Notice of Meeting

CITY COUNCIL WORK SESSION

Tuesday, September 5, 2023

at or about 6:00 p.m. at City Hall – Council Chambers – 6131 Taylorsville Road

Huber Heights Mayor Jeff Gore has scheduled a City Council Work Session to discuss:

- City Manager Report
- Issuance Of Notes – Various Amounts
- Supplemental Appropriations
- Request For Proposals – Behavioral Health – Fire Division/Police Division
- Assistance To Firefighters Grant Acceptance
- Sheetz – Detention Pond Agreement
- Thomas Cloud Park – Walking Paths
- Water Infrastructure Update
- City Staffing Levels/Table Of Organization
- Liquor Permit #7466355 – Rollhouse – 6170 Brandt Pike
- Police Division Discussion

Please Note:

The meeting will be viewable by the public on live stream available at www.hhoh.org

STREAMING LIVE

Distributed – August 31, 2023

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CITY OF HUBER HEIGHTS
STATE OF OHIO

City Council Work Session

September 5, 2023
6:00 P.M.
City Hall - Council Chambers - 6131 Taylorsville Road - Huber Heights, Ohio

1. **Call Meeting To Order/Roll Call**

2. **Approval Of Minutes**

    A. August 22, 2023

3. **Work Session Topics Of Discussion**

    A. City Manager Report

    B. Issuance Of Notes - Various Amounts

    * Refunding - Fire Station - $1,800,000

    * Refunding/New Money - Property Acquisition And Improvement For Economic Development - $7,262,000

    * Public Works Facility - $6,238,000

    * The Meadows Infrastructure - $2,800,000

* Water Lines And New Water Well Construction - $5,800,000

* Refunding/New Money For Governance Center - $3,235,000

C. Supplemental Appropriations

D. Request For Proposals - Behavioral Health - Fire Division/Police Division

E. Assistance To Firefighters Grant Acceptance

F. Sheetz - Detention Pond Agreement

G. Thomas Cloud Park - Walking Paths

H. Water Infrastructure Update

I. City Staffing Levels/Table Of Organization

J. Liquor Permit #7466355 - Rollhouse - 6170 Brandt Pike

K. Police Division Discussion

4. **Adjournment**

CITY OF HUBER HEIGHTS
STATE OF OHIO

Council Work Session Meeting Minutes

Name of Body: Council Work Session

Date: September 5, 2023

Time: 6:00 P.M.

Place: City Hall – 6131 Taylorsville Road – Council Chambers

Members Present:

Kathleen Baker, Councilmember
Mark Campbell, Councilmember
Nancy Byrge, Councilmember
Anita Kitchen, Councilmember
Ed Lyons, Councilmember
Glenn Otto, Councilmember
Don Webb, Councilmember
Jeff Gore, Mayor

Guests Present:

City Staff Present: Keith Knisley, Russ Bergman, Aaron Sorrell, Bryan Chodkowski, Jim Bell, David Montgomery, and Anthony Rodgers.

Topics of Discussion:

- City Manager Report
- Issuance Of Notes – Various Amounts
- Supplemental Appropriations
- Request For Proposals – Behavioral Health – Fire Division/Police Division

- Assistance To Firefighters Grant Acceptance
- Sheetz Detention Pond Agreement
- Thomas Cloud Park – Walking Paths
- Water Infrastructure Update
- City Staffing Levels/Table Of Organization
- Liquor Permit #7466355 – Rollhouse – 6170 Brandt Pike
- Police Division Discussion

1. **Call Meeting To Order/Roll Call**

Mayor Jeff Gore convened the Council Work Session at 6:00 P.M.

Mayor Jeff Gore said there may be a need to modify the order of the agenda items as one of the presenters for the Council Work Session is running late to the meeting.

Anthony Rodgers took Roll Call.

2. **Approval of Minutes**

The following minutes were approved unanimously at the beginning of this meeting:

- August 22, 2023

There were no changes or corrections to these minutes as submitted.

This Council Work Session was recorded by the City and the recording of this meeting will be posted to the City's website and will also be maintained by the City consistent with the City's records retention schedule.

3. **Work Session Topics Of Discussion**

City Manager Report

Bryan Chodkowski said the City is beginning its portion of the work on the Old Troy Pike Widening Project to construct an additional northbound lane on Old Troy Pike from Starbucks to I-70. He said the traffic plan for this project will maintain two lanes of traffic in both directions on Old Troy Pike during the construction. He said there is additional utility work in this area being done which will at times require the temporary closure of certain lanes. He said City Staff have interviewed and narrowed down the applicants for the Parks Manager position and an applicant is expected to be selected to fill this position by next week. He said the internal demolition of the south building of the CR Dayton property is beginning today. He said City Staff have executed the agreement for the Montgomery County Community Development Block Grant (CDBG) for the internal walking paths at Thomas Cloud Park. He said City Staff met last week with LWC, Incorporated for the final siting of the new Governance/Senior Center at the former Marian Meadows shopping center and LWC, Incorporated is working on the final drawings for this project. He reminded everyone that the City's Marigold Festival will take place on September 9, 2023 at the Eichelberger Amphitheater.

Bryan Chodkowski answered questions from the City Council regarding items in the City Manager Report and other items.

Mayor Jeff Gore recessed the Council Work Session at 6:07 P.M.

Mayor Jeff Gore reconvened that Council Work Session at 6:09 P.M.

Issuance Of Notes – Various Amounts

Andy Brossart, the City's Municipal Advisor from Bradley Payne, made a PowerPoint presentation regarding a bond market update, a review of outstanding debt summaries, and a review of proposed upcoming note issuances (see attached).

Andy Brossart and Jim Bell answered questions from the City Council regarding the proposed note issuances for various amounts.

Jim Bell distributed information and six (6) items of proposed legislation to provide for the issuance and sale of new and renewal tax exempt general obligation notes in the maximum principal amount of $19,873,000 and taxable special obligation notes in the maximum principal amount of $7,262,000 for the purpose of paying the costs of various projects including refunding for Fire Station 25 and property acquisition for economic developments; renovations to the CR Dayton property; construction of a new Public Works Facility; water main line and new water well construction; infrastructure at The Meadows development; and construction of a new Governance Center/Senior Center (see attached). He said he is requesting that all six (6) items of non-emergency legislation have a first reading and be passed to a second reading at the September 11, 2023 City Council Meeting and then adopted at the September 25, 2023 City Council Meeting at the second reading.

After discussion, the City Council agreed to recommend that the six (6) items of proposed legislation to provide for the issuance and sale of new and renewal tax exempt general obligation notes in the maximum principal amount of $19,873,000 and taxable special obligation notes in the maximum principal amount of $7,262,000 for the purpose of paying the costs of various projects including refunding for Fire Station 25 and property acquisition for economic developments; renovations to the CR Dayton property; construction of a new Public Works Facility; water main line and new water well construction; infrastructure at The Meadows development; and construction of a new Governance Center/Senior Center be placed on the agenda at the September 11, 2023 City Council Meeting for a first reading as non-emergency legislation with the second reading and adoption of the six (6) items of proposed legislation at the September 25, 2023 City Council Meeting.

Supplemental Appropriations

Jim Bell distributed information and proposed legislation to approve various supplemental appropriations for 2023 (see attached). He said these supplemental appropriations are for the various purposes listed:

- $62,400 advance from the General Fund to the ED/GE Capital Improvement Fund to pre-fund the Millat Industries project (reimbursed

by ED/GE grant proceeds).
- $62,400 return of advance back to General Fund from ED/GE Capital Improvement Fund.
- $374,545.45 advance from the General Fund to the Firefighter's Assistance Grant Fund to pre-fund purchase of Fire mobile and portable radio equipment (reimbursed by grant proceeds).
- $37,454.55 transfer from the Fire Capital/Equipment Fund to the Firefighter's Assistance Grant Fund for City portion of Fire mobile and portable radio equipment project.
- $35,000 for temporary staffing and payroll consulting services for Accounting Division of the Finance Department (funded from budgeted but open positions in the Finance Department).
- $28,015 for temporary staffing services for Tax Division of the Finance Department (funded from budgeted but open positions in the Finance Department).
- $88,500 for purchase of computers and servers for multiple departments and a video camera system for the Community Center.
- $15,200 for increase in debt service payments for SIB Loan.
- $10,750 for initial debt service payment on street sweeper lease.

After discussion, the City Council agreed to recommend that the proposed legislation to approve various supplemental appropriations for 2023 be placed on the agenda at the September 11, 2023 City Council Meeting for a first reading as non-emergency legislation with the waiving of the second reading and adoption of the proposed legislation at the September 11, 2023 City Council Meeting.

Request For Proposals – Behavioral Health – Fire Division/Police Division

Fire Chief Keith Knisley distributed information and proposed legislation to authorize a Request For Proposals (RFP) from behavioral health providers to provide behavioral support services for members of the Police Division (see attached). He said this legislation will allow the City to solicit proposals from qualified Behavioral Service Providers to provide behavioral services for the Police Division. He said the funding for this program was granted by the State of Ohio ARPA funding for first responders. He said the Request For Proposals (RFP) will include services provided through December 31, 2024. He said this RFP process has been required by the State of Ohio to expend the remaining funds from the previous RFP obtained by the Fire Division for mental wellness services for the Police Division.

After discussion, the City Council agreed to recommend that the proposed legislation to authorize a Request For Proposals (RFP) from behavioral health providers to provide behavioral support services for members of the Police Division be placed on the agenda at the September 11, 2023 City Council Meeting for a first reading as non-emergency legislation with adoption of the proposed legislation at the September 11, 2023 City Council Meeting.

Assistance To Firefighters Grant Acceptance

Fire Chief Keith Knisley distributed information and proposed legislation to authorize the acceptance of an Assistance To Firefighters Grant for the Fire Division for the purchase of mobile and portable radios (see attached). He said the Huber Heights Fire Division has submitted an Assistance To Firefighters Grant (AFG) application in an amount not to exceed $374,545.45 for the purchase and installation of mobile and portable radios to connect with the State of Ohio Multi-Agency Radio Communications System for a total project cost of $412,000.

After discussion, the City Council agreed to recommend that the proposed legislation to authorize the acceptance of an Assistance To Firefighters Grant for the Fire Division for the purchase of mobile and portable radios be placed on the agenda at the September 11, 2023 City Council Meeting for a first reading as non-emergency legislation with adoption of the proposed legislation at the September 11, 2023 City Council Meeting.

Sheetz Detention Pond Agreement

Aaron Sorrell distributed information and proposed legislation to authorize a detention pond easement agreement with Sheetz, Incorporated (see attached). He said this agenda item is for Council consideration of an agreement between the City and Sheetz, Inc for the construction, use and maintenance of a shared stormwater detention facility. In exchange for soil to grade the site of the new Sheetz convenience store, he said Sheetz will construct a regional detention basin to satisfy its stormwater storage needs and future development sites north of Executive

Boulevard. He said this agreement authorizes Sheetz to use up to 25% of the basin capacity and the remaining 75% is reserved for future development needs. He said future maintenance costs will be shared on a prorated utilization basis.

After discussion, the City Council agreed to recommend that the proposed legislation to authorize a detention pond easement agreement with Sheetz, Incorporated be placed on the agenda at the September 11, 2023 City Council Meeting for a first reading as non-emergency legislation with adoption of the proposed legislation at the September 11, 2023 City Council Meeting.

Thomas Cloud Park – Walking Paths

Russ Bergman distributed information regarding a proposed walking path/sidewalk at Thomas Cloud Park along Brandt Pike (see attached). He said this agenda item had been discussed at a previous Council Work Session and he is bringing back a new proposal for a walking path/sidewalk at Thomas Cloud Park along Brandt Pike based on the previous discussions.

Nancy Byrge read a statement regarding the proposed walking path/sidewalk at Thomas Cloud Park along Brandt Pike. She requested that the City Council postpone any further action on the proposed walking path/sidewalk at Thomas Cloud Park along Brandt Pike for thirty days until City Staff can further explore the options and consult with the Miami Valley Regional Planning Commission (MVRPC) on this project.

After discussion, the City Council agreed to recommend that City Staff further explore the options and consult with the Miami Valley Regional Planning Commission (MVRPC) on this project. The City Council also agreed to recommend that this project be discussed again at a Council Work Session in approximately thirty days.

Water Infrastructure Update

Bryan Chodkowski distributed information regarding an update on the City's water infrastructure (see attached). He reviewed the spreadsheet and he said the spreadsheet will continue to be updated for each Council Work Session.

The City Council posed questions to Bryan Chodkowski about the Water Infrastructure Update spreadsheet.

City Staffing Levels/Table Of Organization

Bryan Chodkowski distributed information and proposed legislation to amend and/or establish the City of Huber Heights organizational chart and to authorize new staffing levels (see attached). He said this agenda item is for discussion regarding the personnel staffing levels for all departments/divisions within the City of Huber Heights to include amendments to those staffing levels and the Table Of Organization. He said the proposed amendments are within the Table Of Organization. He said the Table Of Organization will now show the IT, Human Resources, and Finance Departments reporting to the City Manager.

After discussion, the City Council agreed to recommend that the proposed legislation to amend and/or establish the City of Huber Heights organizational chart and to authorize new staffing levels be placed on the agenda at the September 11, 2023 City Council Meeting for a first reading as non-emergency legislation with adoption of the proposed legislation at the September 11, 2023 City Council Meeting.

Liquor Permit #7466355 – Rollhouse – 6170 Brandt Pike

Anthony Rodgers distributed information regarding an application for a transfer of a liquor permit for the Rollhouse at 6170 Brandt Pike (see attached). He said that there was an application for a transfer of liquor permit #7466355 for the Rollhouse at 6170 Brandt Pike. He said the Police Division and Fire Division have reviewed the liquor permit application and have no objections to the transfer of this liquor permit.

After discussion, the City Council agreed to recommend that a motion to authorize the Clerk of Council to respond to the Ohio Division of Liquor Control with no objections to the approval of the transfer of liquor permit #7466355 for the Rollhouse at 6170 Brandt Pike be prepared and placed on the agenda for the September 11, 2023 City Council Meeting for approval.

Police Division Discussion

Bryan Chodkowski distributed information regarding the Police Division (see attached). He said Richard Shaw had requested that City Staff gather some information for this discussion, but the request was received after the deadline for the distribution of the Council Work Session meeting packet and just prior to the holiday weekend. He said City Staff will continue to work to gather the requested information in preparation for the September 19, 2023 Council Work Session. He said the new City Manager, Richard Dzik, will also be on the job by that meeting.

There was a discussion among the City Council and City Staff regarding various aspects of the Police Division.

Bryan Chodkowski responded to questions and comments from the City Council regarding the agenda item.

After lengthy discussion, the City Council agreed to recommend that the City Manager and the Police Chief gather the requested additional information and data regarding the Huber Heights Police Division for further discussion as planned as an agenda item at the September 19, 2023 Council Work Session.

Executive Session – To Consider Confidential Information Related To The Marketing Plans, Specific Business Strategy, Production Techniques, Trade Secrets, Or Personal Financial Statements Of An Applicant For Economic Development Assistance Where The Information Is Directly Related To A Request For Economic Development Assistance That Is To Be Provided Or Administered Under Any Provision Of The Ohio Revised Code Chapters/Sections Set Forth In Ohio Revised Code 121.22(G)(8) And The Executive Session Is Necessary To Protect The Interests Of The Applicant Or The Possible Investment Or Expenditure Of Public Funds To Be Made In Connection With The Economic Development Project.

Don Webb made a motion to go into Executive Session to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance where the information is directly related to a request for economic development assistance that is to be provided or administered under any provision of the Ohio Revised Code Chapters/Sections set forth in Ohio Revised Code 121.22(G)(8) and the Executive Session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project at 7:53 P.M. Anita Kitchen seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, and Mr. Webb voted yea; none voted nay. The motion passed 7-0. The Council Work Session went into Executive Session at 7:53 P.M.

The Council Work Session adjourned from Executive Session at 8:20 P.M.

No other actions were taken or decisions made following the Executive Session by the Council Work Session.

Other Business

There was no other business conducted at the Council Work Session.

4. **Adjournment**

Mayor Jeff Gore adjourned the Council Work Session at 8:20 P.M.

AI-9471 **Topics of Discussion** B.

Council Work Session

Meeting Date:	09/05/2023		
Issuance Of Notes - Refunding - Fire Station - $1,800,000			
Submitted By:	Jim Bell		
Department:	Finance	**Division:**	Accounting
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	09/05/2023
Audio-Visual Needs:	None	**Emergency Legislation?:**	No
Motion/Ordinance/ Resolution No.:			

Agenda Item Description or Legislation Title

Issuance Of Notes - Various Amounts

* Refunding - Fire Station - $1,800,000

Purpose and Background

The attached ordinance will allow the City to issue one-year notes in the amount of $1,800,000 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%. The City's Municipal Advisor, Andy Brossart, will make a brief presentation at the 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 25, 2023 City Council Meeting on 9/25/23, so the notes can be sold with five additional notes, and the proceeds received prior to the maturity of the notes issued in 2015.

Fiscal Impact

Source of Funds:	Notes
Cost:	$1,800,000
Recurring Cost? (Yes/No):	No
Funds Available in Current Budget? (Yes/No):	Yes
Financial Implications:	

Attachments

FOC

Ordinance

HUBER HEIGHTS

Bond Market Update
Outstanding Debt Summaries
Series 2023 BANs

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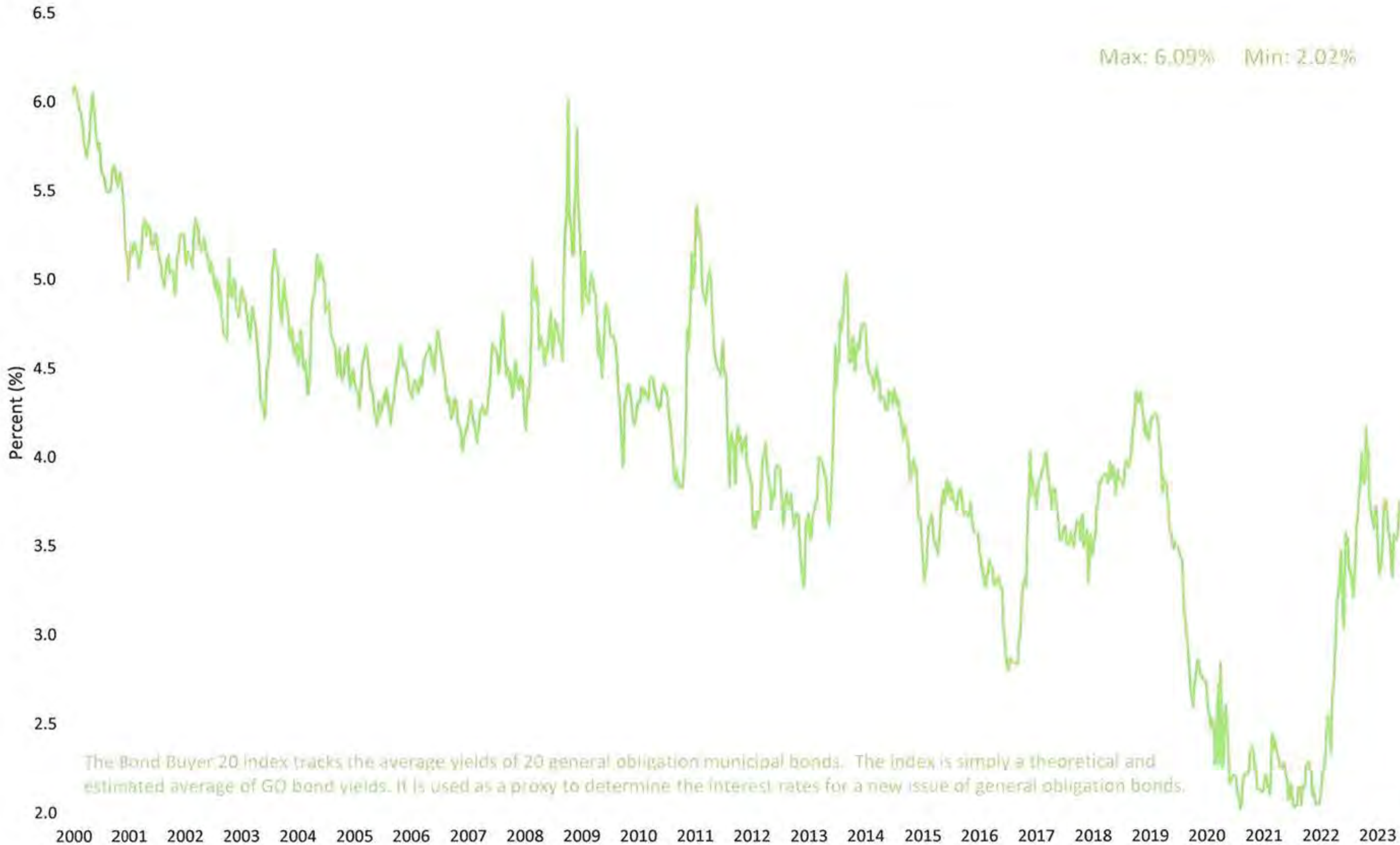
* SERVING LOCAL GOVERNMENT *

