Notice of Meeting

CITY COUNCIL WORK SESSION

Tuesday, May 5, 2026

at or about 6:00 p.m. at City Governance Center – Council Chambers – 6151 Brandt Pike

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

- City Manager Report
- Planning Commission Update Presentation
- Chambersburg Road West Improvement Project – Solicit Bids
- Charlesgate Road Gap Closure Project – Solicit Bids
- ODOT Preliminary Consent Legislation – State Route 4 Resurfacing
- Tennis Court Resurfacing Project – Solicit Bids
- Park Paving Project – Solicit Bids
- Community Park Playground Equipment – Award Contract
- Huber Heights Senior Center Patio/Facility Upgrades – Award Contract
- Supplemental Appropriations
- Issuance Of Notes – Refunding/New Money
- Case MJC 26-10 – Greg Hoskins – Major Change/Basic Development Plan – 3020 Burr Oak Drive
- Executive Session – Personnel Matters – Employment Issues – Public Employees

Please Note:

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

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Distributed – April 29, 2026

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CITY OF HUBER HEIGHTS
STATE OF OHIO

City Council Work Session

May 5, 2026
6:00 P.M.
City Governance Center - Council Chambers - 6151 Brandt Pike - Huber Heights, Ohio

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

2. **Approval Of Minutes**

   A. April 21, 2026

3. **Work Session Topics Of Discussion**

   A. City Manager Report

   B. Planning Commission Update

   C. Chambersburg Road West Improvement Project - Solicit Bids

   D. Charlesgate Road Gap Closure Project - Solicit Bids

   E. ODOT Preliminary Consent Legislation - State Route 4 Resurfacing

   F. Tennis Court Resurfacing Project - Solicit Bids

   G. Park Paving Project - Solicit Bids

H. Community Park Playground Equipment - Award Contract

I. Huber Heights Senior Center Patio/Facility Upgrades - Award Contract

J. Supplemental Appropriations

K. Issuance Of Notes - Refunding/New

* Refunding - Fire Station 25 - $1,513,000

* Refunding - The Meadows Infrastructure - $3,070,663

* Refunding - Governance Center/Property Acquisition - $14,403,486

* Refunding - Public Works Facility - $20,718,926

* Refunding - Fire Station 23 Renovations - $3,472,048

* Refunding - Carriage Trails Infrastructure - $6,410,166

* City Hall Renovations - $3,550,630

* Recreation Facility Improvements - $8,849,305

* Refunding/New Money - Water Infrastructure - New Water Well/ Water Meters - Sanitary Lift Station - $25,637,554

* Refunding - Property Acquisition/Improvement - Brandt/Fishburg - Economic Development - $7,631,882

* Refunding - Property Acquisition/Improvement - Executive Boulevard - Economic Development - $2,532,330

L. Case MJC 26-10 - Greg Hoskins - Major Change/Basic Development Plan - 3020 Burr Oak Drive

M. Executive Session - Personnel Matters - Employment Issues - Public Employees

4. **Adjournment**

CITY OF HUBER HEIGHTS
STATE OF OHIO

Council Work Session Meeting Minutes

Name of Body: Council Work Session

Date: May 5, 2026

Time: 6:00 P.M.

Place: City Governance Center – 6151 Brandt Pike – Council Chambers

Members Present:

Fred Aikens, Councilmember
Kate Baker, Councilmember
Nancy Byrge, Councilmember
Mark Campbell, Councilmember
Scott Davidson, Councilmember
Anita Kitchen, Councilmember
Brian Looney, Councilmember
Don Webb, Councilmember
Jeff Gore, Mayor

Others Present:

City Staff Present: Jim Bell, Sarah Forsythe, Russ Bergman, Aaron Sorrell, Alex Zaharieff, Christopher Conard, John Russell, and Anthony Rodgers.

Topics Of Discussion:

- City Manager Report
- Planning Commission Update Presentation
- Chambersburg Road West Improvement Project – Solicit Bids

- Charlesgate Road Gap Closure Project – Solicit Bids
- ODOT Preliminary Consent Legislation – State Route 4 Resurfacing
- Tennis Court Resurfacing Project – Solicit Bids
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- Case MJC 26-10 – Greg Hoskins – Major Change/Basic Development Plan – 3020 Burr Oak Drive
- Executive Session – Personnel Matters – Employment Issues – Public Employees

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

Mayor Jeff Gore convened the Council Work Session at 6:03 P.M.

Anthony Rodgers took Roll Call.

2. **Approval Of Minutes**

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

- April 21, 2026

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. **<u>Work Session Topics Of Discussion</u>**

<u>City Manager Report</u>

John Russell provided a PowerPoint presentation regarding the City Manager Report (see attached). He said the Montgomery County Jobs and Family Services Mobile Unit will provide services at the Huber Heights Chamber Of Commerce on June 8, 2026 and July 13, 2026 from 3:00 P.M. to 5:00 P.M. He said the Montgomery County Jobs and Family Services Mobile Unit will also be available at the Eichelberger Amphitheatre during the June 20, 2026 Juneteenth Celebration. He said the City has upgraded its website to be more mobile phone friendly. He said the City's website now features a report an issue button which will allow users to notify City Staff of concerns regarding potholes, grass violations, street light outages, and similar concerns. He said City Staff were able to obtain a $75,000 ED/GE Grant from Montgomery County to help Fukuvi USA expand its warehouse. He said this expansion will keep Fukuvi USA from moving out of Huber Heights and will preserve 77 jobs in the City. He said on May 6, 2026, the Huber Heights Fire Division will be hosting a blood drive at Fire Station 22 from 3:00 P.M. to 7:00 P.M. He said the first concert of the 2026 Free Summer Music Series In The Heights program will be on May 9, 2026 from 12:00 P.M. to 2:00 P.M. at the Eichelberger Amphitheater. He said future 2026 Free Summer Music Series In The Heights events could be found on the City's website. He said the Huber Heights YMCA will be hosting a free Healthy Kids Day event at the Riverscape Metropark on May 9, 2026 from 12:00 P.M. to 4:00 P.M. He said the Parks and Recreation Department would be hosting a Food Truck Rally event at Thomas Cloud Park on May 12, 2026 from 5:00 P.M. to 8:00 P.M.

John Russell answered questions from the City Council regarding items in the City Manager Report.

Scott Davidson said the upcoming fishing derby which was mentioned in the City's newsletter featured the date of the fishing derby, but not where or when it would be held on that date. He asked City Staff to add that information to the City's website.

Nancy Byrge said some advertisements for the Huber Heights Memorial Day Celebration said the event would be held at the Veterans Memorial and some of the advertisements said the event would take place at Thomas Cloud Park.

John Russell said City Staff have discussed this issue and plan to put out information clarifying that the Memorial Day Celebration would be held at the Huber Heights Veterans Memorial at Thomas Cloud Park.

Nancy Byrge asked what the status regarding the proposed partnership agreement.

Alex Zaharieff said City Staff and the Legal Department would be making a presentation regarding the partnership agreement framework and policy ideas at the June 2, 2026 Council Work Session.

Anita Kitchen said on June 8, 2026, the Huber Heights Chamber Of Commerce will be hosting organizations which will assist families qualify for home repairs and insulation upgrades.

Don Webb said there were at least a dozen appointment openings for the Huber Heights Fire Division's blood drive on May 6, 2026 available after 5:00 P.M.

Kate Baker thanked Anita Kitchen for her role in getting the Montgomery County Job and Family Services Mobile Unit to provide services in the City.

Planning Commission Update Presentation

Terry Walton, Chair of the Planning Commission, distributed information regarding an update on the Planning Commission (see attached). He said there have been twenty-four cases presented to the Planning Commission during the past year including: Major Changes, lot splits, Detailed Development Plans, replats, and text amendments. He said his favorite items on the Planning Commission agendas were Dublin 7 and the proposed indoor music center. He said the Planning Commission is working with Zone Co. to update the City's Zoning Code. He said he has lived in Huber Heights since 1965 and he is very excited about where the

City is headed. He thanked Aaron Sorrell and Geri Hoskins for providing guidance to the Planning Commission.

The City Council posed questions and comments to Terry Walton about the Planning Commission and expressed appreciation for the work of the Planning Commission.

Mayor Jeff Gore thanked Terry Walton for his excellent judgement and longstanding service to the City of Huber Heights.

Nancy Byrge asked if the Planning Commission tracks the number of cases that it hears yearly.

Aaron Sorrell said the number of cases the Planning Commission hears remains steady with yearly ebbs and flows. He said he anticipates a greater workload on the Planning Commission in 2026.

Chambersburg Road West Improvement Project – Solicit Bids

Russ Bergman distributed information and proposed legislation to solicit bids for the Chambersburg Road West Improvement Project (see attached). He said this item authorizes the solicitation of bids for the construction and widening of Chambersburg Road from Old Troy Pike westward to just past Endicott Road. He said the project will widen Chambersburg Road from two lanes to three lanes as well as level out crests in the road, add storm drains, and add a bike path along the road. He said this project is similar to the Chambersburg Road improvements made to the east of the City. He said the plans for the Chambersburg Road West Improvement Project have been approved by the Ohio Department Of Transportation (ODOT) and the City has received $2,200,000 in federal grant money to help cover the costs of this project. He said City Staff want to bid out this project by July, 2026 with construction scheduled to being in late summer or fall of 2026. He said the total cost of the Chambersburg Road West Improvement Project will be approximately $7,000,000.

Nancy Byrge asked how long the project is expected to take to complete.

Russ Bergman said the project should take nine months to complete.

Don Webb asked, with the construction of the bike path along Chambersburg Road, when a connection to the Miami River Bikeway would be made.

