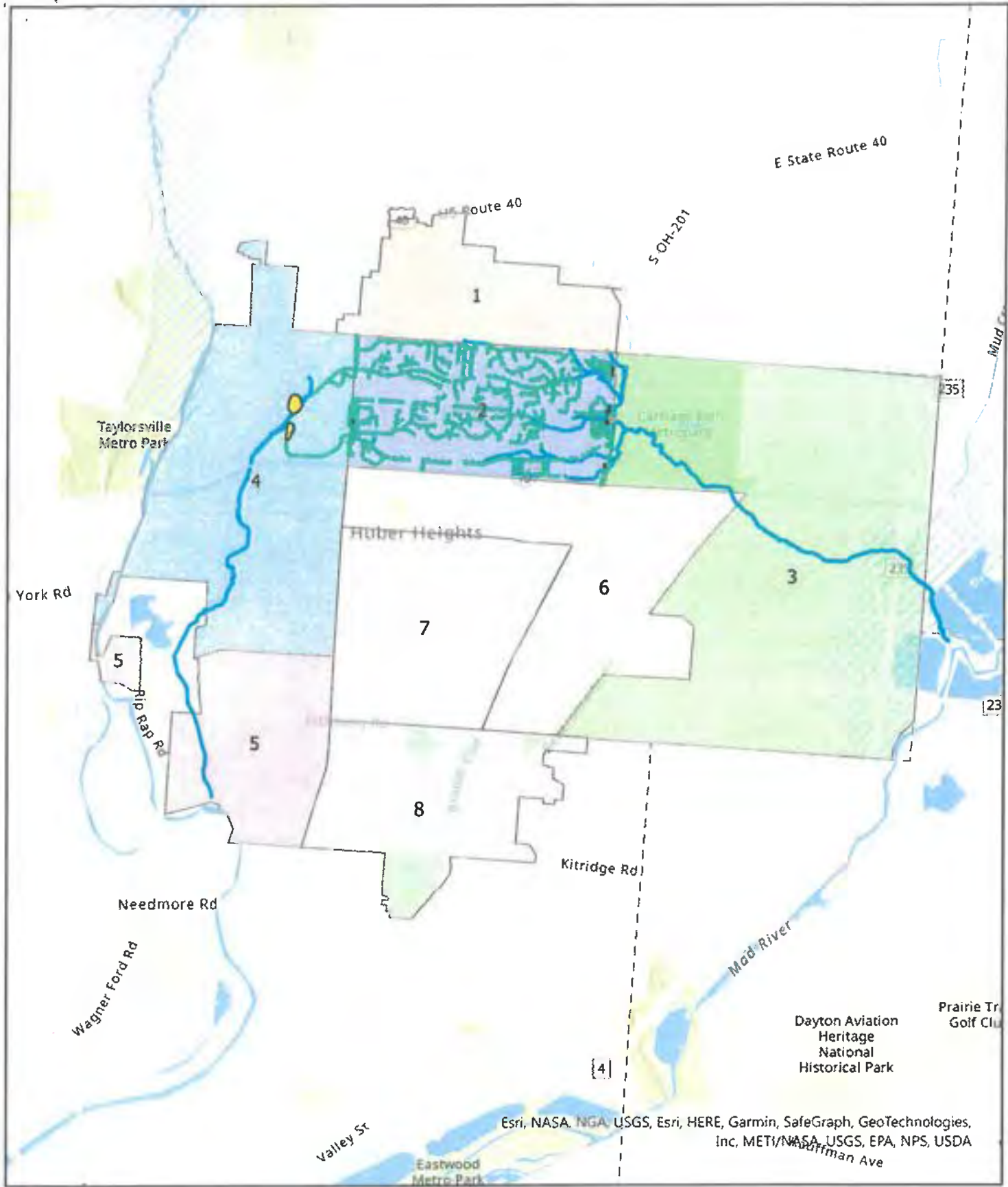
- District 2 Gravity Mains
- District 2 Force Mains
- bb District 2 Lift Stations
- District 2 Tri Cities Gravity Mains








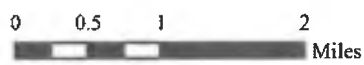
1 inch equals 1 miles



Infrastructure District 2 - Stormwater

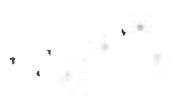


 District 2 Stormwater Mains	 District 2 Channels
 District 2 Rivers	 District 2 Basins
 District 2 Culverts	



1 inch equals 1 miles



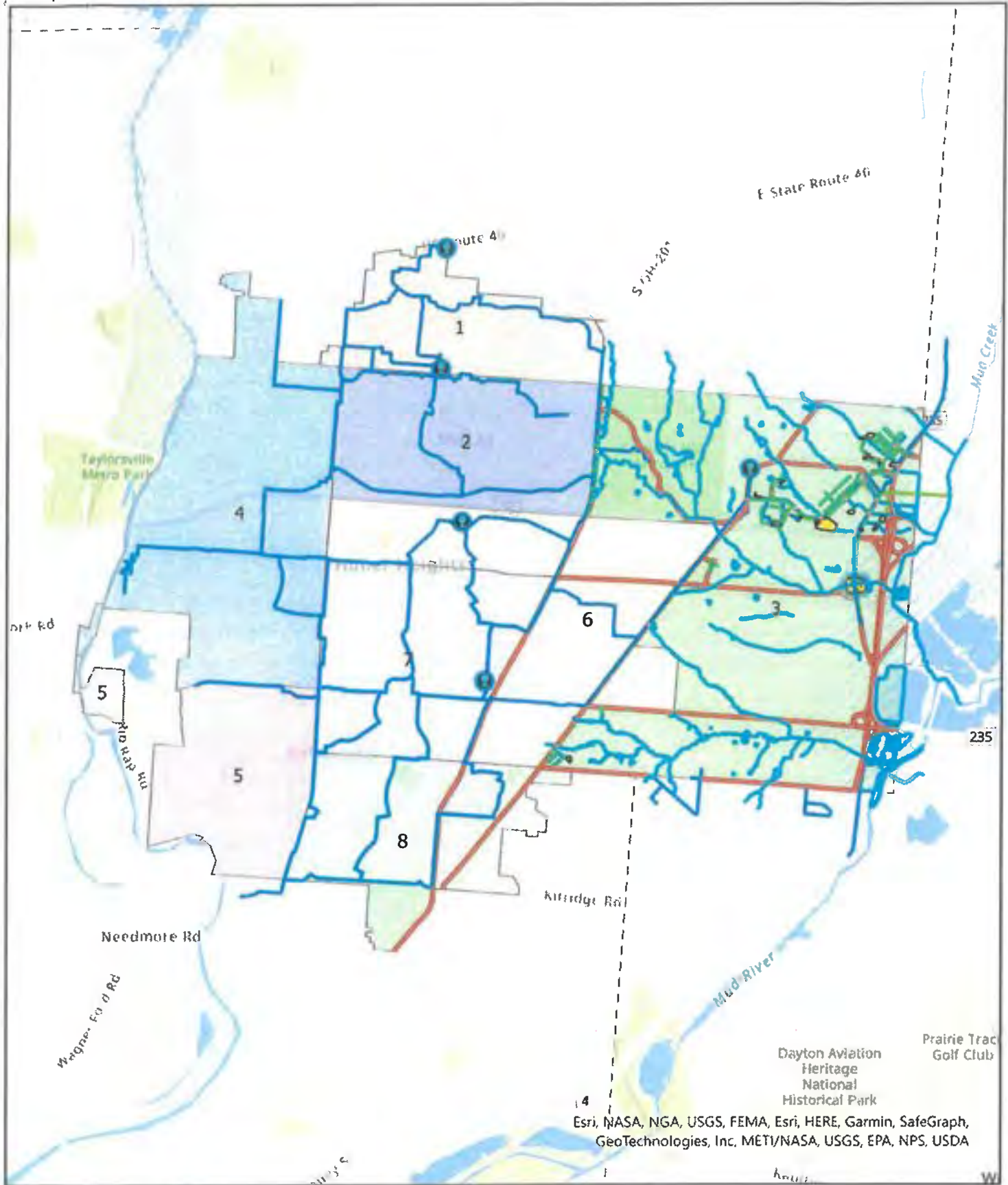


Appendix C

Infrastructure District 3



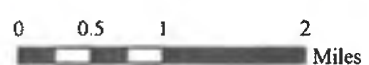
Infrastructure District 3 - Overview



Esri, NASA, NGA, USGS, FEMA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA



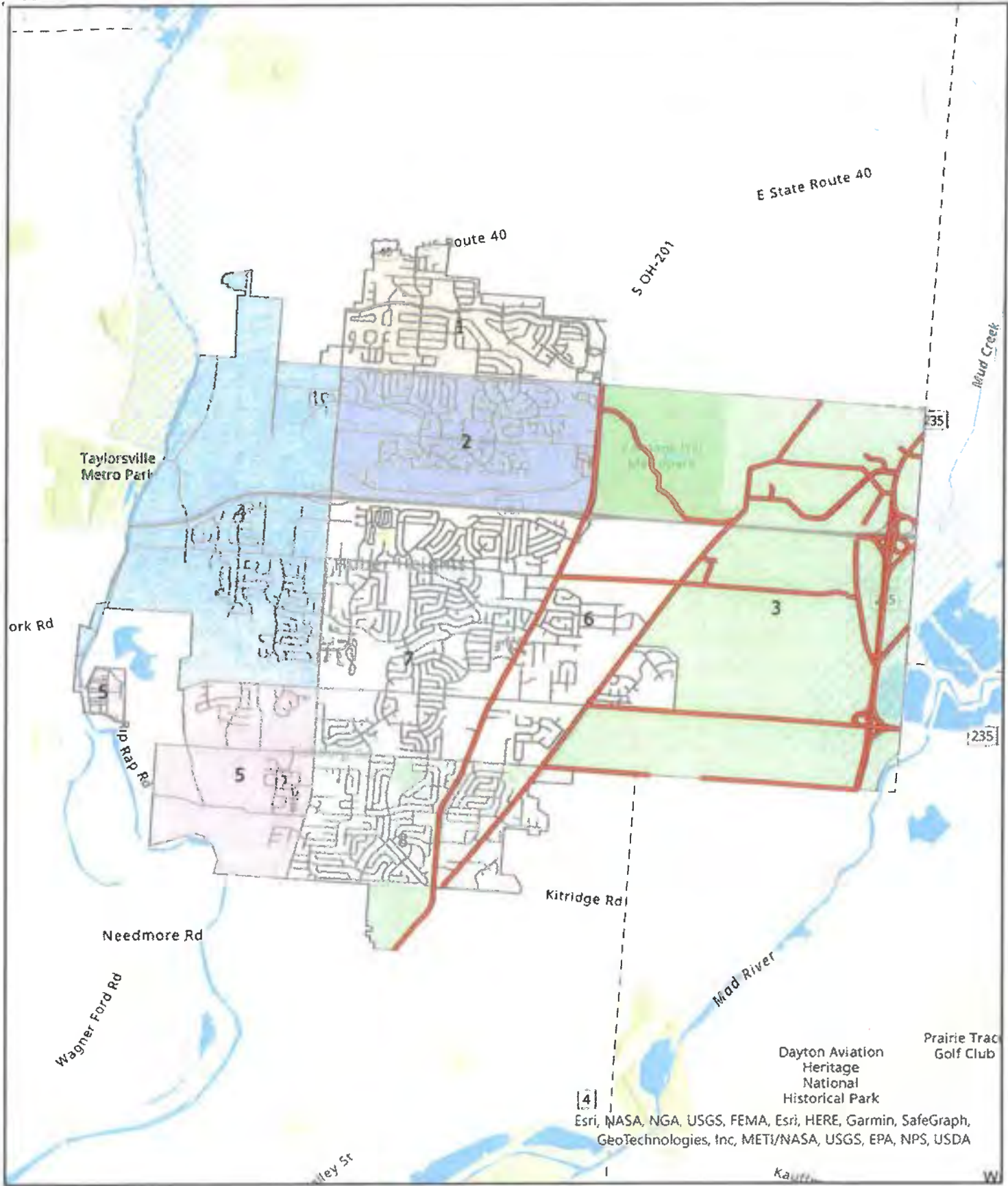
- Enclosed Storage Facility
- District 3 Lift Station
- District 3 Water Distribution Mains
- District 3 Stormwater Mains
- District 3 Culverts
- District 3 Force Main
- District 3 Sanitary Gravity Main
- District 3 Roads
- District 3 Basins



1 inch equals 1 miles



Infrastructure District 3 - Roads



Esri, NASA, NGA, USGS, FEMA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA



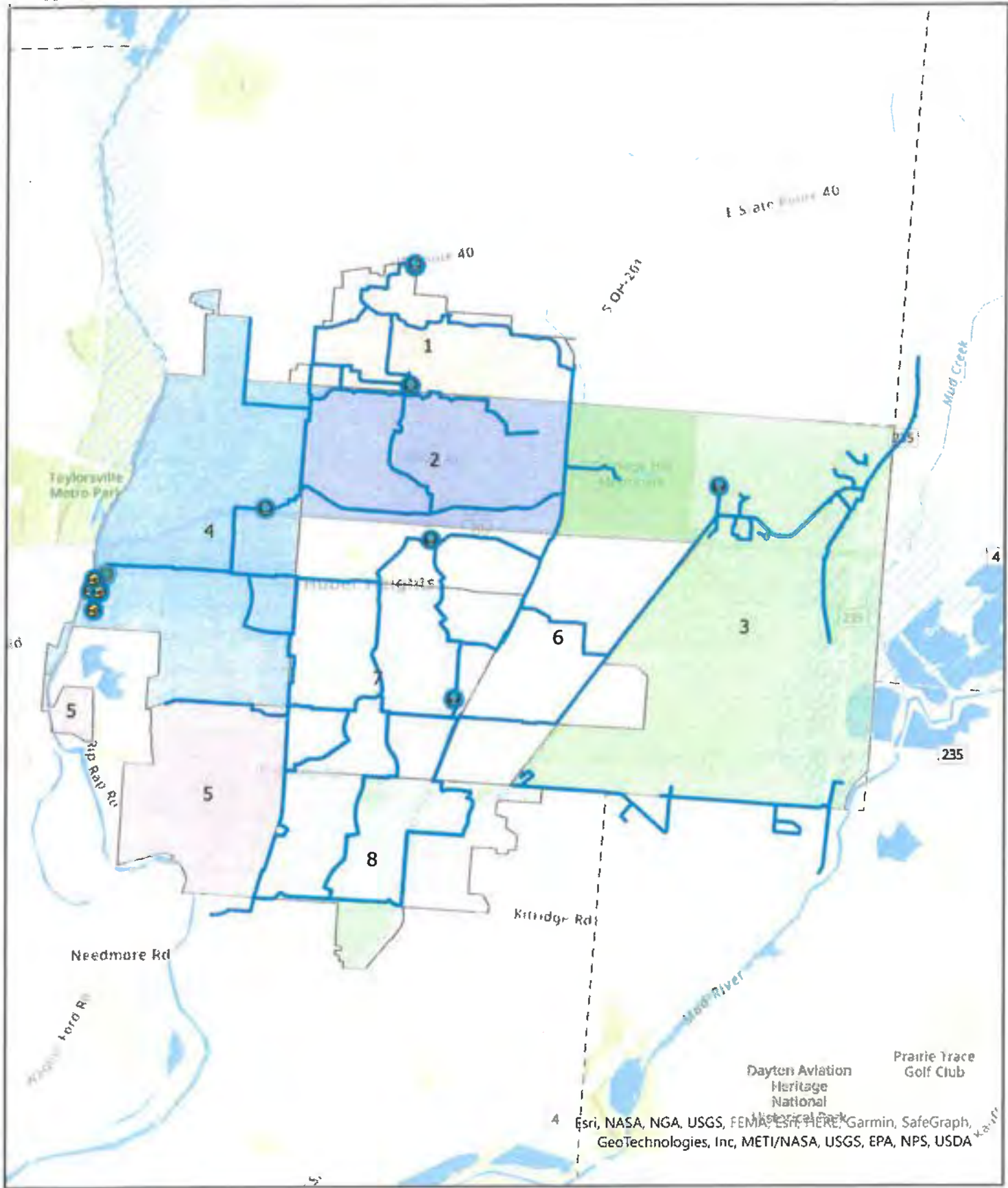
- District 3 Roads
- Huber Heights Streets



1 inch equals 1 miles



Infrastructure District 3 - Water



Esri, NASA, NGA, USGS, FEMA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA



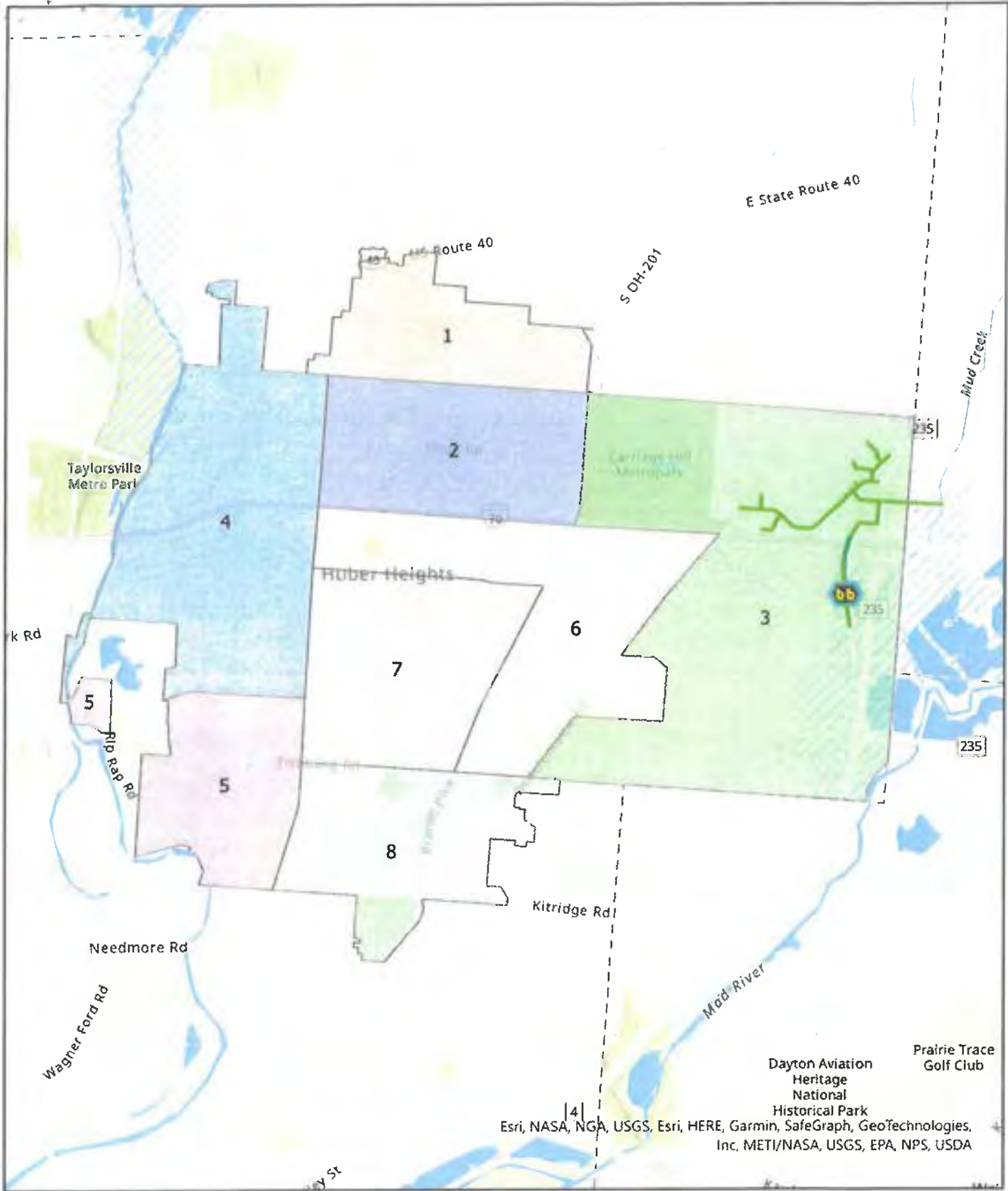
	Enclosed Storage Facility		Pump Station
	Intake		Storage Basin
	Meter Station		Treatment Plant
	Production Well		Water Distribution Mains