September 2023

Tax Exempt Interest Rates | Benchmark Yields

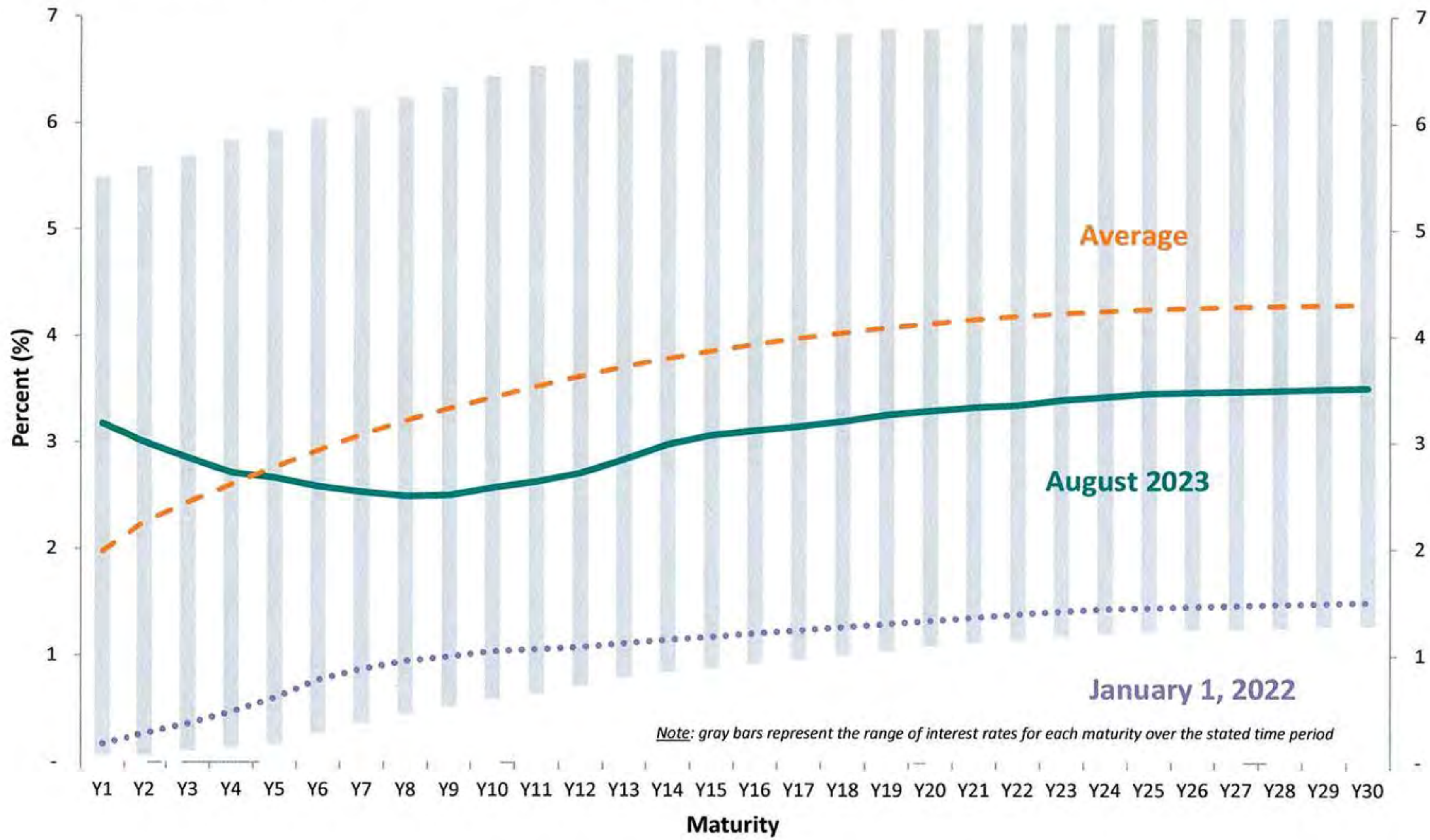
Bond Buyer 20-Bond GO ("General Obligation") Index (August 1, 2023)



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, 2023)



Source: Refinitiv, TM3

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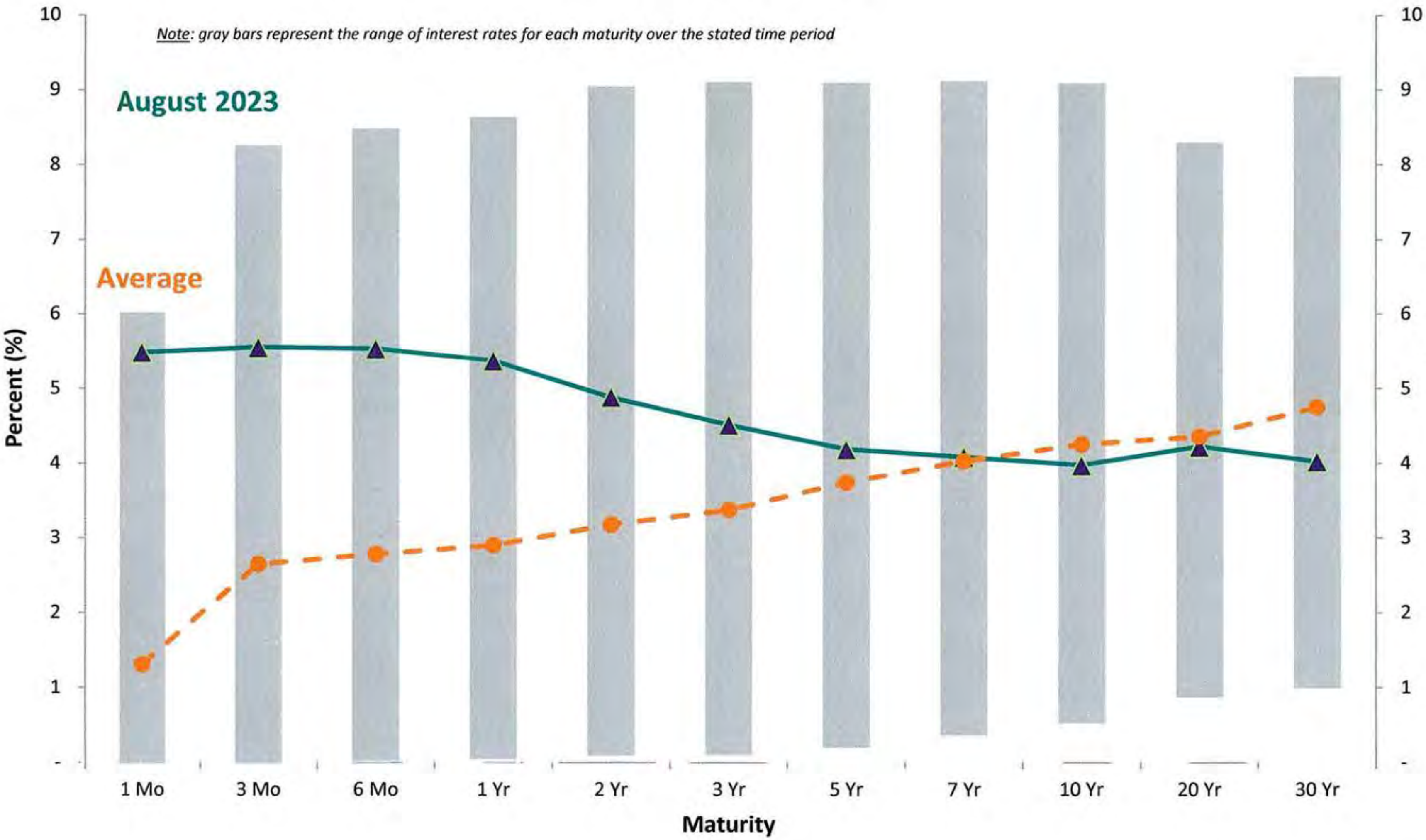
Taxable Interest Rates | Benchmark Yields

US Daily Treasury Yield Curve Interest Rates
Range from 1990 - Current Market (August 1, 2023)



Source: www.treasury.gov

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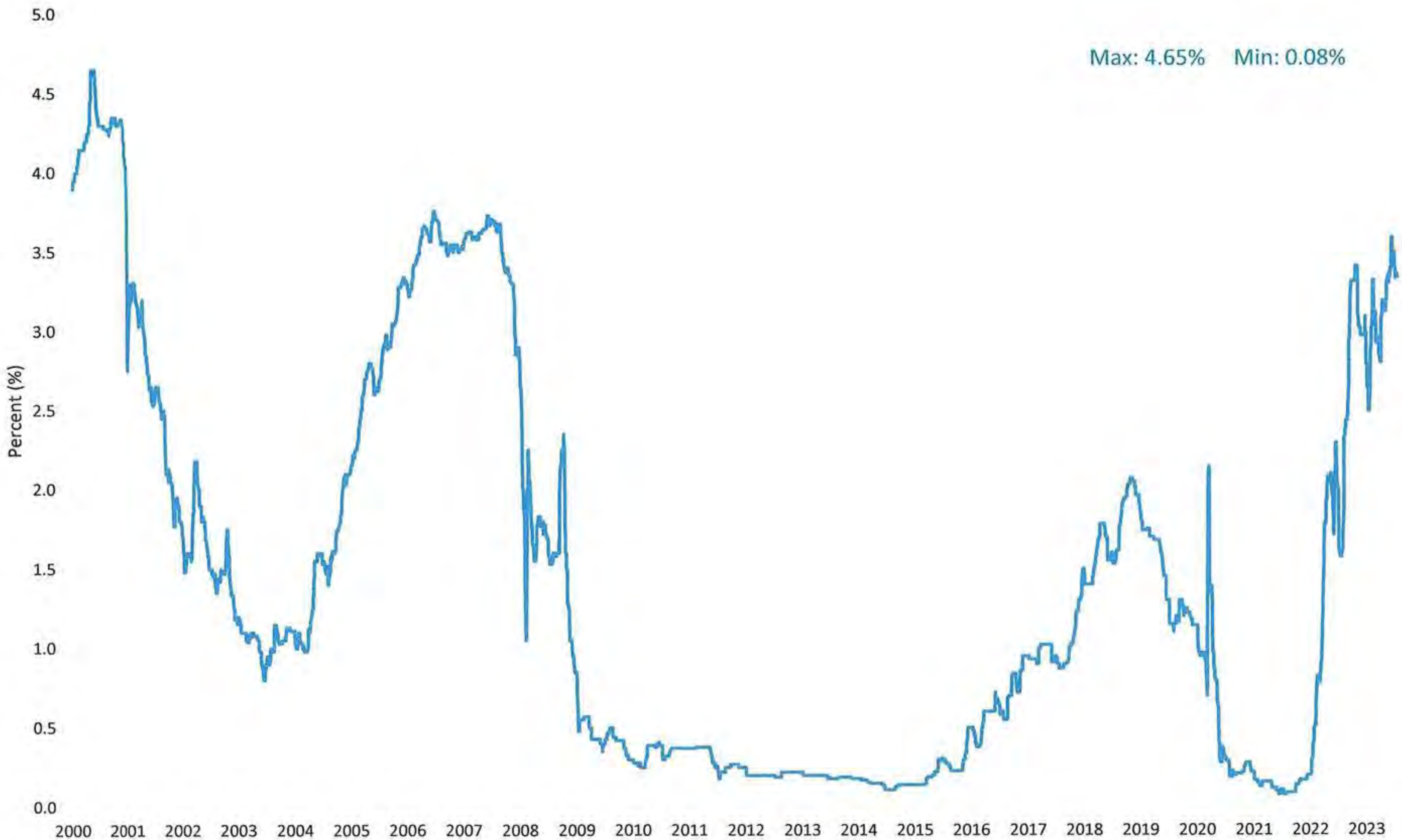
Tax Exempt Interest Rates | Benchmark Yields

HUBER HEIGHTS

Short-Term (MIG-1 12 Month Index) Benchmark Rate (August 1, 2023)



Source: Refinitiv, TM3

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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-
Fitch Ratings	AAA	AA+	AA	AA-	A+	A	A-	BBB+	BBB	BBB-

Lower Interest Rates

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 and Upgrade:

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

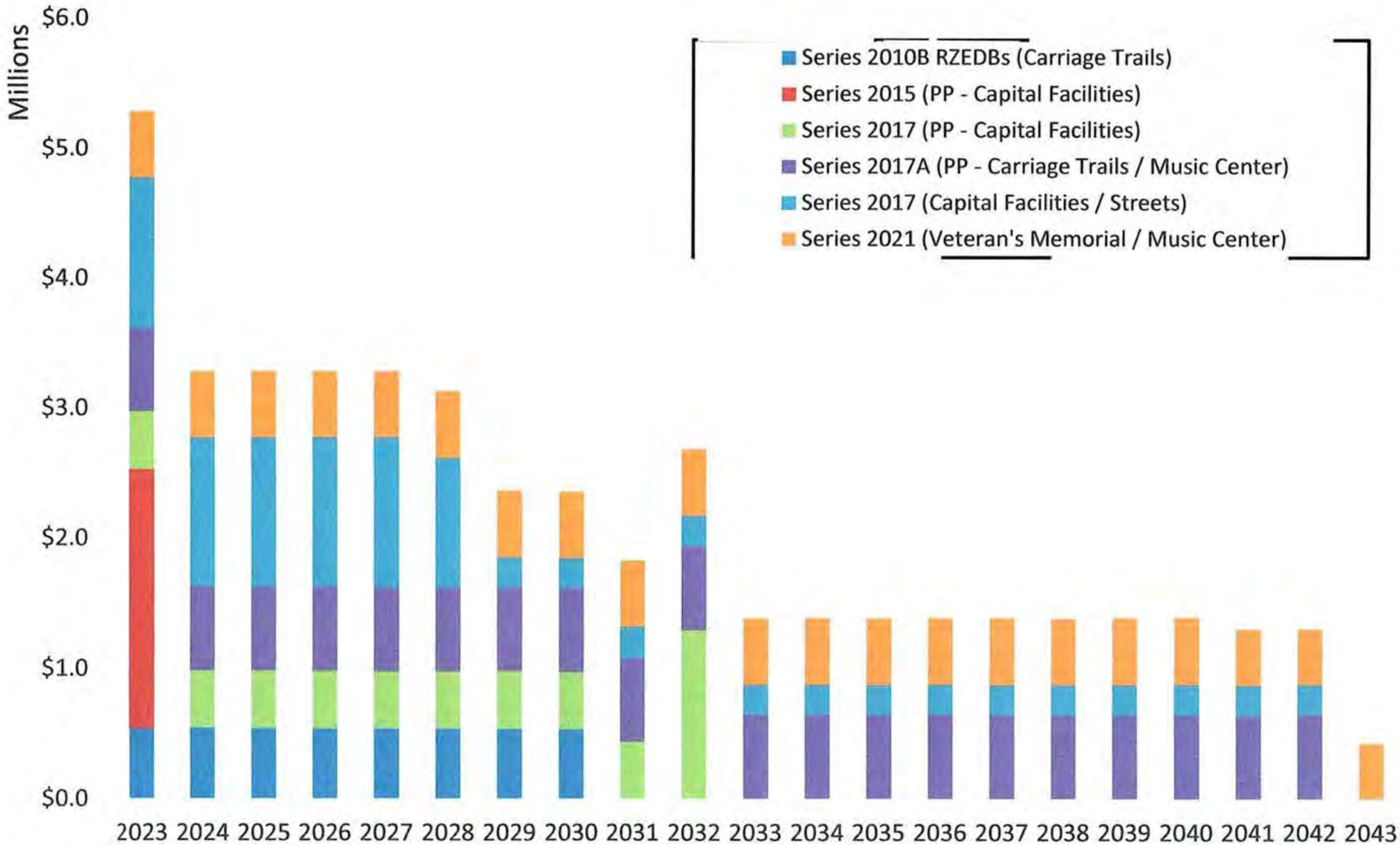
Rating Factors That Could Lead to a Downgrade:

- 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

Outstanding LTGO Debt

Debt Service by Series



Sources: EMMA, Official Statements, OMAC

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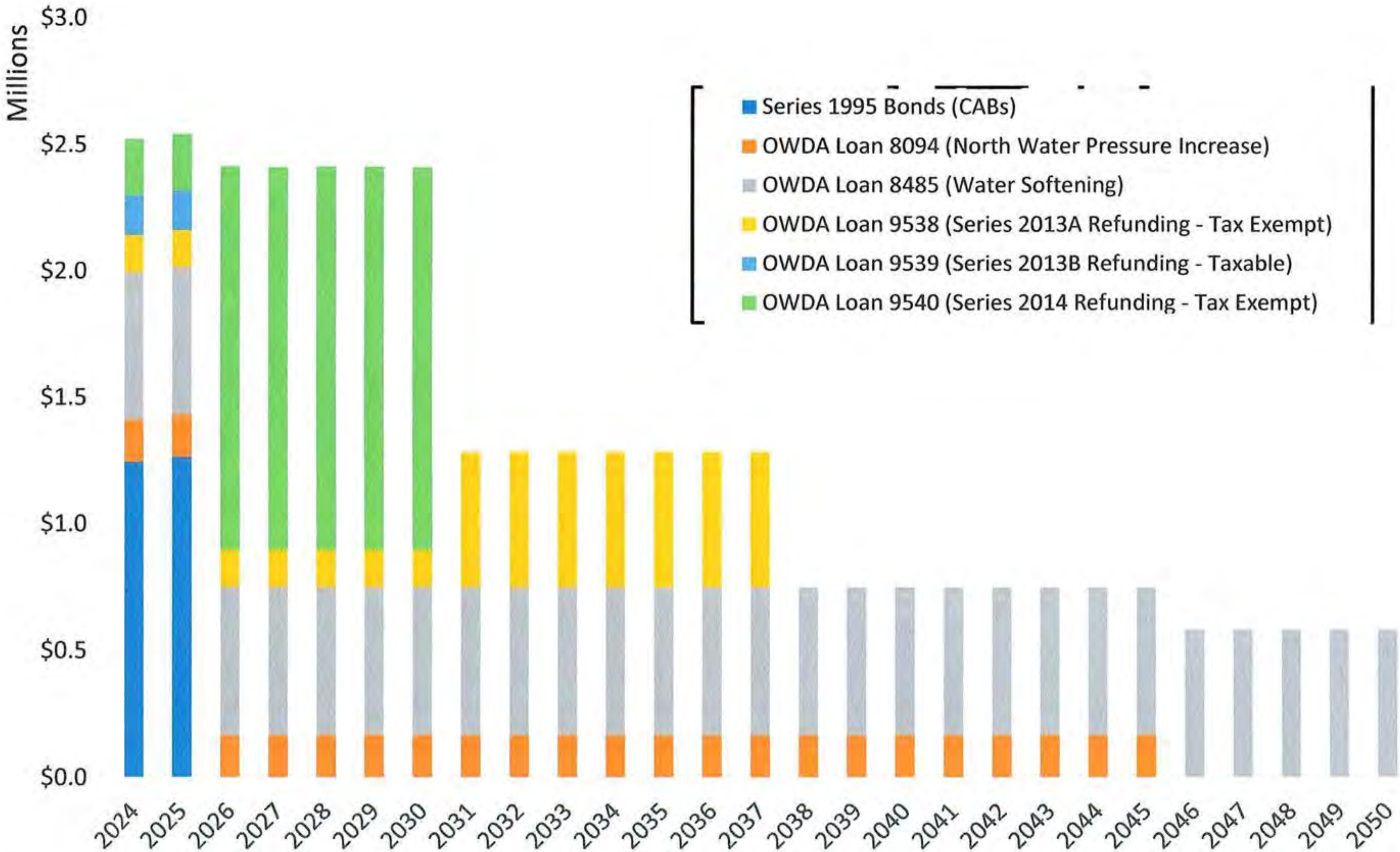
Outstanding Water Debt

Debt Service by Series



Sources: EMMA, Official Statements, OMAC

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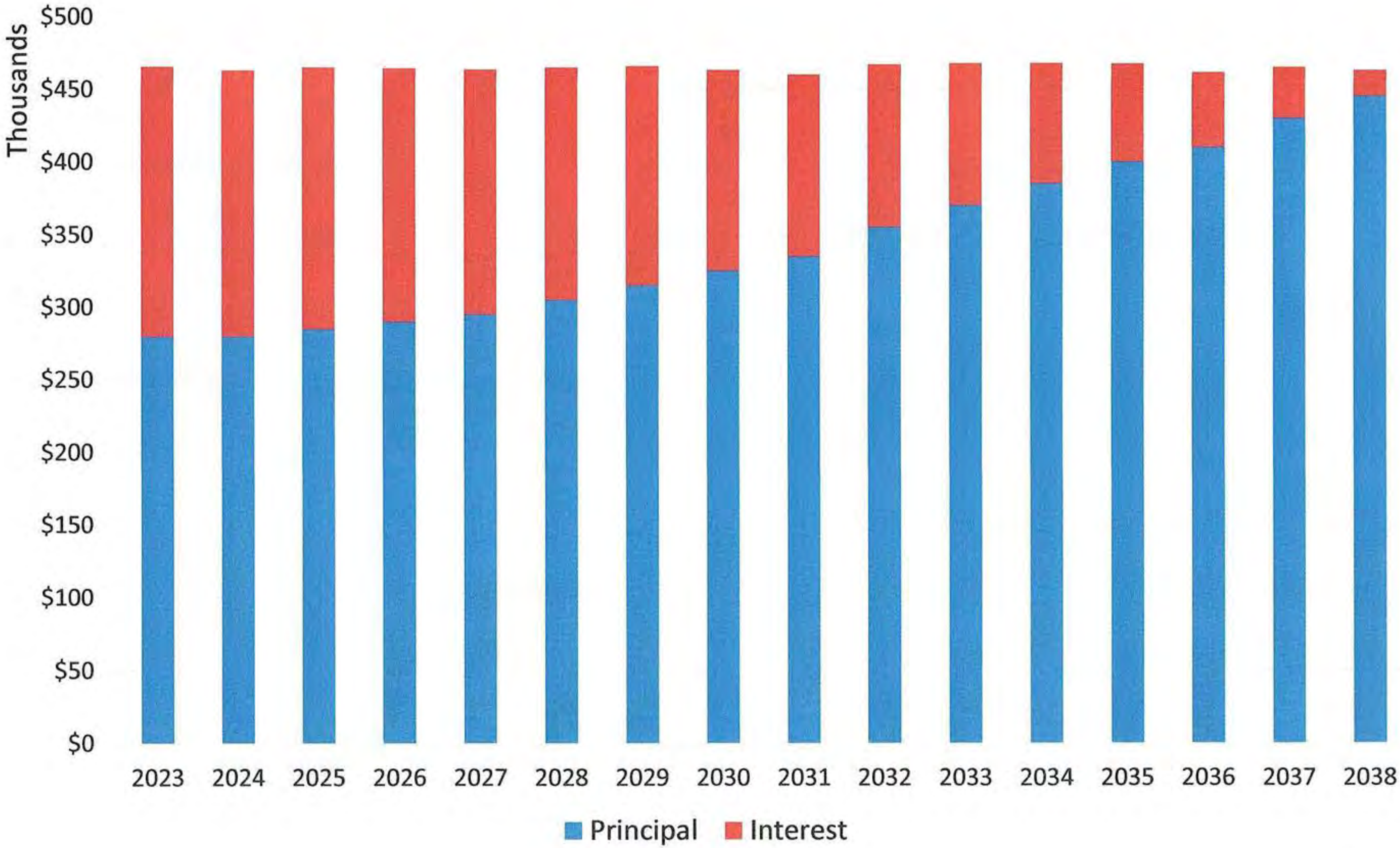
Outstanding Income Tax Debt