Russ Bergman said the connection of the Miami River Bikeway to Chambersburg Road by way of the future construction of a bike path along Fishburg Road will not be complete for four to five years.

Don Webb asked if the homeowners along Chambersburg Road will have access to their property during the road construction.

Russ Bergman answered affirmatively.

Nancy Byrge asked if it would be possible to prioritize the connection of the Chambersburg Road bike path to the Miami Valley Bikeway.

Russ Bergman said it may be possible to get the project done one year sooner than the estimated four to five year period.

After discussion, the City Council agreed to recommend that the proposed legislation to solicit bids for the Chambersburg Road West Improvement Project be placed on the agenda at the May 14, 2026 City Council Meeting for a first reading as non-emergency legislation with adoption of the proposed legislation at the May 14, 2026 City Council Meeting.

Charlesgate Road Gap Closure Project – Solicit Bids

Russ Bergman distributed information and proposed legislation to solicit bids for the Charlesgate Road Gap Closure Project (see attached). He said this item authorizes City Staff to solicit bids to complete the Charlesgate Road Gap Closure Project. He said this project will create a new 445-foot-long road that will connect the existing Charlesgate Road portions to the east and the west. He said construction on this project should begin in the summer of 2026 and be completed by the fall of 2026. He said the Charlesgate Road Gap Closure Project is estimated to cost between $400,000 and $500,000.

Don Webb thanked City Staff and the property owner of the land where the Charlesgate Road Closure Gap Project will be constructed for completing successful negotiations which will allow the project to move forward and benefit many of the residents who live near that area of Huber Heights.

Mark Campbell said Don Webb has been a driving force behind getting this project moving forward. He thanked Don Webb for his diligence on this project as well as many others throughout his years of service to the City.

After discussion, the City Council agreed to recommend that the proposed legislation to solicit bids for the Charlesgate Road Gap Closure Project be placed on the agenda at the May 14, 2026 City Council Meeting for a first reading as non-emergency legislation with adoption of the proposed legislation at the May 14, 2026 City Council Meeting.

ODOT Preliminary Consent Legislation – State Route 4 Resurfacing

Russ Bergman distributed information and proposed legislation to give the Ohio Department Of Transportation (ODOT) preliminary consent for resurfacing work on State Route 4 (see attached). He said this item gives preliminary consent to ODOT to resurface State Route 4 from the south City limits northward to the Interstate 70 interchange. He said this preliminary consent legislation is required by ODOT. He said the resurfacing work will involve milling, paving, and marking State Route 4. He said these State Route 4 road improvements will occur in 2027 and will be fully performed and managed by ODOT. He said these road improvements will be at no cost to the City.

After discussion, the City Council agreed to recommend that the proposed legislation to give the Ohio Department Of Transportation (ODOT) preliminary consent for resurfacing work on State Route 4 be placed on the agenda at the May 14, 2026 City Council Meeting for a first reading as non-emergency legislation with adoption of the proposed legislation at the May 14, 2026 City Council Meeting.

Tennis Court Resurfacing Project – Solicit Bids

Sarah Forsythe distributed information and proposed legislation to solicit bids for the Tennis Court Resurfacing Project (see attached). She said this legislation authorizes City Staff to solicit bids for the purpose of resurfacing tennis courts in Thomas Cloud Park. She said the Thomas Cloud Park tennis courts are heavily used by City residents. She said a $5,000 grant from United States Tennis as well as City capital funds from 2025 and 2026 will be used to fund this $200,000 project. She said this project would rectify the tennis courts in the most need of repair at Thomas Cloud Park.

Mayor Jeff Gore asked how much money it would take to resurface all of the tennis courts at Thomas Cloud Park since most of the tennis courts were being resurfaced by this project anyway.

Sarah Forsythe said she would get that information to Council as soon as possible.

Nancy Byrge asked when the Thomas Cloud Park tennis courts were most recently resurfaced.

Anthony Rodgers said the Thomas Cloud Park tennis courts were last resurfaced in 2019.

Nancy Byrge thanked Sarah Forsythe for her efforts in acquiring grants to fund parks and recreation projects.

After discussion, the City Council agreed to recommend that the proposed legislation to solicit bids for the Tennis Court Resurfacing Project to include all of the tennis courts at Thomas Cloud Park be placed on the agenda at the May 14, 2026 City Council Meeting for a first reading as non-emergency legislation with adoption of the proposed legislation at the May 14, 2026 City Council Meeting.

Park Paving Project – Solicit Bids

Sarah Forsythe distributed information and proposed legislation to solicit bids for the Park Paving Project (see attached). She said this legislation authorizes City Staff to solicit bids for parking lot paving at the Huber Heights Senior Center/YMCA, Rotary Monarch Park, and Community Park. She said this project also includes expanding parking for the pickleball courts at Community Park. She said pickleball players at Community Park are often parking in the grass along the park which is unsightly and irritating to nearby residents. She said Public Works

Manager Mike Gray has requested that she also add the repaving of the City's yard waste site to this legislation when it is presented at the May 14, 2026 City Council Meeting.

Don Webb asked if the added parking at Community Park would have any detrimental effects on nearby residents.

Sarah Forsythe said she did not foresee any negative outcomes for nearby residents. She said the new Community Park parking spaces would cover the tire marks and unsightly dying grass that are currently noticeable in that location.

After discussion, the City Council agreed to recommend that the proposed legislation to solicit bids for the Park Paving Project with the addition of the City's yard waste site be placed on the agenda at the May 14, 2026 City Council Meeting for a first reading as non-emergency legislation with adoption of the proposed legislation at the May 14, 2026 City Council Meeting.

<u>Community Park Playground Equipment – Award Contract</u>

Sarah Forsythe distributed information and proposed legislation to award a contract to purchase playground equipment at Community Park (see attached). She said this legislation authorizes the purchase of playground improvements at Community Park. She said the current playground needs redesigned and rebuilt to be accessible and enjoyable for children of all abilities. She said the Parks and Recreation Board put out a survey to families regarding what type of equipment and surfacing would be the most beneficial and these survey results were being used to drive the decision making on this project. She shared rendering options of the project with Council, including swing sets and zip lines. She said the not to exceed amount for the playground improvements at Community Park would be $410,000.

Scott Davidson asked about the status regarding the Dial Park renderings and projects that were discussed in 2025.

Sarah Forsythe said a consulting team ran focus groups to determine the needs and wants of the community regarding Dial Park at the end of 2025. She said those focus group results have been shared with the Parks and Recreation Department and have been taken into consideration for the future plans of Dial Park. She said renderings of the Dial Park improvements would be available later this year, but there are no specific funds allocated for the project at this time.

Scott Davidson said he would like to see improvements made to Dial Park as soon as possible.

Kate Baker said many residents close to Dial Park do not want any new equipment in that location. She said she would not want any new projects moving forward at Dial Park.

Anita Kitchen said the option of a zip line at Community Park would be very enjoyable for her child.

Sarah Forsythe said the renderings which involved more swings were leading the votes to be built at Community Park at the present time, but an option to put a zip line in somewhere in the City, either at Community Park or elsewhere, was a possibility in the future.

After discussion, the City Council agreed to recommend that the proposed legislation to award a contract to purchase playground equipment at Community Park with a revised not to exceed amount be placed on the agenda at the May 14, 2026 City Council Meeting for a first reading as non-emergency legislation with adoption of the proposed legislation at the May 14, 2026 City Council Meeting.

Huber Heights Senior Center Patio/Facility Upgrades – Award Contract

Sarah Forsythe distributed information and proposed legislation to award a contract for patio and facility upgrades for the Huber Heights Senior Center (see attached). She said this legislation would allow City Staff to utilize grant funds to make improvements at the Huber Heights Senior Center. She said the proposed outdoor patio improvements include chess/checker tables, fencing, and seating. She said the improvements would also consist of the installation of handrails throughout the facility to help seniors navigate the facility. She said the Parks and Recreation Department is seeking to waive the competitive bidding requirements and to award the project to Ferguson Construction. She said Ferguson Construction is the preferred vendor for YMCA Of Greater Dayton renovations and the original designer of the patio during the initial Huber Heights Senior Center construction in 2024. She said the contractor continuity for the building owner and familiarity with the project will aid in expediting this project.

Don Webb said the proposed patio improvements and the installation of handrails at the senior center are a dream come true and are extremely valuable to the facility.

Kate Baker asked if the seniors would also be interested in getting some manner of shading over the patio.

Sarah Forsythe said the building naturally shades the patio area, but options for shading could be examined in the future if the need arises.

After discussion, the City Council agreed to recommend that the proposed legislation to award a contract for patio and facility upgrades for the Huber Heights Senior Center be placed on the agenda at the May 14, 2026 City Council Meeting for a first reading as non-emergency legislation with adoption of the proposed legislation at the May 14, 2026 City Council Meeting.

<u>Supplemental Appropriations</u>

Jim Bell distributed information and proposed legislation to approve various supplemental appropriations for 2026 (see attached). He said these supplemental appropriations are for the various purposes listed:

- $100,000.00 transfer from Community Development Block Grant to Parks and Recreation Fund for the Senior Center patio construction.
- $17,143.68 transfer from Law Enforcement Assistance Fund to Police Fund for continuing professional training.
- $2,800.00 online auction fees for Police Division vehicle sold.
- $110,000.00 for the Senior Center patio and handrails project ($100,000.00 covered by CDBG Grant).
- $35,000.00 for repairs to the Rose Music Center highway marketing sign.
- $850,000 for three snowplow dump trucks for the Public Works Division (purchase previously approved by Council, but not in 2026 City Budget).