1 inch equals 1 miles



Infrastructure District 3 - Sanitary Sewer



	District 3 Gravity Main
	District 3 Force Main
	District 3 Lift Station

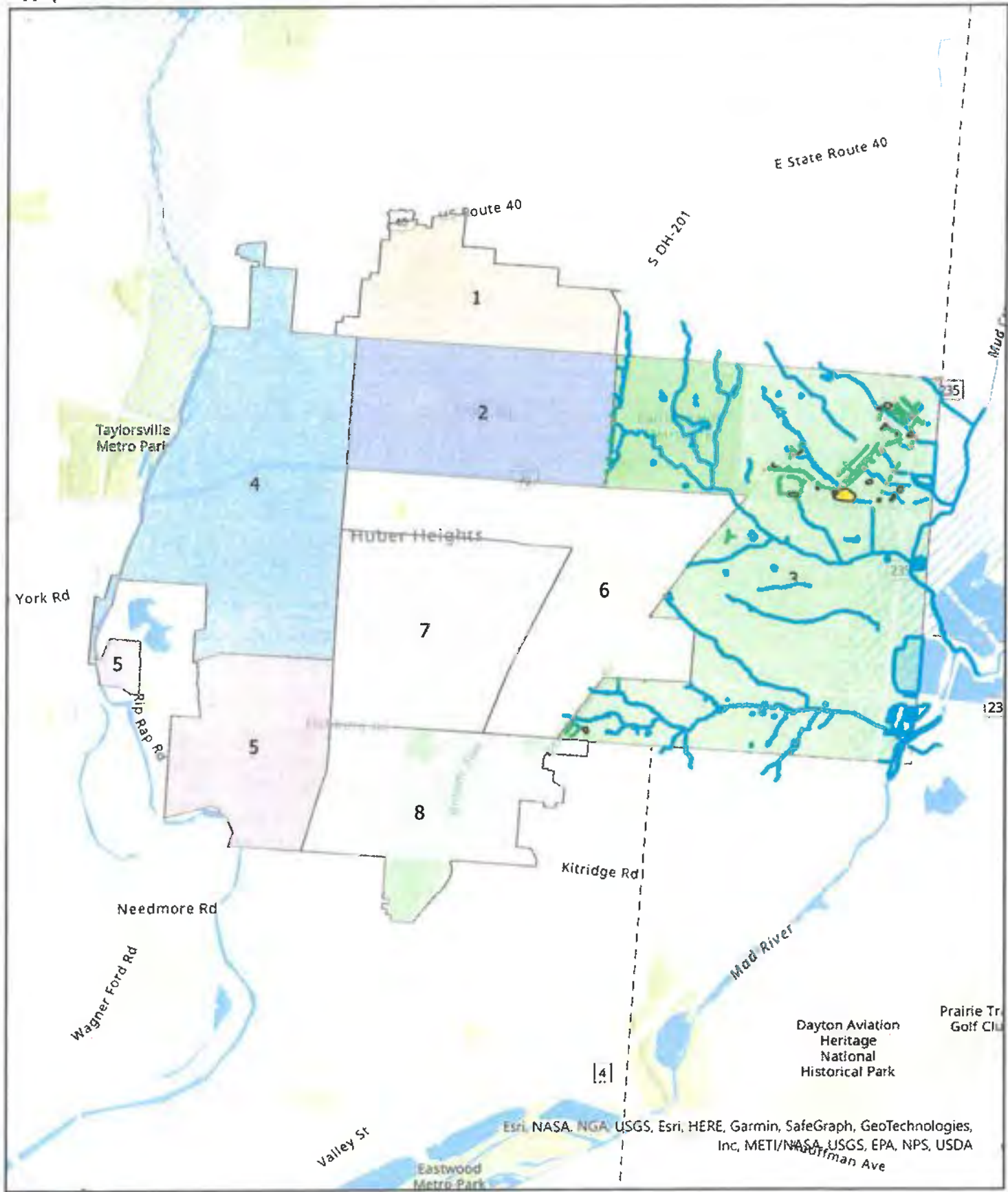


1 inch equals 1 miles

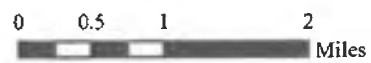


Esri, NASA, NGA, USGS, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA

Infrastructure District 3 - Stormwater



	District 3 Stormwater Mains		District 3 Channels
	District 3 Rivers		District 3 Basins
	District 3 Culverts		



1 inch equals 1 miles



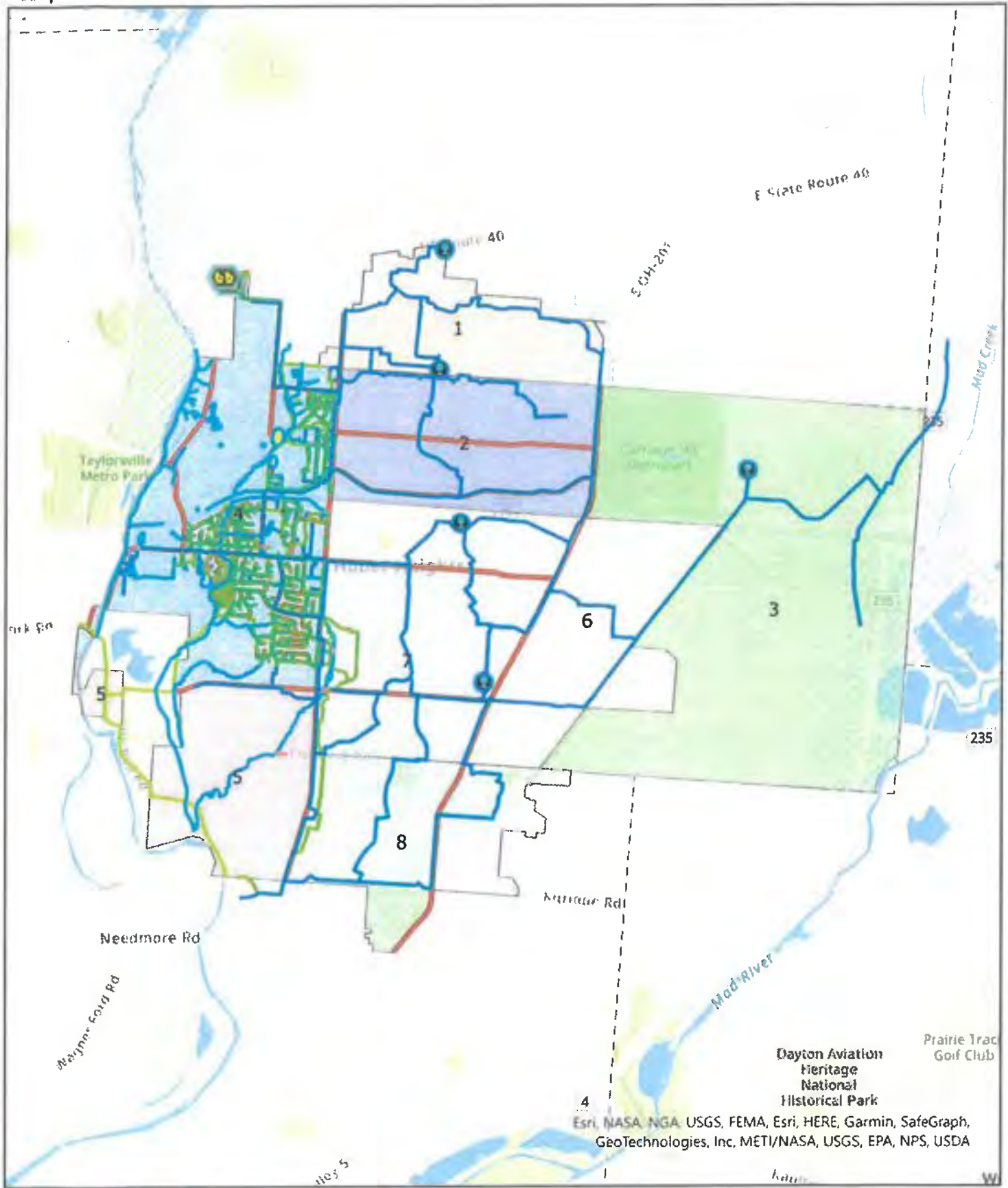
Esri, NASA, NGA, USGS, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA

Appendix D

Infrastructure District 4



Infrastructure District 4 - Overview



Esri, NASA, NGA, USGS, FEMA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc. METI/NASA, USGS, EPA, NPS, USDA



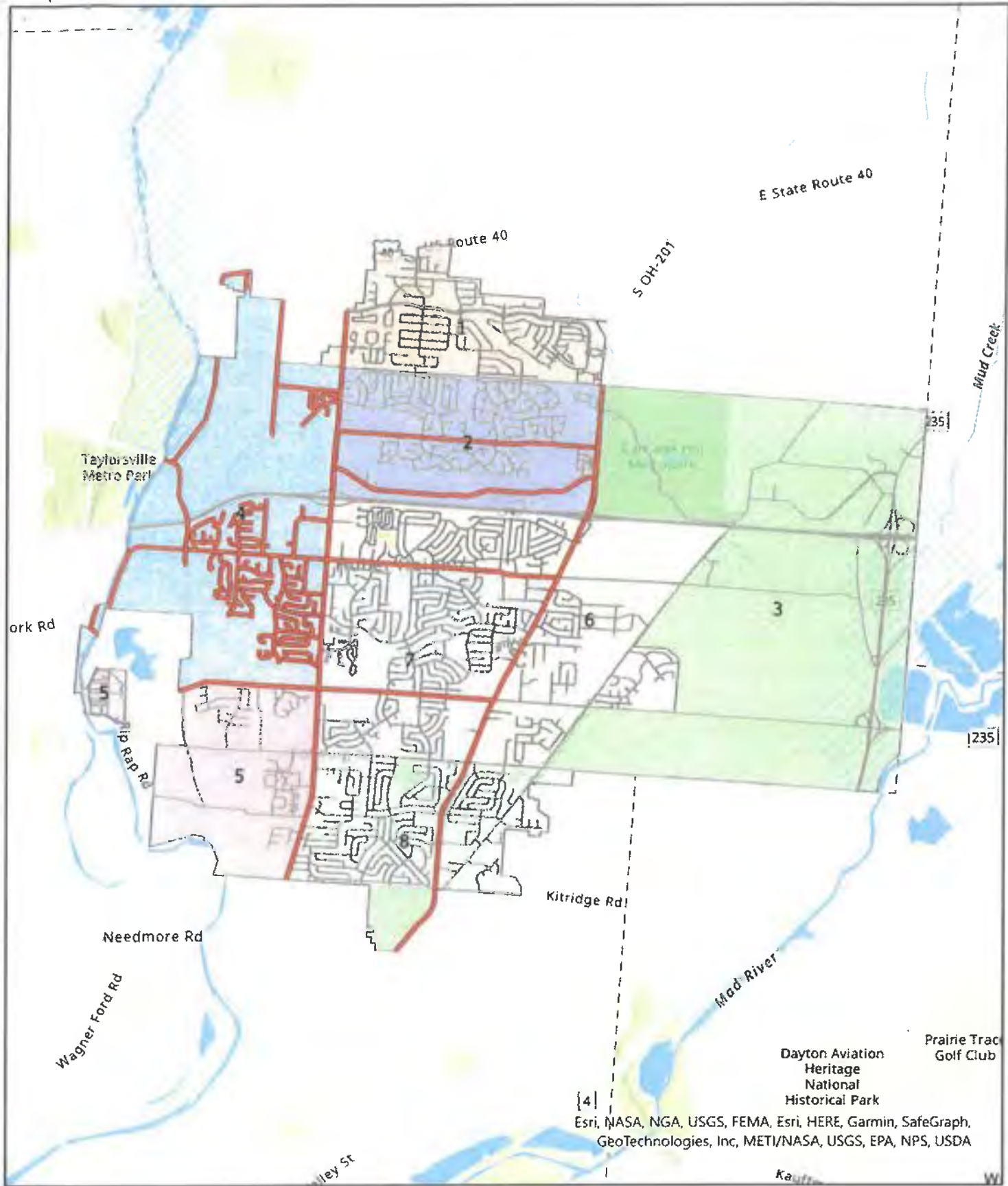
- Enclosed Storage Facility
- District 4 Lift Stations
- District 4 Water Distribution Mains
- District 4 Sanitary Gravity Mains
- District 4 Stormwater Mains
- District 4 Force Mains
- District 4 Roads
- District 4 Tri Cities Gravity Mains
- District 4 Rivers
- District 4 Culverts
- District 4 Basins



1 inch equals 1 miles



Infrastructure District 4 - Roads



Esri, NASA, NGA, USGS, FEMA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA



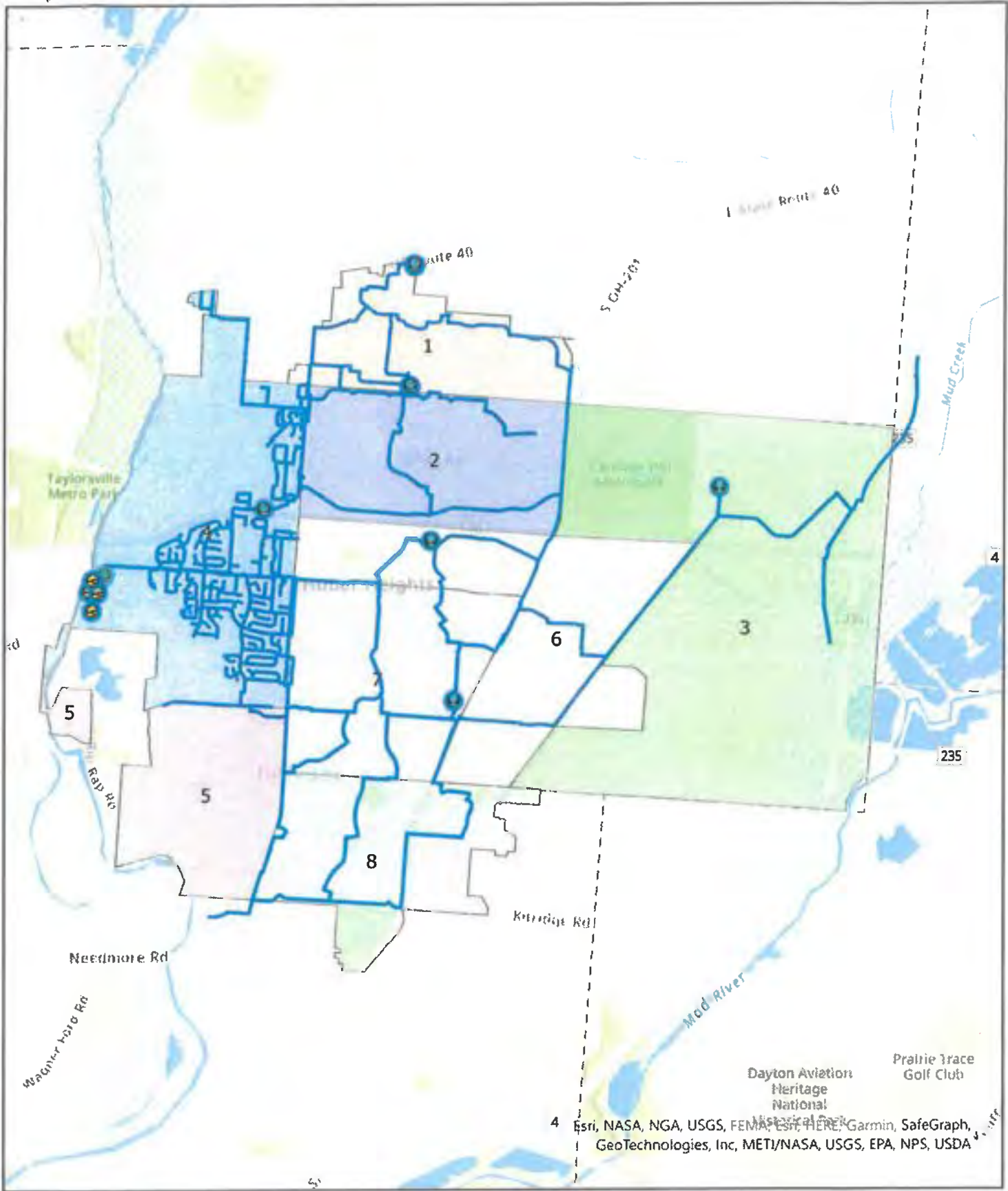
— District 4 Roads
 — Huber Heights Streets



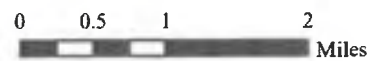
1 inch equals 1 miles



Infrastructure District 4 - Water



	Enclosed Storage Facility		Pump Station
	Intake		Storage Basin
	Meter Station		Treatment Plant
	Production Well		Water Distribution Mains

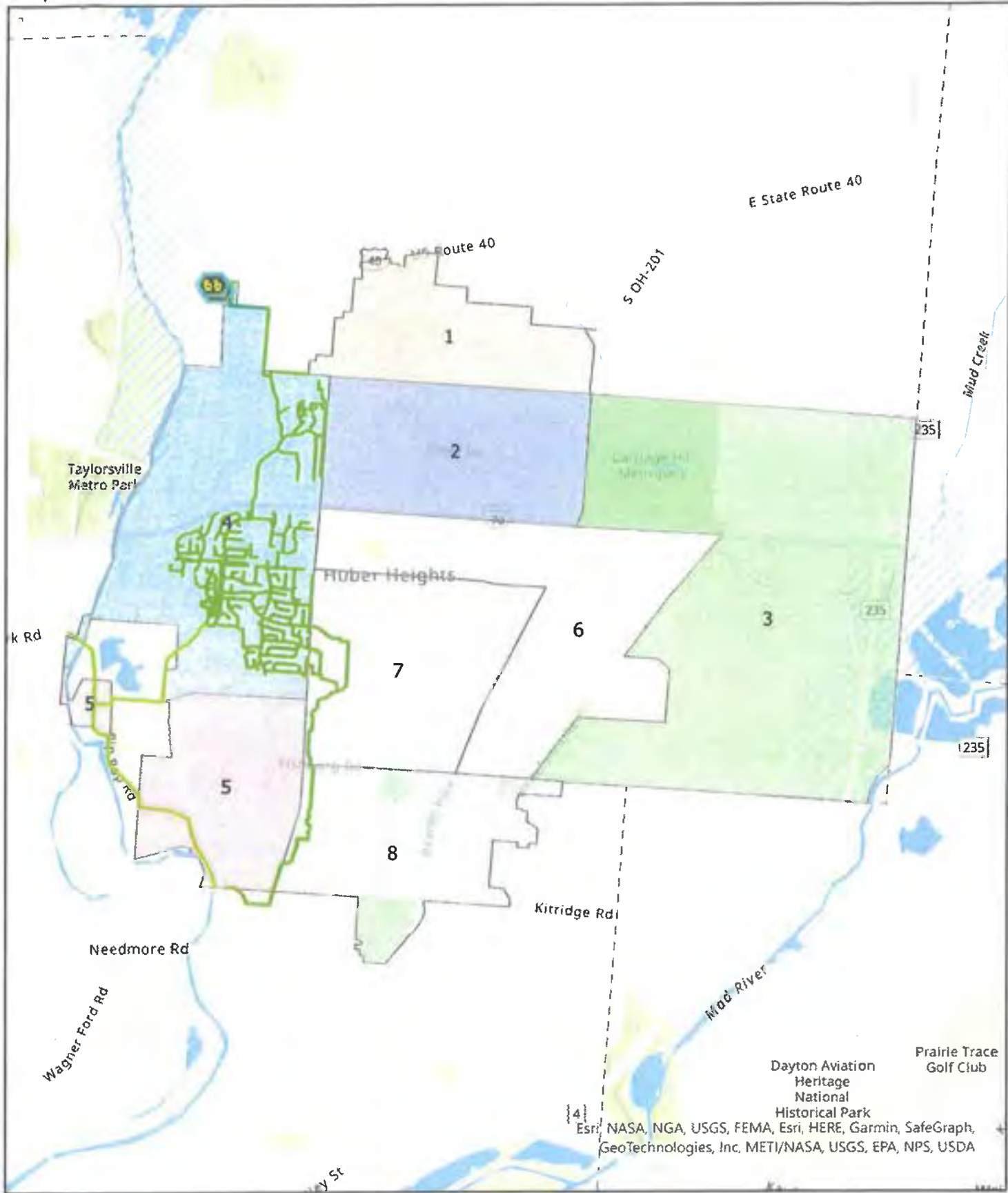


1 inch equals 1 miles



Esri, NASA, NGA, USGS, FEMA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA

Infrastructure District 4 - Sanitary Sewer



- District 4 Gravity Mains
- District 4 Force Mains
- bb District 4 Lift Stations
- District 4 Tri Cities Gravity Mains

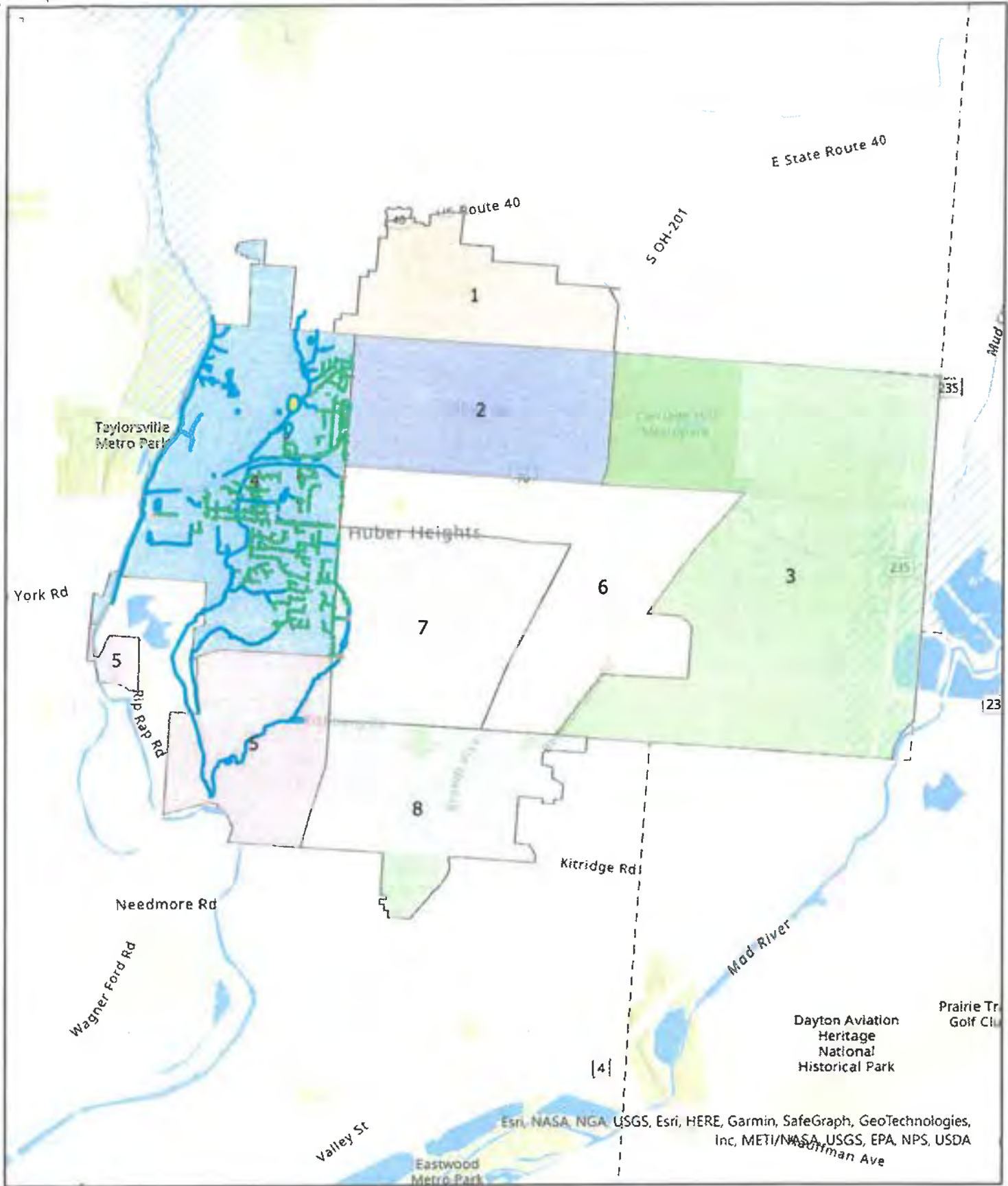







1 inch equals 1 miles



Esri, NASA, NGA, USGS, FEMA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA

Infrastructure District 4 - Stormwater



 District 4 Stormwater Mains	 District 4 Channels
 District 4 Rivers	 District 4 Basins
 District 4 Culverts	



1 inch equals 1 miles



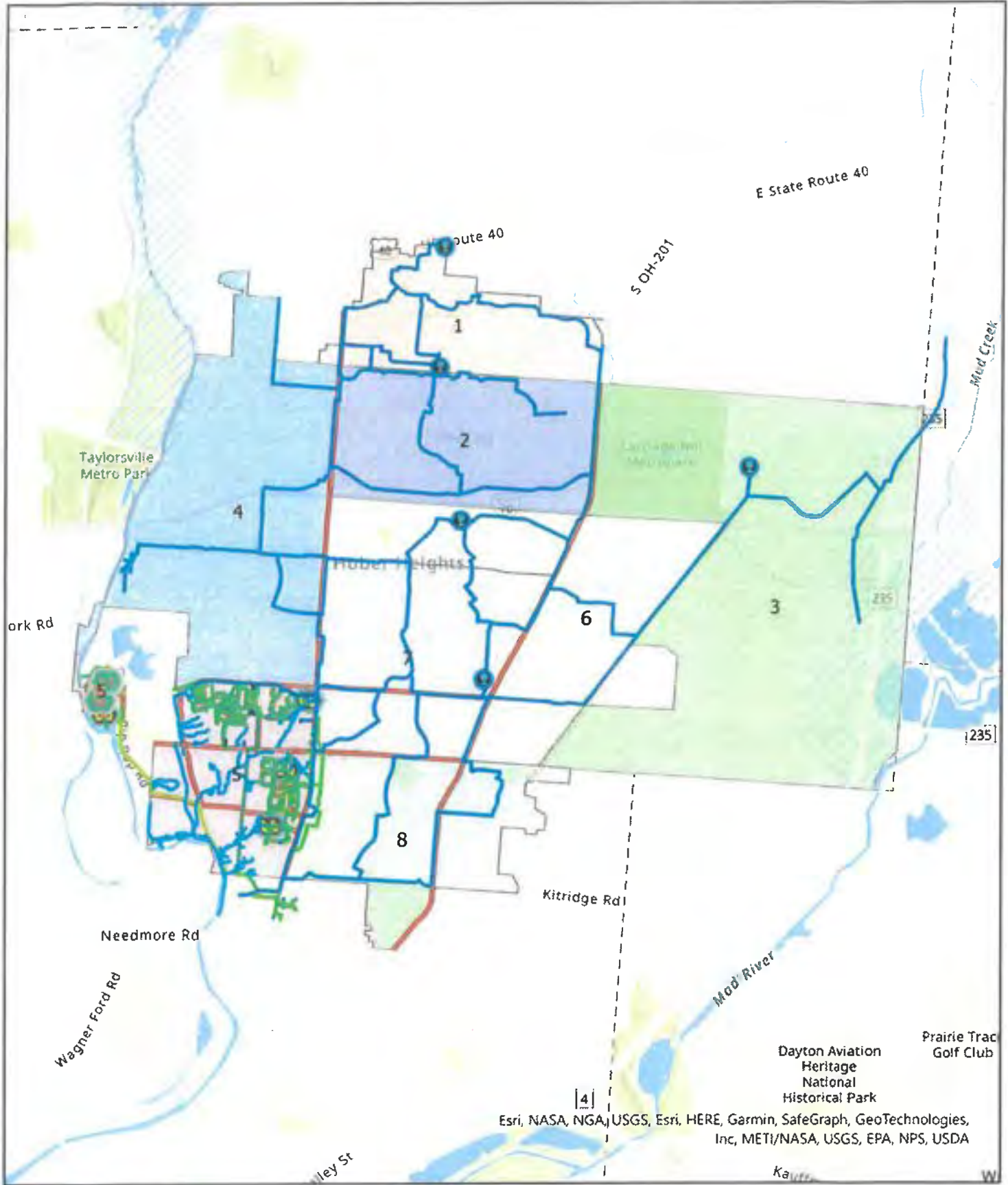
Esri, NASA, NGA, USGS, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA

Appendix E

Infrastructure District 5



Infrastructure District 5 - Overview



Esri, NASA, NGA, USGS, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA



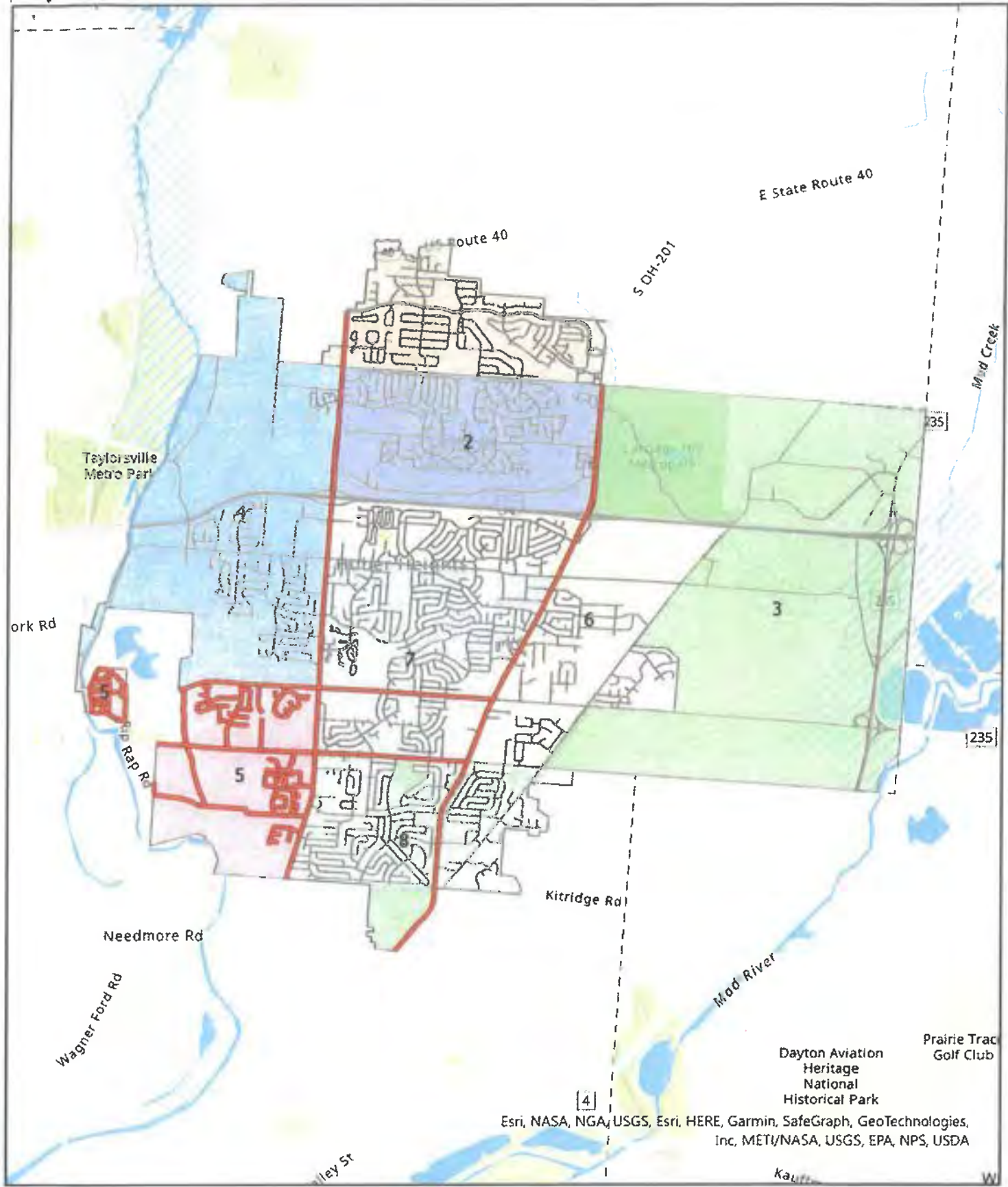
- | | |
|-------------------------------------|-------------------------------------|
| Enclosed Storage Facility | District 5 Culverts |
| District 5 Lift Stations | District 5 Channels |
| District 5 Pump Station | District 5 Sanitary Gravity Mains |
| District 5 Water Distribution Mains | District 5 Force Mains |
| District 5 Stormwater Mains | District 5 Tri Cities Gravity Mains |
| District 5 Phone | District 5 Roads |
| | District 5 Basins |



1 inch equals 1 miles



Infrastructure District 5 - Roads



Esri, NASA, NGA, USGS, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, USDA



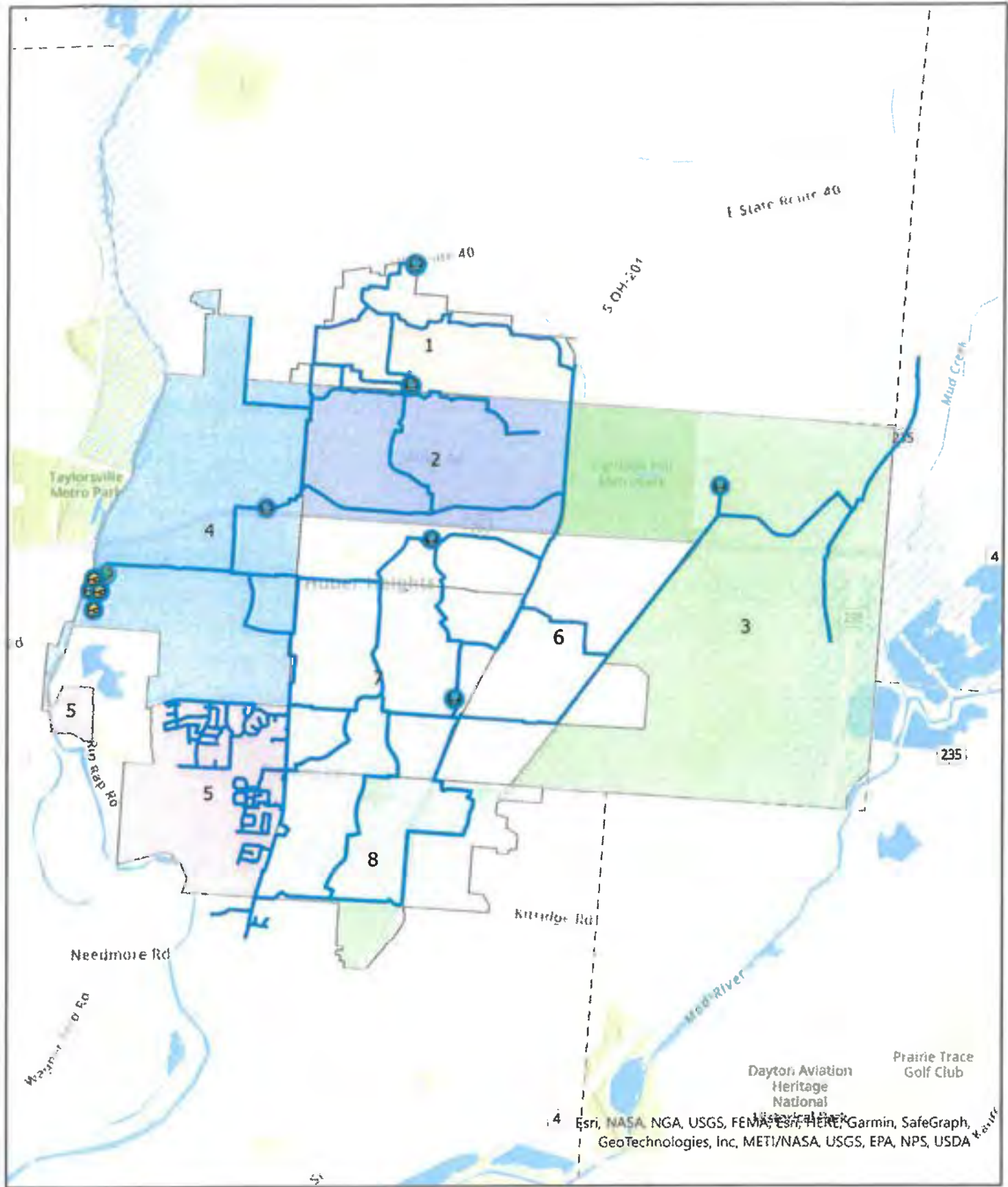
- District 5 Roads
- Huber Heights Streets



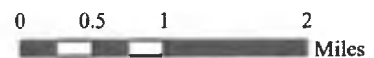
1 inch equals 1 miles



Infrastructure District 5 - Water



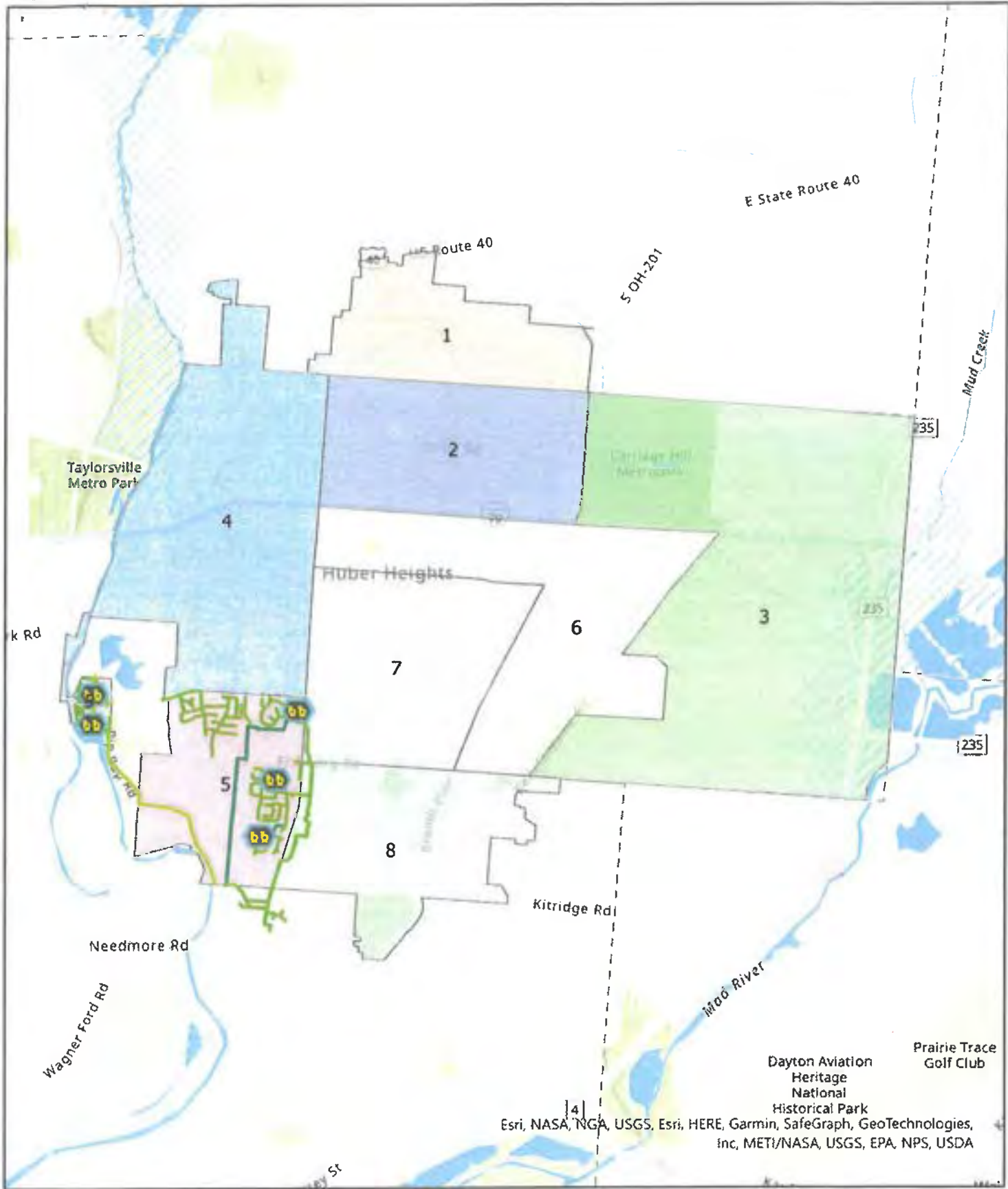
	Enclosed Storage Facility		Pump Station
	Intake		Storage Basin
	Meter Station		Treatment Plant
	Production Well		Water Distribution Mains



1 inch equals 1 miles



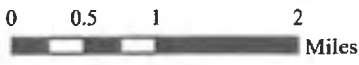
Infrastructure District 5 - Sanitary Sewer