Debt Service for Series 2021 Refunding Bonds



Sources: EMMA, Official Statements, OMAC

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Direct Debt Limitation

Total Debt: $41,302,000

Assessed Valuation (2022 - 2023) $781,733,250

	Total	Unvoted (Limited)	Limited & Unlimited
Revenue	$4,262,000	N/A	N/A
Limited Tax	$37,040,000	$22,015,000	$22,015,000
Unlimited Tax	$0	N/A	$0
Total Subject to Limitation		$22,015,000	$22,015,000
G.O. Debt Exempt From Limitations		$15,025,000	$15,025,000
Maximum Allowable		$42,995,329	$82,081,991
Balance of Limitation		$20,980,329	$60,066,991

Source: OMAC

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Indirect 10 Mill Limitation Breakdown

Subdivision	Assessed Valuation (2022 - 2023)	Principal	Interest	Total Debt Service (2024)	Required Tax Rate
MONTGOMERY COUNTY	$11,065,677,850	$3,125,000	$134,725	$3,259,725	0.29458
HUBER HEIGHTS CITY	$781,733,250	$2,344,524	$1,404,622	$3,749,146	4.79594
VANDALIA-BUTLER CITY SCHOOL DISTRICT	$696,092,140	$310,000	$27,600	$337,600	0.48499
MIAMI VALLEY CAREER CENTER JT. VOC. SCHOOL DISTRICT	$8,250,538,660	$365,000	$139,400	$504,400	0.06114
DAYTON METRO LIBRARY DISTRICT MISCELLANEOUS	$8,593,038,650	$0	$0	$0	0.00000
FIVE RIVER METRO PARK DISTRICT MISCELLANEOUS	$11,065,677,850	$0	$0	$0	0.00000
MIAMI SHORES SUBDIVISION MISCELLANEOUS	$11,065,677,850	$0	$0	$0	0.00000
MIAMI VALLEY REGIONAL TRANSIT AUTHORITY MISCELLANEOUS	$11,065,677,850	$0	$0	$0	0.00000
MONTGOMERY COMMUNITY COLLEGE MISCELLANEOUS	$11,065,677,850	$0	$0	$0	0.00000
MONTGOMERY COUNTY TRANSPORATION IMPROVE MISCELLANEOUS	$11,065,677,850	$0	$0	$0	0.00000
SINCLAIR COMMUNITY COLLEGE MISCELLANEOUS	$11,065,677,850	$0	$0	$0	0.00000
				Total	5.63665
				Allowable	10.00000
				Balance of Charter Limitation:	4.36335

Source: OMAC

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$19,873,000 Series 2023 Notes

General Obligation | Various Purpose | Tax Exempt | Non-Bank Qualified

Uses:	Fire Station #25	City Council Facilities (Admin Offices - 2011 Prop Acq)	City Council Facilities (Governance Center - Design)	Public Works Department (Design)	Public Works Department (Construction)	Public Works Department (Land Purchase)	Water Main Construction	Water Well	The Meadows Infrastructure	Total
Project Fund Deposits	1,800,000	2,685,000	550,000	650,000	5,000,000	588,000	2,700,000	3,100,000	2,800,000	$19,873,000
Total (Note Legislation Purposes)	**$1,800,000**	**$3,235,000**		**$6,238,000**			**$5,800,000**		**$2,800,000**	**$19,873,000**

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$7,262,000 Series 2023B Notes

Special Obligation | Nontax Revenues | Federally Taxable

Uses:	CR Dayton Strip Mall Renovations	Econ Dev Prop Acq (2011 BANs)	Total
Project Fund Deposits:			
Project Fund	3,000,000.00	4,262,000.00	7,262,000.00

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Important Disclosures

Disclosure of Conflicts of Interest and Legal or Disciplinary Events

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- **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

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- 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 $1,800,000 (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 seventeen (17) 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 seventeen (17) years but in excess of five years, then the maximum maturity of the Bonds would still be at least seventeen (17) 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 seventeen (17) years.

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

Dated: August 30, 2023

Director of Finance
City of Huber Heights, Ohio

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2023-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF $1,800,000, 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. 2015-O-2194 passed November 9, 2015, notes in anticipation of bonds in the principal amount of $3,000,000, dated December 1, 2015 (the "*Outstanding Notes*"), were issued for the purpose stated in Section 1, to mature on December 1, 2023; and

WHEREAS, this City Council finds and determines that the City should retire the Outstanding Notes which are currently outstanding in the principal amount of $1,950,000 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 seventeen (17) 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 $1,800,000 (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 November 1, 2024, shall bear interest at the now estimated rate of 6.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in seventeen (17) 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 $1,800,000 (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 6.50% 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 he sale of the Notes or (b) remit certain proceeds from the sale of the Notes to the Paying Agent, n 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 ten-mill 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 n 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 ava lable 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 Investors Service, Inc. 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 ava lable, 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 __________, 2023;
______ 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. 2023-O-_____ passed by the City Council of the City of Huber Heights, on ____________, 2023.

____
Clerk of Council

AI-9478			**Topics of Discussion**
Council Work Session			
Meeting Date:	09/05/2023		

Issuance Of Notes - Refunding/New Money - Property Acquisition And Improvement For Economic Development - $7,262,000

Submitted By:	Jim Bell		
Department:	Finance	**Division:**	Accounting
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	09/05/2023
Audio-Visual Needs:	None	**Emergency Legislation?:**	No
Motion/Ordinance/ Resolution No.:			

Agenda Item Description or Legislation Title

* Refunding/New Money - Property Acquisition And Improvement For Economic Development - $7,262,000

Purpose and Background

The attached ordinance will allow the City to issue one-year notes in the amount of $7,262,000 for the refunding of the notes issued in 2022 for the cost of property acquisition near the intersection of Brandt Pike and Fishburg Road, plus new money for improving and rehabilitating certain buildings and razing other buildings on the property. The estimated taxable rate for this note is 6%. The City's Municipal Advisor, Andy Brossart, will make a brief presentation at the 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 25, 2023 City Council Meeting, so the notes can be sold with five additional notes and proceeds received prior to the maturity of the notes issued in 2022.

Fiscal Impact

Source of Funds:	Notes
Cost:	$7,262,000
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. 2023-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF $7,262,000, 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 OF THE 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 (the "*Project*"); and

WHEREAS, pursuant to Ordinance No. 2022-O-2553 passed October 10, 2022, notes in anticipation of bonds in the principal amount of $4,262,000, dated November 15, 2022 (the "*Outstanding Notes*"), were issued for the purpose described in Section 2, to mature on November 14, 2023; 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 $3,000,000 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 $7,262,000 (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.

Section 3. The Bonds shall be dated approximately November 1, 2024, shall bear interest at the now estimated rate of 7.50% 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 4. It is necessary to issue and this Council determines that notes in the maximum principal amount of $7,262,000 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 2, 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 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 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 No-es 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 i s 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 Investors Service, Inc. 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__________, 2023;
____ Yeas; ______ Nays.

Effective Date: ____________, 2023

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. 2023-O-_____ passed by the City Council of the City of Huber Heights, on ____________, 2023.

____
Clerk of Council

AI-9475			**Topics of Discussion**
Council Work Session			
Meeting Date:	09/05/2023		
Issuance Of Notes - Public Works Facility - $6,238,000			
Submitted By:	Jim Bell		
Department:	Finance	**Division:**	Accounting
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	09/05/2023
Audio-Visual Needs:	None	**Emergency Legislation?:**	No
Motion/Ordinance/ Resolution No.:			

Agenda Item Description or Legislation Title

* Public Works Facility - $6,238,000

Purpose and Background

The attached ordinance will allow the City to issue one-year notes in the amount of $6,238,000 for the cost of the property acquisition, pre-construction architectural and engineering design work, and initial 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%. The City's Municipal Advisor, Andy Brossart, will make a brief presentation at the 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 25, 2023 City Council Meeting, so the notes can be sold with five additional notes.

Fiscal Impact

Source of Funds:	Notes
Cost:	$6,238,000
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 \$6,238,000 (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, all together with the 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 two hundred forty (240) months.

Dated: August 30, 2023

Director of Finance
City of Huber Heights, Ohio

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2023-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NCTES IN THE MAXIMUM PRINCIPAL AMOUNT OF $6,238,000, 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, ALL TOGETHER WITH THE 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 $6,238,000 (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, all together with the necessary appurtenances thereto (the "*Improvement*").

Section 2. The Bonds shall be dated approximately November 1, 2024, shall bear interest at the now estimated rate of 6.00% 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 $6,238,000 (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 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 6.50% 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 anc 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 sha.l be made only by book entry by the Depository and its Participants; and (d) the Notes as sucn 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 ten-mill 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 ake or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, o- 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 Investors Service, Inc. 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 __________, 2023;
______ 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. 2023-O-_____ passed by the City Council of the City of Huber Heights, on _____________, 2023.

____
Clerk of Council

AI-9476 **Topics of Discussion**

Council Work Session

Meeting Date:	09/05/2023		
Issuance Of Notes - The Meadows Infrastructure - $2,800,000			
Submitted By:	Jim Bell		
Department:	Finance	**Division:**	Accounting
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	09/05/2023
Audio-Visual Needs:	None	**Emergency Legislation?:**	No
Motion/Ordinance/ Resolution No.:			

Agenda Item Description or Legislation Title

* The Meadows Infrastructure - $2,800,000

Purpose and Background

The attached ordinance will allow the City to issue one-year notes in the amount of $2,800,000 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%. The City's Municipal Advisor, Andy Brossart, will make a brief presentation at the 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 25, 2023 City Council Meeting, so the notes can be sold with five additional notes.

Fiscal Impact

Source of Funds:	Notes
Cost:	$2,800,000
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 $2,800,000 (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 two hundred forty (240) months.

Dated: August 30, 2023

[signature]
Director of Finance
City of Huber Heights, Ohio

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2023-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF $2,800,000, 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, 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 $2,800,000 (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 November 1, 2024, shall bear interest at the now estimated rate of 6.00% 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 $2,800,000 (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 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 6.50% 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 ten-mill 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 Investors Service, Inc. 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 he 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 paic 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 _________, 2023;
______ 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. 2023-O-_____ passed by the City Council of the City of Huber Heights, on ____________, 2023.

____
Clerk of Council

AI-9477 **Topics of Discussion**

Council Work Session

Meeting Date:	09/05/2023		

Issuance Of Notes - Water Lines And New Water Well Construction - $5,800,000

Submitted By:	Jim Bell		
Department:	Finance	**Division:**	Accounting
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	09/05/2023
Audio-Visual Needs:	None	**Emergency Legislation?:**	No
Motion/Ordinance/ Resolution No.:			

Agenda Item Description or Legislation Title

* Water Lines And New Water Well Construction - $5,800,000

Purpose and Background

The attached ordinance will allow the City to issue one-year notes in the amount of $5,800,000 for the costs of improving the City's municipal waterworks system by constructing and installing water lines, constructing a new water well, and acquiring any property necessary for this project. The estimated tax-exempt rate for this note is 5%. The City's Municipal Advisor, Andy Brossart, will make a brief presentation at the 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 25, 2023 City Council Meeting, so the notes can be sold with five additional notes.

Fiscal Impact

Source of Funds:	Notes
Cost:	$5,800,000
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 $5,800,000 (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, and acquiring any necessary real property and interests therein in connection therewith, all together with the 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 two hundred forty (240) months.

Dated: August 30, 2023

[signature]

Director of Finance
City of Huber Heights, Ohio

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2023-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF $5,800,000, 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, AND ACQUIRING ANY NECESSARY REAL PROPERTY AND INTERESTS THEREIN IN CONNECTION THEREWITH, ALL TOGETHER WITH THE 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 forty (40) 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 $5,800,000 (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, and acquiring any necessary real property and interests therein in connection therewith, all together with the necessary appurtenances thereto (the "*Improvement*").

Section 2. The Bonds shall be dated approximately November 1, 2024, shall bear interest at the now estimated rate of 6.00% 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 $5,800,000 (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 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 6.50% 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 ten-mill 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.

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 Investors Service, Inc. 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 __________, 2023;
______ 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. 2023-O-_____ passed by the City Council of the City of Huber Heights, on _____________, 2023.

____
Clerk of Council

AI-9469			**Topics of Discussion**
Council Work Session			
Meeting Date:	09/05/2023		
Issuance Of Notes - Refunding/New Money For Governance Center - $3,235,000			
Submitted By:	Jim Bell		
Department:	Finance	**Division:**	Accounting
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	09/05/2023
Audio-Visual Needs:	None	**Emergency Legislation?:**	No
Motion/Ordinance/ Resolution No.:			

Agenda Item Description or Legislation Title

* Refunding/New Money For Governance Center - $3,235,000

Purpose and Background

The attached ordinance will allow the City to issue one-year notes in the amount of $3,235,000 for the renewal of the notes issued in 2022 for the cost of the property acquisition, plus new money for pre-construction architectural and engineering design work, which will be used as a site for a City Governance Center to include City Council meeting/office space and a new Senior Center. The estimated tax-exempt rate for this note is 5%. The City's Municipal Advisor, Andy Brossart, will make a brief presentation at the 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 25, 2023 City Council Meeting, so the notes can be sold with five additional notes and the proceeds received prior to the maturity of the notes issued in 2022.

Fiscal Impact

Source of Funds:	Notes
Cost:	$3,235,000
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, I certify in connection with your proposed issue of notes in the maximum principal amount of $3,235,000 (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, a senior services facility 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, all together with the 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 and (b) two hundred forty (240) months as to $550,000 of the principal amount.

Dated: August 30, 2023

James A. Bell

Director of Finance
City of Huber Heights, Ohio

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2023-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF $3,235,000, 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, A SENIOR SERVICES FACILITY 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, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO.

WHEREAS, pursuant to Ordinance No. 2022-O-2551 passed October 10, 2022, notes in anticipation of bonds in the principal amount of $1,740,000, dated November 15, 2022 (the "*Outstanding City Hall Notes*"), were issued for a portion of the purpose stated in Section 1, to mature on November 14, 2023; and

WHEREAS, pursuant to Ordinance No. 2022-O-2552 passed October 10, 2022, notes in anticipation of bonds in the principal amount of $945,000, dated November 15, 2022 (the "*Outstanding Governmental Facilities Notes*" and together with the Outstanding City Hall Notes, the "*Outstanding Notes*"), were issued for a portion of the purpose stated in Section 1, to mature on November 14, 2023; 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 $550,000 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 and (b) two hundred forty (240) months as to $550,000 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 $3,235,000 (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, a senior services facility 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, all together with the necessary appurtenances thereto (the "*Improvement*").

Section 2. The Bonds shall be dated approximately November 1, 2024, shall bear interest at the now estimated rate of 6.00% 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 $3,235,000 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1, 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 6.50% 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 ten-mill 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 Investors Service, Inc. 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 __________, 2023;
______ Yeas; ______ Nays.

Effective Date: ____________, 2023

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. 2023-O-_____ passed by the City Council of the City of Huber Heights, on ____________, 2023.

____
Clerk of Council

AI-9479 **Topics of Discussion** C.

Council Work Session

Meeting Date:	09/05/2023		
Supplemental Appropriations			
Submitted By:	Jim Bell		
Department:	Finance	**Division:**	Accounting
Council Committee Review?:	Council Work Session		
Date(s) of Committee Review:	09/05/2023		
Audio-Visual Needs:	None	**Emergency Legislation?:**	No
Motion/Ordinance/ Resolution No.:			

Agenda Item Description or Legislation Title

Supplemental Appropriations

Purpose and Background

The supplemental appropriations are for the following purposes:

- $62,400 advance from the General Fund to the ED/GE Capital Improvement Fund to pre-fund the Millat Industries project (reimbursed by ED/GE grant proceeds).
- $62,400 return of advance back to General Fund from ED/GE Capital Improvement Fund.
- $374,545.45 advance from the General Fund to the Firefighter's Assistance Grant Fund to pre-fund purchase of Fire mobile and portable radio equipment (reimbursed by grant proceeds).
- $37,454.55 transfer from the Fire Capital/Equipment Fund to the Firefighter's Assistance Grant Fund for City portion of Fire mobile and portable radio equipment project.
- $35,000 for temporary staffing and payroll consulting services for Accounting Division of the Finance Department (funded from budgeted but open positions in the Finance Department).
- $28,015 for temporary staffing services for Tax Division of the Finance Department (funded from budgeted but open positions in the Finance Department).
- $88,500 for purchase of computers and servers for multiple departments and a video camera system for the Community Center.
- $15,200 for increase in debt service payments for SIB Loan.
- $10,750 for initial debt service payment on street sweeper lease.

Fiscal Impact

Source of Funds:	Various Funds
Cost:	$151,904.55
Recurring Cost? (Yes/No):	No
Funds Available in Current Budget? (Yes/No):	Yes

Financial Implications:

An advance of monies from the General Fund to the Firefighter's Assistance Grant Fund will be repaid from the grant proceeds, therefore only the City 10% match counts toward the fiscal impact.

Attachments

Ordinance

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2023-O-

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

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

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

Section 1. Authorization is hereby given to advance and transfer certain monies up to amounts not exceeding those shown and for the purposes cited in Exhibit A, and such authorization applies to any and all such advances and transfers necessary and effected after January 1, 2023.

Section 2. Ordinance No. 2022-O-2562 is hereby amended as shown in Exhibit B of this Ordinance.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the ______ day of ____________, 2023;
______ Yeas; ______ Nays.

Effective Date:

AUTHENTICATION:

____________________	____________________
Clerk of Council	Mayor
____________________	____________________
Date	Date

EXHIBIT A

Advance:

Amount	*Fund From*	*Fund To*	*Purpose*
$ 62,400.00	101 General	427 ED/GE Capital Imp.	Pre-fund – Millat Indus. grant
$ 62,400.00	427 ED/GE Capital Imp.	101 General	Return of advance
$374,545.45	101 General	436 FF Assistance Grant	Pre-fund - Grant for mobile and portable Fire radio equip.

Transfer:

Amount	*Fund From*	*Fund To*	*Purpose*
$ 37,454.55	431 Fire Capital/Equip	436 FF Assistance Grant	City match portion of grant

EXHIBIT B

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

1) Section 1 of Ordinance No. 2022-O-2562 is hereby amended to reflect changes in the appropriations of the 101 General Fund, as follows:

   a. Subsection k) Accounting, Personnel <u>decrease</u> of $35,000.00 and Operations and Capital increase of $35,000.00
   b. Subsection l) Taxation, Personnel <u>decrease</u> of $28,015.00 and Operations and Capital increase of $28,015.00
   c. Subsection n) Information Technology, Operations and Capital increase of $88,500.00
   d. Subsection r) Non-Departmental, Advances increase of $436,945.45

2) Section 28 of Ordinance No. 2022-O-2562 is hereby amended to reflect an increase in the appropriations of the 305 Special Assessment Bond Retirement Fund, as follows:

   a. Subsection b) Non-Departmental, Debt Service of $15,200.00

3) Section 33 of Ordinance No. 2022-O-2562 is hereby amended to reflect an increase in the appropriations of the 427 ED/GE Capital Improvement Fund, as follows:

   a. Subsection a) Capital, Operations and Capital of $62,400.00
   b. Subsection c) Non-Departmental, Advances of $62,400.00.

4) Section 34 of Ordinance No. 2022-O-2562 is hereby amended to reflect an increase in the appropriations of the 431 Fire Capital/Equipment Fund, as follows:

   a. Subsection c) Non-Departmental, Transfers of $37,454.55.

5) Section 37 of Ordinance No. 2022-O-2562 is hereby amended to reflect an increase in the appropriations of the 436 Firefighter's Assistance Grant Fund, as follows:

   a. Subsection a) Fire, Operations and Capital of $412,000.00.

6) Section 46 of Ordinance No. 2022-O-2562 is hereby amended to reflect an increase in the appropriations of the 571 Storm Water Management Fund, as follows:

   a. Subsection f) Non-Departmental, Debt Service of $10,750.00.

General Fund	$524,945.45
Special Assess Bond Retirement Fund	$15,200.00
ED/GE Capital Improvement Fund	$124,800.00
Fire Capital/Equipment Fund	$37,454.55
Firefighter's Assistance Grant Fund	$412,000.00
Storm Water Management Fund	$10,750.00

AI-9474 **Topics of Discussion** D.

Council Work Session

Meeting Date:	09/05/2023		
Request For Proposals - Behavioral Health - Fire Division/Police Division			
Submitted By:	Keith Knisley		
Department:	Fire		
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	09/05/2023
Audio-Visual Needs:	None	**Emergency Legislation?:**	No
Motion/Ordinance/ Resolution No.:			

Agenda Item Description or Legislation Title

Request For Proposals - Behavioral Health - Fire Division/Police Division

Purpose and Background

This legislation will allow the City to solicit proposals from qualified Behavioral Service Providers to provide behavioral services for the Police Division. The funding for this program was granted by the State of Ohio ARPA funding for first responders. The Request For Proposals (RFP) will include services provided through December 31, 2024. This RFP process has been required by the State of Ohio to expend the remaining funds from the previous RFP obtained by the Fire Division for mental wellness services for the Police Division.

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

Sample RFP

Resolution

City of Huber Heights
6131 Taylorsville Rd.
Huber Heights, OH 45424

937.233.1423
937.233.1272 fax

www.hhoh.org

Come Grow With Us!

REQUEST FOR PROPOSALS
And
INSTRUCTIONS
RFP 23- Sep01 (Police)
Behavioral Health Support Program
City of Huber Heights, Fire Division

A municipal corporation within Montgomery County, Ohio

Bid Opening

September 12, 2023 thru September 22nd, 2023 (TBD)

Attached to this RFP are the listed Instructions for Bidders/Offerors in the first ten (10) pages of this document. All potential bidders must thoroughly review and certify their understanding of the Instructions and this RFP process.

HUBER HEIGHTS

GENERAL INSTRUCTIONS TO BIDDERS/OFFERORS

For the purposes of this Document, the terms "Bid" and Proposal" have the same meaning, and the terms "Bidder, Offeror, Contractor, Vendor" are intended to mean the company or firm who is the respondent Bidder for this RFP.