He said there are three revisions to the proposed legislation to approve various supplemental appropriations for 2026 which will be added to the proposed legislation for the May 14, 2026 City Council Meeting:

- $19,390.00 for five streetlights to be installed on Chambersburg Road near Wayne High School (paid from the Lighting District Fund).
- $150,000.00 in ED/GE grants for High-TEC Industries (transfer from ED/GE fund to General Fund).
- $75,000.00 in ED/GE grants for Fukuvi USA Inc. (transfer from ED/GE fund to General Fund).

Jim Bell asked Council to waive the second reading of the legislation and approve this item at the May 14, 2026 City Council Meeting.

Mayor Jeff Gore said the street light installation at Wayne High School will improve safety in that area as it gets very dark and it can be difficult to see students crossing the street.

John Russell said City Staff installed flashing crosswalk signals in front of Wayne High School this week and are working with the Huber Heights City School District to choose the best placement for the five new lights to maximize illumination near Wayne High School to improve safety in that area.

After discussion, the City Council agreed to recommend that the proposed legislation to approve various supplemental appropriations for 2026 with the addition of the three recommended other items be placed on the agenda at the May 14, 2026 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 May 14, 2026 City Council Meeting.

<u>Issuance Of Notes – Refunding/New Money</u>

Jim Bell distributed information and eleven (11) items of proposed legislation to issue renewal (refunding) notes and new notes in various amounts for various purposes (see attached). He said City Staff are requesting these ordinances be passed as emergency legislation at the May 14, 2026 City Council Meeting along with the waiving of the second reading on the eleven (11) items of proposed legislation. He said the issuance of the notes are for the following purposes:

- Refunding - Fire Station 25 - $1,513,000
- Refunding - The Meadows Infrastructure - $3,070,663
- Refunding - Governance Center/Property Acquisition - $14,403,486
- Refunding - Public Works Facility - $20,718,926
- Refunding - Fire Station 23 Renovations - $3,472,048
- Refunding - Carriage Trails Infrastructure - $6,410,166
- City Hall Renovations - $3,550,630
- Recreation Facility Improvements - $8,849,305
- Refunding/New Money - Water Infrastructure - New Water Well/ Water Meters/Sanitary Lift Station - $25,637,554
- Refunding - Property Acquisition/Improvement – Brandt Pike/Fishburg Road - Economic Development - $7,631,882
- Refunding - Property Acquisition/Improvement - Executive Boulevard - Economic Development - $2,532,330

City Municipal Advisor, Andy Brossart of Bradley Payne, distributed information and gave a PowerPoint presentation regarding a bond market update, a review of outstanding debt summaries, 2026 Bond Anticipation Notes (BAN) and a review of proposed upcoming note issuances and renewals (see attached). He said interest rates and the market are volatile at the present time due to the United State's conflict with Iran, and whereas he would typically recommend long-term debt, in the current economy the issuance of notes by the City is a safer and more cost-effective option. He said City Staff would be bringing legislation before Council later in 2026 to move towards taking debt into long term bonds which will give the City fixed payments instead of navigating volatile short term interest rate payments. He said the revenue streams that Council and City Staff have identified to pay back debt has been creative and wise.

Mark Campbell asked Andy Brossart if the City of Huber Heights was fiscally sound at this point.

Andy Brossart said the City was fiscally sound. He said the City of Huber Heights has greatly supplemented its revenue streams by use of development income such as TIFs.

Mayor Jeff Gore asked Andy Brossart if Huber Heights residents should be concerned about the amount of debt the City is carrying.

Andy Brossart said while the City does have a high amount of debt due to a large amount of development, the revenue streams that Council and City Staff have identified and utilized are sufficient to pay back the City's debt without resorting to increasing income taxes. He said other municipalities that may seem to have less debt also may have less revenue streams to pay that debt and could be forced to raise income taxes.

John Russell said City Managers across the region are contacting Huber Heights City Staff to learn how the City has been so successful, and are then using those strategies, such as the utilization of TIFs and NCAs in other municipalities to spur growth. He thanked Andy Brossart and his team for helping the City grow in a financially sound manner.

Mark Campbell thanked Jim Bell and his staff for helping to keep the City fiscally sound and responsible. He thanked Alex Zaharieff for modernizing the City's Finance Department. He said the TIFs that were used to pay for the Rose Music Center were a wise decision and now generate over $1,000,000 a year which is put back into the City.

Mayor Jeff Gore said money generated from the Rose Music Center will be used to pay for some of the projects that have come before Council at this meeting, such as the repaving of the tennis courts at Community Park.

Mark Campbell said investments such as the Rose Music Center have allowed the City to offer tremendous service to residents of Huber Heights without introducing levies.

After discussion, the City Council agreed to recommend that the eleven (11) items of proposed legislation to issue renewal (refunding) notes and new notes in various amounts for various purposes be placed on the agenda at the May 14, 2026 City Council Meeting as emergency legislation with the waiving of the second reading and adoption of the eleven (11) items of proposed legislation at the May 14, 2026 City Council Meeting.

Case MJC 26-10 – Greg Hoskins – Major Change/Basic Development Plan – 3020 Burr Oak Drive

Aaron Sorrell distributed information and proposed legislation for Case MJC 26-10 to remove an open space restriction on Lot 199 in The Oaks development as a Major Change to the Basic Development Plan for property located at 3020 Burr Oak Drive (see attached). He said this item was needed to remove an open space restriction on Lot 199 of The Oaks of Huber Heights Section Nine Platt. He said the open space restriction on Lot 199 serves no purpose as it is only 300 feet away from Cottonwood Park. He said Lot 199 was never developed and has become a liability to the HOA in the area. He said Lot 199 has an interested buyer at this time once the open space restriction is removed. He said the Planning Commission voted unanimously to approve this Major Change to the Basic Development Plan.

Nancy Byrge asked if the buyer was looking to build on the lot.

Aaron Sorrell said it was his understanding that the buyer was interested in building a structure on the property once it was purchased.

Scott Davidson asked if Lot 199 was originally planned as green space.

Aaron Sorrell said that it was planned as green space but those plans never materialized.

Scott Davidson said he had concerns with HOAs promoting green spaces and then not following through on those plans.

Anthony Rodgers asked if there would be a public hearing on this issue.

Aaron Sorrell said there would be a public hearing held for Case MJC 26-10 at the May 14, 2026 City Council Meeting.

After discussion, the City Council agreed to recommend that the proposed legislation for Case MJC 26-10 to remove an open space restriction on Lot 199 in The Oaks development as a Major Change to the Basic Development Plan for property located at 3020 Burr Oak Drive be placed on the agenda at the May 14, 2026 City Council Meeting for a first reading as non-emergency legislation and a public hearing with the waiving of the second reading and adoption of the proposed legislation at the May 14, 2026 City Council Meeting.

Executive Session – Under Personnel Matters To Consider Employment Issues Related to Public Employees

Nancy Byrge made a motion to go into Executive Session under personnel matters to consider employment issues related to public employees at 7:31 P.M. Mark Campbell seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mayor Gore, Mr. Aikens, Mr. Looney, Mrs. Kitchen, Mr. Webb, and Mr. Davidson voted yea; none voted nay. The motion passed 9-0. The City Council went into Executive Session at 7:31 P.M.

The City Council adjourned from Executive Session at 8:51 P.M.

There were no other actions taken or decisions made by the City Council following the Executive Session.

Other Business

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

4. **Adjournment**

Mayor Jeff Gore adjourned the Council Work Session at 8:51 P.M.

AI-11526		**Topics Of Discussion**	**A.**
Council Work Session			
Meeting Date:	05/05/2026		
City Manager Report			
Submitted By:	Anthony Rodgers		
Department:	City Council		
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	05/05/2026
Audio-Visual Needs:	SmartBoard	**Legal Review:**	Not Needed
Emergency Legislation?:	No	**Motion/Ordinance/ Resolution No.:**	N/A

Agenda Item Description or Legislation Title

City Manager Report

Purpose and Background

A copy of the presentation given with the City Manager Report has been attached (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

No file(s) attached.

Huber Heights City Council Meeting

May 5, 2026

HUBER HEIGHTS
Come Grow With Us!