Esri, NASA, NGA, USGS, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, inc, METI/NASA, USGS, EPA, NPS, USDA



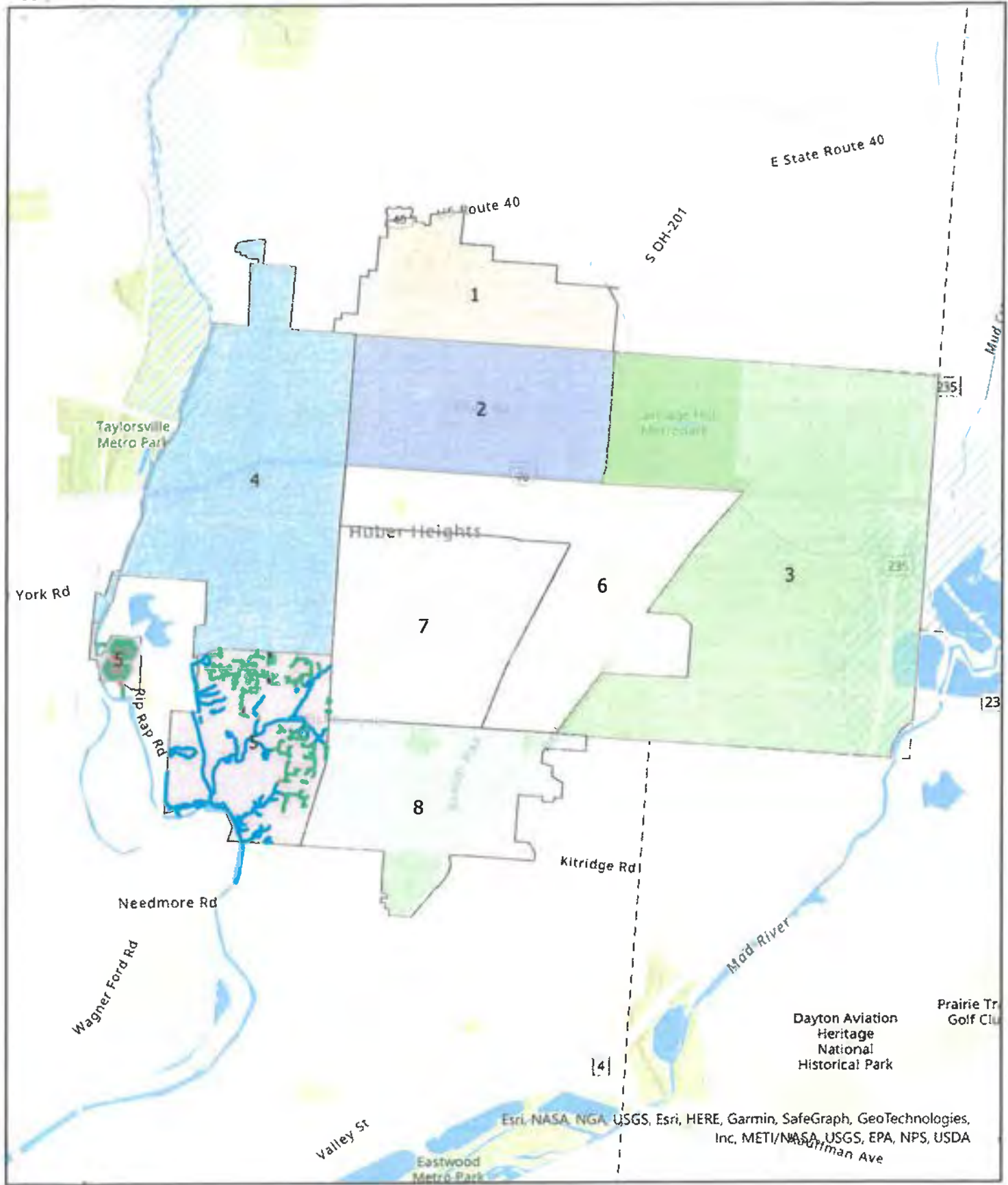
- District 5 Gravity Mains
- District 5 Force Mains
- bb District 5 Lift Stations
- District 5 Tri Cities Gravity Mains



1 inch equals 1 miles



Infrastructure District 5 - Stormwater



	District 5 Stormwater Mains		District 5 Channels
	District 5 Rivers		District 5 Basins
	District 5 Culverts		Pump Station



1 inch equals 1 miles



Esri, NASA, NGA, USGS, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, USDA

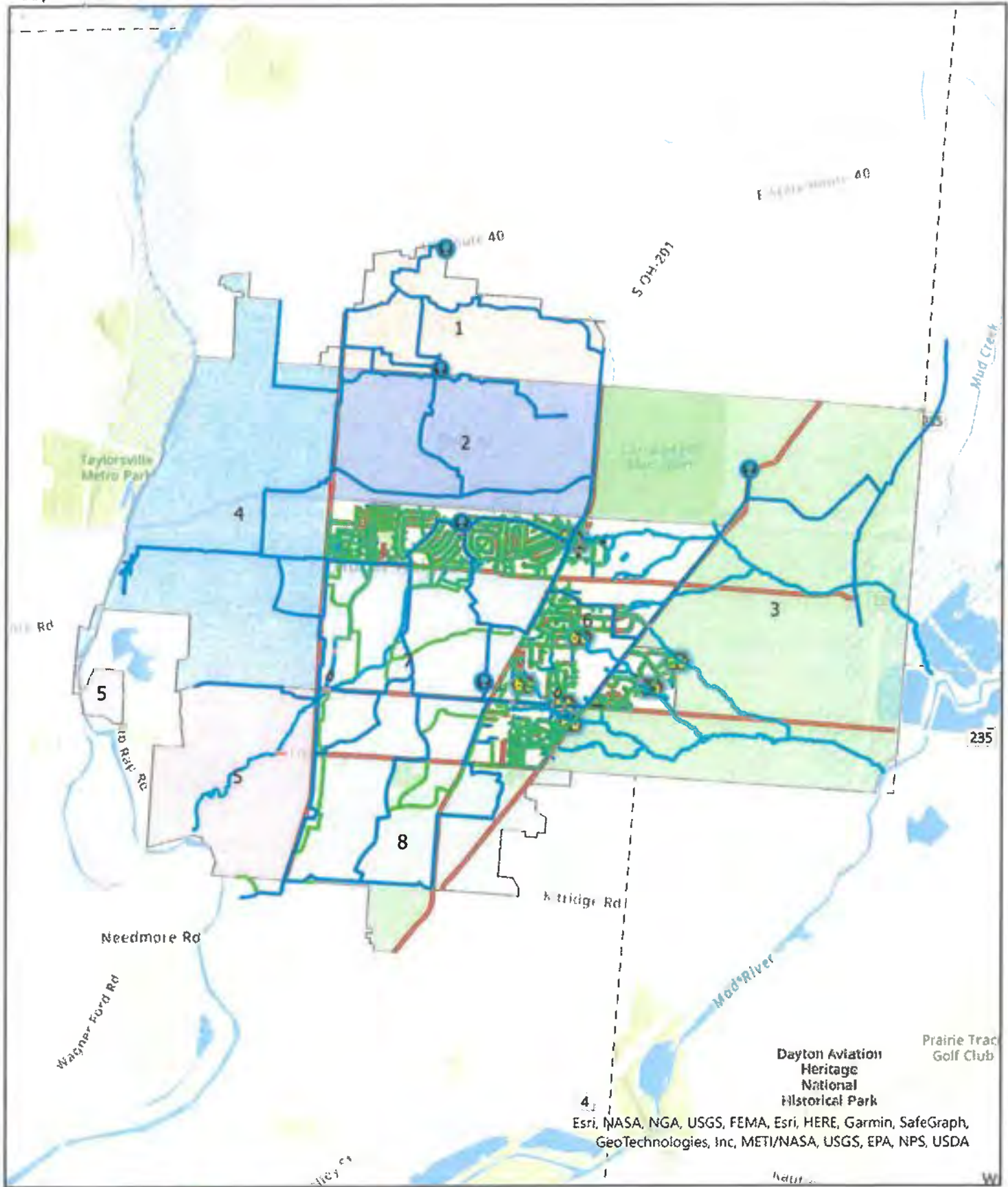


Appendix F

Infrastructure District 6



Infrastructure District 6 - Overview



Esri, NASA, NGA, USGS, FEMA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA

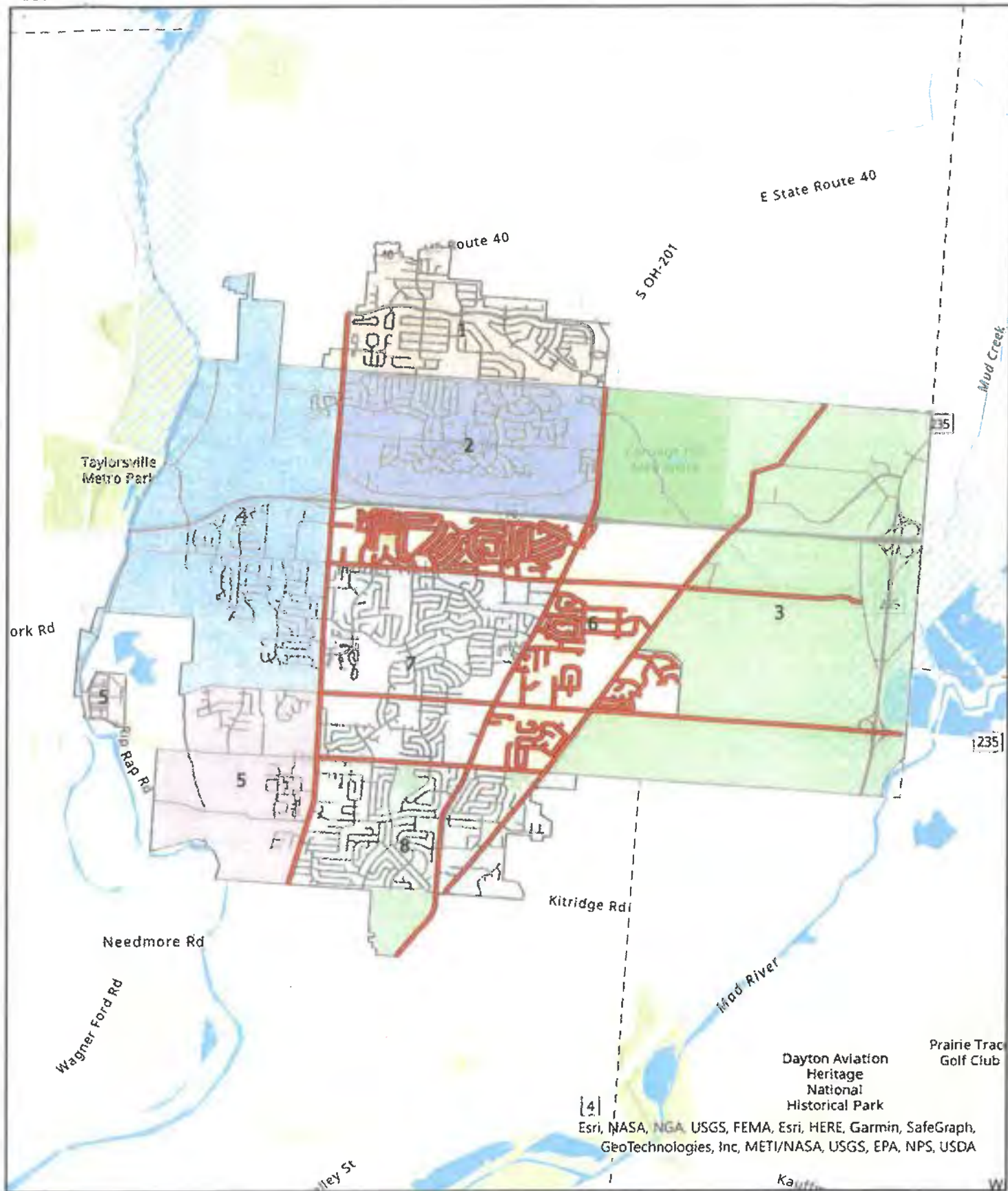


- Enclosed Storage Facility
- District 6 Lift Station
- District 6 Water Distribution Mains
- District 6 Stormwater Mains
- District 6 Rivers
- District 6 Culverts
- District 6 Force Main
- District 6 Sanitary Gravity Main
- District 6 Roads
- District 6 Basins

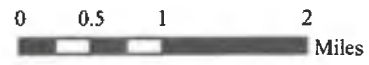
0 0.5 1 2 Miles

1 inch equals 1 miles

Infrastructure District 6 - Roads



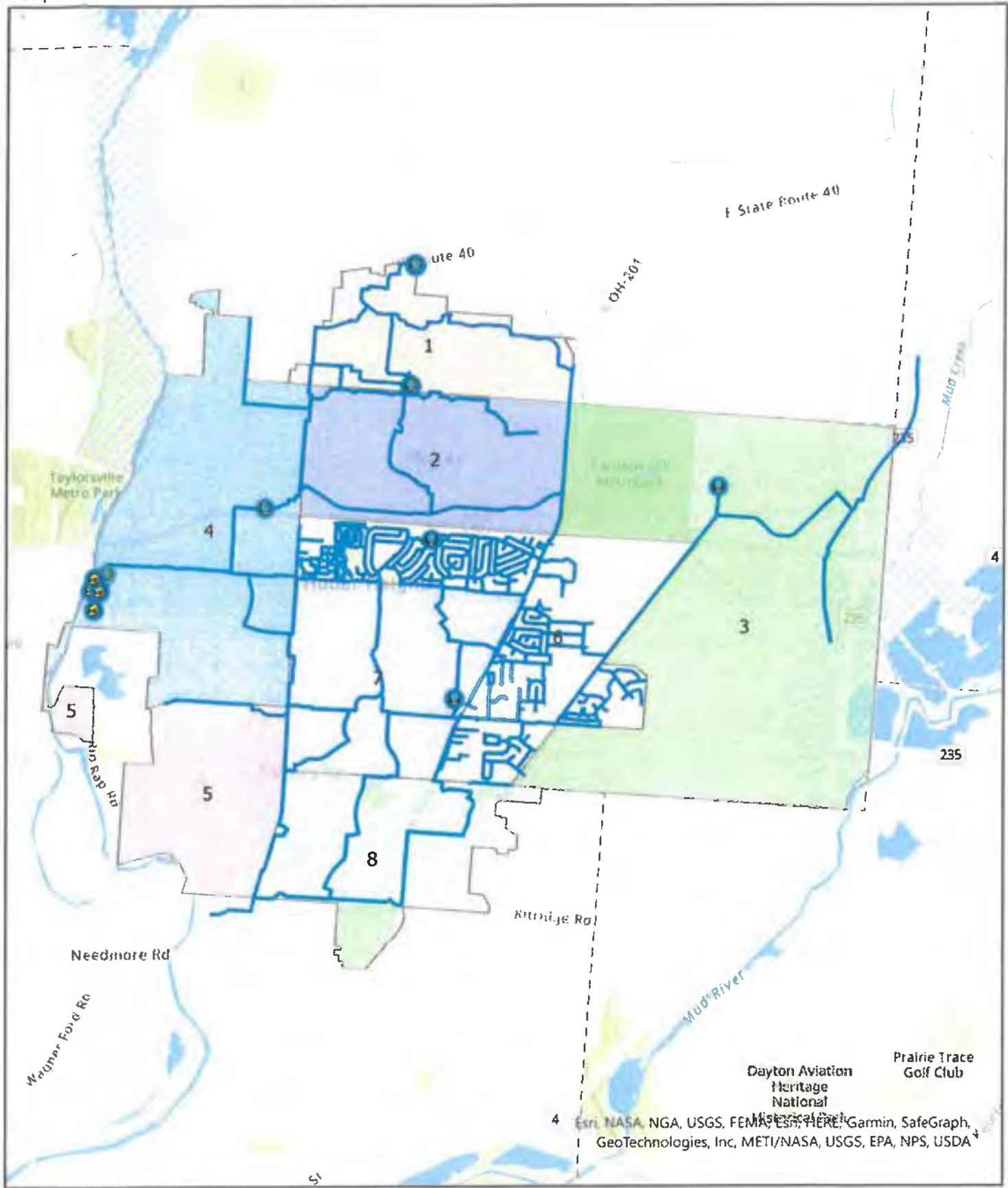
- District 6 Roads
- Huber Heights Streets



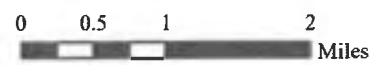
1 inch equals 1 miles



Infrastructure District 6 - Water



	Enclosed Storage Facility		Pump Station
	Intake		Storage Basin
	Meter Station		Treatment Plant
	Production Well		Water Distribution Mains

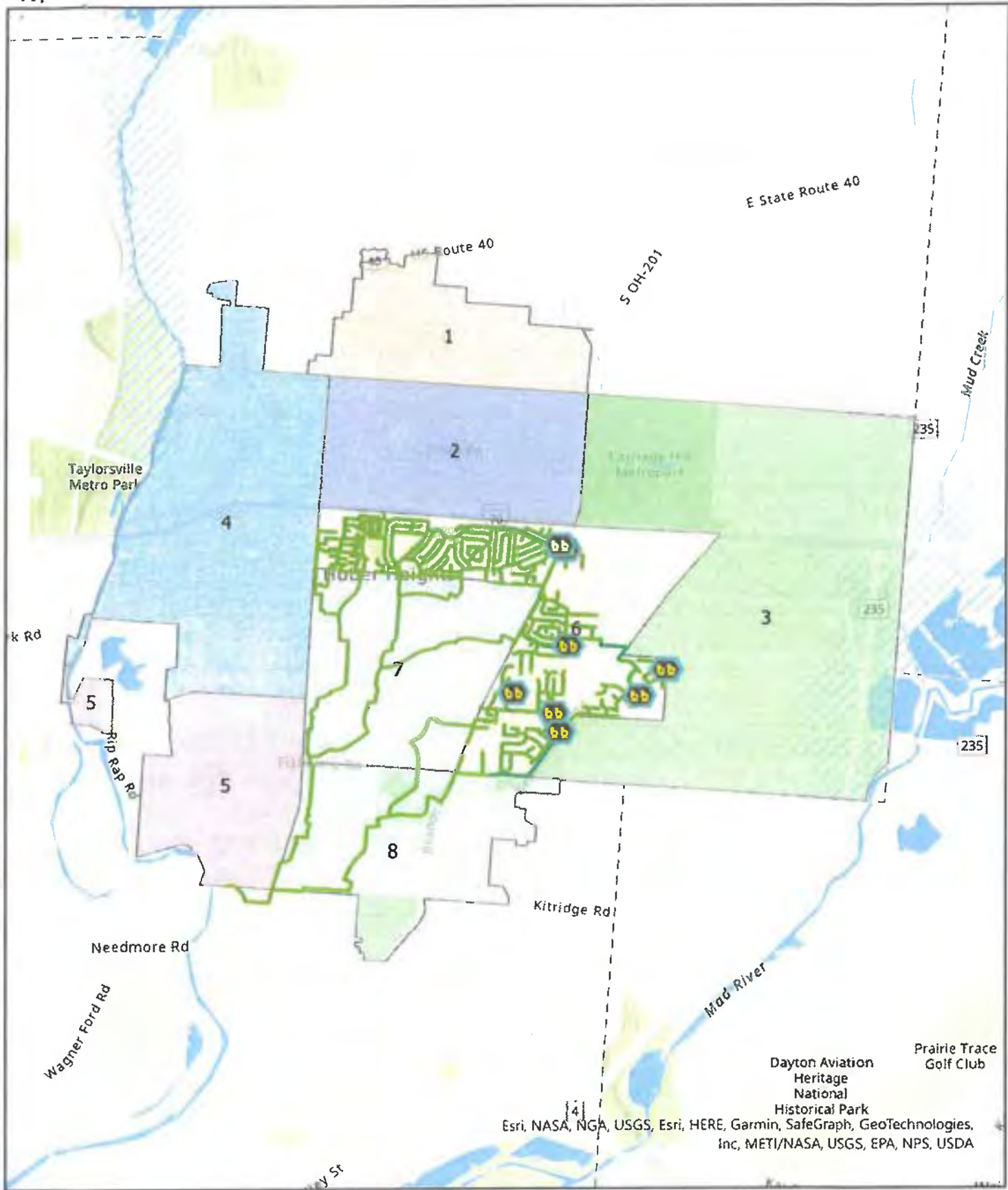


1 inch equals 1 miles



Esri, NASA, NGA, USGS, FEMA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA

Infrastructure District 6 - Sanitary Sewer



Esri, NASA, NGA, USGS, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA



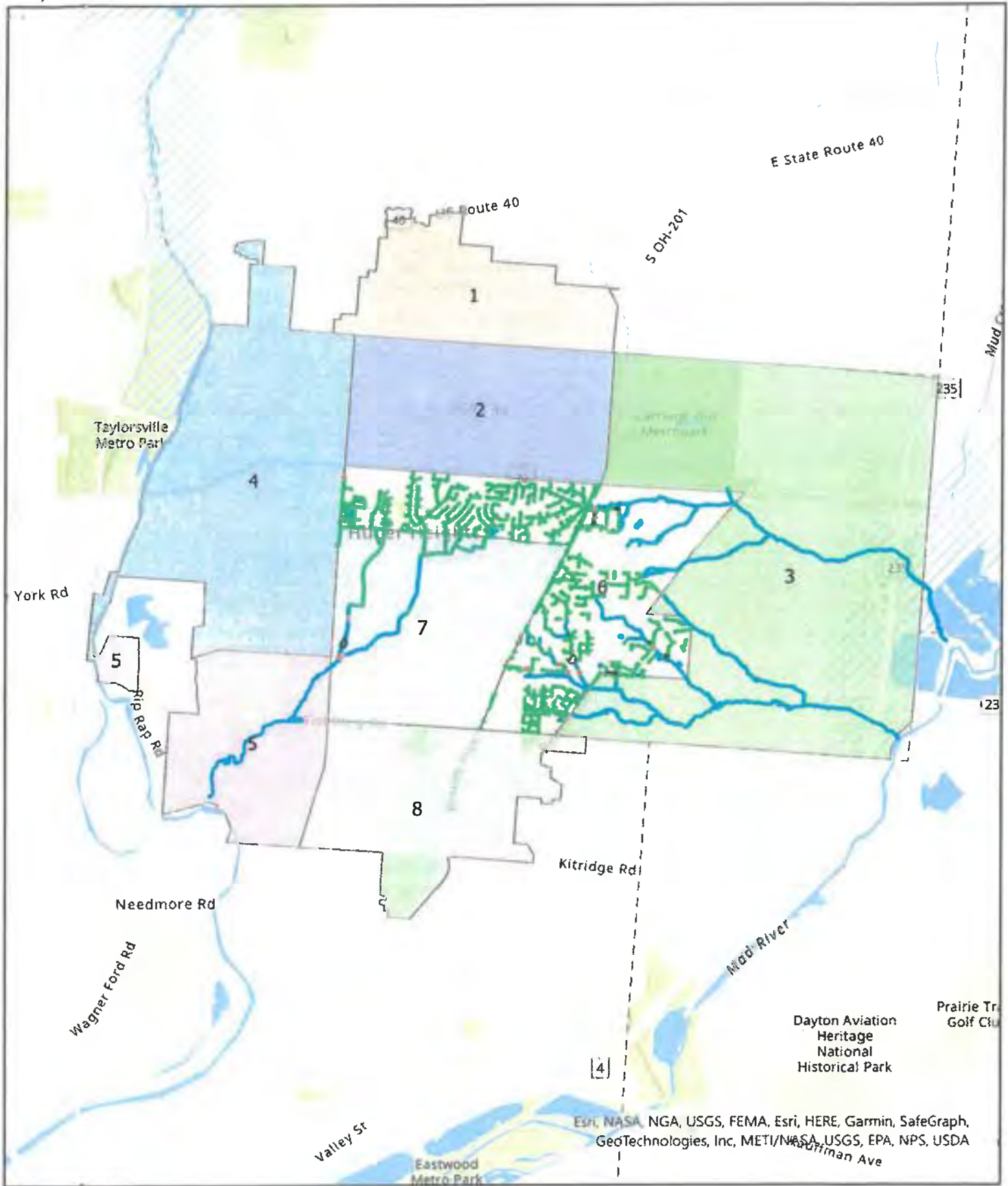
- District 6 Gravity Main
- District 6 Force Main
- bb District 6 Lift Station








1 inch equals 1 miles



Infrastructure District 6 - Stormwater



	District 6 Stormwater Mains		District 6 Channels
	District 6 Rivers		District 6 Basins
	District 6 Culverts		



1 inch equals 1 miles



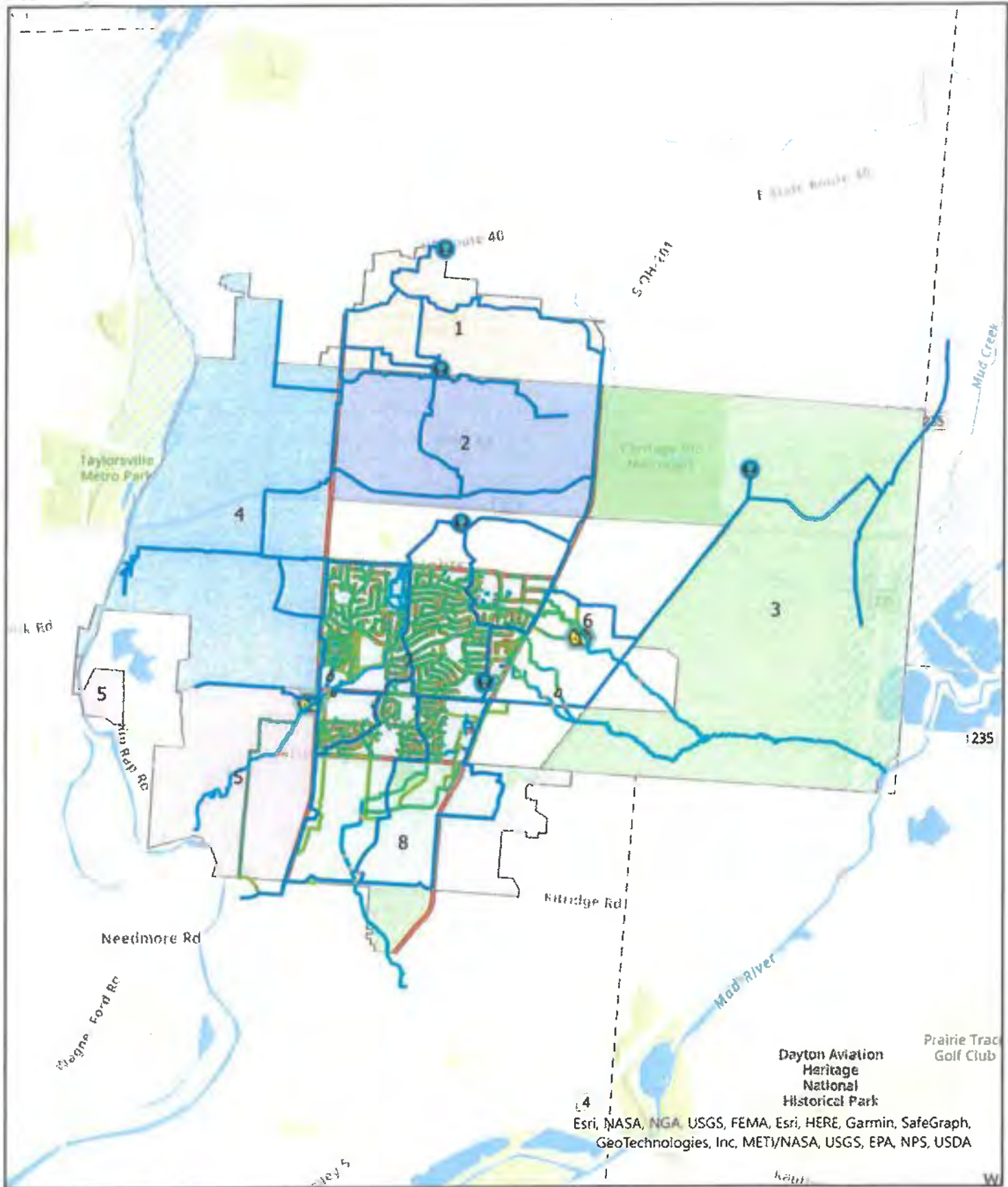
Esri, NASA, NGA, USGS, FEMA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA

Appendix G

Infrastructure District 7













Infrastructure District 7 - Overview



Esri, NASA, NGA, USGS, FEMA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA



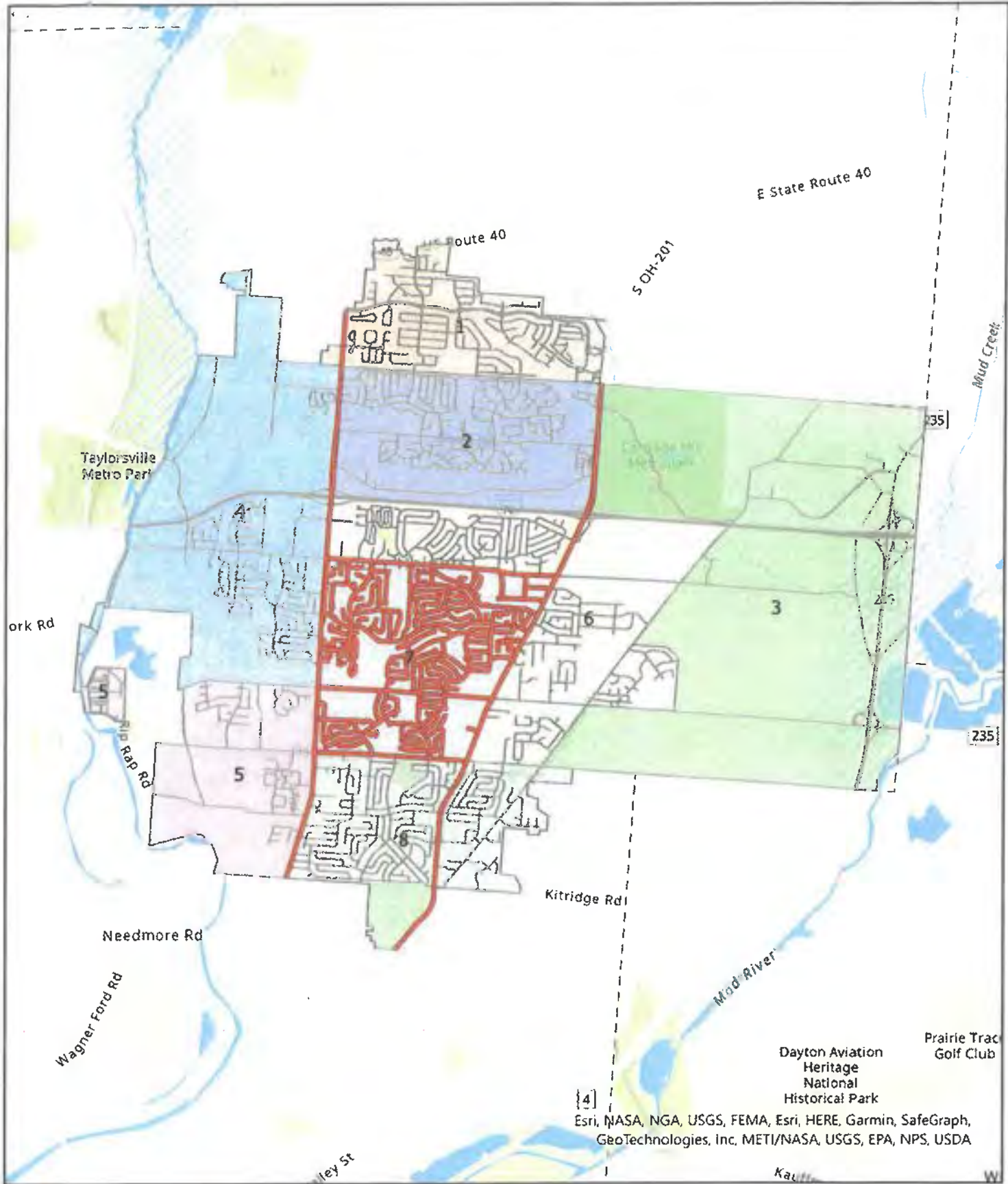
-  Enclosed Storage Facility
-  District 7 Lift Station
-  District 7 Water Distribution Mains
-  District 7 Stormwater Mains
-  District 7 Rivers
-  District 7 Culverts
-  District 7 Force Main
-  District 7 Sanitary Gravity Main
-  District 7 Roads
-  District 7 Basins



1 inch equals 1 miles



Infrastructure District 7 - Roads



- District 7 Roads
- Huber Heights Streets

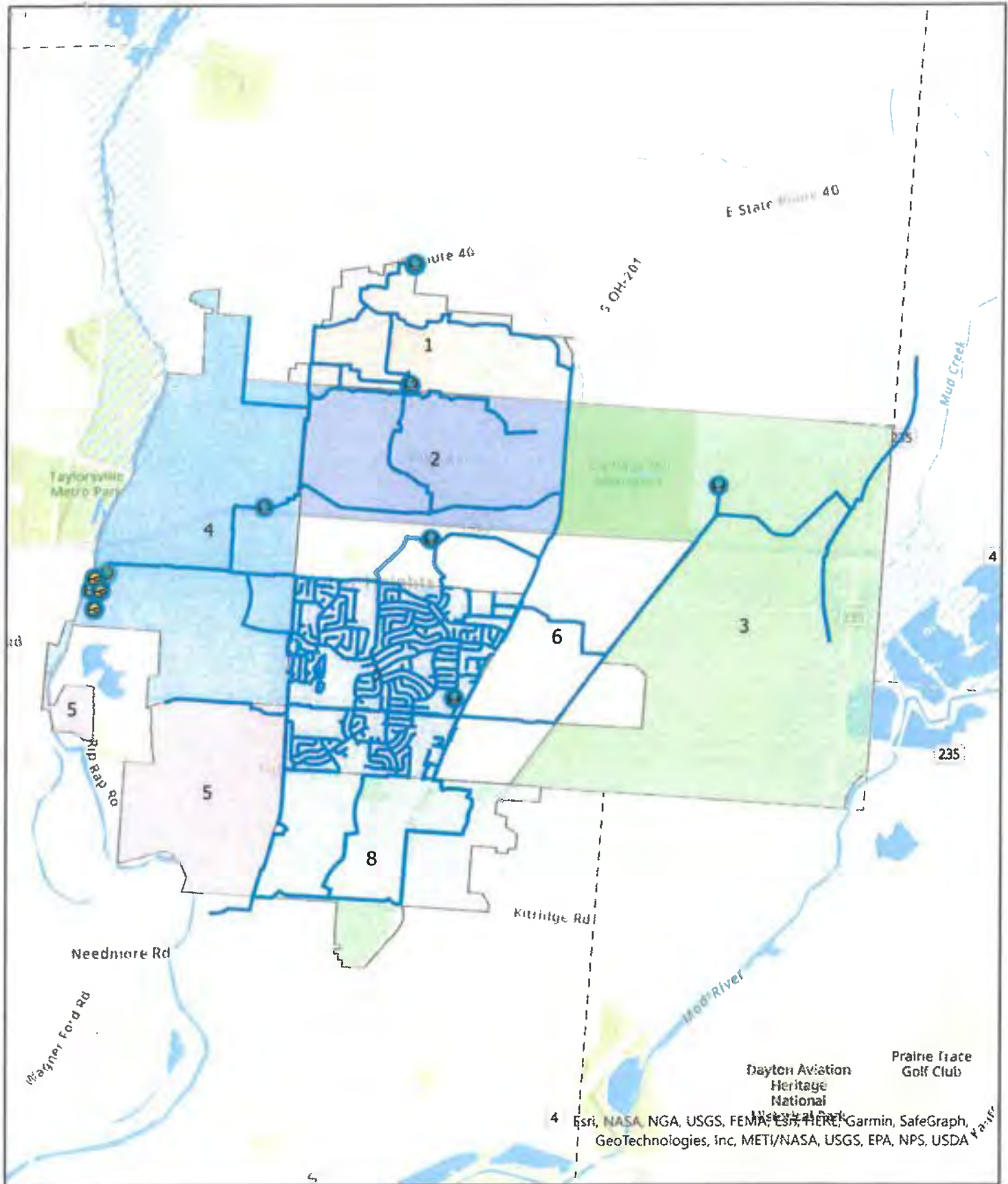


1 inch equals 1 miles



Esri, NASA, NGA, USGS, FEMA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc. METI/NASA, USGS, EPA, NPS, USDA

Infrastructure District 7 - Water



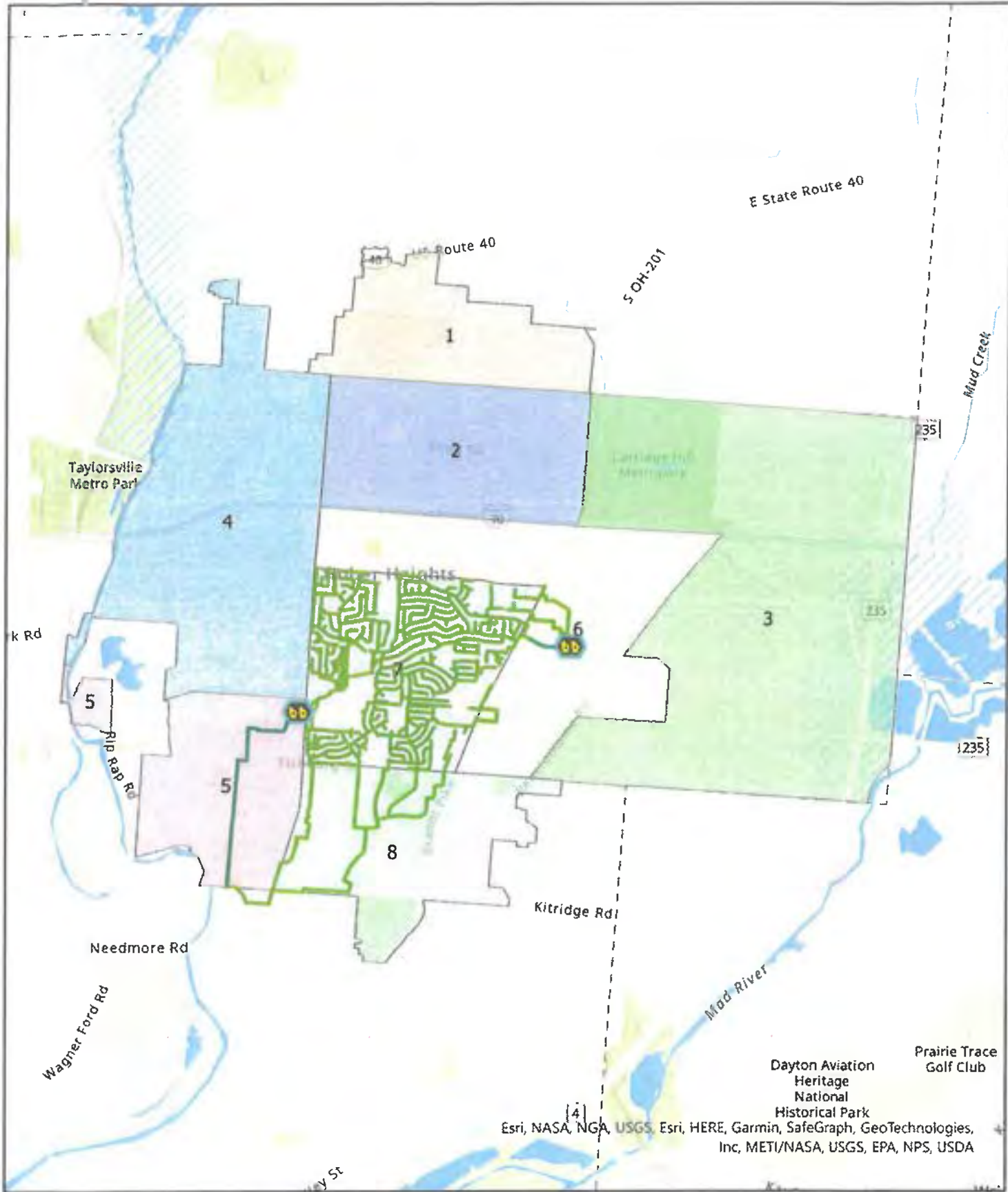
	Enclosed Storage Facility		Pump Station
	Intake		Storage Basin
	Meter Station		Treatment Plant
	Production Well		Water Distribution Mains