- The following instructions are to be considered an integral part of this proposal. Unless otherwise requested, three (3) complete copies of the written proposal need be submitted. The person signing the bid/proposal form must initial any changes or corrections made to this proposal.
- No proposal may be withdrawn or modified in any way after the bid/proposal-opening deadline. ***Quotes must remain valid for ninety (90) days after the quote date.*** Quotes submitted with a less than ninety (90) day validity will be found non-responsive and will not be considered.
- All bids/proposals must be a final cost.
- Bids/Proposals will be received beginning **Tuesday, September 12, 2023** and to be received no later than the close of business day on **Friday, September 22, 2023** at the City of Huber Heights 6131 Taylorsville Rd. Huber Heights, Ohio 45424 at which time they will be opened and publicly read aloud. Bids/proposals received after the above date and time, or in any other location other than the City of Huber Heights City Hall as noted above will not be considered.
- A Request for Proposal packet may be obtained from the City of Huber Heights 6131 Taylorsville Rd. Huber Heights, Ohio 45424 or from www.hhoh.org
- If descriptive literature is attached to the bid/proposal, bidder's name must appear on all sheets.
- A cover letter must be attached in the form of a standard business letter containing the Contractor's name, address and telephone number and must be signed with an original signature, in ink, by an individual authorized to legally bind the Contractor. The letter must contain the following information:
    - A statement describing the Contractor's legal structure (e.g. corporation, partnership) and providing federal tax identification number and principle place of business.
    - A statement that the person signing the quote certifies that he or she is the person in the Contractor's organization who has actual authority to make decisions as to matters relating to this RFP and to bind the Contractor.
    - A statement that the quote meets the minimum qualifications set forth in this RFP and accepts all requirements and terms and conditions contained in this RFP.
    - A statement that the Contractor does not discriminate in its employment practice with regard to race, color, age, religion, sex, veteran status, sexual preference, national origin, or disability

- A statement that no attempt has been made or will be made by the Contractor to induce any other person or firm to submit or not submit a quote.
- A statement that indicates whether the Contractor or any of its agents has a possible conflict of interest with any city employee involved in the RFP and any ensuing Contract(s) or any other conflict of interest and, if so, an explanation of the conflict must be given.

- **Communication:** If there is any question whatsoever regarding any portion of the instructions or specifications, it shall be the bidder's responsibility to seek clarification immediately from the City of Huber Heights **No later than close of business on September 22, 2023 at 5:00pm** unless otherwise stated in the documents.

All questions shall be submitted in writing or via e-mail to the attention of Fire Chief Keith Knisley at 937-233-1564 and/or kknisley@hhoh.org . If mailed, the address is as follows: City of Huber Heights ATTN: Fire Chief Keith Knisley RFP: 23-001, 7008 Brandt Pike, Huber Heights, OH 45424.

It shall be the bidder's responsibility to check the City's website (www.hhoh.org) for any and all addendums or modifications.

Under no circumstances should respondents contact City personnel or officials outside of the opportunity provided herein.

- **Proprietary Information**: Any information contained in the RFP response that is proprietary must be clearly designated. Marking of the entire response as proprietary will neither be accepted nor honored. The City cannot guarantee that all such material noted remains proprietary, particularly if it becomes a significant consideration in contract award. Information will be kept confidential only to the extent allowed by Public Records Laws of Ohio.

- Any variation from the specifications must be clearly stated by the bidder in writing and submitted with his/her proposal.

- The apparent silence of any specifications or any supplement specifications to any details or the omission of a detailed description concerning any point shall be regarded as meaning that only the best commercial practices are to prevail, and that only materials of first quality and correct type, size and design are to be used. All workmanship is to be of first quality. All interpretations of this specification shall be made upon the basis of this statement.

- The following bid shall be awarded to one bidder based on the specifications as provided for in Chapter 171 of the Codified Ordinances of Huber Heights, so the City can determine the "lowest and best proposal". An award shall be made to one vendor for the total bid. Unit prices and extensions will be verified and total checked. Unit price extension and net total must be shown. Unit price shall prevail unless otherwise stated in the proposal.

- Section 171.04 of the Codified Ordinances of Huber Heights provides for a process and description for opening, tabulating and awarding responses to RFP/bids as stated in reference:

HUBER HEIGHTS

(a) In the case of sealed competitive bids, the bids shall be opened and tabulated publicly by the Purchasing Agent. An investigation of the responsibility of the bidders and the responsiveness of the bid shall be made as the Purchasing Agent deems necessary. The Purchasing Agent shall determine the lowest and best bid. The Purchasing Agent may reject all bids if the Purchasing Agent determines that it is in the best interest of the City to do so.

(b) In the case of competitive proposals, the responses shall be opened publicly by the Purchasing Agent. The City may discuss the responses with the proposers to clarify responses and to obtain information needed by the City to determine the lowest and best proposal. An investigation of the responsibility of the proposers and the responsiveness of the proposal shall be made as Purchasing Agent deems necessary. The Purchasing Agent shall determine the lowest and best proposal. The Purchasing Agent may reject all proposals if the Purchasing Agent determines that it is in the best interest of the City to do so.

(c) In the case of two-step competitive proposals, the technical responses shall be opened publicly by the Purchasing Agent. The City may discuss the responses with the proposers to clarify responses and to obtain information needed by the City to determine qualified proposers. An investigation of the responsibility of the proposers and the responsiveness of the proposal shall be made as the Purchasing Agent deems necessary.

The Purchasing Agent shall determine the qualified proposers. The qualified proposers shall then be invited to submit price proposals which shall be opened publicly by the Purchasing Agent. The City may discuss responses with the proposers to clarify responses and to obtain information needed by the City to determine the lowest and best proposal. If appropriate, the City may request best and final offers. The Purchasing Agent shall then determine the lowest and best proposal. The Purchasing Agent may reject all proposals if the Purchasing Agent determines that is in the best interest of the City to do so.

- The City of Huber Heights reserves the right to accept, reject or waive any irregularities in the proposal and/or any and all bids received for the work contemplated herein and to accept or reject any or all proposals and/or bids. The proposal and/or bids will be compared on the basis of the total cost of the project and the award will be made to the lowest and best bidder (or bidders), provided the proposal and/or bid is reasonable and is in the best interest of the City (owner) to accept. In determining the lowest and best bid the City (owner), in its sole discretion, may consider factors, including but not limited to, the bidder's work history, (including work done under other names), experience, conduct and performance on previous contracts, management skills, ability to execute the contract properly, customer satisfaction, work on comparable projects, ability to timely complete the work in accordance with the contract documents, the Bidder's financial condition and facilities, and the Bidder's compliance with federal, state, and local laws, rules, and regulations, (including but not limited to the Prevailing Wage Laws, Occupational Safety and Health Act, and the State of Ohio's Equal Employment Opportunity Commission requirements, as may be applicable).

- The City desires delivery of the material or services specified at the earliest possible time after the date of award. An unreasonable delivery proposal may be cause for disqualifying a bid. Each bidder shall state a definite time and avoid using terms such as "ASAP" or "approximately so many days".

- **References**: Contractor must provide five (5) references of customers with successful implementations of similar size and scope with work performed within the past five (5) years. Please include name, address, contact and phone number. If sub-contractors or business partners will be used in conjunction with the installation or maintenance of this project, please provide references as stipulated above. **References should be included in bid documents**

- **Quality Standard**: Any references to the construction, fabrication and/or design which are proprietary or specific to one equipment manufacturer are to be considered as an indication of the level of quality and protection expected by HHFD. If a particular section names a process, construction, and/or design that is patented or proprietary in nature, bidders can take exception and propose an alternative, provided that the proposed alternative meets or exceeds the performance, the level of quality, and the degree of protection afforded to Huber Heights firefighters.

- **Inspection**: It is understood within this agreement that any problems such as equipment failure, unspecified maintenance, lack of performance and any other conditions outlined in the scope of service not performed by the Contractor will be under immediate review by the City of Huber Heights.

- **Technical Specifications Guidelines:** Bidders should address each subsection in their proposal. The technical specifications are to provide bidders with guidelines. They are not meant to prevent bidders from proposing alternative solutions. In all instances, the bidder is to clearly indicate how the proposed solution meets the desire of HHFD to implement the best behavioral health program. The bidder shall include as much detailed explanation as the deem appropriate of the alternative program with supporting data and documentation for evaluation by HHFD

- **License and Permits**: It shall be the responsibility of the successful bidder to obtain all licenses and permits required to perform this service at no additional cost to the City of Huber Heights.

- **Timeline**: Provide an estimated, standard timeline for installation, implementation and creative design services. **Timeline should be included in bid documents.**

- **Configuration and Pricing**: Bidder must itemize all charges for individually identifiable components of the proposed system, including all associated installation, programming and training if applicable. Bidder must include charges for all components required to connect any applicable applications.

RFP Checklist:

Please review and check off these 10 most important items to consider when responding to an RFP for the City of Huber Heights:

- **Read the *entire* document.** Note critical items such as: mandatory requirements; supplies/services required; submittal dates; number of copies required for submittal; contract requirements (i.e., contract performance, insurance requirements, performance and/or reporting requirements, etc.).
- **Note the procedures for communication with the City during the RFP process.** All communication during the RFP process must be in writing. Offerors should not contact City personnel or officials outside of the opportunity provided in the document.
- **Attend the pre-proposal conference** if one is offered. These conferences provide an opportunity to ask clarifying questions, obtain a better understanding of the project, or to notify the City of any ambiguities, inconsistencies, or errors in the RFP.
- **Take advantage of the "question and answer" period.** Submit your questions by the due date listed and view the answers given in the formal "addenda" issued for the RFP. All addenda issued for an RFP are posted on the City's website and will include all questions asked and answered concerning the RFP.
- **Follow the format required in the RFP** when preparing your response. Provide point-by-point responses to all sections in a clear and concise manner.
- **Provide complete answers/descriptions.** Read and answer **all** questions and requirements. Don't assume the City or the evaluating staff will know what your company capabilities are or what items/services you can provide, even if you have previously contracted with the City of Huber Heights. The proposals are evaluated based solely on the information and materials provided in your response.
- **Use the forms provided, if any**. e.g., bidder's submittal page, reference forms, attachment forms, etc.
- **Before submitting your response**, check the City's website at: www.hhoh.org to see whether any addenda were issued for the RFP.
- **Review and read the RFP document again** to make sure that you have addressed all requirements. Your original response and the requested copies must be identical and be complete. The copies are provided to the evaluating staff members and will be used to score your response.
- **Submit your response on time.** Note all the dates and times listed in the RFP and be sure to submit all required items on time. Late proposal responses are ***never*** accepted.

Please Note:

All potential contractors are strongly urged to submit supporting documentation as to their qualifications to perform the Scope of Work.

Certificate of Insurance, Reference List and Timeline must be attached.

If additional comments or conditions are desired, please attach a separate sheet providing details.

Include all proposed equipment specifications, showing manufacturer name, model, etc. depicting unit specifications and other pertinent information.

Certification:

The undersigned on the Bid Proposal certifies that the Instructions to Bidder has been carefully examined, is thoroughly familiar with the terms and specifications applicable to and made part of this Request for Proposal and understands and is capable of meeting the provisions within to the quality, type and grade of work requested. The undersigned further certifies the prices shown in the schedule of items contained within the Proposal/Bid are in accordance with the conditions, terms and specifications of the proposal and that any exception taken thereto may disqualify the bid.

______________________________ ______________
Signature Date

______________________________ ______________
Print Name Title

______________________________ ______________
Email Address Phone

____
Company Name

City of Huber Heights Request for Proposals

RFP 2023-001 (Fire)

Advertised as: Behavioral Health Support Program

Release Date: Tuesday, September 12, 2023 Closing Date: Friday, September 22, 2023

The City of Huber Heights, a municipal corporation, Montgomery County, Ohio

1. General Information

1.1. The City of Huber Heights invites qualified firms to submit proposals for clinical behavioral health support for Huber Heights Police Division members. Proposals shall be submitted in accordance with the Documents and Requirements as set forth in this formal "Request for Proposals." The Contract that will result from this "Request for Proposals" will include what is indicated in Section 4 "Scope of Work" of this RFP.

1.2. A City Review and Selection Committee will evaluate the proposals submitted.

1.3. During evaluation, the City Review and Selection Committee reserves the right, where it may serve the City's best interest, to request additional information or clarification from the Offeror, or to allow corrections of errors or omissions. Oral interviews may be conducted by the City Review and Selection Committee for the Contractors who submit a Proposal and were short listed.

1.4. Submission of a proposal indicates acceptance by the Offeror of the conditions contained in this Request for Proposals, unless clearly and specifically noted in the proposal submitted and confirmed in the resultant contract between the City of Huber Heights and the Contractor selected.

1.5. There is no expressed or implied intent or obligation for the City of Huber Heights to reimburse responding firms for any expenses incurred in preparing proposals, as well as travel expenses during interviews in response to this Request for Proposals.

1.6. The City of Huber Heights shall reserve the right to terminate any agreement resultant from this solicitation and subsequent action for cause but not limited to inadequacy of performance.

Contact Person/Communication

1.7. Until the receipt and opening of proposals, the proposers' principal contact with the City of Huber Heights will be as listed below. All questions are to be submitted in writing and potential Bidders will receive copies of all questions and answers except for the questions that are considered proprietary. Questions will only be received through Fire Chief Keith Knisley
City of Huber Heights Fire Division
7008 Brandt Pike
Huber Heights, Ohio 45424
937-233-1564
Email: kknisley@hhoh.org

1.8. All contacts and communication regarding the proposal should be with the above-named individual only. Bidders contacting other City Staff or Officials may be disqualified for doing so.

2. Background Information

2.1. The City of Huber Heights, Fire Division, a municipal corporation, Montgomery County, Ohio was awarded funding through the State of Ohio's American Rescue Plan Act (ARPA) *First Responder Wellness, Recruitment, Retention, and Resiliency program* for clinical behavioral health support for Huber Heights Police Division members until December 31st, 2024.

3. Definitions: The following definitions are used in this Agreement

3.1. HHPD – Huber Heights Police Division

4. Scope of Project:

4.1. The clinician team will provide

4.1.1. Clinician shall be Individually Licensed through a state agency.

4.1.2. Clinicians with experience working with Public Safety First Responders.

4.1.3. Clinicians should possess Trauma Informed Care certificate that meets the Trauma Informed Competencies as determined by the Ohio Department of Job & Family Services and the Ohio Department of Mental Health and Addiction Services.

4.1.4. Availability for on scene call-outs 24/7.

4.1.5. Monthly Station Visits - provide first responders the opportunity to meet individually to discuss cumulative stress and to reduce the stigma of receiving behavioral health services.

4.1.6. 1:1 Private 30-minute Clinical visits for all HHPD first responders (Maximum number of participants will be 65 officers or dispatchers).

4.1.7. Continuing Education opportunities for all members in a lectured base format that meets the requirements for continuing education for Emergency Medical Services (EMS). Minimum of 3 – 3-hour lectures annually.

4.1.8. Referrals and resources for follow-up as necessary

4.1.9. Clinical consultation for Command Staff and Peer Support Team to determine framework for current and future needs of members. Following initial institution of program, consultation for Command Staff and Peer Support Team as needed.

4.1.10. Awardee shall follow all applicable portions of Heath Insurance Portability and Accountability Act (HIPAA).

5. Program Components

5.1. The awardee will provide an assigned clinician to the HHPD for the purposes of providing education, support, and clinical oversight. The clinician shall also visit the Huber Heights Police Station monthly to ensure and maintain the mental health of HHPD members.

5.1.1. Monthly Station visits

5.1.2. Consultation, Oversight, Education (8 hours per month) as indicated in Scope of Project.

5.1.3. Availability of personnel to assist during or after traumatic experiences, 24/7.

6. TRAINING

6.1. Initial Training with members on program components, benefits, and resources available.

7. RFP Requirements:

7.1. Submitting RFP Proposal packages: Offeror will submit a comprehensive and thorough written plan for Fire Chief Keith Knisley. Pricing must be listed on the proposal, and no sales tax should be included.

8. Evaluation of Proposals and Required Information

8.1. Proposals submitted will be evaluated by the City Review and Selection Committee.

8.2. The Committee may call for oral interviews. The City reserves the right to retain all proposals submitted and use and idea in a proposal regardless of whether or not said proposal is selected.

8.3. The evaluation factors considered in the selection process will weigh heavily into the City's decision-making process. These evaluation requirements are considered to be minimum requirements. More points may be awarded for exceeding the minimum requirements.

9. Right to Reject Proposals

9.1. Submission of proposals indicates acceptance by the Offering Firm of the Conditions contained in this RFP, unless clearly and specifically noted in the proposal submitted and confirmed in the subsequent Agreement between the City of Huber Heights and the selected firm.

9.2. The City of Huber Heights reserves the right to reject any or all proposals and to award to the proposer the City determines to be most qualified and whose award of the contract will be in the best interests of the City.

9.3. Late proposals will not be accepted. Offerors are held responsible that their proposals arrive at the City of Huber Heights on or before the designated date and time.

10. Withdrawal of Proposals

10.1. Requests to withdraw proposals received after the date and time set for bid opening will not be considered. Only requests to withdraw proposals prior to that date and time will be considered.

11. Contract Termination

11.1. The City of Huber Heights reserves the right to terminate any subsequent Agreement or Contract as a result of this RFP if the Contractor does not perform as required by the Terms and Conditions therein.

*** END OF DOCUMENT ***

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO SOLICIT A REQUEST FOR PROPOSALS FROM BEHAVIORAL HEALTH PROVIDERS TO PROVIDE BEHAVIORIAL SUPPORT SERVICES FOR MEMBERS OF THE POLICE DIVISION.

WHEREAS, it is necessary to identify trained professionals to provide behavioral support services as granted by the State of Ohio ARPA Funding for First Responders; and

WHEREAS, the behavioral health for members of the Fire Division and Police Division is important; and

WHEREAS, Council has authorized the Fire Division to apply for grant funding for this project.

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

Section 1. The City Manager is hereby authorized to solicit a Request For Proposals (RFP) from firms that provide behavioral supports services for members of the Police Division.

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

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

Passed by Council on the ____ day of ________, 2023;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

______________________________	______________________________
Clerk of Council	Mayor
______________________________	______________________________
Date	Date

AI-9459		**Topics of Discussion**	E.
Council Work Session			
Meeting Date:	09/05/2023		
Assistance To Firefighters Grant Acceptance			
Submitted By:	Keith Knisley		
Department:	Fire		
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	09/05/2023
Audio-Visual Needs:	None	**Emergency Legislation?:**	No
Motion/Ordinance/ Resolution No.:			

Agenda Item Description or Legislation Title

Assistance To Firefighters Grant Acceptance

Purpose and Background

The Huber Heights Fire Division has submitted an Assistance To FirefightersGrant (AFG) application in an amount not to exceed $374,545.45 for the purchase and installation of mobile and portable radios to connect with the State of Ohio Multi-Agency Radio Communications System for a total project cost of $412,000.

Fiscal Impact

Source of Funds:	Grant Funding
Cost:	$412,000
Recurring Cost? (Yes/No):	No
Funds Available in Current Budget? (Yes/No):	No
Financial Implications:	

Attachments

Award Letter

Resolution

Award Letter

U.S. Department of Homeland Security
Washington, D.C. 20472

Effective date: 08/11/2023

FEMA

Keith Knisley
CITY OF HUBER HEIGHTS
6131 TAYLORSVILLE ROAD
HUBER HEIGHTS, OH 45424

EMW-2022-FG-09257

Dear Keith Knisley,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year (FY) 2022 Assistance to Firefighters Grant (AFG) Grant funding opportunity has been approved in the amount of $374,545.45 in Federal funding. As a condition of this grant, you are required to contribute non-Federal funds equal to or greater than 10.0% of the Federal funds awarded, or $37,454.55 for a total approved budget of $412,000.00. Please see the FY 2022 AFG Notice of Funding Opportunity for information on how to meet this cost share requirement.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- 2022 AFG Notice of Funding Opportunity (NOFO) - incorporated by reference

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Sincerely,

PAMELA WILLIAMS
Assistant Administrator, Grant Programs

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT, UNDER CERTAIN TERMS AND CONDITIONS, IN AN AMOUNT NOT TO EXCEED $412,000.00 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY ASSISTANCE TO FIREFIGHTERS GRANT (AFG).

WHEREAS, protecting the health and welfare of the citizens of Huber Heights is a basic function of a municipal government requiring full attention; and

WHEREAS, the Huber Heights Fire Division has submitted an AFG application in an amount not to exceed $412,000.00 for the purchase of mobile and portable radios and installation of said equipment; and

WHEREAS, as a condition of the grant, the Huber Heights Fire Division must agree to provide a 10% match in the amount not to exceed $37,454.55; and

WHEREAS, the Federal share of the project equals 374,545.45; and total project cost shall not exceed $412,000.00; and

WHEREAS, the Fire Division has been awarded this grant project and time is of the essence to ensure that the grant awarded to the City is formally accepted and executed appropriately while expediting the acquisition and deployment of mobile and portable radio equipment.

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

Section 1. The City Manager is hereby authorized to accept the Department of Homeland Security AFG.

Section 2. The City Manager is further authorized to utilize State of Ohio State Term Pricing Schedule for the purchase of Motorola Solutions equipment with a not to exceed amount up to $398,000.00 and that appropriate arrangements are made to meet the City's 10% match not to exceed $37,454.55.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the ____ day of ______, 2023;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

______________________________	______________________________
Clerk of Council	Mayor
______________________________	______________________________
Date	Date

AI-9472		**Topics of Discussion**	F.
Council Work Session			
Meeting Date:	09/05/2023		
Sheetz - Detention Pond Agreement			
Submitted By:	Geri Hoskins		
Department:	Planning	**Division:**	Planning
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	09/05/2023
Audio-Visual Needs:	SmartBoard	**Emergency Legislation?:**	No
Motion/Ordinance/ Resolution No.:			

Agenda Item Description or Legislation Title

Sheetz - Detention Pond Agreement

Purpose and Background

This agenda item is for Council consideration of an agreement between the City and Sheetz, Inc for the construction, use and maintenance of a shared stormwater detention facility. In exchange for soil to grade the site of the new Sheetz convenience store, Sheetz will construct a regional detention basin to satisfy their stormwater storage needs and future development sites north of Executive Boulevard. This agreement authorizes Sheetz to use up to 25% of the basin capacity and the remaining 75% is reserved for future development needs. Future maintenance costs will be shared on a prorated utilization basis.

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

Agreement

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO ENTER INTO A DETENTION POND EASEMENT AGREEMENT WITH SHEETZ, INCORPORATED.

WHEREAS, the City of Huber Heights desires to facilitate economic and community development opportunities; and

WHEREAS, developing the properties known as the Lehman Farm requires stormwater management best practices; and

WHEREAS, the City desires to develop water quality and water storage solut ons to ameliorate the effects of stormwater runoff; and

WHEREAS, Sheetz Incorporated requires additional soil to construct their facility; and

WHEREAS, the City and Sheetz Incorporated have negotiated this detention pond easement agreement for the mutual benefit of both parties.