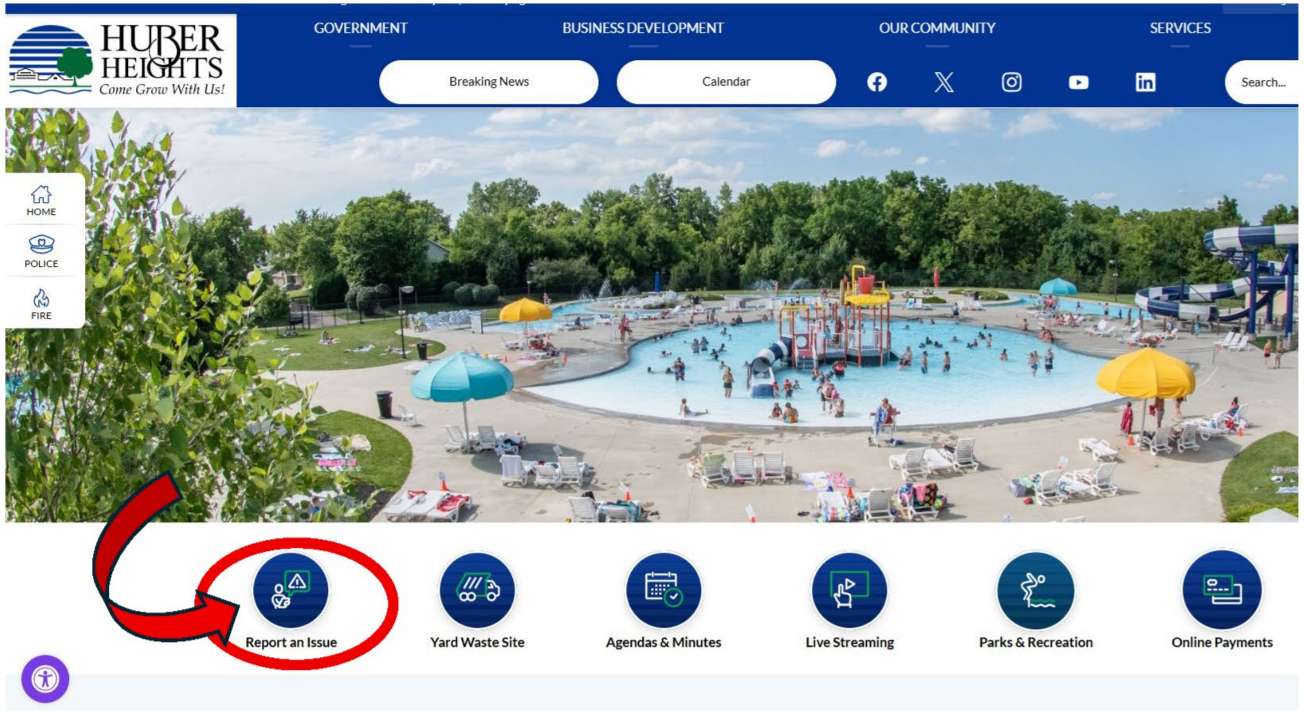
Huber Heights Community Services

- Jobs & Family Services On The Move (OTM) Mobile Unit
  - June 8th 3pm-5pm – Chamber of Commerce
  - June 20th – Juneteenth Celebration (Eichelberger)
  - July 13th 3pm-5pm – Chamber of Commerce

HUBER HEIGHTS
Come Grow With Us!

Huber Heights Communications Team

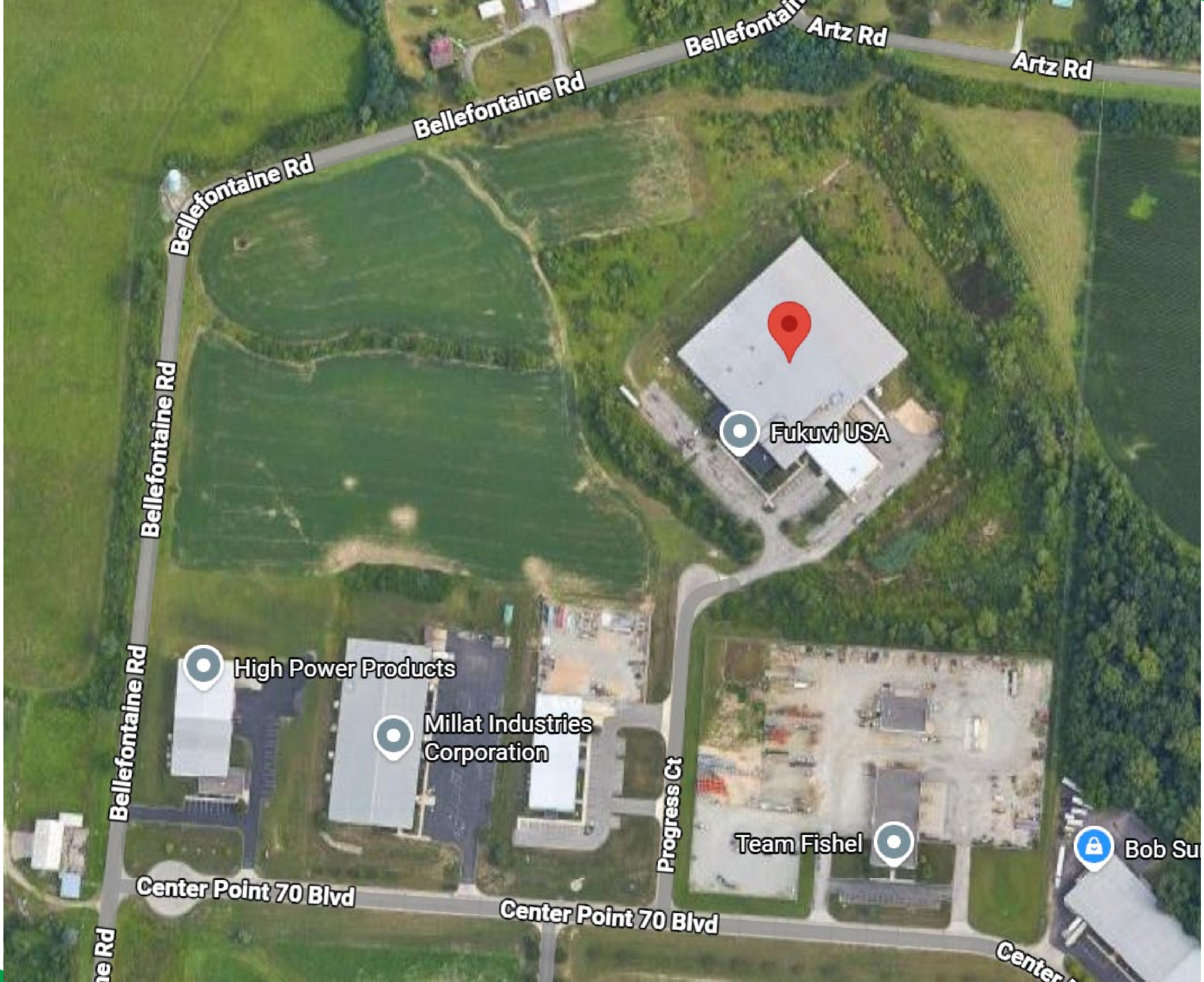
- “New” Report an Issue system
- Moving Away from the App
- Website is now “mobile-friendly”
- Examples of what to report
    - Potholes
    - Grass
    - Streetlights
    - Etc



Economic Development Activity:

Fukuvi USA Expansion

- **Huber Heights Awarded $75,000 in an ED/GE Grant from Montgomery County**
  - Fukuvi USA produces high-quality plastic profile extrusions for a wide range of industries
  - Fukuvi USA plans to build a 36k SF warehouse at a cost $3.5M (construction and M&E)
  - This project will create 9 jobs over 3 years with an average salary of $49,862
  - **77 jobs will be retained with an average salary of $40,519**
  - ED/GE funds are necessary to keep Fukuvi USA in Huber Heights project financing
  - Expansion will increase income and property tax revenues



HUBER HEIGHTS
Come Grow With Us!

SAVING LIVES IS IN THE BAG

MAY 4TH - JUNE 27TH

Donate blood to receive this tote bag.*

Drop in and donate to help avoid critical blood shortages when you give the most important gift of all, the gift of life!

Be a hero for someone in need, give blood today.

*All gifts are available while supplies last and are subject to change. Color and design are also subject to change at any time and are based on availability from the manufacturer.

Huber Heights Fire Station 22

7008 Brandt Pike Huber Heights, OH 45424
Training Room

Wednesday May 6, 2026
3:00PM to 7:00PM

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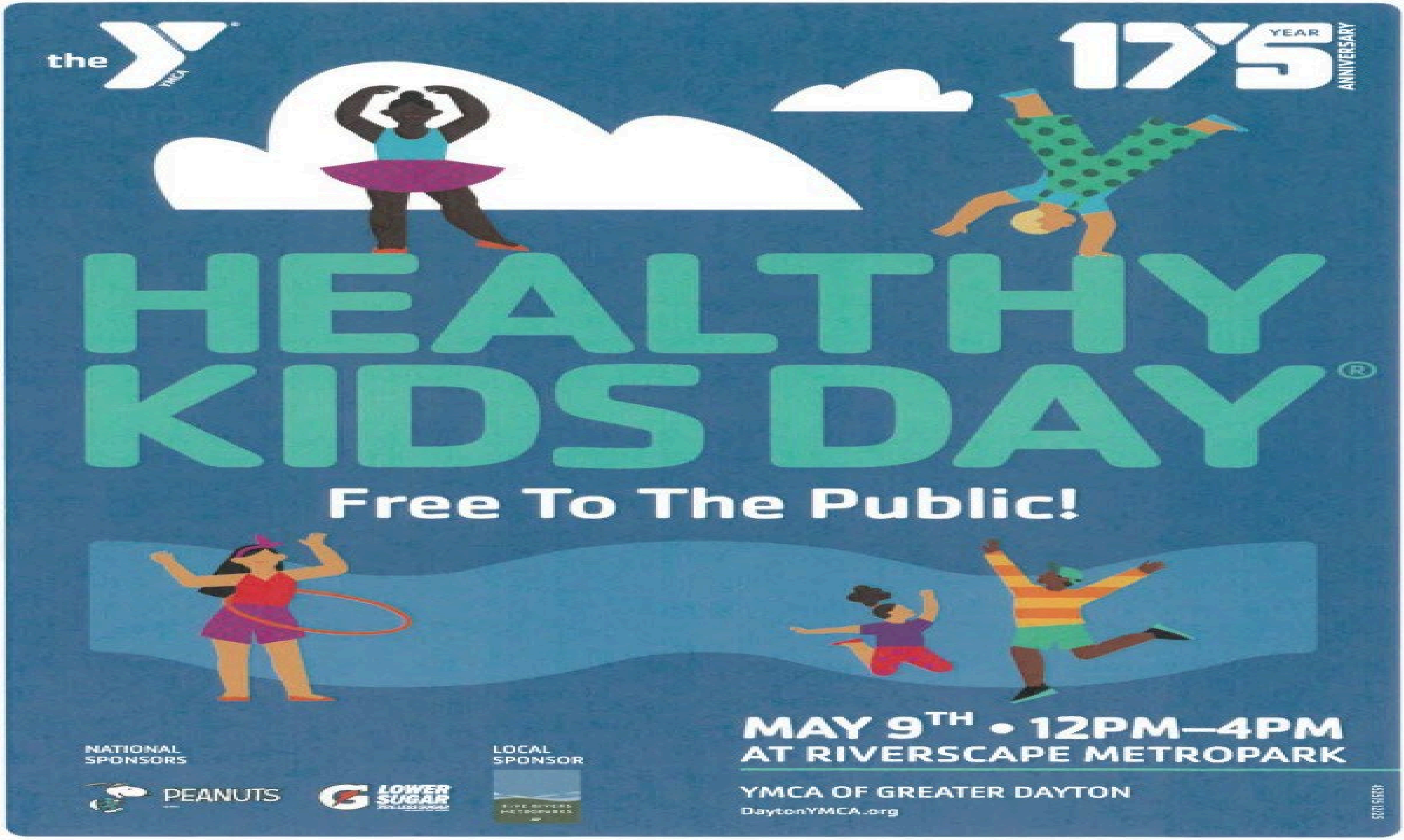
HUBER HEIGHTS Come Grow With Us!