1 inch equals 1 miles



Infrastructure District 7 - Sanitary Sewer



Esri, NASA, NGA, USGS, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA



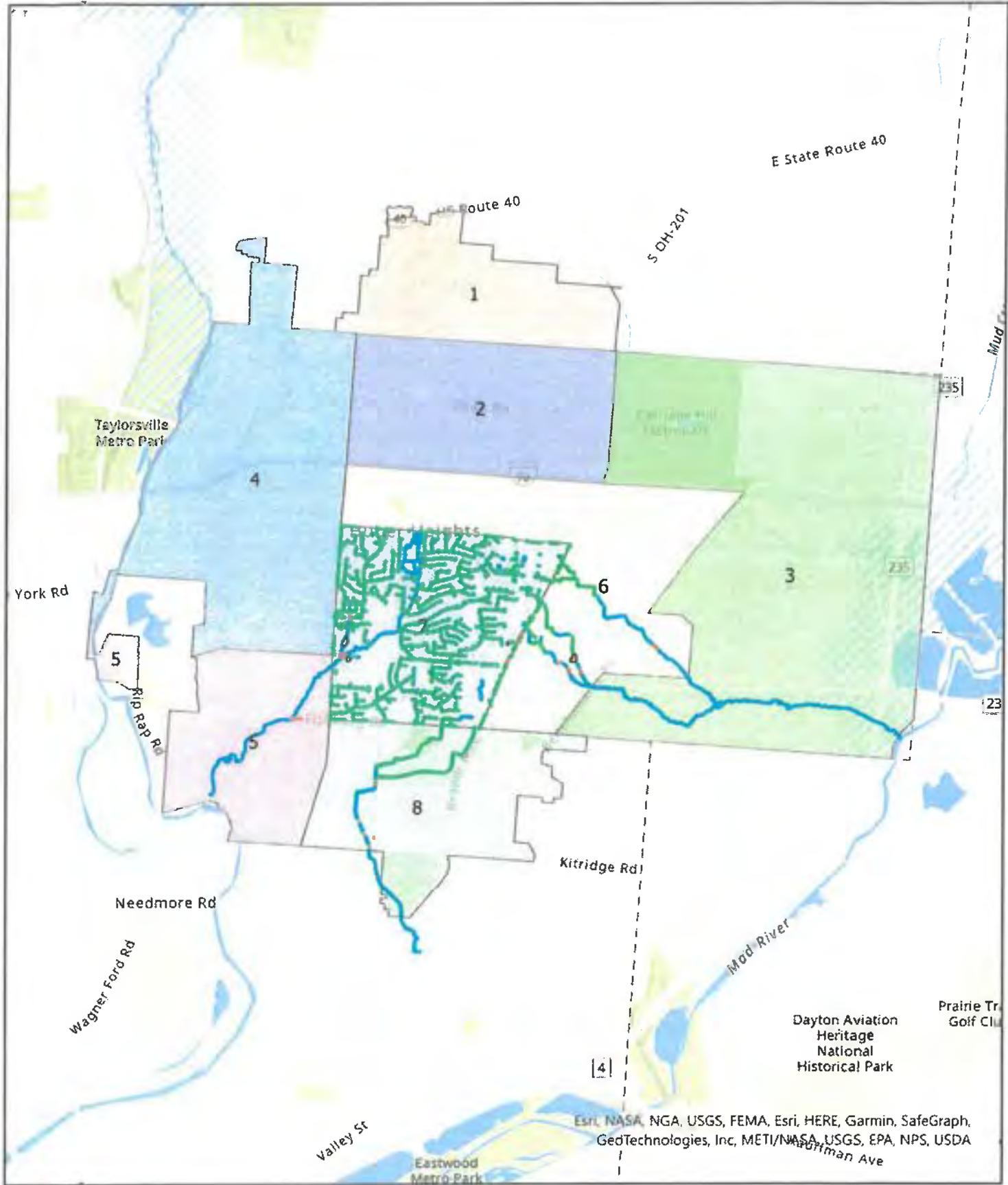
- District 7 Gravity Main
- District 7 Force Main
- bb District 7 Lift Station



1 inch equals 1 miles



Infrastructure District 7 - Stormwater



	District 7 Stormwater Mains		District 7 Channels
	District 7 Rivers		District 7 Basins
	District 7 Culverts		



1 inch equals 1 miles



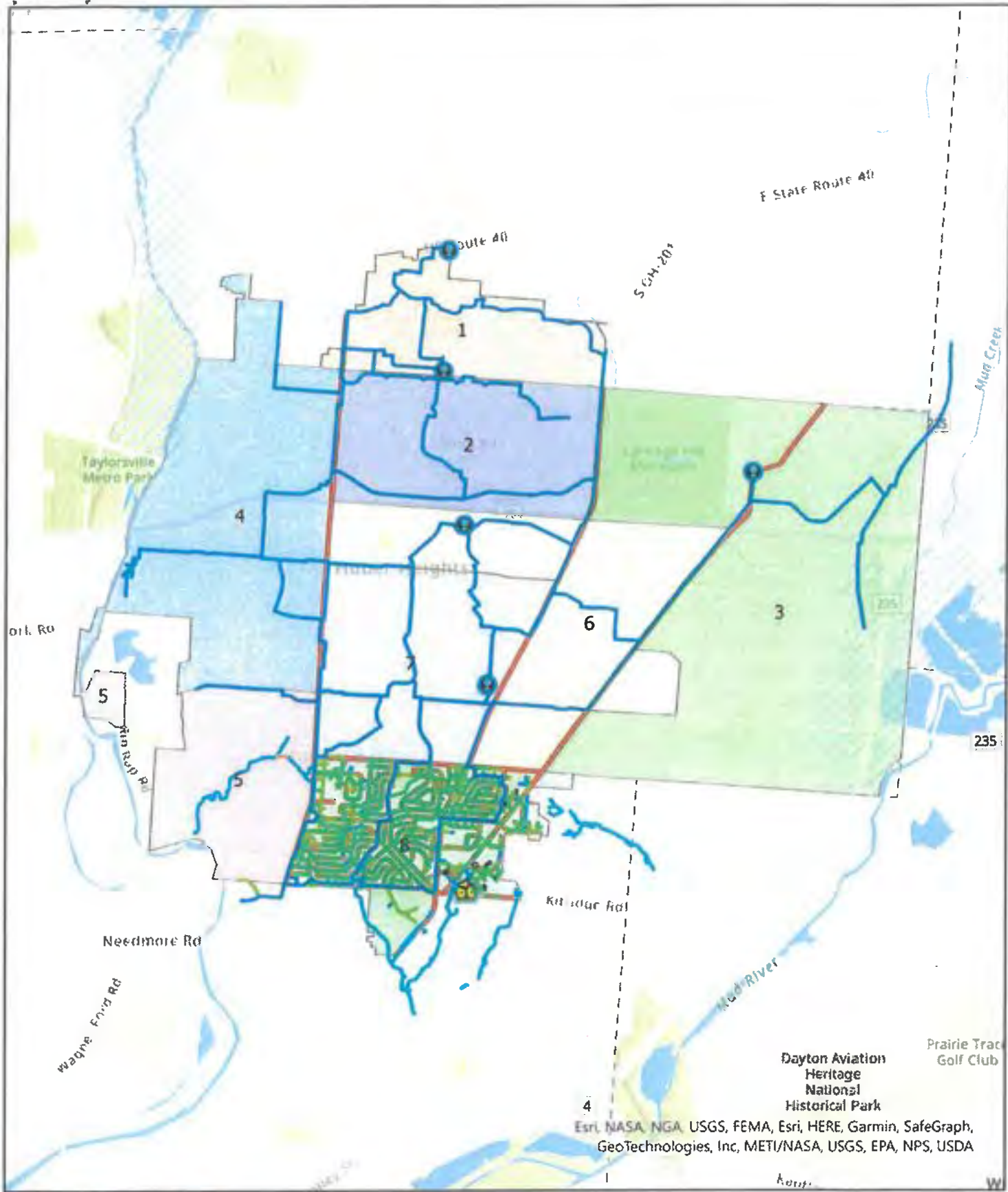
11/15/14











Appendix H

Infrastructure District 8



Infrastructure District 8 - Overview



- | | | | |
|---|-------------------------------------|---|----------------------------------|
|  | Enclosed Storage Facility |  | District 8 Force Main |
|  | District 8 Lift Station |  | District 8 Sanitary Gravity Main |
|  | District 8 Water Distribution Mains |  | District 8 Roads |
|  | District 8 Stormwater Mains |  | District 8 Basins |
|  | District 8 Rivers | | |
|  | District 8 Culverts | | |

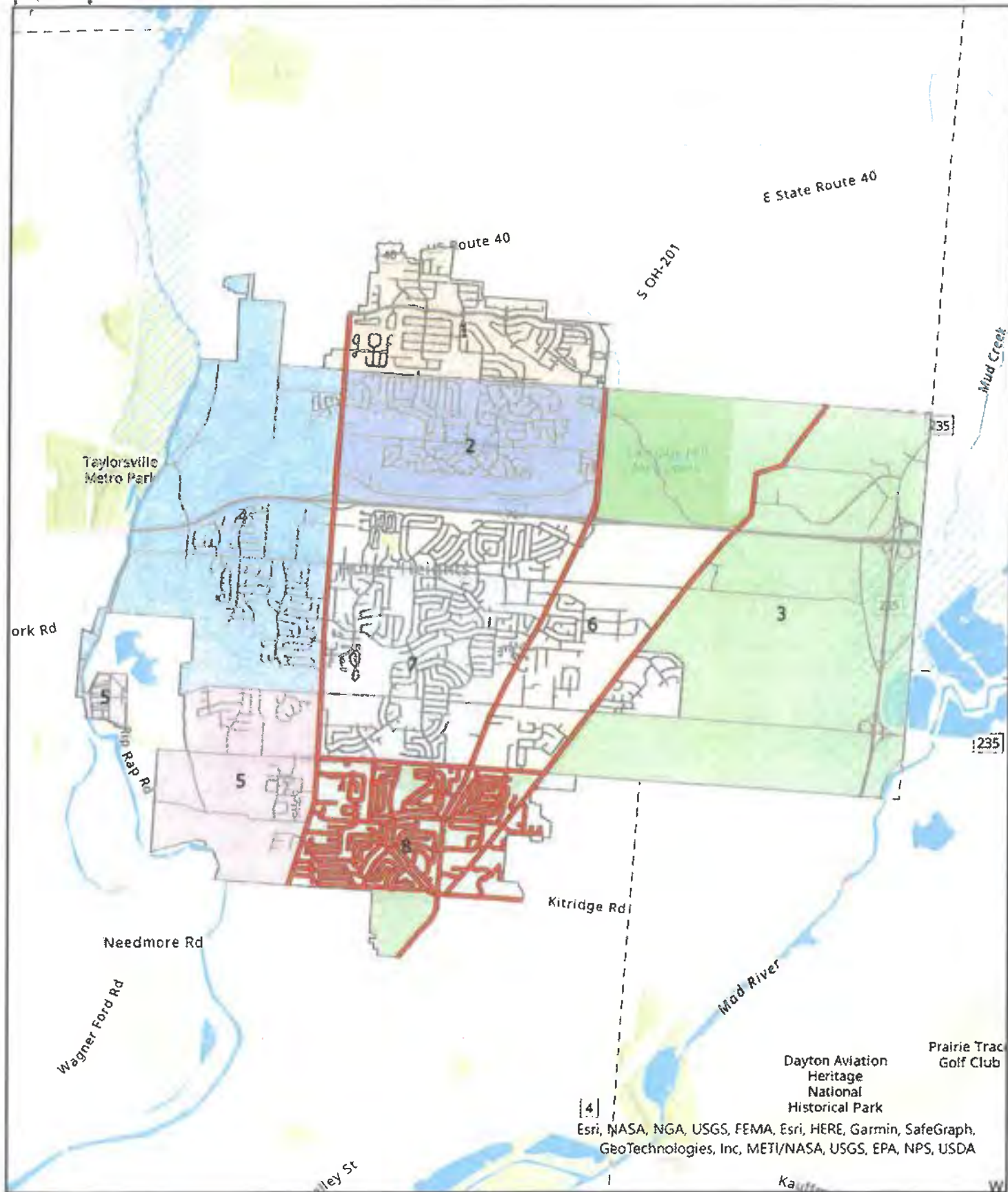


1 inch equals 1 miles



Esri, NASA, NGA, USGS, FEMA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA

Infrastructure District 8 - Roads



[4] Esri, NASA, NGA, USGS, FEMA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA



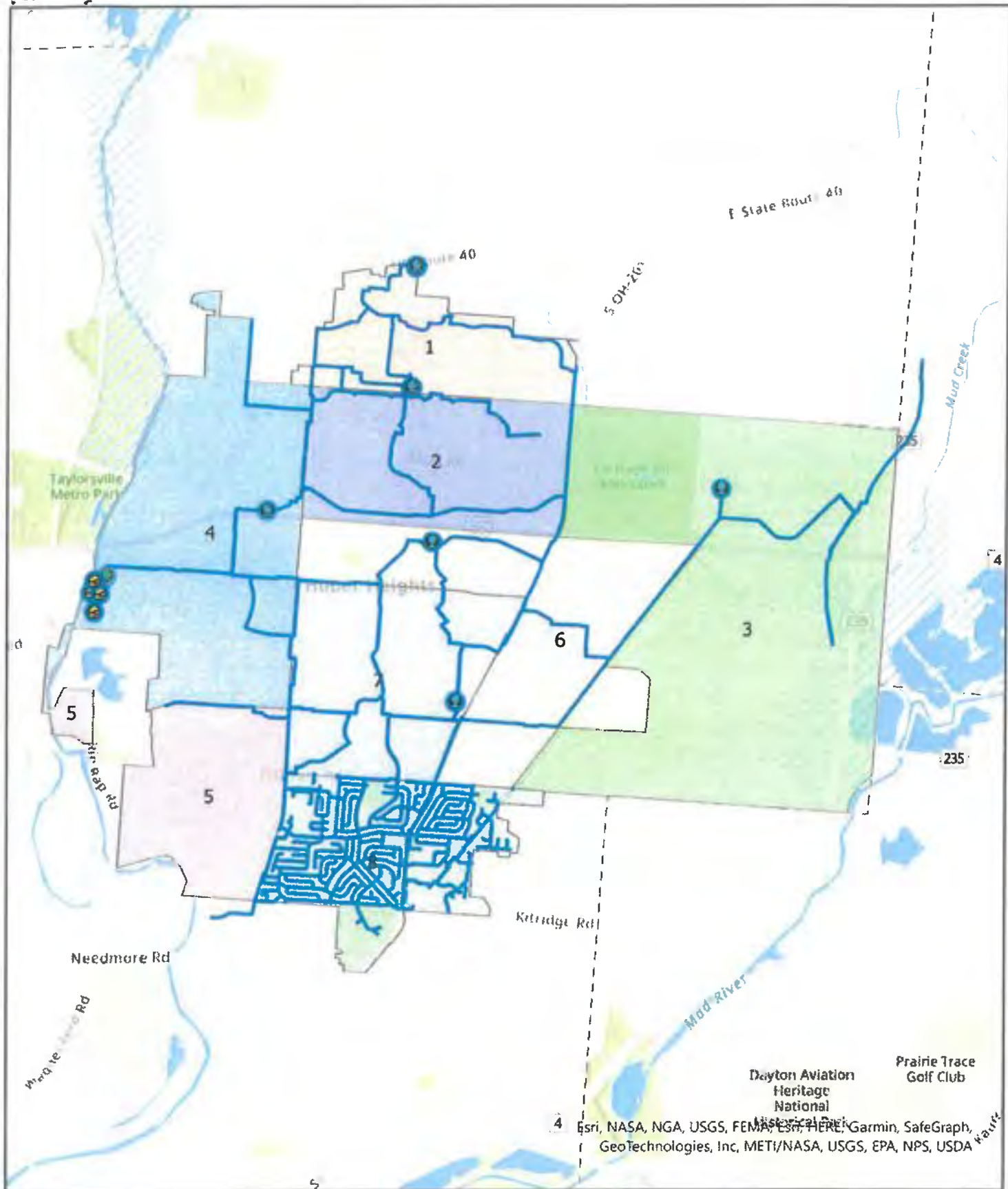
- District 8 Roads
- Huber Heights Streets



1 inch equals 1 miles



Infrastructure District 8 - Water



	Enclosed Storage Facility		Pump Station
	Intake		Storage Basin
	Meter Station		Treatment Plant
	Production Well		Water Distribution Mains

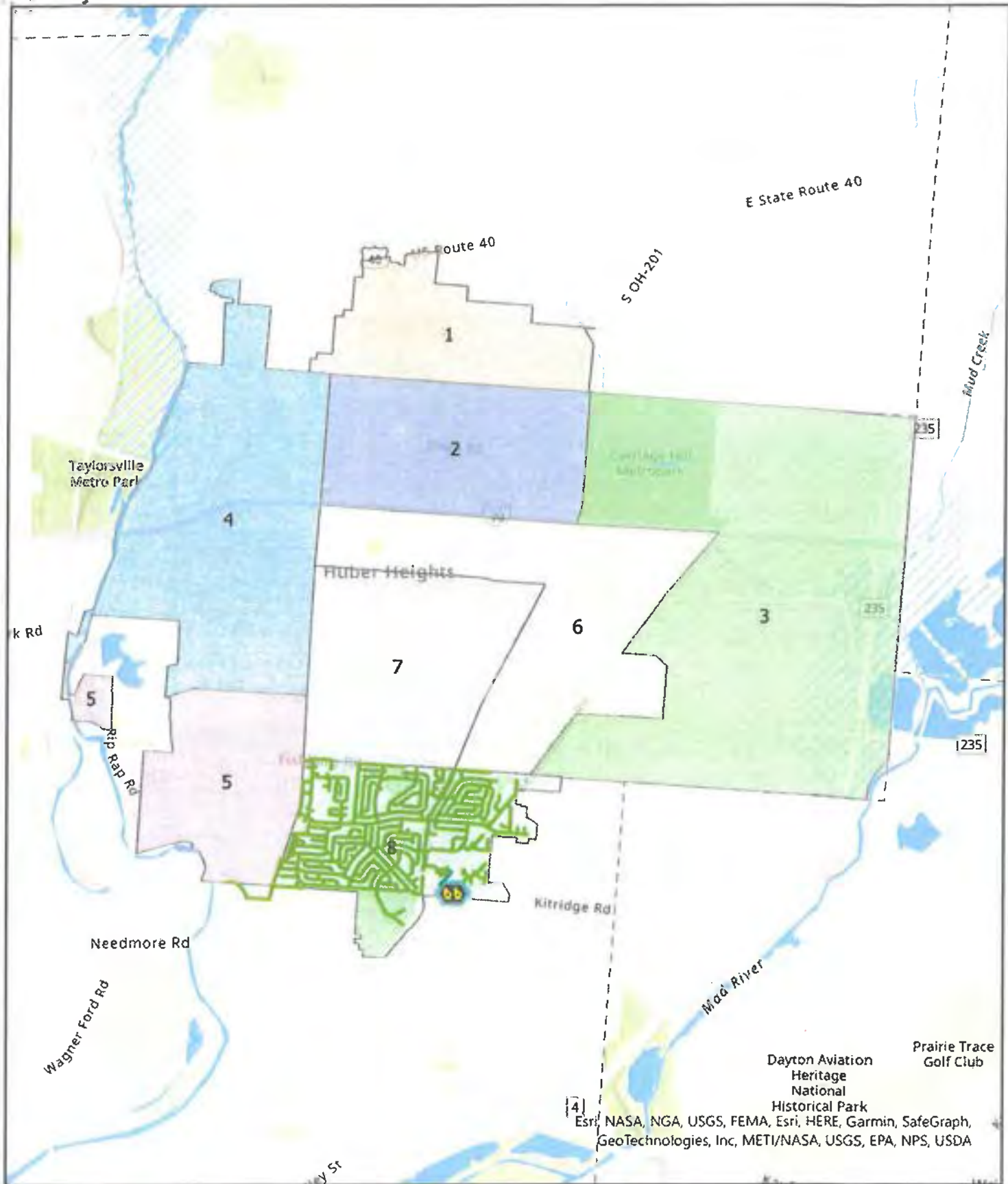


1 inch equals 1 miles

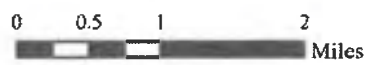


Esri, NASA, NGA, USGS, FEMA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA

Infrastructure District 8 - Sanitary Sewer



- District 8 Gravity Main
- District 8 Force Main
- bb District 8 Lift Station

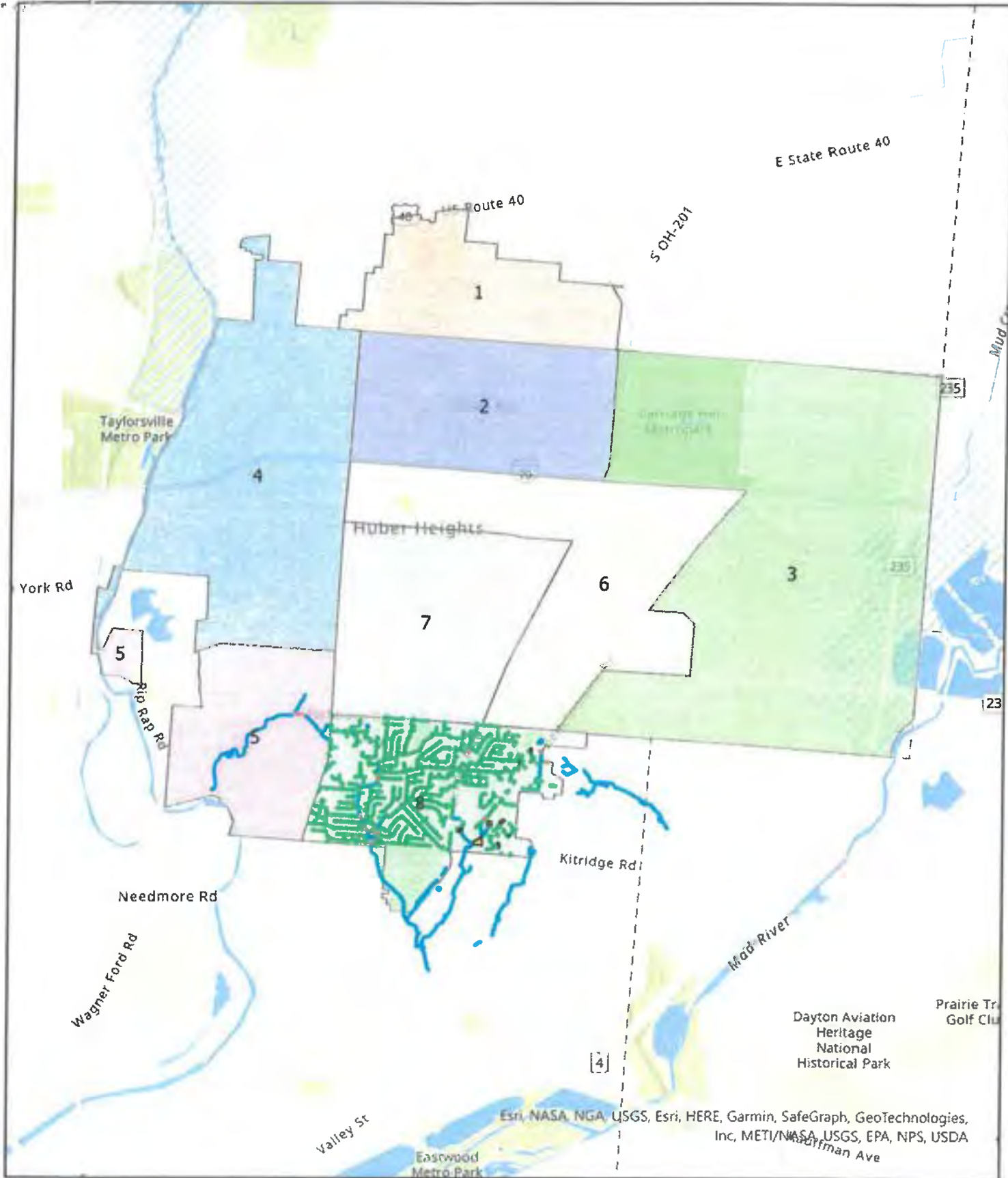







1 inch equals 1 miles

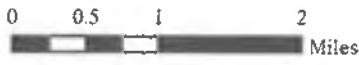


Esri, NASA, NGA, USGS, FEMA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA

Infrastructure District 8 - Stormwater



	District 8 Stormwater Mains		District 8 Channels
	District 8 Rivers		District 8 Basins
	District 8 Culverts		

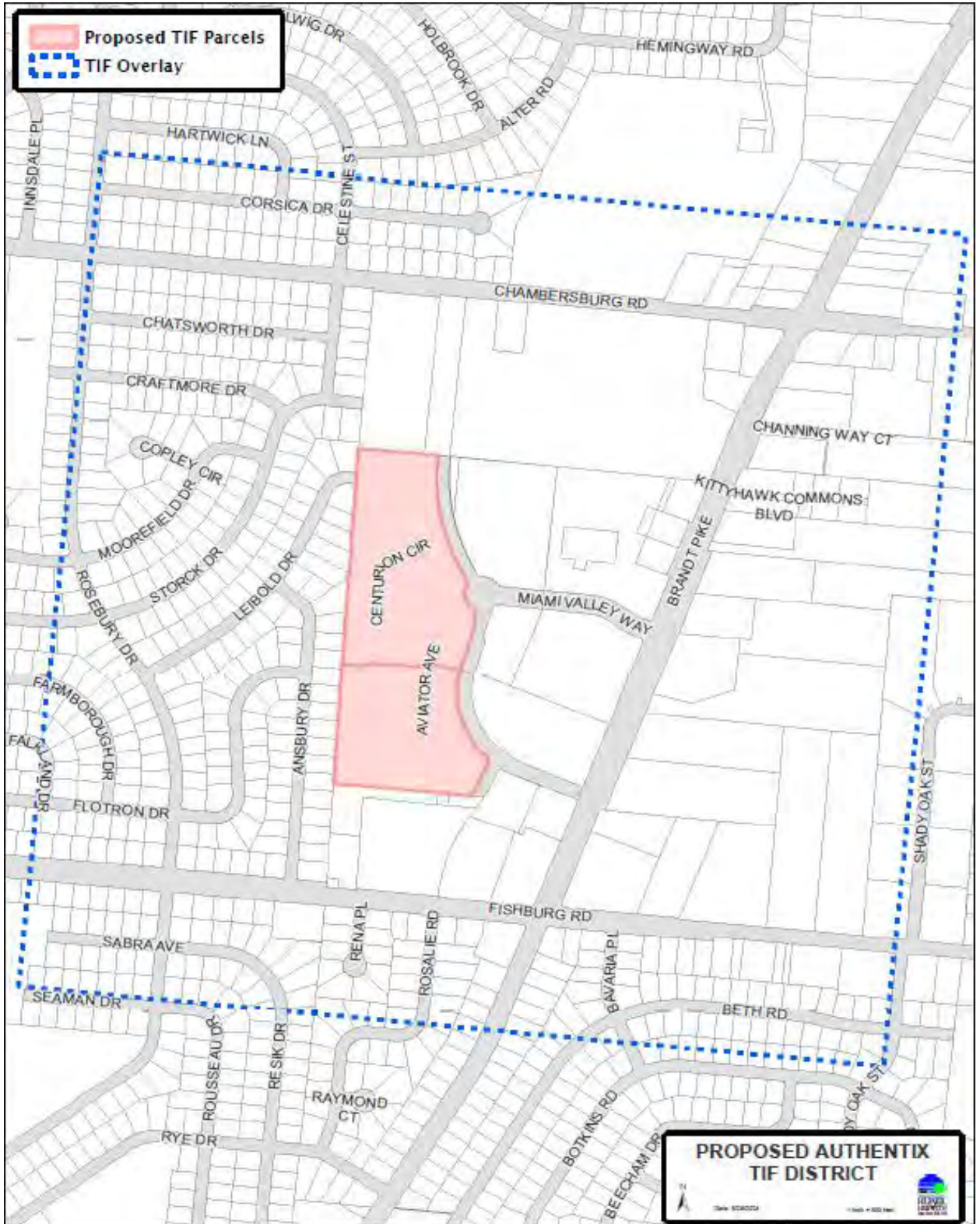


1 inch equals 1 miles



Esri, NASA, NGA, USGS, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI, NASA, USGS, EPA, NPS, USDA

EXHIBIT B



AI-10369

**New Business G.
City Manager**

City Council Meeting

Meeting Date: 09/23/2024

City Staffing Levels/Table Of Organization

Submitted By: Katie Knisley

Department: City Manager **Division:** Human Resources

Council Committee Review?: Council **Date(s) of Committee Review:** 09/17/2024
Work
Session

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

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

Agenda Item Description or Legislation Title

A Resolution Amending And/OR Establishing The City Of Huber Heights Organizational Chart And Authorizing The New Personnel Staffing Levels As Detailed Below.
(first reading)

Purpose and Background

This legislation amends and establishes the staffing levels and the Table Of Organization for the City. The amendment to this legislation is the addition of the Police Officer Cadet position within the Police Division. Detailed information on the Police Officer Cadet Program has been included in the meeting packet.

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

Police Officer Cadet Program
Resolution



HUBER HEIGHTS POLICE DIVISION

Integrity, Courage, Honor, Respect, Equality



This policy provides a framework for employee recruiting efforts for the position of a police cadet. This policy supplements the rules that govern employment practices for the Huber Heights Police Division and maintained by the Department of Human Resources.

The police cadet is an individual who has expressed an interest in law enforcement. The cadet position will be open when there is either a current or pending police officer vacancy. When the city establishes an eligibility list, if a candidate is currently not sworn, they may qualify for the police cadet position.

The police cadet:

- Will be a full time, non-exempt, non-union employee of the city
- Will be paid 15% below a probationary police officer rate of pay
- Will have full-time benefits such as healthcare, dental/vision, life insurance.
- Will be open to a qualified person who is at least 20 years old.
- Will pass the same screening process a potential police officer would (interview, background investigation, CVSA, command interview, psychological examination, physical examination, stress test, and fingerprints)
- Will enroll into a scheduled police academy, approved by the city. The city will be responsible for the police academy tuition and fees, to include Ohio Criminal Code Handbook, some uniform apparel, and other items (Appx. \$5,575)
- Until enrollment, the police cadet will be assigned to shadow employees of patrol, detective, public affairs, dispatch, and property room. This will be done for on-the-job training and to prepare themselves for sworn work.
- The uniform of the day will consist of issued black boots, khaki pants and a non-badged collar shirt provided by the City.
- Upon completion of the police academy cadet must schedule and receive a passing score on the state examination, within 30 days upon completion of the academy audit. The cadet will be promoted to a probationary police officer. They will then be covered under the Police Officer Collective Bargaining Agreement
- If certification is not obtained within 30 days upon completion of the academy audit, the cadet will reimburse the entire amount of the academy tuition and related expenses.
- If the cadet leaves the police division voluntarily within three years of appointment to the police officer position, the person will be responsible for a pro-rated repayment of expenses to the city (0-1 year: 100%) (1-2 years 75%) (2-3 years: 50%)

The police cadet will fall under the supervisor of the Special Operations Lieutenant. All issues shall be routed through that lieutenant or their designee.

The special operations lieutenant will be responsible for tracking the job performance of the cadet. They will be responsible for bi-weekly check-ins with the police academy commander.



*An Internationally
Accredited Agency*

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2024-R-

AMENDING AND/OR ESTABLISHING THE CITY OF HUBER HEIGHTS ORGANIZATIONAL CHART AND AUTHORIZING THE NEW PERSONNEL STAFFING LEVELS AS DETAILED BELOW.

WHEREAS, the citizens of Huber Heights require the efficient and effective delivery of municipal services.

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

Section 1. The attached organizational chart, personnel staffing levels, and position control numbers as established hereafter is hereby adopted.

Section 2. The authorized personnel staffing levels for the Clerk of Council are as follows.

<u>City Council</u>	<u>No.</u>	<u>Position Control No.</u>	<u>Pay Grade</u>
Clerk of Council	1	504-101-2-2-01-F	50
Deputy Clerk of Council	1	504-202-1-2-01-F	25
Public Records Technician	1	504-213-1-2-01-P/H	20

Section 3. The authorized personnel staffing levels for the City Manager's Office are as follows:

<u>City Manager's Office</u>	<u>No.</u>	<u>Position Control No.</u>	<u>Pay Grade</u>
City Manager	1	505-100-2-2-01-F	per contract
Assistant City Manager	2	505-117-2-2-02-F	75
Assistant to City Manager	1	505-618-2-2-01-F	40
Administrative Assistant III	1	505-209-2-2-01-F	25
Communications Coordinator	1	505-615-2-1-01-F	40
Public Relations Specialist	1	505-622-2-1-01-F	40

Section 4. The authorized personnel staffing levels for the Department of Public Safety are as follows:

<u>Department of Public Safety</u>	<u>No.</u>	<u>Position Control No.</u>	<u>Pay Grade</u>
Director of Public Safety	1	505-116-2-2-01-F	75
<u>Division of Fire</u>			
Fire Chief	1	102-401-2-2-01-F	70
Assistant Chief	2	102-413-2-1-02F	60
Battalion Chief /Wellness Coordinator	1	102-403-1-1-01-F	PS
Battalion Chief	3	102-403-1-1-01-- 03F	PS
Captain	5	102-402-1-1-01—05F	PS
Fire Lieutenant	9	102-404-1-1-01-- 09-F	Contract
Firefighter/Paramedic	42	102-405-1-1-01—42-F	Contract
Firefighter/Paramedic Recruit	3	102-412-1-1-01—03-F	PS
Administrative Assistant III	2	102-200-1-2-01-- 02-F	25
Administrative Assistant I	1	102-200-1-2-01-P/H	10
Fire Inspector	1	102-501-1-2-01-F	30
Fire Inspector	3	102-501-1-2-01- 03-P/H	30
Fire-Prevention Manager/Plans Review	1	102-502-1-2-01-P/H	50
Fire Fleet/Facility Mgt. Clerk	1	102-503-1-2-01-P/H	10
Auxiliary \$1.00 per year	30	102-411-3-0-01--30-V	V
Chaplains – Fire	2	102-601-3-0-01--02-V	V
Medical Advisor	1	102-604-3-0-01-V	V

<u>Division of Police</u>			
Police Chief	1	101-406-2-2-01-F	70
Deputy Police Chief	1	101-411-2-2-01-F	60
Police Lieutenant	3	101-408-1-1-01--03-F	Contract
Police Sergeant	8	101-409-1-1-01--08-F	Contract
Police Officer	45	101-410-1-1-01--45-F	Contract
Police Officer Cadet	1	101-413-1-1-01-01-F	PS
Administrative Assistant III	1	101-200-1-2-01-F	25
Administrative Assistant II	1	101-213-1-2-01-F	20
Police Accreditation Technician	1	101-515-1-1-01-F	30
Police Records Clerks	2	101-204-1-1-01--02-F	Contract
Police Evidence/Fleet Mgt. Clerk	2	101-205-1-2-02-P/H	20
Communications/Records Manager	1	101-611-2-1-01-F	45
Communications/Records Supervisor	2	101-613-1-1-02-F	35
Communications Officer	15	111-502-1-1-01-15-F	Contract
Chaplain – Police	3	101-601-3-0-01—03-V	V

Section 5. The authorized personnel staffing levels for the Department of Information Technology are as follows:

<u>Department of Information Technology</u>		<u>Position Control No.</u>	<u>Pay Grade</u>
Information Technology Director	1	509-105-2-2-01-F	60
Systems Administrator	1	509-122-2-2-01-F	50
Information Technology Systems Analyst	3	509-609-1-2-03-F	45
GIS Technician	1	509-510-1-1-01-F	35

Section 6. The authorized personnel staffing levels for the Department of Finance are as follows:

<u>Department of Finance</u>	<u>No.</u>	<u>Position Control No.</u>	<u>Pay Grade</u>
Director of Finance	1	506-102-2-2-01-F	65

Division of Accounting

Deputy Director of Finance	1	506-602-2-2-01-F	50
Grants and Procurement Coordinator	1	506-618-2-2-01-F	45
Accounting Generalist	2	506-603-2-2-02-F	45
Accounts Payable Technician	1	506-504-1-1-01-F	25
Payroll Technician	1	506-505-1-1-01-F	30
Account Technician	1	506-206-1-1-01 F	25

Division of Taxation

Tax Administrator	1	507-104-2-2-01-F	50
Assistant Tax Administrator	1	507-612-2-2-01-F	45
Tax Analyst	2	507-506-1-1-01--02-F	30
Tax Technician	6	507-507-1-1-01 -06-F	20
Administrative Assistant I	1	507-212-1-2-01- 01-F	10
Administrative Assistant I	1	507-212-1-2-01- 01P/H	10

Section 7. The authorized personnel staffing levels for the Department of Public Services are as follows:

<u>Department of Public Services</u>	<u>No.</u>	<u>Position Control No.</u>	<u>Pay Grade</u>
--------------------------------------	------------	-----------------------------	------------------

Director of Public Services	1	505-114-2-2-01-F	75
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Division of Engineering

City Engineer	1	320-106-2-2-01-F	65
Assistant City Engineer	2	320-119-2-2-02-F	55
Civil Engineer	1	320-605-2-2-01-01-F	50
Engineering Technician	2	320-509-1-1- 02-F	35
Administrative Assistant III	1	320-200-1-2-01-F	25

Division of Public Works

Public Works Manager	1	401-108-2-2-01-F	60
Public Works Supervisor	2	401-109-1-1-02-F	50
Public Works Crew Leader	3	401-302-1-1-03-F	Contract
Vehicle & Equipment Mechanic	3	401-300-1-1-03-F	Contract
Maintenance Technician	21	401-301-1-1-21-F	Contract
Administrative Assistant III	1	401-200-1-2-01-F	25
Custodian	1	401-305-1-2-01-F	10
Custodian	1	401-305-1-2-01-P/H	10

Division of Code Enforcement

Code Enforcement Manager	1	310-621-2-1-01-F	45
Code Enforcement Officer II	1	310-513-1-1-01-01-F	35
Code Enforcement Officer I	4	310-513-1-2-01-04-P/H	20
Seasonal Laborer	2	310-305-1-2-01-02-S	S

Section 8. The authorized personnel staffing levels for the Department of Economic Development are as follows:

<u>Department of Economic Development</u>	<u>No.</u>	<u>Position Control No.</u>	<u>Pay Grade</u>
Economic Development Director	1	305-111-2-2-01-F	60
Economic Development Coordinator	1	305-614-2-1-01-F	40

Section 9. The authorized personnel staffing levels for the Department of Planning and Zoning are as follows:

<u>Department of Planning & Community Dev.</u>	<u>No.</u>	<u>Position Control No.</u>	<u>Pay Grade</u>
Planning & Community Dev. Director	1	310-121-2-2-01-F	60
City Planner	1	310-118-2-2-01-F	55
Administrative Assistant III	1	310-200-1-2-01-F	25
Administrative Assistant I	1	310-207-1-1-01-F	10
Administrative Assistant I	1	310-207-1-2-01-P/H	10

Section 10. The authorized personnel staffing levels for the Department of Human Resources are as follows:

<u>Department of Human Resources</u>	<u>No.</u>	<u>Position Control No.</u>	<u>Pay Grade</u>
Human Resources Director	1	510-120-2-2-01-F	60
Human Resources Specialist	2	510-617-1-1-02-F	40
Human Resources Assistant	1	510-514-1-2-01-P/H	30

Section 11. The authorized personnel staffing levels for the Department of Parks and Recreation Facilities are as follows:

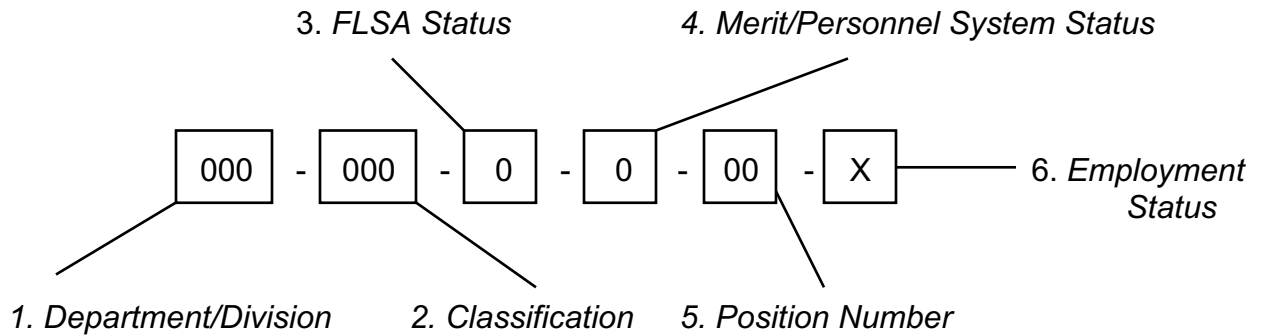
<u>Department of Parks and Recreation Facilities</u>	<u>No.</u>	<u>Position Control No.</u>	<u>Pay Grade</u>
Parks Manager	1	216-616-2-2-01-F	45
Event and Program Coordinator	1	216-516-1-1-01-F	30
Senior Center Program Coordinator	1	215-110-2 -2 -01-P/H	20
Seasonal Laborer – Music Center	125	219-306-1-2-01--125-S	S
Seasonal Laborer-Maintenance	2,000-hrs	216-303-1-2-01--S	S
Seasonal Laborer-Program Leader	1,000-hrs	216-303-1-2-01-S	S

Section 12. Council further ratifies and affirms any and all previous legislation of Council that established, abolished or altered the functions and structures of any administrative department.