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

Section 1. The City Manager is hereby authorized to execute this Detention Pond Easement Agreement with Sheetz, Incorporated in substantial form as attached hereto as Exhibit A with any changes thereto not inconsistent with this Resolution and not substantially adverse to the City and which shall be approved by the City Manager and the Law Director.

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

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

Passed by Council on the ____day of______, 2023;
_____Yeas; _____Nays.

Effective Date:

AUTHENTICATION:

____________________________	____________________________
Clerk of Council	Mayor
____________________________	____________________________
Date	Date

This instrument prepared by
and after recording return to

Kayne Law Group, Co. P.A.
612 Park Street, Suite 200
Columbus, Ohio 43215
Attn: Christopher Gant, Esq.

DETENTION POND EASEMENT AGREEMENT

This DETENTION POND EASEMENT AGREEMENT (this "**Agreement**") is executed, delivered and made effective as of this ____ day of _____________, 2023 (the "**Effective Date**"), by and between **City of Huber Heights**, an Ohio charter municipal corporation ("**Grantor**"), and **Sheetz Inc.,** a Pennsylvania corporation ("**Grantee**").

Background Information

A. Grantor and Grantee each own certain adjacent parcels of real property located at or near the southwest corner of the intersection of Executive Boulevard and Brandt Pike in Huber Heights, Ohio.

B. Grantor's parcel, containing approximately 7.817± acres, is more particularly described in **Exhibit A**, attached hereto and made a part hereof (the "**Grantor Property**").

C. Grantee's parcels containing approximately 3.238+/- acres is more particularly described on **Exhibit B**, attached hereto and made a part hereof (the "**Grantee Property**"; collectively, the Grantee Property and the Grantor Property are sometimes referred to as the "**Properties**" and individually sometimes as a "**Property**").

D. The Properties are generally depicted on the site plan as **Exhibit C**, attached hereto and made a part hereof (the "**Site Plan**").

E. Grantor has agreed to grant Grantee an easement for the construction, use and maintenance of a detention pond on Grantor Property, on the terms and conditions set forth below.

AGREEMENT

NOW, THEREFORE, in consideration of the premises, as set forth in the foregoing Background Information, and of the mutual promises herein set forth, and other good and valuable consideration paid, the Parties do hereby agree as follows:

ARTICLE I
Easements

1.01. Detention Pond Easement to Grantee. Grantor hereby grants and conveys to Grantee, a permanent, non-exclusive easement appurtenant to the Grantee Property, over, under and across the portion of the Grantor Property depicted as the "**Detention Pond**" on the Site Plan, for the installation, operation, flow, passage, use, maintenance, connection, repair, relocation and removal of storm water lines, connections and related improvements, and for the inflow and outflow of stormwater drainage from the Grantee Property into the Detention Pond, together with the right of ingress and egress for the foregoing purposes. The easement boundaries are those of the Detention Pond as hash marked on the Site Plan. Notwithstanding the foregoing, Grantee's utilization of the Detention Pond shall not exceed more than 25% of the overall capacity (as constructed) of the Detention Pond without written approval from Grantor (with such approval not to be unreasonably withheld, conditioned, denied or delayed). Additionally, Grantor reserves for itself, its successors and assigns and Grantor Property and furthermore shall have the right to grant easement rights to additional third parties for use of the Detention Pond (as above described), provided, however, that such additional use of the Detention Pond by these third parties, when combined with Grantee's use, shall not exceed the as built capacity of the Detention Pond.

1.02. Grantee's Temporary Construction Easement. Grantor hereby grants and conveys to Grantee a non-exclusive temporary construction easement over and across Grantor Property for the benefit of the Grantee Property to construct, install, and perform the installation, maintenance and repair of the Detention Pond and related improvements in accordance with Section 2.01 below. Grantee shall not damage or commit waste to Grantor's Property, provided, however, that no work contemplated in this Agreement shall be deemed to be in violation of this sentence and Grantee shall reasonably restore, at its cost and expense, any affected portion of Grantor Property to the condition existing at the time of entry. The temporary construction easement described in this Section 1.02 shall expire on the earlier of: (a) one (1) year after final completion of the Detention Pond, or (b) December 31, 2024.

1.03. Grantor's Perpetual Maintenance and Repair Easement. Grantee hereby grants and conveys to Grantor, its successors and assigns a non-exclusive perpetual maintenance and repair easement over and across a portion of the Grantee Property for the benefit of the Grantor Property to perform maintenance and repair of the Detention Pond and related improvements in accordance with Section 2.01 below. The perpetual maintenance and repair easement described in this Section 1.03 is an easement appurtenant and shall run with the land. Notwithstanding the foregoing, Grantor shall at no time (i) block access or visibility to the Grantee Property or the signage thereon, (ii) obstruct or interfere with the business operations on the Grantee Property or (iii) store construction vehicles or materials on the Grantee Property. Further, Grantor shall reasonably restore, at its sole cost and expense, any affected portion of the Grantee Property to the condition and grade thereof existing at the time of entry upon the same. Grantee reserves the right to pave and/or landscape the Grantee Property and to use the Grantee Property for any purpose that does not unreasonably interfere with the rights of Grantor herein, including without limitation for parking, gardens, shrubs, trees, landscaping, driveways, curbing, signage and utilities (including any related improvements).

ARTICLE II
Maintenance Obligations

2.01 Construction, Maintenance, and Repair of the Detention Pond.

(a) Grantee shall, at its sole cost and expense, initially construct and install the Detention Pond and related facilities and improvements (the "**Detention Pond Work**"), in substantial accordance with the plans set forth on **Exhibit D** (the "**Detention Pond Plans**"), attached hereto and made a part hereof, and perform the same in a good and workmanlike manner using commercially reasonable materials. Grantor acknowledges and agrees that it has reviewed and approved the Detention Pond Plans. Grantor further acknowledges and agrees that Grantee may use the dirt from the excavation of the Detention Pond to level and grade the Grantee Property. Upon completion of the Detention Pond Work, Grantee shall deliver written notice to Grantor of the same and Grantor shall have 15 business days to inspect the Detention

Pond to determine the same was completed in substantial accordance with the Detention Pond Plans. If Grantor fails to inspect the Detention Pond within said 15 business day period, then the Detention Pond Work shall be deemed complete and accepted by Grantor.

(b) Following the final completion of the Detention Pond Work including Grantor's inspection thereof and Grantee's subsequent completion of any reasonable corrective Detention Pond Work in order to bring the Detention Pond substantially in accordance with the Detention Pond Plans, and commencing one (1) year after the date of said final completion, Grantor shall maintain and repair the Detention Pond such that the same is in a good, safe, operational, and clean condition. Prior to such anniversary date, Grantee shall be solely responsible for the maintenance and repair of the Detention Pond and Grantor acknowledges and agrees that Grantee shall have the right to reasonably enter upon the Grantor Property for such purposes and in accordance with Section 1.02 of this Agreement. Thereafter Grantee shall pay to Grantor its "**Pro Rata Share**" of the reasonable costs incurred by Grantor in performing such maintenance and repair of the Detention Pond. The term Pro Rata Share shall mean the percentage of the Detention Pond's overall capacity utilized by Grantee in relation to other users of the Detention Pond after the sale or lease of Grantor Property and development of same. The Parties acknowledge and agree that Grantee's Pro Rata Share shall initially be 100%. Grantor acknowledges and agrees that it shall be responsible for obligating any third parties utilizing the Detention Pond to reimburse Grantor for such maintenance and repair costs.

(c) Grantee shall provide a maintenance bond to and for the benefit of Grantor to secure Grantee's maintenance and repair obligations for the Detention Pond, which shall be equal to 100% of the construction cost of the Detention Pond. The maintenance bond shall be for a period of one (1) year from the date of final completion of the Detention Pond.

In the event that Grantor fails to maintain the Detention Pond in accordance with Section 2.01(b) above, then Grantee shall have the right after written notice to Grantor and the expiration of a thirty (30) day cure period (emergency excepted) to perform the necessary maintenance and/or repair to the Detention Pond, and Grantor shall fully reimburse Grantee for the reasonable costs actually incurred in performing such maintenance. In the event Grantee fails to maintain and repair the Detention Pond in accordance with Section 2.01(b) or secure and/or keep in effect the maintenance bond in accordance with Section 2.01(c) above, then Grantor shall have the right after written notice to Grantee and the expiration of a thirty (30) day cure period (emergency excepted) to perform the necessary maintenance and/or repair to the Detention Pond, and Grantee shal fully reimburse Grantor for the reasonable costs actually incurred by Grantor in performing such maintenance.

ARTICLE III
Insurance; Indemnification

3.01. Insurance. Each Party shall, at its own expense, obtain, carry and keep in force commercial general liability insurance against any liability or claim for personal injury, wrongful death or property damage for which the Party is responsible to the other under this Agreement or by law, with financially responsible insurers authorized to transact insurance business in the State of Ohio, with a combined single limit of not less than $2,000,000.00 per occurrence. Such insurance shall include all of the coverage typically provided by the Broad Form Comprehensive General Liability Endorsement. Such insurance may be written by additional premises endorsement on any master policy of insurance which may cover other property in addition to the Properties which form the subject of this Agreement; provided that the insurer shall provide a schedule to each Party showing that the coverage provided by such policy shall (a) meet the requirements of this Agreement; (b) not be reduced by any claims made with respect to other properties; and (c) be in such amount as will preclude the insureds from being held to be co-insurers. The policies shall name Grantee and Grantor as additional insureds (as their interests may appear) and shall provide that they may not be canceled without 30 days' prior written notice to both insureds. Upon request, each Party shall provide to the other a certificate of insurance evidencing such coverage.

3.02. Indemnification.

(a) By Grantor. Except for injuries, deaths, losses, damages, or other matters resulting from the acts or omissions of Grantee or of Grantee's agents, employees, servants, contractors and licensees, Grantor shall indemnify Grantee and save it harmless from and against all loss, liability, damage, actions, causes of action, or claims for injury, death, loss or damage of whatever nature to any person, property or business interest caused by or resulting from an act or omission of Grantor or of Grantor's agents, employees, servants, contractors or licensees arising out of Grantor's use and occupancy of the Grantor Property, and from and against any and all costs, expenses or liabilities (including reasonable fees of attorneys, paralegals, experts, court reporters and others) incurred by Grantee in connection with any claim, action or proceeding in respect of any such loss, liability, damage or claim.

(b) By Grantee. Except for injuries, deaths, losses, damages, or other matters resulting from the acts or omissions of Grantor or of Grantor's agents, employees, servants, contractors and licensees, Grantee shall indemnify Grantor and save it harmless from and against all loss, liability, damage, actions, causes of action, or claims for injury, death, loss or damage of whatever nature to any person, property or business interest caused by or resulting from an act or omission of Grantee or of Grantee's agents, employees, servants, contractors or licensees arising out of Grantee's use and occupancy of the Grantee Property, and from and against any and all costs, expenses or liabilities (including reasonable fees of attorneys, paralegals, experts, court reporters and others) incurred by Grantor in connection with any claim, action or proceeding in respect of any such loss, liability, damage or claim.

3.03. Lien Removal. If, as a result of either Party's (the "**Contracting Party's**") exercise of any of the rights granted to it in this Agreement to enter onto and/or perform work upon the other Party's Property, a lien is filed by any contractor, subcontractor, laborer or materialman, then the Contracting Party shall discharge, bond or otherwise remove each such lien within 30 days following written notice from the other Party. If the Contracting Party fails to so discharge, bond or otherwise remove any such lien within such period of time, the other Party may do so and the Contracting Party shall reimburse the other Party upon demand therefor for the reasonable cost thereof, including, without limitation, reasonable attorney fees incurred in discharging such lien, and Interest (as defined in Section 4.02(a) below).

ARTICLE IV
Defaults and Remedies

4.01. Defaults. If any Party (the "**Defaulting Party**") should fail to observe any of the terms, conditions, restrictions or provisions of, or should fail to perform any of its covenants or obligations under this Agreement within a period of 30 days after the other Party (the "**Non-defaulting Party**") has given to the Defaulting Party written notice thereof, then the Defaulting Party shall be in default under this Agreement; provided that if the obligation is of such a nature that the same cannot, with due diligence, be reasonably performed within such 30-day period, then such default shall be deemed to have been cured if the Defaulting Party commences such performance within such 30-day period and thereafter undertakes and proceeds with due diligence to complete the same and does complete the same within a reasonable time. If a default has occurred and is not cured within the time period specified in this Section 4.01, then the Non-defaulting Party shall have all of the rights and remedies afforded to it by law and also all of the rights and remedies set forth in Section 4.02 hereof (whether or not they are expressly provided by statute or recognized by judicial precedent), any one or more of which may be exercised and enforced independently or concurrently at any time that such default remains uncured, without waiving any of the Non-defaulting Party's other rights and remedies, and all of which shall, to the extent applicable, survive the termination of any right granted in this Agreement.

4.02. Remedies.

(a) Cure. Following the expiration of the applicable cure period, the Non-defaulting Party may, at its election, cure any monetary default of the Defaulting Party under this Agreement; and if the Non-defaulting Party should do so, then it shall be entitled to be reimbursed for such costs, together with interest ("**Interest**") thereon at the lower of (i) the rate of 10% per annum, or (ii) the maximum rate permissible from time to time under applicable law, from the date of the expenditure or the date when it shall have become due to the date of payment in full. Such costs and Interest shall be payable upon demand and presentation of such documentation that such costs were actually incurred by the Non-defaulting Party. Any provision of this Agreement to the contrary notwithstanding, all sums due from a Party under the provisions of Article IV of this Agreement shall be in all respects subject and subordinate to the lien of any mortgages or deeds of trust at any time or from time to time encumbering the Property of the Defaulting Party, and to the rights of the holder or holders of any indebtedness secured by the same.

(b) Civil Actions. Following the expiration of the applicable cure period, the Non-defaulting Party may bring an action against the Defaulting Party for the specific performance of any obligation undertaken by the Defaulting Party in this Agreement, for injunctive or other equitable relief, or for damages in any court of competent jurisdiction for Montgomery County, Ohio or such other jurisdiction as may be agreed to between the Parties, in order to enforce the rights and remedies available to the Non-defaulting Party.

ARTICLE V
Miscellaneous Provisions

5.01. Successors and Assigns. This Agreement shall inure to the benefit of and be binding upon the respective successors and assigns (including successive, as well as immediate, successors and assigns) of the Parties.

5.02. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the state of Ohio. For all litigation, disputes and controversies which may arise out of or in connection with this Agreement, the undersigned hereby waive the right to trial by jury and consent to the jurisdiction of the courts in the state of Ohio, Montgomery County. In the event either party hereto brings or commences legal proceedings to enforce any of the terms of this Agreement, the successful party shall then be entitled to receive from the other party(s), in every such action commenced, a reasonable sum as attorneys' fees and costs, including all fees and costs incurred upon any appeals, to be fixed by the court in the same action.

5.03. Intentionally Deleted.

5.04. Duplicate Originals. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be a duplicate original, but all of which, taken together, shall constitute a single instrument. Signature pages may be detached from multiple separate counterparts and attached to a single counterpart so that all signature pages are physically attached to the same document.

5.05. Severability. If any provision of this Agreement or the application of any provision to any Person or any circumstance shall be determined to be invalid or unenforceable, then such determination shall not affect any other provision of this Agreement or the application of said provision to any other Person or circumstance, all of which other provision shall remain in full force and effect.

5.06. Amendments in Writing. No change, amendment, termination or attempted waiver of any of the provisions of this Agreement shall be binding upon any Party unless in writing and signed by the Parties.

5.07. Agreement for Exclusive Benefit of Parties. The provisions of this Agreement are for the exclusive benefit of the Properties, the Parties (and their successors and assigns) and the Permittees of the Parties and not for the benefit of any other Persons, and this Agreement shall not be deemed to have conferred any rights, express or implied, upon any other Persons.

5.08. Covenants Run With the Land. It is intended that the covenants, easements, agreements, promises and duties of each Party, as set forth in this Agreement, shall be construed as covenants and not as conditions and that all such covenants shall (subject to the provisions of Section 5.11 hereof) be enforceable against the covenantor and shall also run with the land or constitute equitable servitudes as between the Property of the respective covenantor, as the servient tenement, and the Property of the respective covenantee, as the dominant tenement. If a Property is subdivided and sold, any obligation or expense attributed to a subdivided parcel shall be deemed an expense of such subdivided parcel and the then owner thereof. Any owner of a Property which is the subject hereof may grant the benefit of, or allow the use of, any right, easement or interest hereunder to any Permittee of any owner from time to time; provided that any such Permittee shall have no greater rights than its permittor and shall look solely to its permittor (or to such permittor's successors or assigns), in each case, for the enforcement of the provision of this Agreement.

5.09. No Merger. All of the provisions of this Agreement are for the mutual benefit and protection of the present and all future owners of the Properties; and if there should at any time be common ownership of any of the Properties, or any estate therein then it is the intention of the Parties that there be no merger into the respective fee simple estates of the rights and benefits and the obligations and burdens of this Agreement, but rather that such rights and benefits and such obligations and burdens shall be separately preserved for the benefit of all future owners of the fee simple estates in the Properties.

5.10. No Dedication. Nothing in this Agreement shall be deemed to constitute a gift, grant or dedication of any portion of the Grantee Property or the Grantor Property to the general public or for any public purpose; provided that the Parties shall have the right to extend the benefit of any of the easements granted herein to any governmental unit, public body and/or utility company for the purpose of the construction, installation, operation, maintenance, repair, relocation, modification, extension or alteration of utility lines and related facilities, but such grant shall be subject to the terms and conditions hereof.

5.11. Termination of Liability Upon Transfer. If the owner of a Property should transfer its fee simple interest (or any portion thereof) in and ownership of such Property, then the obligation and liability of the transferor for the subsequent performance or breach of any covenant or provision contained in this Agreement, occurring after the date of such transfer, shall automatically be terminated; and the transferee, by the acceptance of the conveyance of such fee simple interest, shall automatically be deemed to have accepted, assumed and agreed to observe or perform all such covenants or provisions after the date of such transfer.

5.12. Definition of Certain Terms. As used in this Agreement, the term "**Person**" means a corporation, association, partnership, limited liability company, trust, estate, governmental agency or other entity, as well as an individual or natural person, unless the context otherwise requires, the term "**Permittee**" means the respective employees, agents, customers, contractors, licensees, guests and invitees of Grantee or Grantor, and the term "**Party**" means Grantee or Grantor individually (or "**Parties**" shall mean Grantee and Grantor collectively) and their respective successors and assigns.

5.13 Authority. Grantor and Grantee represent to the other that it has the authority to enter into this Agreement and bind said Party to the terms thereof. This Agreement is expressly contingent upon its approval by City Council of Grantor and the appropriation of required funds for Grantor's obligation hereunder on an annual basis.

5.14. Index of Exhibits. The following exhibits attached to this Agreement are hereby incorporated herein:

Exhibit A – Grantor Property Legal Description
Exhibit B – Grantee Property Legal Description
Exhibit C – Site Plan
Exhibit D – Detention Pond Plans

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]
Signature and Acknowledgment Pages Follow

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives, to be effective as of the date first above written.

DETENTION POND EASEMENT AGREEMENT
(Grantor Signature and Acknowledgment)

GRANTOR:

City of Huber Heights, Ohio,
an Ohio municipal charter corporation

By: ______________________________
Name: ____________________________
Its: ______________________________

ACKNOWLEDGEMENT :

State of Ohio
County of Montgomery

The foregoing instrument was acknowledged before me this _______ day of ____________, 2023 by ____________________, the __________________ of the City of Huber Heights, Ohio, an Ohio municipal charter corporation, on behalf of said municipal charter corporation. No oath or affirmation was administered to the signer with regard to the notarial act.

____
Notary Public
My commission expires:

DETENTION POND EASEMENT AGREEMENT
(Grantee Signature and Acknowledgment)

GRANTEE:

Sheetz, Inc.,
a Pennsylvania corporation

By: ______________________
Name: ____________________
Its: ______________________

This is an acknowledgment certificate. No oath or affirmation was administered to the signer with regard to the notarial act.

Commonwealth of Pennsylvania)
County of __________________) SS:

The foregoing instrument was acknowledged before me, the undersigned Notary Public in and for said State and County, on this ___ day of __________________, 2023, by _______________________, the __________________ of Sheetz, Inc., a Pennsylvania corporation, on behalf of said corporation.

____
Notary Public
My Commission Expires: _______

EXHIBIT A
GRANTOR PROPERTY LEGAL DESCRIPTION

DESCRIPTION

Containing 7.817 Total Acres

Situated in Section 18, Town 2, Range 8 M.Rs., City of Huber Heights, Montgomery County, Ohio and being part of a tract conveyed to the City of Huber Heights, as recorded in I.R. Deed 19-054747, and being more particularly described as follows:

Beginning at a point in the northerly line of Lot 1, Meijer 241 Plat, as recorded in Plat Book 205, Page 27, and in the southerly right-of-way line of Executive Boulevard (R/W VARIES), as recorded in Plat Book 185, Page 4A;

Thence following the southerly right-of-way line of Executive Boulevard, the following courses:

1. Along a non tangent curve to the left, with **a radius of 612.67 feet, arc length of 195.51 feet, delta of 18°17'02"**, subtended by a chord of North 67°38'40" East, a distance of 194.68 feet to a point;
2. **North 58°30'08" East**, a distance of **618.87 feet** to a point;
3. **North 60°37'01" East**, a distance of **114.68 feet** to a point;
4. Along a curve to the right, with **a radius of 620.00 feet, arc length of 69.97 feet, delta of 6°27'59"**, subtended by a chord of North 63°51'00" East, a distance of 69.94 feet to a point;

Thence leaving said right-of-way line and along a new division line through the aforesaid City of Huber Heights parcel the following courses:

1. **South 24°46'14" East**, a distance of **39.92 feet** to a point;
2. **South 84°46'14" East**, a distance of **70.00 feet** to a point;
3. **South 03°04'45" West**, a distance of **263.54 feet** to a point;
4. **South 64°16'18" East**, a distance of **161.23 feet** to a point;
5. **South 84°31'07" East**, a distance of **139.02 feet** to a point in westerly right-of-way line of Brandt Pike (State Route 201) (R/W VARIES) Highway Easement, as recorded in Deed Book 1837, Page 634;

Thence along said westerly right-of-way line of Brandt Pike the following courses:

1. **South 05°47'06" West**, a distance of **124.90 feet** to a point;
2. **South 10°55'58" East**, a distance of **87.52 feet** to a point in the northerly line of aforementioned Lot 1;

Thence along the northerly line of said Lot 1, **North 84°40'15" West**, a distance of **1235.71 feet** to the **Point of Beginning;**

Containing **7.817 acres**, more or less.