HUBER HEIGHTS
Come Grow With Us!

HUBER HEIGHTS
Come Grow With Us!

Questions??

AI-11527 **Topics Of Discussion** B.

Council Work Session

Meeting Date:	05/05/2026		
Planning Commission Update			
Submitted By:	Anthony Rodgers		
Department:	City Council		
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	05/05/2026
Audio-Visual Needs:	None	**Legal Review:**	Not Needed
Emergency Legislation?:	No	**Motion/Ordinance/ Resolution No.:**	N/A

Agenda Item Description or Legislation Title

Planning Commission Update

Purpose and Background

Representatives of the Planning Commission will give an update presentation on the activities and work of the Planning Commission.

Fiscal Impact

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

Attachments

No file(s) attached.

AI-11511 **Topics Of Discussion** C.

Council Work Session

Meeting Date:	05/05/2026		
Chambersburg Road West Improvement Project - Solicit Bids			
Submitted By:	Hanane Eisentraut		
Department:	Assistant City Manager - Public Services	**Division:**	Engineering
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	05/05/2026
Audio-Visual Needs:	None	**Legal Review:**	Not Needed
Emergency Legislation?:	No	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

Chambersburg Road West Improvement Project - Solicit Bids

Purpose and Background

This legislation will allow the City Manager to solicit bids for the construction of the Chambersburg Road West Improvement Project. The City has applied for and received a grant through the Miami Valley Regional Planning Commission (MVRPC) to reconstruct and widen Chambersburg Road from Old Troy Pike to Endicott Road. The project consists of adjusting the vertical alignment of the roadway to eliminate a crest area in the pavement, widening the roadway from 2 to 3 lanes, installing curbs, handicap ramps, and storm sewers, paving an 11' sidewalk/bike path on the north side, paving a 5' sidewalk on the south side, and extending the water main.

Fiscal Impact

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

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2026-R-

AUTHORIZING THE CITY MANAGER TO SOLICIT, ADVERTISE, AND RECEIVE BIDS FROM QUALIFIED FIRMS FOR THE CONSTRUCTION OF THE CHAMBERSBURG ROAD WEST IMPROVEMENT PROJECT.

WHEREAS, the City Council has applied for and received a grant through the Miami Valley Regional Planning Commission (MVRPC) for the construction of the Chambersburg Road West Improvement Project; and

WHEREAS, the engineering plans, specifications and cost estimates for the Chambersburg Road West Improvement Project have been completed by Choice One Engineering.

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

Section 1. The City Manager is hereby authorized to solicit, advertise, and receive bids from qualified firms for the construction of the Chambersburg Road West Improvement Project at a cost not to exceed $7,000,000.00.

Section 2. It is hereby determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public 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 __________________, 2026;
_________Yeas; _________Nays.

Effective Date:

AUTHENTICATION:

_________________________________	_________________________________
Clerk of Council	Mayor
_________________________________	_________________________________
Date	Date

AI-11513 **Topics Of Discussion** **D.**

Council Work Session

Meeting Date:	05/05/2026		
Charlesgate Road Gap Closure Project - Solicit Bids			
Submitted By:	Hanane Eisentraut		
Department:	Assistant City Manager - Public Services	**Division:**	Engineering
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	05/05/2026
Audio-Visual Needs:	None	**Legal Review:**	Not Needed
Emergency Legislation?:	No	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

Charlesgate Road Gap Closure Project - Solicit Bids

Purpose and Background

This legislation will authorize the City to solicit, advertise, and receive bids for the Charlesgate Road Gap Closure Project. This project consists of constructing 445 feet of new roadway to connect the two separate sections of Charlesgate Road near Deergate Drive. The plans and specifications for the project were completed by The Reinke Group. The Capital Fund will be utilized to construct this project.

Fiscal Impact

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

Attachments

Map

Resolution

City of Huber Heights

1 in = 300 ft

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2026-R-

AUTHORIZING THE CITY MANAGER TO SOLICIT, ADVERTISE, AND RECEIVE BIDS FROM QUALIFIED FIRMS FOR THE CONSTRUCTION OF THE CHARLESGATE ROAD GAP CLOSURE PROJECT.

WHEREAS, the engineering plans, specifications, and cost estimates for the Charlesgate Road Gap Closure Project have been completed by The Reinke Group; and

WHEREAS, funds are available to cover the cost of this improvement.

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

Section 1. The City Manager is hereby authorized to solicit, advertise, and receive bids from qualified firms for the construction of the Charlesgate Road Gap Closure Project at a cost not to exceed $500,000.00.

Section 2. It is hereby determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public 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 __________________, 2026;
_________Yeas; _________Nays.

Effective Date:

AUTHENTICATION:

_______________________________	_______________________________
Clerk of Council	Mayor
_______________________________	_______________________________
Date	Date

AI-11512 **Topics Of Discussion** E.

Council Work Session

Meeting Date:	05/05/2026

ODOT Preliminary Consent Legislation - State Route 4 Resurfacing

Submitted By:	Hanane Eisentraut		
Department:	Assistant City Manager - Public Services	**Division:**	Engineering
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	05/11/2026
Audio-Visual Needs:	None	**Legal Review:**	Not Needed
Emergency Legislation?:	No	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

ODOT Preliminary Consent Legislation - State Route 4 Resurfacing

Purpose and Background

This legislation is to give the Ohio Department Of Transportation (ODOT) preliminary consent to resurface State Route 4 from mile marker 23.16 to mile marker 25.14 in the City of Huber Heights. ODOT will provide all of the funding and supervision of this project improvement. The work will be accomplished in Fiscal Year 2027.

Fiscal Impact

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

Attachments

Map

Resolution

: 1 in equals 1,505

City of Huber Heights, OH

PID No.109738
MOT-4-17.11/23.12

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2026-R-

CONSENTING TO THE OHIO DIRECTOR OF TRANSPORTATION TO RESURFACE STATE ROUTE 4 FROM MILE MARKER 23.16 TO MILE MARKER 25.14 IN THE CITY OF HUBER HEIGHTS.

WHEREAS, the State of Ohio has identified the need to resurface State Route 4 from mile marker 23.16 to mile marker 25.14 in the City of Huber Heights.

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

Section 1. Being in the public interest, the City gives consent to the Director of Transportation to complete the above described Project.

Section 2. The City shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into an LPA Federal Ohio Department Of Transportation (ODOT) Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The State shall assume and bear one hundred percent (100%) of all of the costs of the improvement.

The City agrees to pay 100% of the cost of those features requested by the City which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

Section 3. The City Manager is hereby empowered to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the City Manager is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Huber Heights to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Section 4. The City agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with the current State and Federal regulations. The City also understands that right-of-way costs include eligible utility costs.

The City agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 5. Upon completion of the Project, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 6. It is hereby determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 7. 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 _____________ , 2026;
______ Yeas; ______ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council	Mayor
Date	Date

AI-11478		**Topics Of Discussion**	**F.**
Council Work Session			
Meeting Date:	05/05/2026		
Tennis Court Resurfacing Project - Solicit Bids			
Submitted By:	Sarah Forsythe		
Department:	Assistant City Manager - Public Services	**Division:**	Parks/Recreation
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	05/05/2026
Audio-Visual Needs:	None	**Legal Review:**	Not Needed
Emergency Legislation?:	No	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

Tennis Court Resurfacing Project - Solicit Bids

Purpose and Background

The tennis courts at Thomas Cloud Park are in need of repair and resurfacing. This project is included in the Parks Capital Improvement Plan and will utilize 2025 and 2026 Capital Funds earmarked for this restoration project.

Fiscal Impact

Source of Funds:	Parks And Recreation Capital Budget
Cost:	$200.00
Recurring Cost? (Yes/No):	No
Funds Available in Current Budget? (Yes/No):	Yes
Financial Implications:	

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2026-R-

AUTHORIZING THE CITY MANAGER TO SOLICIT BIDS AND AWARD A CONTRACT FOR THE REPAIR AND RESURFACING OF TENNIS COURTS AT THOMAS A. CLOUD MEMORIAL PARK.

WHEREAS, the City of Huber Heights owns and operates tennis courts at Thomas A. Cloud Memorial Park; and

WHEREAS, Thomas A. Cloud Memorial Park experiences a high volume or patronage seeking recreation opportunities, including local tennis teams and social groups; and

WHEREAS, the City desires to provide quality sports facilities to meet the needs of the community.