Section 13. 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 14. That this Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Section 15. Position Control Number Explanation:



1. Department/Division: Number represents Fund Number in General Ledger:

- | | | | |
|------------------------|-----------------------|------------------|-----------|
| 101-Police | 305-Economic Dev. | 401-Public Works | 507-Tax |
| 102-Fire | 310 Planning & Zoning | 505-City Mgr. | 509-I. T. |
| 215-Senior Center | 320-Engineering | 506-Accounting | 510-H.R |
| 219 Parks & Recreation | | | |

2. Classification: Number for classification or rank to which position is assigned, divided into defined series as shown below:

- | | | |
|--------------------|------------------|------------------|
| 100-Administrative | 300-Labor | 500-Technical |
| 200-Clerical | 400-Sworn Safety | 600-Professional |

3. FLSA Status:

- 01-Non-exempt from minimum wage/overtime rules of FLSA (hourly)
- 02-Exempt from minimum wage/overtime rules of FLSA (salaried)
- 03-Unpaid Volunteer

4. Merit & Personnel System Status:

- 01-Position is in Non-exempt service of city per Section 8.02 of Charter
- 02-Position is in Exempt service of city per Section 8.02 of Charter

5. Position Number:

Unique two-digit number for each employment position authorized by this Resolution.

6. Employment Status:

- F-Full-time Position
- P-Part-time Position
- H-Hourly Position
- T-Temporary (created for specific time)
- S-Seasonal Position
- V-Volunteer Position

Passed by Council on the _____ day of _____, 2024;
 _____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

 Clerk of Council

 Mayor

 Date

 Date

AI-10370

**New Business H.
City Manager**

City Council Meeting

Meeting Date: 09/23/2024

City Salary Ranges/Wage Levels

Submitted By: Katie Knisley

Department: City Manager **Division:** Human Resources

Council Committee Review?: Council **Date(s) of Committee Review:** 09/17/2024
Work
Session

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

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

Agenda Item Description or Legislation Title

A Resolution Establishing And/Or Amending The Salary Ranges And Wage Levels For Employees Of The City Of Huber Heights, Ohio.
(first reading)

Purpose and Background

This legislation authorizes the salary ranges and wage levels of employees. The amendment to this legislation is the addition of the Police Officer Cadet position.

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. 2024-R-

ESTABLISHING AND/OR AMENDING THE SALARY RANGES AND WAGE LEVELS FOR EMPLOYEES OF THE CITY OF HUBER HEIGHTS, OHIO.

WHEREAS, the citizens of Huber Heights require efficient and effective delivery of municipal services.

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

Section 1. The pay ranges, compensation procedures, and administrative rules for non-bargaining employees are hereby established.

Section 2. City Council shall be responsible for establishing the actual salaries for the City Manager, the Clerk of Council, and the Deputy Clerk of Council. The salary ranges of the City Manager, the Clerk of Council, and the Deputy Clerk of Council are set forth in the following plan document.

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.

THE CITY OF HUBER HEIGHTS

PERFORMANCE COMPENSATION PLAN FOR NON-BARGAINING EMPLOYEES

1. Compensation Philosophy

It is the city's philosophy to support and enhance organizational performance through a fair, objective, and equitable merit-based pay plan which will attract, retain, and motivate high performing non-bargaining employees.

2. General Administrative Responsibilities

The Human Resources Director, under the direction of the City Manager is responsible for the administration of the Performance Compensation Plan, including the processing of pay rate increases, the adjustment of pay for promotions, re-employments and reassignments, and the initiation of necessary revisions in pay ranges. The Human Resources Director is responsible for interpreting the application of the program to all pay issues which are not specifically covered by this ordinance, using the principles expressed herein as a policy guide.

3. Plan Administration

A. Market Surveys. The Human Resources Director shall conduct market surveys every three years or from time to time in order to collect updated comparable and competitive salary data, recommend revised pay structures and pay ranges as necessary, and recommend revised merit-based pay procedures. Such surveys and recommendations shall be conducted as positions become vacant, or upon request of a department/division head, or upon the initiation of the Human Resources Director when it is determined necessary for the effective administration of the Performance Compensation Plan.

B. Structure Adjustments. Periodically, the Human Resources Director may recommend pay range adjustments to the City Manager in keeping with labor market trends, who in turn may make appropriate recommendations to City Council. Pay ranges (except for seasonal positions) shall include a minimum and maximum amount stated either as an annual salary or hourly rate.

C. Assignment of Positions to Pay Ranges. The Human Resources Director shall be responsible for assigning each city employment position to a pay range based on market data and the City Manager’s determination of the strategic value of positions and/or employees to the organization. Strategic value considerations may involve turnover, skill needs, attraction and retention issues, supply and demand for qualified applicants for particular positions, the impact of specific positions and employees on the organization’s mission, and/or other relevant factors.

4. Applicability

This resolution and Performance Compensation Plan shall apply to and is the sole authority for setting rates of pay for the following categories of positions and employees: All regular full-time, regular part-time, provisional full-time, provisional part-time, hourly, temporary, and seasonal employees of the City of Huber Heights, Ohio except: the Mayor; members of City Council, the City Law Director; and all employees who are members of a collective bargaining unit recognized by the State Employment Relations Board.

5. Positions and Pay Ranges

<i>Pay Grade</i>	<i>Minimum Pay</i>	<i>Maximum Pay</i>
10	\$15,659.1	\$22,837.6
Custodian Administrative Assistant I Fire Fleet/Facility Management Clerk	\$32,570.93	\$47,502.21
20	\$17,981.3	\$27,631.5
Administrative Assistant II Public Records Technician Tax Technician Police Evidence/Fleet Management Clerk Senior Center Program Coordinator Code Enforcement Officer I	\$37,401.10	\$57,473.52
25	\$20,848.0	\$30,394.7
Account Technician Accounts Payable Technician Administrative Assistant III Deputy Clerk of Council	\$43,363.84	\$63,220.98
30	\$21,320.6	\$31,887.3
Police Accreditation Technician Payroll Technician Tax Analyst Event and Program Coordinator Fire Inspector Human Resources Assistant	\$44,346.85	\$66,325.58
35	\$24,660.0	\$35,115.3
GIS Technician Engineering Technician Code Enforcement Officer II Communications/Records Supervisor	\$51,292.80	\$73,039.82
40	\$26,553.4	\$38,194.9
Assistant to City Manager Communications Coordinator Economic Development Coordinator Human Resources Specialist Public Relations Specialist	\$55,231.07	\$79,445.39

45	\$26.6568	\$40.7918
Accounting Generalist Code Enforcement Manager Assistant Tax Administrator IT Systems Analyst Communications/Records Manager Parks Manager Grants and Procurement Coordinator	\$55,446.14	\$84,846.94
50	\$34.4624	\$48.4805
Deputy Director of Finance Fire Prevention Manager/Plans Review Tax Administrator Public Works Supervisor Clerk of Council Civil Engineer Systems Administrator	\$71,681.79	\$100,839.44
55	\$38.4696	\$53.8616
Assistant City Engineer City Planner	\$80,016.77	\$112,032.13
60	\$42.3125	\$59.2354
Human Resources Director IT Director Public Works Manager Economic Development Director Planning & Community Dev. Director Deputy Police Chief Assistant Fire Chief	\$88,010.00	\$123,209.63
65	\$46.5458	\$67.1190
City Engineer Director of Finance	\$96,815.26	\$139,607.52
70	\$53.5328	\$74.9459
Fire Chief Police Chief	\$111,348.22	\$155,887.47
75	\$48.6662	\$82.4363
Assistant City Manager Director of Public Safety Director of Public Services	\$101,225.70	\$171,467.50
80		
City Manager		Per Contract

<i>Position</i>	<i>Minimum Pay</i>	<i>Mid-point Pay</i>	<i>Maximum Pay</i>
Seasonal Laborer	N/A	N/A	\$20.00
Intern	N/A	N/A	\$20.00
Public Safety (PS)			
	Step 1	Step 2	
Battalion Chief	2% below Step 2	14% above top step Fire Lieutenant	
Battalion Chief/Wellness Coordinator	2% below Step 2	14% above top step Fire Lieutenant	
Fire Captain	2% below Step 2	6% above top step Fire Lieutenant	
Firefighter/Paramedic Recruit	15% below Step 1 FF/P	N/A	
Police Officer Cadet	15% below entry Officer	N/A	

Employees are paid bi-weekly on an hourly or salary basis. The bi-weekly pay rate for salaried employees is a calculation of the annual pay rate divided by 26 and the bi-weekly amount for hourly employees is a calculation of the annual pay rate divided by 2080 hours, to include those budget years with 27 pay periods. The bi-weekly amount for part-time/hourly employees, working less than a 40-hour week in a 2080 work year, is a calculation of the annual pay rate multiplied by the number of hours worked.

6. Compensation Adjustments

All of the following pay rate adjustments are subject to funding by City Council based upon the availability of funds and economic and budget projections and priorities.

- A. New Hires. Newly hired employees shall be hired at a rate of pay between the minimum and maximum of the applicable pay range. The exact pay rate shall be based on the employee's education, experience, knowledge, skills, and abilities. Prior to the making of a conditional offer of employment to a prospective new or newly promoted employee, the department/division head shall recommend a starting rate of pay which shall be forwarded to the Human Resources Manager for review and then to the City Manager for final action.
- B. Completion of Probation. Department/division heads may recommend a pay increase, not to exceed 2%, for newly hired or promoted employees upon the successful completion of probation or one year of employment. The department/division head should consider the employee's starting rate as related to their pay range, the pay of other employees in the position and in the employee's division, and the employee's performance in making this decision. Any such increase, upon approval by the City Manager, shall be paid from the division's regular payroll budget.
- C. Promotion. Employees who are promoted to positions with a higher level of duties and responsibilities shall be placed at a rate of pay between the minimum and maximum of the applicable pay range.
- D. Demotion. Employees who are demoted to positions with a lower level of duties and responsibilities because of less than satisfactory performance, failure to meet job requirements, or for disciplinary reasons shall be placed at the minimum of the new range, or receive a pay decrease not to exceed 10%, whichever results in the least loss of pay.
- E. Reassignment. Employees who are reassigned to positions with a lower pay grade through no fault of their own (i.e., reorganization, job abolishment, reduction-in-force, or market/technological factors, etc.), shall remain at their current rate of pay, or shall be placed at the maximum of the pay range, whichever is less. An employee who voluntarily requests and is granted a reassignment to a position with a lower pay grade will have their pay adjusted between the minimum and maximum of the lower pay grade.
- F. Temporary Upgrade to a Higher Position. Employees who are temporarily assigned (for a minimum of 7 consecutive calendar days) to perform all of the duties and assume all of the responsibilities of a position due to a position vacancy or an approved leave of absence of a position incumbent shall be receive a pay increase not

to exceed 5%. Temporary upgrades shall be recommended to the Human Resources Manager and approved by the City Manager in advance.

- G. Modification of Pay Ranges. When a position's pay range is modified upward, based on market data and/or strategic value, and the position is occupied, the incumbent shall retain his/her existing pay rate or be placed at the minimum of the new pay range, whichever is greater. When a position's pay range is modified downward, and the position is occupied, the incumbent shall remain at his/her current rate of pay.
- H. Transfers. Employees who transfer to another job in an identical pay range or to an identical position in another division in the same pay range, there will be no change in the employee's rate of pay.
- I. Transitional. In cases deemed necessary and appropriate by the City Manager, an appointment to a position in the non-exempt service, which is not yet vacated, but which position incumbent has provided the City Manager with a written notice of resignation or retirement on a date certain, which date is within 90 days following the date of such appointment.
- J. In the event there is a planned retirement, separation from service, or long-term leave of absence for medical or military service reasons, to ensure efficient and uninterrupted City operations, the City Manager may increase the permanent staffing of the department, or division, effected by the planned retirement or separation from service by one position per expected vacancy for the expected duration of that vacancy.
- K. Paid Intern Positions: In cases deemed necessary and appropriate by the City Manager, an appointment of a student intern may be made based on skill, experience, and the scope of the project to be completed

7. Compensation Increases

The compensation of each employee shall be reviewed annually by the department director/division manager, or Mayor and Council, for the purpose of determining which employees may be entitled to a performance-based increase. All personnel records, performance, and experience shall be considered in making recommendations with major emphasis placed on the evaluation. The City Manager or Mayor and Council is authorized to pay non-union employees a performance-based increase provided that said increase is within the approved salary range for the respective position. The performance-based increase may also be provided in the form of a bonus. The annual performance-based increase is determined upon the availability of funds and economic and budget projections and priorities.

Providing the Collective Bargaining Agreements receive an annual increase, the City shall adjust the compensation of all non-union employees, to include employees of the City Council, to reflect the same annual increase within the respective year.

To be eligible for a performance-based increase, an employee must be employed with at least six months of continuous service before the merit award date.

An employee whose pay is at the maximum of the compensation range may not be granted an increase that would cause the base compensation to exceed the maximum of the range for that position. The employee would continue to be eligible for an annual increase and performance bonus, with a lump sum increase based upon the percentage increase. The pay range, however, does not change until a new market study is conducted, every three years, and a recommendation is made to revise pay structures and pay ranges as necessary

Passed by Council on the ___ day of _____, 2024;
___ Yeas; ___ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-10367

New Business I.

City Council Meeting

City Manager

Meeting Date: 09/23/2024

Tax Rate Certification - Montgomery County

Submitted By: Jim Bell

Department: City Manager

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 09/17/2024

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

Motion/Ordinance/

Resolution No.:

Agenda Item Description or Legislation Title

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

Purpose and Background

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

Fiscal Impact

Source of Funds: Various Funds

Cost: N/A

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

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

Financial Implications:

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2024-R-

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

WHEREAS, the City Council of the City of Huber Heights in accordance with the provisions of law, has previously adopted Tax Rates for the next succeeding fiscal year commencing January 1, 2025; and

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

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

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

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

SCHEDULE A				
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES				
FUND	Amount Approved By Budget Commission Inside 10 M. Limitation	Amount to Be Derived From Levies Outside 10 M. Limitation	County Auditor's Estimated of Tax Rate To Be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
	Column I	Column II	III	IV
City of Huber Heights 2024/2025				
General Fund	1,431,186		1.50	
Police Fund		1,167,041		5.50
Fire Fund		987,213		4.29
TOTAL	1,431,186	2,154,254	1.50	9.79

SCHEDULE B

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

FUND	Maximum Rate Authorized To Be Levied	County Auditor's Estimate Of Yield Of Levy (Carry To Sch A Column II)
GENERAL FUND:		
SPECIAL LEVIES:		
Police Fund authorized by voters 06/08/82 not to exceed CONT. years	2.37	472,197
Police Fund authorized by voters 06/07/83 not to exceed CONT. years	0.63	125,814
Police Fund authorized by voters 05/07/85 not to exceed CONT. years	1.50	369,790
Police Fund authorized by voters 11/03/81 not to exceed CONT. years	1.00	199,240
Fire Fund authorized by voters 11/03/81 not to exceed CONT. years	0.79	157,399
Fire Fund authorized by voters 11/03/81 not to exceed CONT. years	0.37	91,690
Fire Fund authorized by voters 06/07/83 not to exceed CONT. years	0.29	57,914
Fire Fund authorized by voters 05/08/84 not to exceed CONT. years	0.42	83,680
Fire Fund authorized by voters 11/06/84 not to exceed CONT. years	0.17	41,845
Fire Fund authorized by voters 05/07/85 not to exceed CONT years	2.25	554,685

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

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

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

Passed by Council on the _____ day of _____, 2024;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-10368

New Business J.

City Council Meeting

City Manager

Meeting Date: 09/23/2024

Tax Rate Certification - Miami County

Submitted By: Jim Bell

Department: City Manager

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 09/17/2024

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

Motion/Ordinance/

Resolution No.:

Agenda Item Description or Legislation Title

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

Purpose and Background

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

Fiscal Impact

Source of Funds: Various Funds

Cost: N/A

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

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

Financial Implications:

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2024-R-

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

WHEREAS, the City Council of the City of Huber Heights in accordance with the provisions of law, has previously adopted Tax Rates for the next succeeding fiscal year commencing January 1, 2025; and

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

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

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

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

SCHEDULE A				
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES				
FUND	Amount Approved By Budget Commission Inside 10 M. Limitation	Amount to Be Derived From Levies Outside 10 M. Limitation	County Auditor's Estimated of Rate To Be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
City of Huber Heights 2023	Column I	Column II	III	IV
General Fund	28,156.16		1.10	
TOTAL	28,156.16		1.10	

SCHEDULE B

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

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

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

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

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

Passed by Council on the _____ day of _____, 2024;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-10376

New Business K.
City Manager

City Council Meeting

Meeting Date: 09/23/2024

Thomas Cloud Park - Sidewalk and Curb Improvements - Brandt Pike - Award Contract

Submitted By: Hanane Eisentraut

Department: Assistant City Manager - Public Services

Council Committee Review?: Council Work Session

Division: Engineering

Date(s) of Committee Review: 09/17/2024

Audio-Visual Needs: None

Emergency Legislation?: No

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

Agenda Item Description or Legislation Title

A Resolution Authorizing The City Manager To Enter Into Contract For The Curb And Sidewalk Improvement Project Along Brandt Pike At Thomas Cloud Park.
(first reading)

Purpose and Background

This legislation will authorize the City Manager to enter into a contract with Performance Site Development for the Curb and Sidewalk Improvement Project along Brandt Pike at Thomas Cloud Park at a cost not to exceed \$513,000 This project includes the installation of new curb and gutter, sidewalk, and storm sewer along the west side of Brandt Pike from Kitridge Road to the Thomas Cloud Park entrance.

Fiscal Impact

Source of Funds: Street, Storm, Park Funds

Cost: \$513,000

Recurring Cost? (Yes/No): NO

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

Financial Implications:

Attachments

Bid Results

Map

Resolution



**CITY OF HUBER HEIGHTS
 CURB AND SIDEWALK IMPROVEMENT
 ALONG BRANDT PIKE AT TOM CLOUD PARK
 BID RESULT
 BID DATE: SEPTEMBER 13, 2024**

CONTRACTOR'S NAME	BID AMOUNT	
DOUBLE JAY CONSTRUCTION	\$ 558,008	270 Calendar Days
	Bid Bond - Yes	
OUTDOOR ENTERPRISE	\$ 612,205.50	60 Calendar Days
	Bid Bond - Yes	
R. B. Jergens	\$ 491,303.64	77 Calendar Days
	Bid Bond - Yes	
PERFORMANCE SITE DEVELOPMENT	\$ 465,681.64	92 Calendar Days
	Bid Bond - Yes	



Legend

- Proposed 5' Walk
- Existing Pipelines
- ROW
- City Boundary

PROPOSED CURB, 3' TREE LAWN,
5' CONCRETE WALK

EXISTING PIPELINE EASEMENTS

TOM CLOUD
PARK

TOM CLOUD PARK

KITRIDGE ROAD

STRIP CENTER

KROGER



TOM CLOUD PARK PROPOSED WALK

Scale: 1 inch = 80 feet
Date Printed: 4/29/2024



CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2024-R-

AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT FOR THE CURB AND SIDEWALK IMPROVEMENT PROJECT ALONG BRANDT PIKE AT THOMAS CLOUD PARK.

WHEREAS, City Council under Resolution No. 2024-R-7462 has previously authorized the securing of bids for the Curb and Sidewalk Improvement Project along Brandt Pike at Thomas Cloud Park; and

WHEREAS, construction bids were received by the City on September 13, 2024; and

WHEREAS, the necessary funds are available to cover the cost of this improvement.

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

Section 1. The City Manager is hereby authorized to enter into a contract for the Curb and Sidewalk Improvement Project along Brandt Pike at Thomas Cloud Park with Performance Site Development as the lowest and best bidder at a cost not to exceed \$513,000.00 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 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 _____, 2024;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date