EXHIBIT B
GRANTEE PROPERTY LEGAL DESCRIPTION

RECORD PLAN

SECTION 18, TOWN 2, RANGE 8, M.Rs.
CITY OF HUBER HEIGHTS, MONTGOMERY COUNTY, OHIO
CONTAINING 4.0381 ACRES

VICINITY MAP:
NOT TO SCALE

LOT 1	AREA
PART OF P________	1.5303 ACRES
PART OF P70-03910-0012	1.3720 ACRES
TOTAL	2.9023 ACRES

	RIGHT-OF-WAY DEDICATED
PART OF P________	0.4301 ACRES
PART OF P70-03910-0012	0.7057 ACRES
TOTAL	1.1358 ACRES

OCCUPATION STATEMENT:
OCCUPATION GENERALLY FITS BOUNDARY

SUPERIMPOSED AREA NOTE:
ALL OF THE LANDS OF THE DEDICATOR OF SUCH PLAT ARE DRAWN AS SHOWN HEREON.

SURVEYOR'S NOTES:

1. ALL DATA SOURCES, DOCUMENTS AND RECORDS SHOWN HEREON ARE ON FILE IN THE MONTGOMERY COUNTY RECORDERS OFFICE LOCATED IN DAYTON, OHIO.
2. ALL MONUMENTATION SHOWN HEREON IS IN GOOD CONDITION UNLESS OTHERWISE NOTED.
3. HORIZONTAL DATUM = U.S. STATE PLANE, NAD83 OHIO SOUTH (3402) ESTABLISHED FROM UTILIZING THE OHIO REAL TIME NETWORK (RTN) PROVIDED BY THE OHIO DEPARTMENT OF TRANSPORTATION. COORDINATES TAKEN TO GROUND AT LATITUDE N39°52'17.83472", LONGITUDE W84°07'58.48892", PROJECT HEIGHT 838.768 GROUND SCALE FACTOR 1.000049, BASIS OF BEARING CENTERLINE OF BRANDT PIKE (S05°23'26"W).
4. SURVEY PREPARED FROM FIELDWORK COMPLETED IN OCTOBER 2022.

MONUMENT LEGEND:

LEGEND:

PROPOSED BOUNDARY
ADJACENT BOUNDARY
EASEMENT LINE

SURVEYOR'S CERTIFICATION

I CERTIFY THAT THE BOUNDARY OF THIS SUBDIVISION WAS PREPARED IN ACCORDANCE WITH OHIO ADMINISTRATIVE CODE CHAPTER 4733-37 AND CONFORMS TO OHIO REVISED CODE CHAPTER 711. ALL MONUMENTATION IS OR WILL BE SET AS SHOWN.

SIGNED ______________________ DATE
SEAN T. BROOKS
OHIO P.S. #8828

DESCRIPTION:

THE WITHIN IS A RECORD PLAN LOCATED IN SECTION 18, TOWN 2, RANGE 8 M.Rs., CITY OF HUBER HEIGHTS, MONTGOMERY COUNTY, OHIO, BEING LANDS CONVEYED TO ______________ BY I.R. DEED ________ AS RECORDED IN THE DEED RECORDS OF MONTGOMERY COUNTY, OHIO

DEDICATION:

WE, THE UNDERSIGNED, BEING ALL THE OWNERS AND LIENHOLDERS OF THE LANDS BEING CONSOLIDATED, DO HEREBY ACKNOWLEDGE THE MAKING AND SIGNING OF THIS PLAT TO BE OUR VOLUNTARY ACT AND DEED AND RESERVE THE EASEMENTS AS SHOWN WITHIN THE PLAT TO THE PUBLIC USE FOREVER, AND DO DEDICATE THE STREETS AS SHOWN HEREON TO THE PUBLIC USE FOREVER.

EASEMENTS SHOWN WITHIN THE PLAT ARE FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT OR REMOVAL OF WATER, SEWER, GAS, ELECTRIC, TELEPHONE OR OTHER UTILITY LINES OR SERVICES AND FOR THE EXPRESS PRIVILEGES OF REMOVING ANY AND ALL TREES OR OTHER OBSTRUCTIONS TO THE FREE USE OF SAID UTILITIES, AND FOR PROVIDING INGRESS TO AND EGRESS FROM THE PREMISES FOR SAID PURPOSES, AND ARE TO BE MAINTINED AS SUCH FOREVER.

RECORD OWNER; ______________________

______________ (1) WITNESS AS TO 1 AND 2 ______________

______________ (2) WITNESS AS TO 1 AND 2 ______________

CERTIFICATE OF NOTARY

STATE OF OHIO S.S.

COUNTY OF ________

BE IT REMEMBERED THAT ON THIS ____ DAY OF ________ 2023, BEFORE ME, THE UNDERSIGNED A NOTARY PULIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY CAME THE OWNERS, ANDREW AND NATALIE KUMMERER, HUSBAND AND WIFE, TO ME KNOWN, AND ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE FOREGOING PLAT TO BE THIER VOLUNTARY ACT AND DEED. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARY SEAL ON THE DAY AND DATE ABOVE WRITTEN.

______________ NOTARY PUBLIC ______________ MY COMMISSION EXPIRES

LIEN HOLDER

______________ SIGNATURE (3) WITNESS AS TO 3 AND 4 ______________

______________ SIGNATURE (4) WITNESS AS TO 3 AND 4 ______________

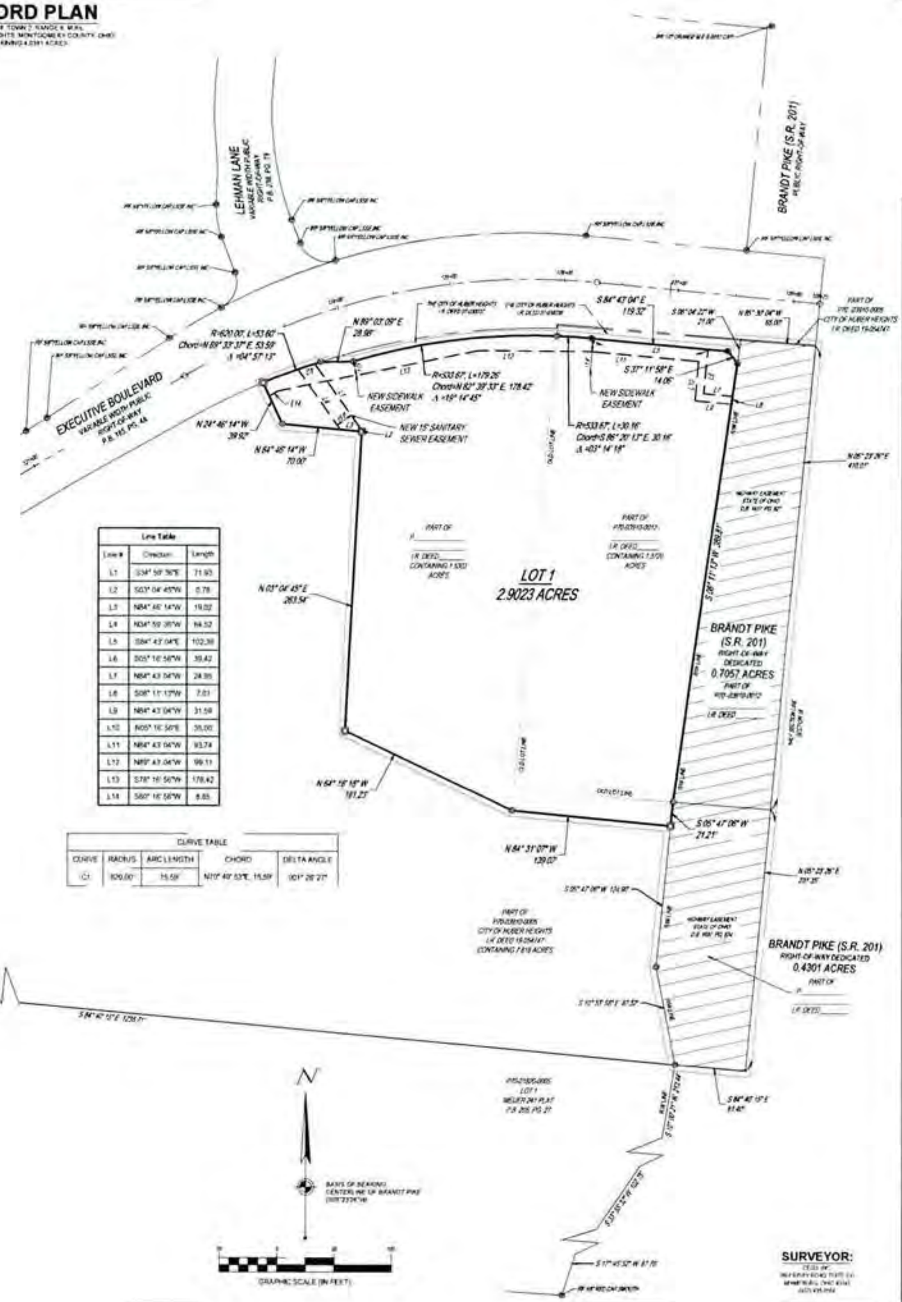
CERTIFICATE OF NOTARY

STATE OF OHIO S.S.

COUNTY OF ______________

BE IT REMEMBERED THAT ON THIS ____ DAY OF ________ 2023, BEFORE ME, THE UNDERSIGNED A NOTARY PULIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY CAME THE OWNERS, ANDREW AND NATALIE KUMMERER, HUSBAND AND WIFE, TO ME KNOWN, AND ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE FOREGOING PLAT TO BE THIER VOLUNTARY ACT AND DEED. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARY SEAL ON THE DAY AND DATE ABOVE WRITTEN.

______________ NOTARY PUBLIC ______________ MY COMMISSION EXPIRES



Line Table		
Line #	Direction	Length
L1	S34° 59' 36"E	71.93
L2	S03° 04' 45"W	0.78
L3	N84° 46' 14"W	19.02
L4	N34° 59' 36"W	94.52
L5	S84° 43' 04"E	102.38
L6	S05° 16' 56"W	39.42
L7	N84° 43' 04"W	24.95
L8	S08° 11' 13"W	7.01
L9	N84° 43' 04"W	31.59
L10	N05° 16' 56"E	35.00
L11	N84° 43' 04"W	93.74
L12	N89° 43' 04"W	99.11
L13	S78° 16' 56"W	178.42
L14	S80° 16' 56"W	8.85

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD	DELTA ANGLE
C1	620.00'	15.59'	N10° 40' 53"E, 15.59'	001° 26' 27"

PREPARED BY:

CESO
WWW.CESOINC.COM

RECORD PLAN

EXECUTIVE BOULEVARD AND BRANDT PIKE
CIT OF HUBER HEIGHTS, MONTGOMERY COUNTY, OHIO

Revisions / Submissions

ID	Description	Date

Project Number:	761668
Scale:	1" = 50'
Drawn By:	TBC
Checked By:	STB
Date:	7/31/2023
Issue:	

Drawing Title
RECORD PLAN

SURVEYOR:

DESCRIPTION

Containing 1.960 Total Acres

Situated in Section 18, Town 2, Range 8 M.Rs., City of Huber Heights, Montgomery County, Ohio and being part of a tract conveyed to the City of Huber Heights, as recorded in I.R. Deed 19-054747, and being more particularly described as follows:

Beginning at a found 5/8" iron pin in the northerly line of Lot 1, Meijer 241 Plat, as recorded in Plat Book 205, Page 27, and in the southerly right-of-way line of Executive Boulevard (R/W VARIES), as recorded in Plat Book 185, Page 4A;

Thence along the northerly line of said Lot 1, South 84°40'15" East, a distance of 1235.71 feet to a set 5/8" iron pin at northeast corner of said Lot 1 and the westerly right-of-way line of Brandt Pike (State Route 201) (R/W VARIES) Highway Easement, as recorded in Deed Book 1837, Page 634, and the **True Point of Beginning;**

Thence along said westerly right-of-way line of Brandt Pike the following courses:

1. **Nortn 10°55'58" West**, a distance of **87.52 feet** to a set 5/8" iron pin;
2. **Nortn 05°47'06" East**, a distance of **124.90 feet** to a set 5/8" iron pin;

Thence leaving said right-of-way line and along a new division line through the aforesaid City of Huber Heights parcel the following courses:

1. **Nortn 84°31'07" West**, a distance of **139.02 feet** to a set 5/8" iron pin;
2. **Nortn 64°16'18" West**, a distance of **161.23 feet** to a set 5/8" iron pin;
3. **Nortn 03°04'45" East**, a distance of **263.54 feet** to a set 5/8" iron pin;
4. **Nortn 84°46'14" West**, a distance of **70.00 feet** to a set 5/8" iron pin;
5. **Nortn 24°46'14" West**, a distance of **39.92 feet** to a set 5/8" iron pin in aforementioned southerly right-of-way line of Executive Boulevard as recorded in Plat Book 185, Page 4A;

Thence along said southerly right-of-way line of Executive Boulevard, Along a non-tangent curve to the right with a radius of **620.00 feet**, an arc distance of **53.60 feet**, a delta angle of **04°57'13"** and a chord bearing North 69°33'37" East, a distance of 53.59 feet to a set 5/8" iron pin in the southerly line of lands conveyed to The City of Huber Heights, as recorded in I.R. Deed 07-030037;

Thence along said southerly line of lands of The City of Huber Heights the following courses:

1. **North 89°03'09" East**, a distance of **28.98 feet** to a set 5/8" iron pin;
2. Along a curve to the right with a radius of **533.67 feet**, an arc distance of **179.26 feet**, a delta angle of **19°14'45"** and a chord bearing North 82°39'33" East, a distance of 178.42 feet to the northwest corner of a parcel conveyed to Laxmi Hospitality LLC as recorded in I.R. Deed 16-070337;

Thence along the west and south line of said Laxmi Hospitality LLC parcel for the following courses:

1. **South 05°16'55" West**, a distance of **400.73 feet** to a set 5/8" iron pin;
2. **South 85°30'05" East**, a distance of **224.22 feet** to a set mag nail in the centerline of aforementioned Brandt Pike, passing a set 5/8" iron pin on the westerly right-of-way line of Brandt Pike at 139.22 feet;

Thence along said centerline of Brandt Pike, **South 05°23'26" West**, a distance of **231.35 feet** to a set mag nail;

Thence leaving said centerline of Brandt Pike, **North 84°40'15" West**, a distance of **61.40 feet** to the **True Point of Beginning.**

Containing **1.960 acres**, more or less. Subject to all covenants, restrictions, reservations and easements contained in any instrument of record pertaining to the above described tract of land.

All iron pins called as set are 5/8" x 30" rebar with yellow cap stamped "CESO".

North and Bearing system based upon the Ohio State Plane South (NAD83) established from utilizing the Ohio Real Time Network (RTN) provided by the Ohio Department of Transportation. Coordinates taken to ground at latitude N39°52'17.63473", longitude W84°05'59.49882", project height 838.768' and ground scale factor of 1.00006810878568. Basis of bearing centerline of Brandt Pike (S05°23'26"W).

This description is based on an actual field survey conducted in October 2022 as recorded in the Montgomery County Engineer's Record of Land Surveys as Volume 2023, Page 0154, under my direct supervision. Registered Professional Number 8828 of the State of Ohio, and that all monuments found or set, correctly represents the boundaries herein described.

STATE OF OHIO
SEAN
BROOKS
PS-8828
REGISTERED
PROFESSIONAL SURVEYOR

CESO, Inc.

6-8-2023

Sean T. Brooks, PS
Registered Surveyor No. 8828

Date

PAUL W. GRUNER, P.E., P.S.
MONTGOMERY COUNTY ENGINEER
APPROVED FOR POINT OF BEGINNING,
ACREAGE AND CLOSURE ONLY
DATE 7/11/2023 FILE NO. 2023-0154
BY

NO PLAT REQUIRED
Approved by Huber Heights
6-13-2023
City Official / Date

Type: Deeds
Kind: DEED
Recorded: 10/3/2019 12:14:01 PM
Fee Amt: $44.00 Page 1 of 4
Montgomery County, OH
Brandon C. McClain Recorder

File# 2019-00054747

TRANSFER
12:06pm OCTOBER 03, 2019
KARL L. KEITH, COUNTY AUDITOR
Conv/Tran #: 03245 $.00

4

2

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Carol Ann Lynn and Jeffrey T. Lynn, husband and wife, grant with general warranty covenants to the City of Huber Heights, Ohio whose tax mailing address is 6131 Taylorsville Road, Huber Heights. OH 45424, the following described real property:

See Exhibit A

Parcel Nos. P70-039-10-0005

Prior Deed References: Instrument No. 2019-00033456 and 2019-00030827 of the Montgomery County, Ohio Deed Records.

This conveyance is made subject to all legal highways and easements, all restrictions, conditions and covenants of record, all zoning restrictions, and all taxes and assessments not yet payable.

Executed this 2nd day of October, 2019.

Carol Ann Lynn
Carol Ann Lynn

Jeffrey T. Lynn
Jeffrey T. Lynn

JA

STATE OF OHIO)
)SS:
COUNTY OF Cuyahoga)

The foregoing instrument was acknowledged before me this 2nd day of October, 2019, by Carol Ann Lynn.

Notary Public
ROBYN L. GREGEL, ATTORNEY
NOTARY PUBLIC-STATE OF OHIO
MY COMMISSION DOES NOT EXPIRE
SECTION 147.03 R.C.

STATE OF OHIO)
)SS:
COUNTY OF Cuyahoga)

The foregoing instrument was acknowledged before me this 2nd day of October, 2019, by Jeffrey T. Lynn.

Notary Public

ROBYN L. GREGEL, ATTORNEY
NOTARY PUBLIC-STATE OF OHIO
MY COMMISSION DOES NOT EXPIRE
SECTION 147.03 R.C.

This Instrument Prepared By:
April Ann Jordan, Esq.
HEDRICK & JORDAN CO., LPA
10 West Second Street, Suite 2400
Dayton, Ohio 45402
(937) 228-3889

EXHIBIT A

Situate in the City of Huber Heights, County of Montgomery and the State of Ohio, being in Section 18, Town 2, Range 8 M.R.S., being the middle part of the southwest quarter of said Section 18 and bounded as follows:

Beginning at the southeast corner of Marcellus and Emma Howar's land; thence southwardly on the half section line 941.16 feet; thence westwardly to the west line of said section 18; thence northwardly on said west line of said Section 18, 909.48 feet to the southwest corner of Marcellus and Emma Howar's land; thence eastwardly on the south line of said Marcellus and Emma Howar's land to the place of beginning, containing 57.53 acres, more or less. Subject to all legal highways.

EXCEPTING therefrom the following described real estate:

Situate in the City of Huber Heights, County of Montgomery, in the State of Ohio and described as follows:

Situate in the southwest quarter of Section 18, Town 2, Range 8 M.R.S., and being part of a 57.53 acre tract which is described in Deed Book 568, Page 283, of the Montgomery County Records.

That part of said 37.53 acre tract hereby excepted is more fully bounded and described as follows:

Beginning at a point on the east line of said tract and on the east line of said quarter Section in the center of the Brandt Pike. Said beginning point is located a distance of 303.3 feet south from the north line of said 57.53 acre tract and a distance of 1201.3 feet south from the north line of said quarter section, witness an iron pin bearing south 89 degrees 13 minutes west a distance of 23 feet; thence from said beginning point, south 89 degrees 13 minutes west for a distance of 225 feet to an iron pin set for a corner; thence due south and parallel to the east line of said tract for a distance of 410 feet to an iron pin set for a corner; thence 89 degrees 13 minutes east for a distance of 225 to a corner on the east line of said 57.53 acres, witness an iron pin bearing south 89 degrees 13 minutes west a distance of 23 feet; thence due north along the east line of said 57.53 acres and with the east line of said quarter section for a distance of 410 feet to the point of beginning, containing 2.118 acres , more or less, and subject to all legal highways.

EXCEPTING 57.53 acres by metes and bounds in southwest quarter of Section 18, Town 2, Range 8 M.R.S., City of Huber Heights, except 2.118 acres (as in Deed Vol. 1790 , Page 11 and Deed Microfiche No. 97-572E06).

Also excepting 2.901 acres as dedicated for Executive Boulevard in Plat Book "185", Pages 4 and 4A and also excepting 0.033 acres as conveyed to the City of Huber Heights, Ohio in Instrument No. 97-030037.