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

Section 1. The City Manager is hereby authorized to solicit bids and to award a contract for the repair and resurfacing of Thomas A. Cloud Memorial Park tennis courts in an amount not to exceed $200,000.00.

Section 2. It is hereby determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public 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 ___________, 2026;
_______ Yeas; ______ Nays.

Effective Date:

AUTHENTICATION:

______________________________	______________________________
Clerk of Council	Mayor
______________________________	______________________________
Date	Date

AI-11479 **Topics Of Discussion** G.

Council Work Session

Meeting Date:	05/05/2026		
Park Paving Project - Solicit Bids			
Submitted By:	Sarah Forsythe		
Department:	Assistant City Manager - Public Services	**Division:**	Parks/Recreation
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	05/05/2026
Audio-Visual Needs:	None	**Legal Review:**	Not Needed
Emergency Legislation?:	No	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

Park Paving Project - Solicit Bids

Purpose and Background

The Parks and Recreation Department seeks qualified bids for the repair and paving of parking lots and drives at Herbert C. Huber Community Park, Rotary Monarch Park, and the Recreation Complex at the Heights (YMCA and Senior Center lots). The work will include additional parking spaces near the pickleball courts at Herbert C. Huber Community Park. The work will also allow for more handicapped parking spots at the Huber Heights Senior Center and will improve some small pedestrian pathways in the parks.

Fiscal Impact

Source of Funds:	Parks And Recreation Capital Budget
Cost:	$355,000
Recurring Cost? (Yes/No):	No
Funds Available in Current Budget? (Yes/No):	Yes

Financial Implications:

Funds are reserved from 2025, and new funds allocated in the 2026 Parks Capital Improvement budget line will be used to repair and pave these parking lots and asphalt amenities.

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2026-R-

AUTHORIZING THE CITY MANAGER TO SOLICIT BIDS AND AWARD A CONTRACT FOR THE REPAIR AND PAVING OF PARKING LOTS LOCATED IN HERBERT C. HUBER COMMUNITY PARK, ROTARY MONARCH PARK, AND THE RECREATION COMPLEX AT THE HEIGHTS.

WHEREAS, the City of Huber Heights owns and operates Herbert C. Huber Community Park, Rotary Monarch Park, and the Recreation Complex At The Heights; and

WHEREAS, these parks have parking lots in need of repair and resurfacing; and

WHEREAS, the City desires to provide quality experiences to park guests, inclusive of a safe and inviting parking experience.

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

Section 1. The City Manager is hereby authorized to solicit bids and to award a contract for the repair and resurfacing of parking lots and asphalt amenities in Herbert C. Huber Community Park, Rotary Monarch Park, and the Recreation Complex At The Heights in an amount not to exceed $355,000.00.

Section 2. It is hereby determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public 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 ___________, 2026;
_______ Yeas; ______ Nays.

Effective Date:

AUTHENTICATION:

______________________	______________________
Clerk of Council	Mayor
______________________	______________________
Date	Date

AI-11480 **Topics Of Discussion** **H.**

Council Work Session

Meeting Date:	05/05/2026		
Community Park Playground Equipment - Award Contract			
Submitted By:	Sarah Forsythe		
Department:	Assistant City Manager - Public Services	**Division:**	Parks/Recreation
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	05/05/2026
Audio-Visual Needs:	None	**Legal Review:**	Not Needed
Emergency Legislation?:	No	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

Community Park Playground Equipment - Award Contract

Purpose and Background

The Parks and Recreation Department is seeking to waive the competitive bidding requirements for the purchase and installation of improved playground amenities at Herbert C. Huber Community Park through Midstates Recreation. Midstates Recreation is a member of the cooperative purchasing organization, Sourcewell, whose membership ensures competitive pricing and allows for the expedited purchase and installation of the equipment for which Community Development Block Grant (CDBG) funds are being utilized.

Fiscal Impact

Source of Funds:	Parks And Recreation Capital Budget/CDBG Funds
Cost:	$380,000
Recurring Cost? (Yes/No):	No
Funds Available in Current Budget? (Yes/No):	Yes

Financial Implications:

Funds are allocated in the 2025 and 2026 Parks and Recreation Capital Budget line and CDBG funds are contracted for a $75,000 reimbursement toward this project.

Attachments

Renderings

Resolution


MIDSTATES
RECREATION
OPTION A
DESIGN SHOWN IS CONCEPTUAL, INCLUDING COLORS. FINAL PRODUCTS MAY DIFFER.


MIDSTATES
RECREATION
DESIGN SHOWN IS CONCEPTUAL, INCLUDING COLORS. FINAL PRODUCTS MAY DIFFER.
OPTION A


MIDSTATES
RECREATION
OPTION A
DESIGN SHOWN IS CONCEPTUAL, INCLUDING COLORS. FINAL PRODUCTS MAY DIFFER.


MiDSTATES
RECREATION
OPTION B
DESIGN SHOWN IS CONCEPTUAL, INCLUDING COLORS. FINAL PRODUCTS MAY DIFFER.

DESIGN SHOWN IS CONCEPTUAL, INCLUDING COLORS. FINAL PRODUCTS MAY DIFFER.


MIDSTATES
RECREATION
OPTION B
DESIGN SHOWN IS CONCEPTUAL, INCLUDING COLORS. FINAL PRODUCTS MAY DIFFER.

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2026-R-

AUTHORIZING THE CITY MANAGER TO MAKE IMPROVEMENTS TO COMMUNITY PARK AND WAIVING THE COMPETITIVE BIDDING REQUIREMENTS.

WHEREAS, the City of Huber Heights owns and operates a playground at Community Park; and

WHEREAS, this playground is scheduled for enhancement in the Parks and Recreation Capital Improvement Plan based on recommendations from the Huber Heights Parks and Recreation Board; and

WHEREAS, the City desires to provide quality play facilities to meet the needs of the community, including adaptive play pieces for physically impaired children; and

WHEREAS, Midstates Recreation provides quality play systems with options for highly accessible pieces available through the Sourcewell cooperative purchasing agreement.

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

Section 1. In accordance with Section 171.12(b) of the Huber Heights Codified Ordinances, the City Council hereby waives the requirements to formally bid the purchase and installation of play features in Community Park. The City Manager, or his designee, is hereby authorized and directed to engage Midstates Recreation for the purchase and installation of play features in Community Park. Such authorization of the City Manager includes the execution of any and all documents necessary to accomplish this directive.

Section 2. The City Manager's scope and authority as noted above shall be based on the following budgetary not to exceed limitations:

- Play Structure: $355,000.00
- Incidentals/Contingency: $25,000.00

Section 3. It is hereby determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public 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 ___________, 2026;
_______ Yeas; ______ Nays.

Effective Date:

AUTHENTICATION:

________________________	________________________
Clerk of Council	Mayor
________________________	________________________
Date	Date

AI-11481		**Topics Of Discussion**	I.
Council Work Session			
Meeting Date:	05/05/2026		

Huber Heights Senior Center Patio/Facility Upgrades - Award Contract

Submitted By:	Sarah Forsythe		
Department:	Assistant City Manager - Public Services	**Division:**	Parks/Recreation
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	05/05/2026
Audio-Visual Needs:	None	**Legal Review:**	Not Needed
Emergency Legislation?:	No	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

Huber Heights Senior Center Patio/Facility Upgrades - Award Contract

Purpose and Background

Community Development Block Grant Funds have been awarded to the City for the installation of a patio and hallway handrails at the Huber Heights Senior Center. The Parks and Recreation Department is seeking to waive the competitive bidding requirements and to award the project to Ferguson Construction. Ferguson Construction is the preferred vendor for YMCA Of Greater Dayton renovations and the original designer of the patio during the initial Senior Center construction in 2024. Contractor continuity for the building owner and familiarity with the project will aid in expediting this project.

Fiscal Impact

Source of Funds:	Parks And Recreation Capital Budget/CDBG Funds
Cost:	$110,000
Recurring Cost? (Yes/No):	No
Funds Available in Current Budget? (Yes/No):	No
Financial Implications:	

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2026-R-

AUTHORIZING THE CITY MANAGER TO MAKE IMPROVEMENTS TO THE HUBER HEIGHTS SENIOR CENTER AND WAIVING THE COMPETITIVE BIDDING REQUIREMENTS.

WHEREAS, the City of Huber Heights operates the Huber Heights Senior Center; and

WHEREAS, Montgomery County Community Development Block Grant (CDBG) funds have been awarded to the City to facilitate the addition of interior handrails and the construction of an outdoor patio, including amenities such as chess, checkers, and table tennis; and

WHEREAS, the City of Huber Heights seeks to waive competitive bidding requirements in order to maintain continuity with the prior construction completed by the preferred Greater Dayton YMCA vendor, Feguson Construction; and

WHEREAS, Ferguson Construction developed the initial design concept, has provided a reasonable cost proposal, and has a demonstrated history of past quality services to the City.

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

Section 1. In accordance with Section 171.12(b) of the Huber Heights Codified Ordinances, the City Council hereby waives the requirements to formally bid the construction and installation of an outdoor patio space and interior handrails at the Huber Heights Senior Center. The City Manager, or his designee, is hereby authorized and directed to engage Ferguson Construction for the construction and installation of an outdoor patio space and interior handrails at the Huber Heights Senior Center. Such authorization of the City Manager includes the execution of any and all documents necessary to accomplish this directive.

Section 2. The City Manager's scope and authority as noted above shall be based on the following budgetary not to exceed limitations:

- Construction/Installation: $100,000.00
- Incidentals/Contingency: $10,000.00

Section 3. It is hereby determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public 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 ___________, 2026;
_______ Yeas; ______ Nays.

Effective Date:

AUTHENTICATION:

___________________________________ ________________________________
Clerk of Council Mayor

Date

Date

AI-11528		**Topics Of Discussion**	**J.**
Council Work Session			
Meeting Date:	05/05/2026		
Supplemental Appropriations			
Submitted By:	Jim Bell		
Department:	Assistant City Manager - Finance/ED	**Division:**	Finance/Tax
Council Committee Review?:	Council Work Session		
Date(s) of Committee Review:	05/05/2026		
Audio-Visual Needs:	None	**Legal Review:**	Not Needed
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:

- $100,000 transfer from Community Development Block Grant to Parks and Recreation Fund for grant portion of Senior Center patio construction.
- $17,143.68 transfer from Law Enforcement Assistance Fund to Police Fund for continuing professional training.
- $2,800 online auction fees for Police Division vehicle sold.
- $110,000 for Senior Center patio and handrails project ($100,000 covered by CDBG Grant).
- $35,000 repair to Rose Music Center highway marketing sign.
- $850,000 for 3 snow plow dump trucks for the Public Works Division (purchase previously approved by Council, but not in 2026 Budget).

Fiscal Impact

Source of Funds:	Various Funds
Cost:	$897,800
Recurring Cost? (Yes/No):	No
Funds Available in Current Budget? (Yes/No):	Yes
Financial Implications:	

Attachments

Ordinance/Exhibit A/Exhibit B

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2026-O-

AUTHORIZING TRANSFERS BETWEEN VARIOUS FUNDS OF THE CITY OF HUBER HEIGHTS, OHIO AND AMENDING ORDINANCE NO. 2025-O-2739 BY MAKING SUPPLEMENTAL APPROPRIATIONS FOR EXPENSES OF THE CITY OF HUBER HEIGHTS, OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2026 AND ENDING DECEMBER 31, 2026.

WHEREAS, supplemental appropriations for expenses of the City of Huber Heights must be made for appropriations of funds for various 2026 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 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 transfers necessary and effected after January 1, 2026.

Section 2. Ordinance No. 2025-O-2739 is hereby amended as shown in Exhibit B of this Ordinance.

Section 3. It is hereby determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public 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 _____________ , 2026;
______ Yeas; ______ Nays.

Effective Date:

AUTHENTICATION:

______________________________	______________________________
Clerk of Council	Mayor
______________________________	______________________________
Date	Date

EXHIBIT A

Transfer:

Amount	*Fund From*	*Fund To*	*Purpose*
$100,000.00	222 CDBG Grant	218 Parks & Rec	Grant for Senior Center patio
$ 17,143.68	242 Law Enf Assist	209 Police	Grant for Police professional training

EXHIBIT B

AMENDING ORDINANCE NO. 2025-O-2739 BY MAKING APPROPRIATIONS FOR EXPENSES OF THE CITY OF HUBER HEIGHTS, OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2026 AND ENDING DECEMBER 31, 2026.

1) Section 8 of Ordinance No. 2025-O-2739 is hereby added to reflect an increase in the appropriations of the 212 Law Enforcement Fund, Operations and Capital of $2,800.00.
2) Section 12 of Ordinance No. 2025-O-2739 is hereby added to reflect an increase in the appropriations of the 218 Parks & Recreation Fund, as follows:

   a. Subsection a) Administration, Operations and Capital of $110,000.00

   b. Subsection d) Music Center, Operations and Capital of $35,000.00.
3) Section 13 of Ordinance No. 2025-O-2739 is hereby added to reflect an increase in the appropriations of the 222 CDBG Fund, as follows:

   a. Subsection b) Non-Departmental, Transfers of $100,000.00.
4) Section 14 of Ordinance No. 2025-O-2739 is hereby added to reflect an increase in the appropriations of the 226 Local Street Operating Fund, as follows:

   a. Subsection a) Streets, Operations and Capital of $850,000.00.
5) Section 17 of Ordinance No. 2025-O-2739 is hereby added to reflect an increase in the appropriations of the 242 Law Enforcement Assistance Fund, Transfers of $17,143.68.

Law Enforcement Fund	$2,800.00
Parks & Recreation Fund	$145,000.00
CDBG Fund	$100,000.00
Local Street Operating Fund	$850,000.00
Law Enforcement Assistance Fund	$17,143.68

AI-11515 **Topics Of Discussion** K.

Council Work Session

Meeting Date:	05/05/2026		
Issuance Of Notes - Refunding - Fire Station #25 - $1,513,000			
Submitted By:	Jim Bell		
Department:	Assistant City Manager - Finance/ED	**Division:**	Finance/Tax
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	05/05/2026
Audio-Visual Needs:	None	**Legal Review:**	Completed
Emergency Legislation?:	Yes	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

Issuance Of Notes - Refunding/New

* Refunding - Fire Station 25 - $1,513,000

Purpose and Background

The attached ordinance will allow the City to issue one year notes in the amount of $1,513,000 for the refunding of the notes issued in 2025 for the remaining 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 May 5, 2026 Council Work Session and be available to answer any questions. City Staff are requesting this ordinance be passed as emergency legislation with the waiving of the second reading and adoption of this ordinance at the City Council Meeting on May 14, 2026, so the notes can be sold with ten additional notes, and the proceeds received prior to the maturity of the notes issued in 2025.

Fiscal Impact

Source of Funds:	Notes
Cost:	$1,513,000
Recurring Cost? (Yes/No):	No
Funds Available in Current Budget? (Yes/No):	Yes
Financial Implications:	

Attachments

FOC

Ordinance

Bond Market Update
Outstanding Debt Summaries
Series 2026 BANs

BRADLEY PAYNE
REGISTERED MUNICIPAL ADVISORS

May 5, 2026

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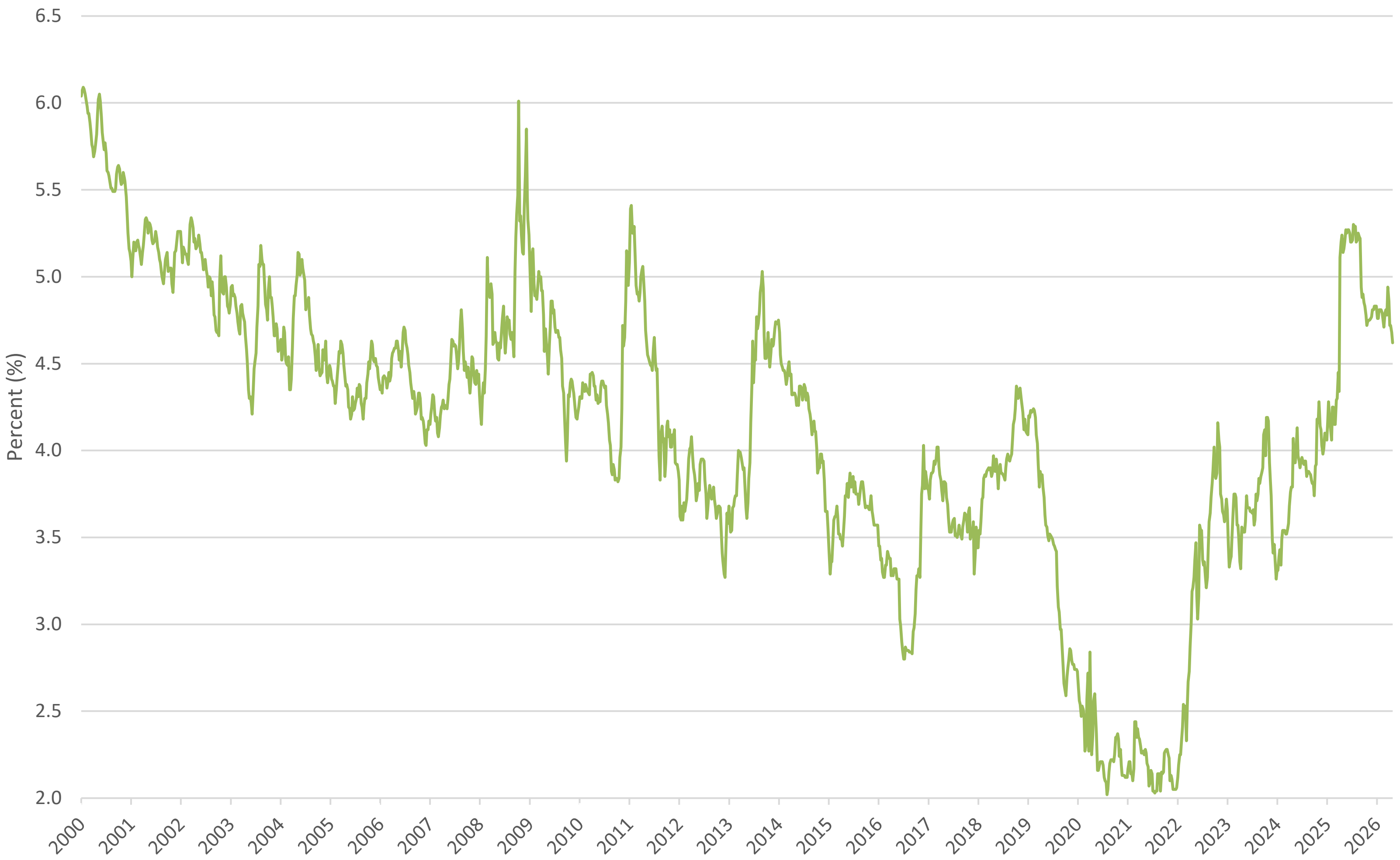
Tax Exempt Interest Rates | Benchmark Yields