For Information Only:
Parcel Number: P70 03910 0005
Property Address: 8303 Brandt Pike, Huber Heights, Ohio 45424

KARL KEITH
COUNTY AUDITOR
MONTGOMERY COUNTY DAYTON, OHIO
LEGAL DESCRIPTION IS
INADEQUATE DESCRIPTION SHALL BE
CORRECTED BEFORE NEXT TRANSFER.
BY MWD DATE 10/3/19
MAP DEPARTMENT

EXHIBIT C
SITE PLAN

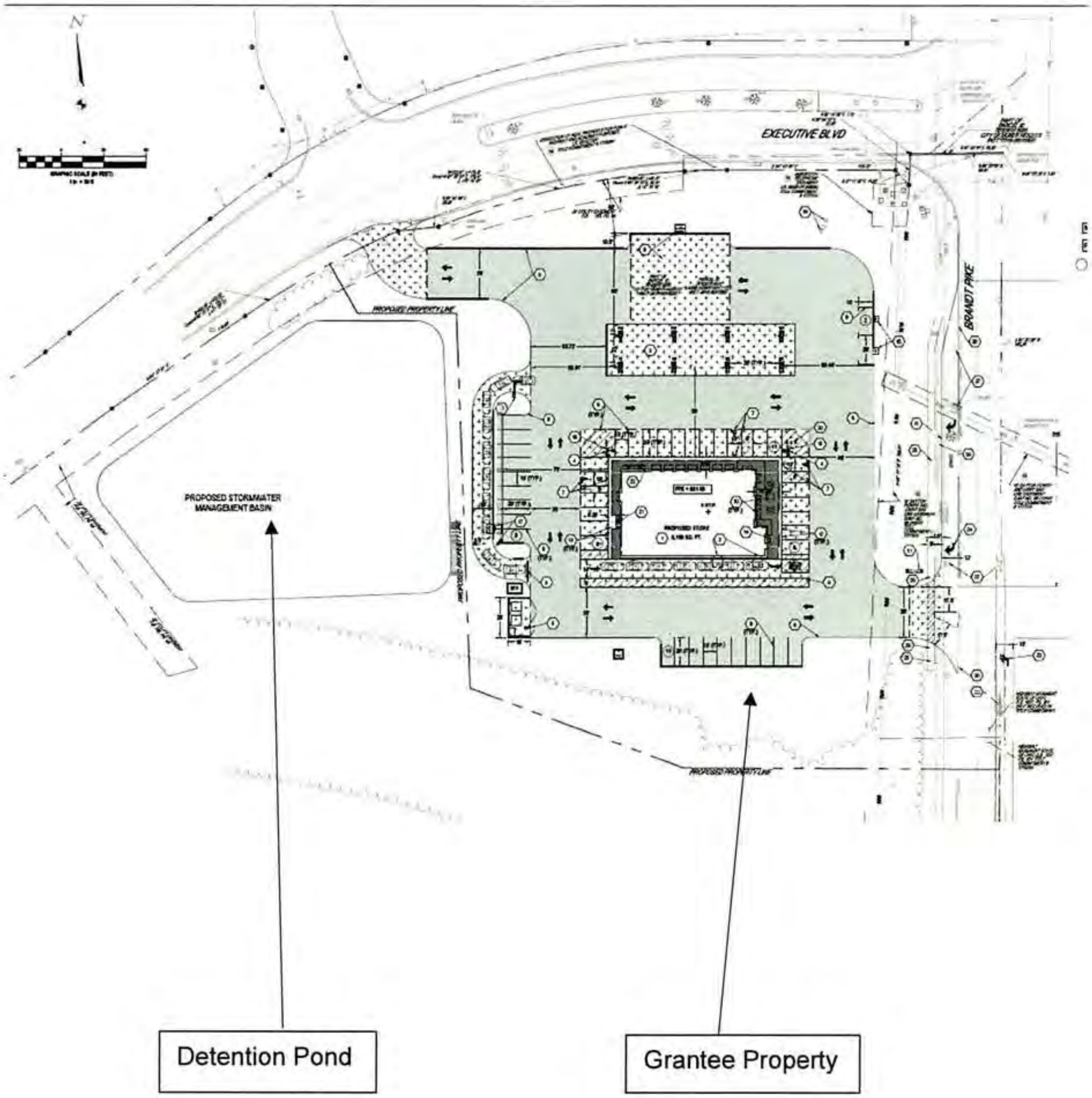
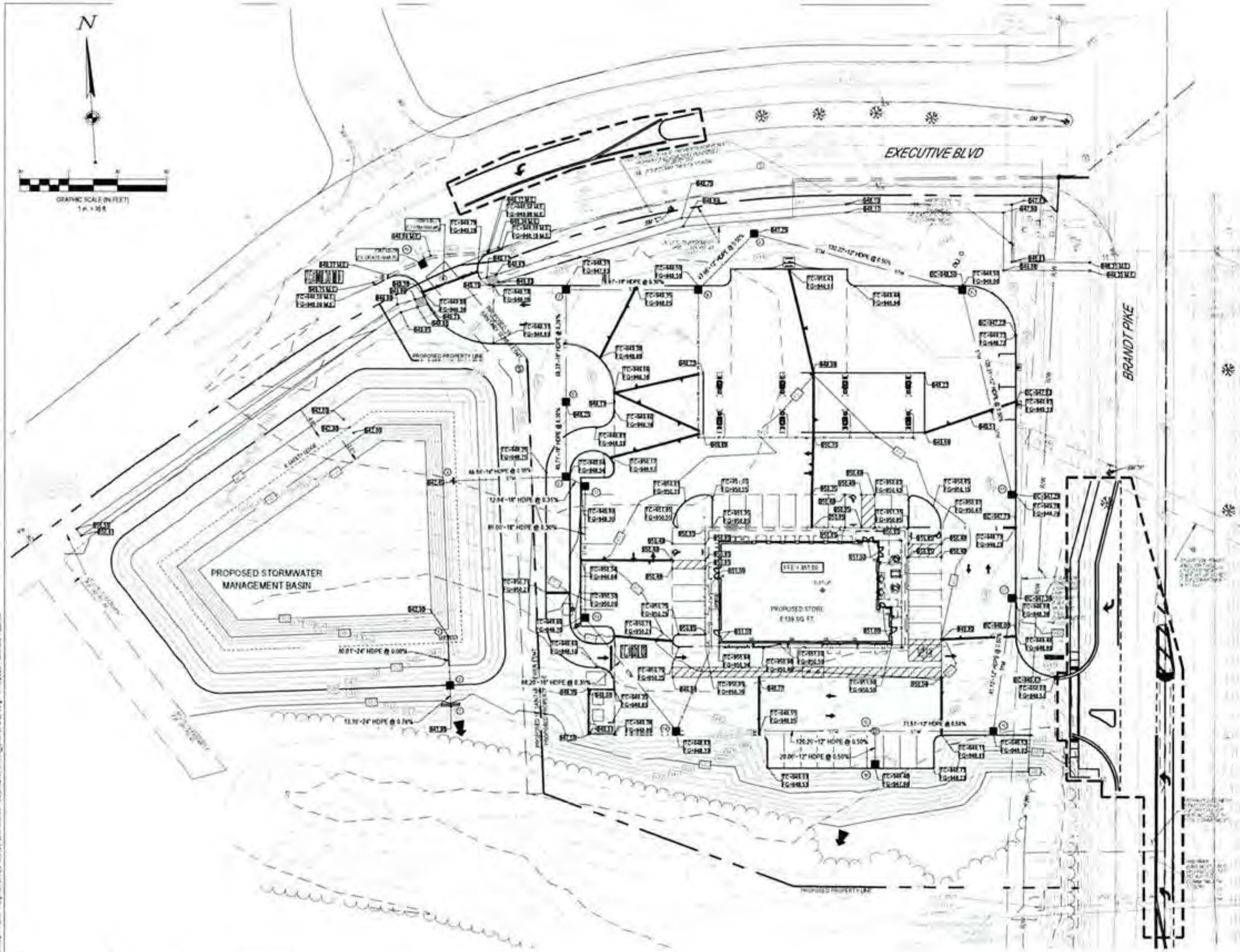


EXHIBIT D
DETENTION POND PLANS



GRADING LEGEND

EXISTING

REFER TO C1.0 FOR EXISTING FEATURES LEGEND

PROPOSED

- BUILDING
- MAJOR CONTOUR
- MINOR CONTOUR
- GRADE BREAK
- REFER TO ROADWAY PLANS FOR IMPROVEMENTS
- CATCH BASIN
- STORM MANHOLE
- CLEANOUT
- DOWNSPOUT
- XXX.XX — FINISHED GRADE ELEVATION
- TC=XXX.XX / FG=XXX.XX — TOP OF CURB ELEVATION / FINISHED GRADE ELEVATION
- M.E. — MATCH EXISTING ELEVATION
- BC — BACK OF CURB
- FLOOD ROUTE

BENCHMARKS

	ELEV*	EASTING**	NORTHING**	DESCRIPTION
BM 'A'	[illegible]	[illegible]	[illegible]	CROSS NOTCH SET ON THE EAST BOLT OF FIRE HYDRANT ON EAST SIDE OF SITE ALONG BRANDT PIKE
BM 'B'	[illegible]	[illegible]	[illegible]	SPIKE WITH METAL PLATE [illegible] SET IN CONCRETE ON ISLAND ON EXECUTIVE BLVD. TOWARDS INTERSECTION AT BRANDT PIKE
BM 'C'	[illegible]	[illegible]	[illegible]	CROSS NOTCH ON WEST BOLT OF FIRE HYDRANT ON NORTH SIDE OF SITE, SOUTH OF EXECUTIVE BLVD.

*VERTICAL DATUM: NAVD 88

**HORIZONTAL DATUM: US STATE PLANE, NAD83 OHIO SOUTH (3402) FROM UTILIZING THE OHIO REAL TIME NETWORK (RTN) PROVIDED BY THE OHIO DEPARTMENT OF TRANSPORTATION. COORDINATES TAKEN TO GROUND AT LATITUDE [illegible] LONGITUDE [illegible], PROJECT HEIGHT [illegible] GROUND SCALE FACTOR [illegible].

NOTE: REFER TO ALTA SURVEY, SHEET C1.X FOR BENCHMARK LOCATIONS

OHIO Utilities Protection SERVICE

811 or 1-800-362-2764

Call Before You Dig

FORTY-EIGHT (48) HOURS BEFORE DIGGING IS TO COMMENCE, THE CONTRACTORS SHALL NOTIFY THE FOLLOWING AGENCIES: OHIO UTILITIES PROTECTION SERVICE AT 811 OR 1 (800) 362-2764 AND ALL OTHER AGENCIES WHICH MIGHT HAVE UNDERGROUND UTILITIES INVOLVING THIS PROJECT AND ARE NONMEMBERS OF OHIO UTILITIES PROTECTION SERVICE.

CESO

WWW.CESOINC.COM

STATE OF OHIO — JOSHUA LONG — E-86142 — REGISTERED PROFESSIONAL ENGINEER

2023-4-13

SKILKEN | GOLD

REAL ESTATE DEVELOPMENT

SHEETZ - HUBER HEIGHTS, OH

EXECUTIVE BOULEVARD & BRANDT PIKE
HUBER HEIGHTS, OH 45424

Revisions / Submissions

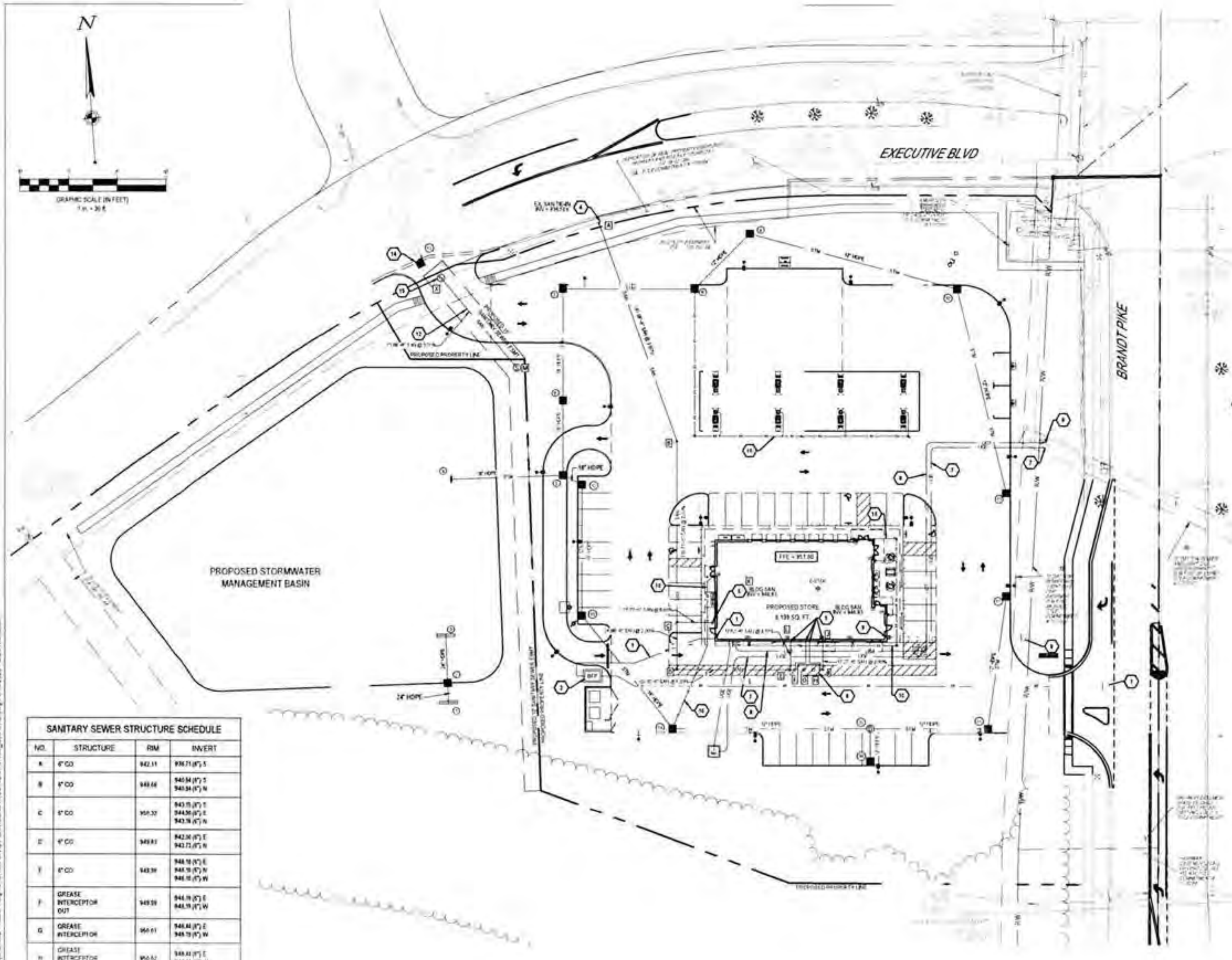
#	Description	Date

Project Number:	761668
Scale:	AS SHOWN
Drawn By:	MST
Checked By:	BP
Date:	04.17.2023
Issue:	NOT FOR CONSTRUCTION

Drawing Title:

GRADING PLAN

C4.0



SANITARY SEWER STRUCTURE SCHEDULE			
NO.	STRUCTURE	RIM	INVERT
A	6" CO	942.11	936.71 (6") S
B	6" CO	949.66	940.94 (6") S 940.94 (6") N
C	6" CO	950.32	943.15 (6") T 944.56 (6") E 943.15 (6") N
D	6" CO	949.83	942.36 (6") E 943.73 (6") N
E	6" CO	948.39	946.10 (6") E 946.10 (6") N 946.10 (6") W
F	GREASE INTERCEPTOR OUT	949.59	944.79 (6") E 944.79 (6") W
G	GREASE INTERCEPTOR	950.61	946.84 (6") E 949.79 (6") W
H	GREASE INTERCEPTOR IN	950.52	948.41 (6") E 946.64 (6") W
I	6" CO	950.03	948.40 (6") N 946.40 (6") W
J	BUILDING INVERT	951.50	948.81 (6") S
K	BUILDING INVERT	950.97	948.13 (6") W
L	BUILDING INVERT	951.00	948.83 (6") S
M	48" SANITARY MANHOLE HUBER HEIGHTS TYPE 'A'	948.00	938.54 (6") NW
X	EXISTING SANITARY MANHOLE	945.29	935.28 (18") SW 935.15 (8") SE 935.38 (18") E

UTILITY LEGEND

EXISTING

REFER TO C1.0 FOR EXISTING FEATURES LEGEND

PROPOSED

- BUILDING
- SEE ENLARGED PLAN, THIS SHEET
- STM — STORM SEWER LINE
- DS — STORM DOWNSPOUT LINE
- SAN — SANITARY SEWER LINE
- W — DOMESTIC WATER LINE
- IRR — IRRIGATION LINE
- G — GAS SERVICE LINE
- UGE — UNDERGROUND ELECTRIC LINE
- UGT — UNDERGROUND TELEPHONE LINE
- CATCH BASIN
- STORM SEWER
- SANITARY SEWER
- CURB INLET
- CLEANOUT
- AREA DRAIN
- DOWNSPOUT
- ELECTRICAL TRANSFORMER PAD
- WATER VALVE
- WATER METER
- GAS METER

CONTRACTOR NOTE:

1. CONTRACTOR SHALL VERIFY ALL LOCATIONS AND DEPTHS OF EXISTING UTILITIES.

CODED NOTES:

1. CONTRACTOR SHALL FURNISH AND INSTALL 2" WATER LINE FROM METER IN BUILDING TO NEW 2" TAP. NEW WATER TAPS WILL NEED TO BE INSTALLED AT WATER MAIN. CONTRACTOR SHALL COORDINATE WITH LOCAL JURISDICTION FOR ALL WORK WITHIN RIGHT-OF-WAY. METER AND BACKFLOW PREVENTOR SHALL BE WITHIN ENCLOSURE. WATER LINE SHALL BE TYPE "K" ASTM B88, WITH AWWA C800 FITTINGS, INSTALLED PER AWWA C800, OR APPROVED EQUAL.
2. PROPOSED WATER SERVICE ENCLOSURE WITH BACKFLOW PREVENTOR AND METER. SEE DETAIL 3 ON SHEET C7.6.
3. PROPOSED 4" PVC IRRIGATION SLEEVES. SLEEVES SHALL BE MINIMUM 12" BELOW FINISHED GRADE. **(NOT YET PROVIDED)**
4. CONNECT 6" SDR-35 PVC SANITARY SERVICE (MINIMUM 1.00% SLOPE) TO EXISTING SANITARY MAIN PER LOCAL STANDARDS. CONTRACTOR SHALL FIELD LOCATE AND VERIFY EXISTING SANITARY MAIN PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO ENGINEER. CONTRACTOR SHALL PROVIDE ALL NECESSARY FITTINGS FOR FINAL CONNECTION.
5. COORDINATE UTILITIES WITH PLUMBING CONTRACTOR, CAP AND MARK FOR FUTURE CONNECTION. FINAL CONNECTION BY PLUMBING CONTRACTOR.
6. CONTRACTOR SHALL SUPPLY AND INSTALL BELOW GRADE 2,000 GALLON GREASE INTERCEPTOR. REFER TO UTILITY DETAIL 2, SHEET C7.5.
7. PROPOSED ELECTRIC LINE. CONTRACTOR SHALL COORDINATE WITH THE POWER COMPANY FOR ALL STANDARDS FOR WORK. CONTRACTOR SHALL PROVIDE THE TRANSFORMER VAULT AND PAD, CT, METER SOCKET, CONDUIT AND CABLE, AND SECONDARY FINAL CONNECTION.
8. CONTRACTOR SHALL PROVIDE (2) 4" CONDUIT FOR TELEPHONE. CONTRACTOR SHALL VERIFY EXACT ROUTING AND TERMINATION REQUIREMENTS WITH UTILITY COMPANIES BEFORE STARTING WORK. CONTRACTOR SHALL COORDINATE WITH OTHER UTILITIES AND UTILIZE SHARED TRENCHING IF PERMITTED.
9. CONNECTION TO GAS MAIN. LOCAL GAS COMPANY SHALL FURNISH AND INSTALL GAS LINE FROM METER TO NEW TAP. THE CONTRACTOR SHALL INSTALL THE GAS LINE FROM THE METER TO THE BUILDING PER THE BUILDING DRAWINGS. CONTRACTOR SHALL FIELD LOCATE AND VERIFY EXISTING GAS MAIN PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO ENGINEER.
10. PROPOSED 4" & 6" PVC STORMLINE FROM DOWNSPOUTS TO STORM STRUCTURES (MIN. SLOPE 1.00% FOR 6", MIN. SLOPE 2.00% FOR 4"). REFER TO ARCHITECTURAL PLANS FOR EXACT BUILDING DOWNSPOUT LOCATIONS. MAIN DOWNSPOUT TRUNK LINES SHALL BE 6". DOWNSPOUT LINES COMING DIRECTLY FROM THE BUILDING INTO THE MAIN DOWNSPOUT TRUNK LINES SHALL BE 4".
11. PROPOSED PUBLIC SANITARY MAIN AND MANHOLE. FUTURE FORCE MAIN BY OTHERS PLANNED TO TIE-IN TO MANHOLE. REFER TO SHEET C5.2 FOR SANITARY MAIN PROFILE.
12. PROPOSED STORMWATER OUTLET CONTROL STRUCTURE. REFER TO SHEET C7.7 FOR DETAIL.
13. PROPOSED CATCH BASIN WITH OIL-DEBRIS HOOD OVER OUTLET PIPE PER DETAIL ON SHEET C7.7. STORM STRUCTURE SHALL HAVE 48" SUMP.
14. REMOVE AND REPLACE EXISTING CURB INLET RIM AND GRATE WITH ODOT CB-5 RIM AND GRATE. CONTRACTOR SHALL PROTECT EXISTING STRUCTURE, PIPES AND INVERTS. CONTRACTOR SHALL REACH OUT TO CIVIL ENGINEER IF THERE ARE ANY DISCREPANCIES. REFER TO GRADING PLAN ON SHEET C4.0 FOR FINAL RIM ELEVATION.
15. CONTRACTOR SHALL ADJUST EXISTING SANITARY MANHOLE RIM ELEVATION TO PROPOSED RIM ELEVATION. REFER TO GRADING PLAN ON SHEET C4.2 FOR FINAL RIM ELEVATION.

OHIO Utilities Protection SERVICE
811 or 1-800-362-2764 Call Before You Dig

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REAL ESTATE DEVELOPMENT

SHEETZ - HUBER HEIGHTS, OH

EXECUTIVE BOULEVARD & BRANDT PIKE
HUBER HEIGHTS, OH 45424

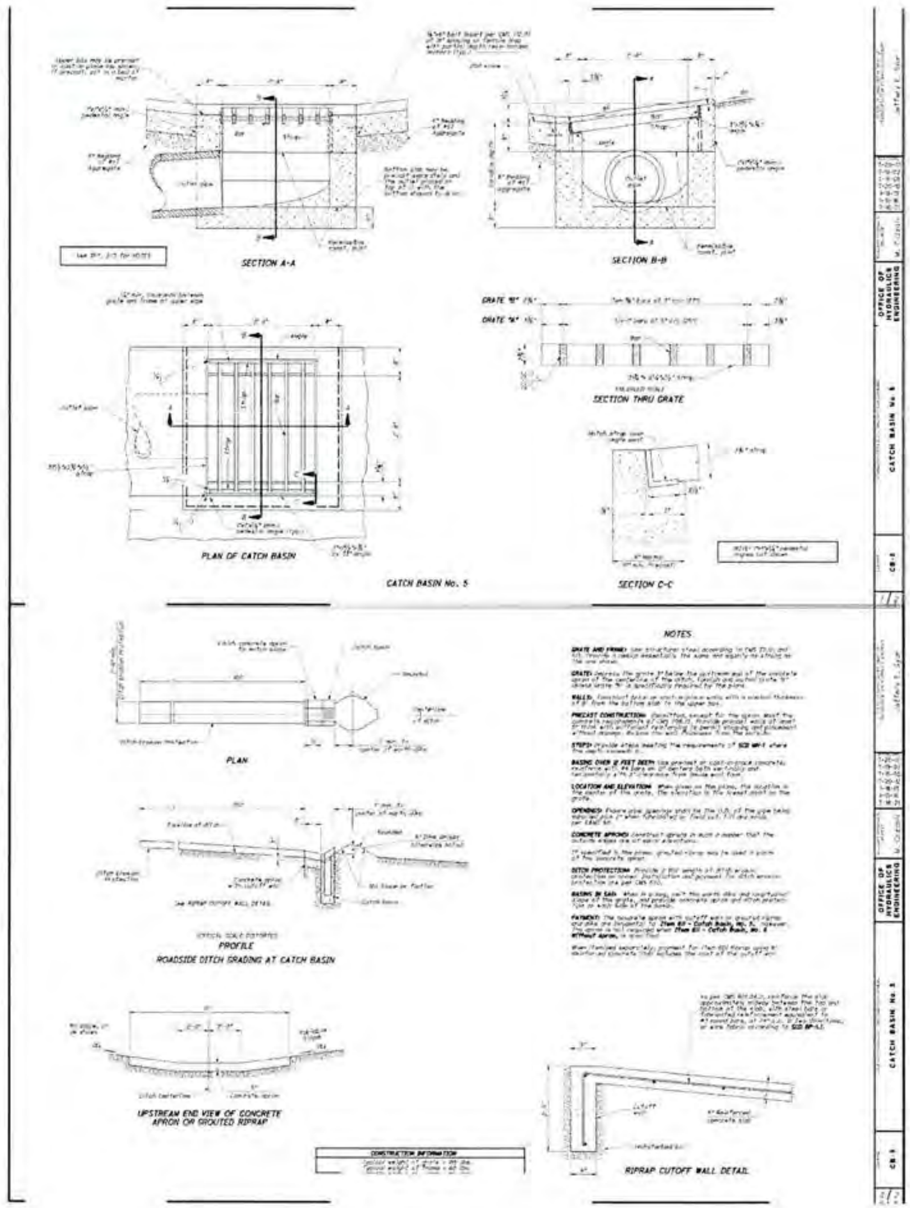
Revisions / Submissions

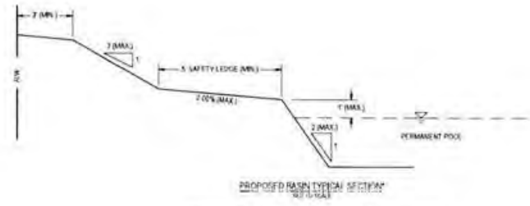
ID	Description	Date

Project Number	761668
Scale	AS SHOWN
Drawn By	MST
Checked By	BP
Date	04.12.2023
Issue	NOT FOR CONSTRUCTION

Drawing Title
UTILITY PLAN

C5.0





PROPOSED BASIN TYPICAL SECTION*
NOT TO SCALE

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REAL ESTATE DEVELOPMENT

SHEETZ -
HUBER HEIGHTS, OH
EXECUTIVE BOULEVARD & BRANDT PIKE
HUBER HEIGHTS, OH 45424

Revisions / Submissions

ID	Description	Date

Project Number:	761668
Scale:	AS SHOWN
Drawn By:	MST
Checked By:	BP
Date:	04.12.2023
Issue:	NOT FOR CONSTRUCTION

Drawing Title:
STORM DETAILS

C7.8

AI-9460			Topics of Discussion G.
Council Work Session			
Meeting Date:	09/05/2023		
Thomas Cloud Park - Walking Paths			
Submitted By:	Stephanie Wunderlich		
Department:	Engineering	**Division:**	Engineering
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	08/08/2023 and 09/05/2023
Audio-Visual Needs:	None	**Emergency Legislation?:**	No
Motion/Ordinance/ Resolution No.:			

Agenda Item Description or Legislation Title

Thomas Cloud Park - Walking Paths

Purpose and Background

This agenda item is for discussion concerning the possible installation of a walking path or widened sidewalk at the front of Thomas Cloud Park along Brandt Pike. A map is included that shows a new layout for the proposed path/sidewalk.

Fiscal Impact

Source of Funds:	N/A
Cost:	N/A
Recurring Cost? (Yes/No):	N/A
Funds Available in Current Budget? (Yes/No):	
Financial Implications:	

Attachments

Map

Easement Area
City Boundary
Proposed Leisure Path
Proposed Alternate Alignment
Existing Path to be Upgraded
Proposed Path to Original Alignment
ALTERNATE ROUTE USING EXISTING (UPGRADED) PATH
PROPOSED LEISURE PATH
BRANDT
POCONO
PEPPER
TOM CLOUD PARK
LEISURE PATH
HUBER HEIGHTS

NANCY BYRGE
STATEMENT

CLOUD PARK SIDEWALK

The request for the sidewalk from Kitridge Rd. to Cloud Park was made after observing numerous residents walking or riding down the shoulder on the eastern side of Brandt Pike, on their mobility vehicles often at night and without any barriers to protect them from the traffic. It was also to facilitate parents pushing their baby carriages and people wanting to ride their bikes or walk to Cloud Park for recreation, events, or just a casual visit.

This was and still is a disussion about safety for our residents and the feasibility of the sidewalk. It is NOT about building a sidewalk to facilitate shoppers at the Cloud Park businesses, although the people living in the Cloud Park Apartments surely shop in Huber.

I started discussions on this topic in January 2017. It is very disappointing that it has taken this long to have any substantive discussion on how to design it. It is even more disappointing that the sketch provided appears to take the path of least resistance, making it virtually unsuitable for a sidewalk due to the property's topography.

Contrary to what the Interim City Manager stated at our last meeting, There are only a couple of pine trees in the proposed path. Many of the trees near the proposed sidewalk could be considered trash trees and could easily be removed along with the honeysuckle and other debris to make room for a sidewalk.

During our initial discussions in 2017, Marvin Olinsky, a resident that designed Cox Arboritum, suggested that since Cloud Park is our crown jewel of parks, the view from the street should be more like an arboretum. I, and others, wholeheartedly agreed with him.

To add to my DISAPPOINTMENT ~~disgust~~, for years I have been suggesting that we partner with MVRPC to use their esources to help determine on which side of Brandt the sidewalk would be most feasible nstalled. I have also spoken to a Dayton City Commission and a County Commission who shared my concerns and expressed a willingness to address this issue and work with us if it took a partnership between the two cities to get the project done. Funding could also be obtained through MVRPC or through Federal ~~Instruction~~ INFRASTRUCTURE or State grants.

We have had three city managers, and not one of them chose to take advantage of the free services that MVRPC provides to investigate or take any other action to address this safety problem.

The solution presented in this package is unacceptable. For that reason, I am asking that this issue be tabled and that staff contact MVRPC to start a substantive investigation of this issue and provide feedback to Council within 30 days on their efforts to move forward. I'm confident that with their help and with the support of neighboring cities, we can find an innovative and suitable solution to this matter that will allow us to move forward.

AI-9462			**Topics of Discussion** H.
Council Work Session			
Meeting Date:	09/05/2023		
Water Infrastructure Update			
Submitted By:	Anthony Rodgers		
Department:	City Council		
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	04/20/2023 and 05/02/2023 and 05/16/2023 and 06/06/2023 and 06/20/2023 and 07/05/2023 and 07/18/2023 and 08/08/23 and 08/22/2023 and 09/05/2023
Audio-Visual Needs:	None	**Emergency Legislation?:**	No
Motion/Ordinance/ Resolution No.:			

Agenda Item Description or Legislation Title

Water Infrastructure Update

Purpose and Background

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

Fiscal Impact

Source of Funds:	N/A
Cost:	N/A
Recurring Cost? (Yes/No):	N/A
Funds Available in Current Budget? (Yes/No):	N/A
Financial Implications:	

Attachments

Spreadsheet

9/5/2023

	2022 Water Main Replacement Program	2023 Watermain Replacement Program
	Cruxten Drive, Hubbard Drive, Helwig Drive, Alter Road, Holbrook Drive	Hubbard Drive, Chesham Drive, Sandbury Drive, Longford Road, Tomberg, Tewkesbury Drive, Hartwick Drive, Alter Road, Storck Drive
Council Approved to Solicit Design for RFP	X	X
Design Proposals Were Due	X	X
Council Approved the Award Design Consultant	X	X
Notice to Proceed with Design Consultant(s)	X	X
Order Pipe (Poss. 8-9 mo Delay)	X	X
Design Completion Date	X	X
Work Session for Going Out to Construction Bid	X	X
Council Approval to Go Out to Construction Bid	X	X
Advertise for Construction Bidding	X	X
Construction Bids Due	X	X
Work Session to Award Construction	X	X
Council Approval to Award Construction	X	X
Notice to Proceed with Contractor(s)	X	X
Estimated Pipe Delivery	X	8/1/2023 - 10/1/23
Begin Construction	X	9/15/2023 - 10/15/23
Construction Complete	9/15/2023	8/15/2024

X = Completed

AI-9464 **Topics of Discussion** I.

Council Work Session

Meeting Date:	09/05/2023		
City Staffing Levels/Table Of Organization			
Submitted By:	Katie Knisley		
Department:	Human Resources		
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	09/05/2023
Audio-Visual Needs:	None	**Emergency Legislation?:**	No
Motion/Ordinance/ Resolution No.:			

Agenda Item Description or Legislation Title

City Staffing Levels/Table Of Organization

Purpose and Background

This agenda item is for discussion regarding the personnel staffing levels for all departments/divisions within the City of Huber Heights to include amendments to those staffing levels and the Table of Organization. The amendment is within the Table of Organization. The chart will now show the IT, Human Resources, and Finance Departments reporting to the City Manager.

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

Table Of Organization

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2023-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 and effective December 16, 2023.

Section 2. The authorized personnel staffing levels for the Clerk of Council are as follows.

City Council	No.	Position Control No.	Pay Grade
Clerk of Council	-	504-101-2-2-01-F	50
Deputy Clerk of Council	-	504-202-1-2-01-F	25
Public Records Technician	1	504-2[illegible]3-1-2-01-P/H	20

Section 3. The authorized personnel staffing levels for the City Manager's Office are as follows:

City Manager's Office	No.	Position Control No.	Pay Grade
City Manager	1	505-100-2-2-01-F	per contract
Assistant City Manager/Director of Public Services	1	505-117-2-2-01-F	75
Assistant to City Manager	-	505-618-2-2-01-F	40
Administrative Assistant III	-	505-209-2-2-01-F	25
Community Engagement Specialist	-	505-615-2-1-01-F	40

Section 4. The authorized personnel staffing levels for the Department of Public Safety are as follows:

Department of Public Safety	No.	Position Control No.	Pay Grade
Director of Public Safety	1	505-116-2-2-01-F	75
Division of Fire			
Fire Chief	1	102-401-2-2-01-F	70
Medical Director/Wellness Coordinator	1	102-406-2-2-01-F	60
Battalion Chief	4	102-403-1-1-01-- 04F	PS
Captain	2	102-402-1-1-01—02F	PS
Fire Lieutenant	10	102-404-[illegible]-1-01--10-F	Contract
Firefighter/Paramedic	42	102-405-[illegible]-1-01—42-F	Contract
Administrative Assistant III	2	102-200-[illegible]-2-01--02-F	25
Administrative Assistant I	1	102-200-[illegible]-2-01-P/H	10
Fire Inspector	1	102-501-[illegible]-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

Division of Police			
Police Chief	1	10-406-2-2-01-F	70
Police Lieutenant	3	101-408-1-1-01--03-F	Contract
Police Sergeant	8	101-409--1-01--08-F	Contract
Police Officer	43	10-410--1-01--43-F	Contract
Administrative Assistant III	1	10-200--2-01-F	25
Administrative Assistant II	1	10-213--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	1	101-613-1-1-01-F	35
Communications Officer	14	111-502-1-1-01-14-F	Contract
Chaplain – Police	3	101-601-3-0-01—03-V	V
Division of Code Enforcement			
Code Enforcement Manager	1	310-621-2-1-01-F	45
Code Enforcement Officer II	1	310-513--1-01-01-F	35
Code Enforcement Officer I	4	310-513--2-01-04-P/H	20
Seasonal Laborer	2	310-305--2-01-02-S	S

Section 5. The authorized personnel staffing levels for the Department of Information Technology are as follows:

Department of Information Technology		Position Control No.	Pay Grade
Information Technology Director	1	509-105-2-2-01-F	60
Information Technology Systems Analyst	2	509-609-1-2-02-F	45
Information Technology Systems Analyst	1	509-609-1-2-01-P/H	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:

Department of Finance	No.	Position Control No.	Pay Grade
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
Accounting Generalist	2	506-603-2-2-02F	40
Accounts Payable Technician	1	506-504--1-01-F	25
Payroll Technician	1	506-505--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	3	507-212-1-2-01- 03P/H	10

Section 7. The authorized personnel staffing levels for the Department of Public Services are as follows:

Department of Public Services	No.	Position Control No.	Pay Grade
Director of Public Services	1	505-114-2-2-01-F	75
Division of Engineering			
City Engineer	1	320-106-2-2-01-F	65
Assistant City Engineer	1	320-119-2-2-01-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-[illegible]-02-F	50
Public Works Crew Leader	2	401-302-[illegible]-[illegible]-02-F	Contract
Vehicle & Equipment Mechanic	3	401-300-[illegible]-[illegible]-03-F	Contract
Maintenance Technician	20	401-301-[illegible]-[illegible]-20-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

Section 8. The authorized personnel staffing levels for the Department of Economic Development are as follows:

Department of Economic Development	No.	Position Control No.	Pay Grade
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:

Department of Planning & Community Dev.	No.	Position Control No.	Pay Grade
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-[illegible]-2-01-F	25
Administrative Assistant I	1	310-207-[illegible]-1-01-F	10
Administrative Assistant I	1	310-207-[illegible]-2-01-P/H	10

Section 10. The authorized personnel staffing levels for the Department of Human Resources are as follows:

Department of Human Resources	No.	Position Control No.	Pay Grade
Human Resources Director	1	510-120-2-2-01-F	60
Human Resources Specialist	1	510-617-[illegible]-1-01-F	40
Human Resources Assistant	1	510-514-[illegible]-2-01-P/H	30

Section 11. The authorized personnel staffing levels for the Department of Parks and Recreation Facilities are as follows:

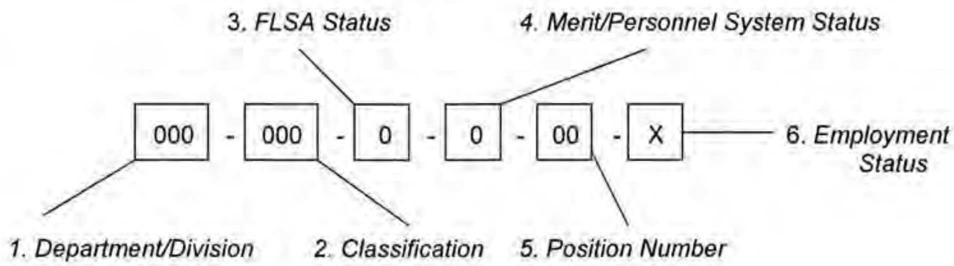
Department of Parks and Recreation Facilities	No.	Position Control No.	Pay Grade
Parks Manager	1	216-616-2-2-01-F	45
Senior Center Program Coordinator	1	215-110-2 -2 -01-P/H	25
Seasonal Laborer – Music Center	125	219-306-1-2-01--125-S	S
Seasonal Laborer	4	216-303-1-2-01--04-S	S

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. 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

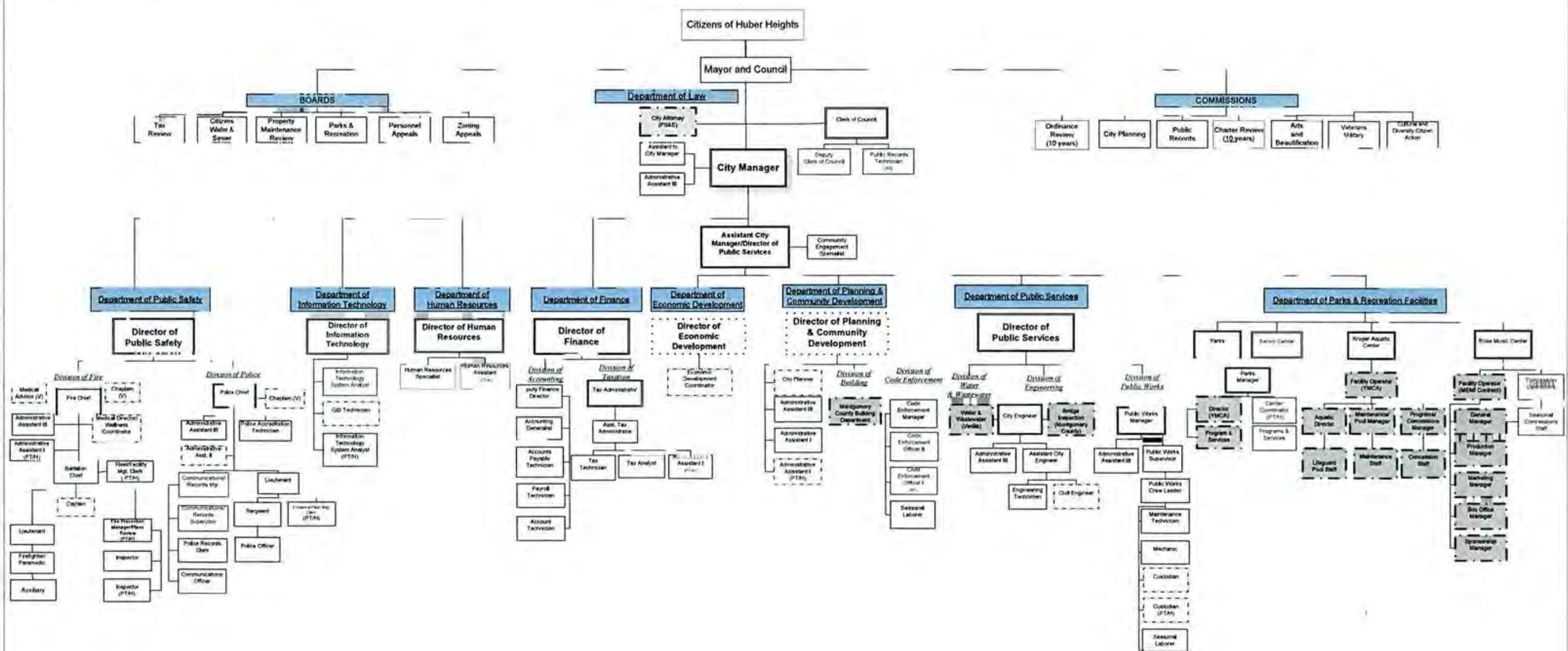
Passed by Council on the ______ day of ____________, 2023;
______ Yeas; ______ Nays.

Effective Date:

AUTHENTICATION:

________________________	________________________
Clerk of Council	Mayor
________________________	________________________
Date	Date

City of Huber Heights Organizational Chart



City of Huber Heights
Revised September 2023

- All employees are permanent / full time unless specified otherwise
- (PT) = Part Time, (H) = Hourly (T) = Temporary, (V) = Volunteer, (S)=Seasonal
Contractor Relationship
Vacant Position

Authorized Staffing Levels

City Council (FT):	2								
City Council (PT/H):	1	Department of IT (FT):	4	Department of Finance (FT):	1	Department of H R (FT):	2	Department of Parks & Rec (S):	129
City Manager (FT):	5	Department of IT (PT/H):	1	Division of Accounting (FT):	6	Department of Human Resources (PT):	1	Department of Parks & Recreation Facilities (PT/H):	1
Fire Division (FT):	63	Division of Public Works (FT):	30	Division of Taxation (FT):	10	Department of Planning (FT):	4	Division of Code Enforcement (FT):	2
Fire Division (PT/H):	6	Division of Taxation (PT/H):	3	Department of Planning (PT/H):	1	Division of Code Enforcement (PT/H):	4	Division of Code Enforcement (S):	2
Police Division (FT):	76	Director of Public Safety (FT):	1	Director of Public Services (FT):	1	Department of Economic Development (FT):	2	Division of Public Works (PT/H):	1
Police Division (PT/H):	2	Division of Engineering (FT):	6					Department of Parks & Recreation Facilities(FT):	1

AI-9461 **Topics of Discussion J.**

Council Work Session

Meeting Date: 09/05/2023

Liquor Permit #7466355 - Rollhouse - 6170 Brandt Pike

Submitted By: Anthony Rodgers

Department: City Council

Type of Liquor Permit: Transfer

Motion/Ordinance/ Resolution No.:

Agenda Item Description

Liquor Permit #7466355 - Rollhouse - 6170 Brandt Pike

Review and Comments - Police Division

The Police Division has no objections to the transfer of this liquor permit.

Review and Comments - Fire Division

The Fire Division has no objections to the transfer of 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

Liquor Permit

NOTICE TO LEGISLATIVE AUTHORITY

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

TO

7466355 PERMIT NUMBER / TRFO TYPE	ROLLHOUSE HUBER HEIGHTS LLC 6170 BRANDT PIKE HUBER HGTS OHIO 45424
06 01 2023 ISSUE DATE	
08 01 2023 FILING DATE	
D5 PERMIT CLASSES	
57 083 TAX DISTRICT / A / F29932 RECEIPT NO.	

FROM 08/24/2023

55323530005 PERMIT NUMBER / TYPE	MARIAN LANES INC 6170 BRANDT PIKE HUBER HGTS OHIO 45424
06 01 2023 ISSUE DATE	
08 01 2023 FILING DATE	
D5 PERMIT CLASSES	
57 083 TAX DISTRICT / RECEIPT NO.	

MAILED 08/24/2023 RESPONSES MUST BE POSTMARKED NO LATER THAN. 09/25/2023

IMPORTANT NOTICE

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

REFER TO THIS NUMBER IN ALL INQUIRIES A TRFO 7466355 (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

DLC 4052 REV. 03/09

AI-9463 **Topics of Discussion** K.

Council Work Session

Meeting Date:	09/05/2023		
Police Division Discussion			
Submitted By:	Anthony Rodgers		
Department:	City Council		
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	09/05/2023
Audio-Visual Needs:	None	**Emergency Legislation?:**	No
Motion/Ordinance/ Resolution No.:			

Agenda Item Description or Legislation Title

Police Division Discussion

Purpose and Background

This agenda item was requested by Councilmembers Richard Shaw, Glenn Otto, and Ed Lyons. This agenda item has already been identified and planned as an agenda item for the September 19, 2023 Council Work Session after discussion among the City Council, City Staff, and representatives of the FOP at the August 28, 2023 City Council Meeting.

Fiscal Impact

Source of Funds:	N/A
Cost:	N/A
Recurring Cost? (Yes/No):	N/A
Funds Available in Current Budget? (Yes/No):	N/A
Financial Implications:	

Attachments

No file(s) attached.