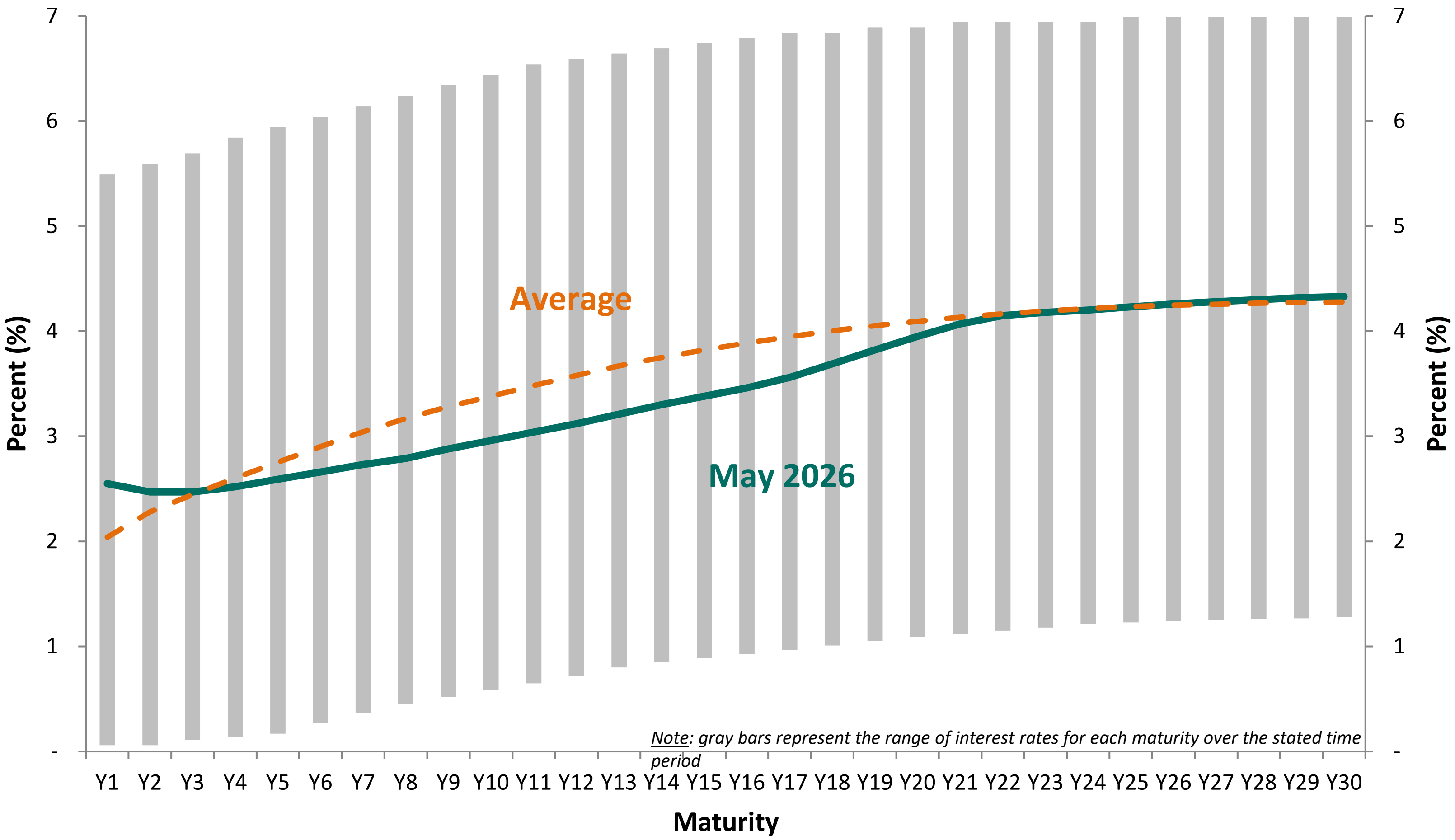
Bond Buyer 20-Bond GO ("General Obligation") Index (May 1, 2026)



Source: Bond Buyer

Tax Exempt Interest Rates | Benchmark Yields

AAA MMD Range by Maturity: Current Market vs. Average Rates
Range from 1991 - Current Market (May 1, 2026)



Source: Refinitiv, TM3

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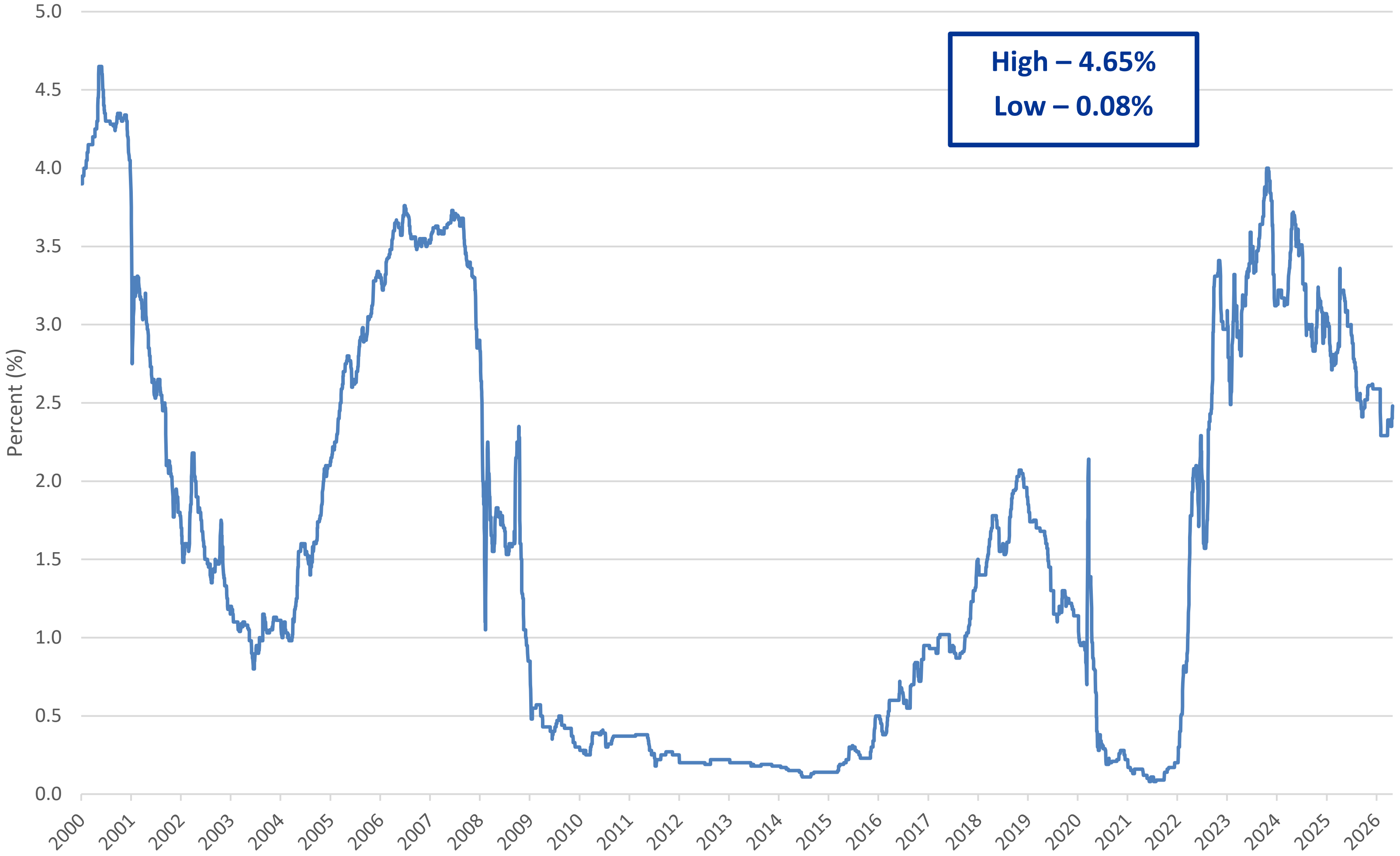
Tax Exempt Interest Rates | Benchmark Yields

Short-Term (MIG-1 12 Month Index) Benchmark Rate (May 1, 2026)



Source: Refinitiv, TM3

Legislative Summary

Four Separate Note Legislation

- $61,988,224 Various Purpose Notes, Series 2026
- $25,637,554 General Income Tax Special Obligation Notes, Series 2026
- $7,631,882 Special Obligation Nontax Revenue Notes, Series 2026A (Federally Taxable)
- $2,532,330 Special Obligation Nontax Revenue Notes, Series 2026B (Federally Taxable)

Sources: OMAC & Squires Patton Boggs

2026 BAN Renewal and New Money Needs

Limited Tax General Obligation Bond Anticipation Notes (BAN's)					
Description	2025 Amount Issued	2026 New Money Needs	2026 Capitalized Interest	2026 Total Issued Amount	Funding Source
Public Works Facility – design	$693,000	$0	$19,785	$712,785	Mont. County TIF, Gas Tax Fund, Water/Sewer/Storm
Public Works Facility – construction	$18,625,000	$0	$798,981	$19,423,981	Mont. County TIF, Gas Tax Fund, Water/Sewer/Storm
Governance Center – design	$689,000	$0	$22,036	$711,036	Meadows Rent Payments Meadows TIF Authentix TIF
Governance Center – construction	$10,327,000	$0	$498,611	$10,825,611	Meadows Rent Payments Meadows TIF Authentix TIF
Renovations to Fire Station #23	$3,310,000	$0	$162,048	$3,472,048	Fire Cap Fund
The Meadows infrastructure	$2,984,000	$0	$86,663	$3,070,663	Meadows Rent Payments Meadows TIF Authentix TIF
Land purchase for Public Works Facility	$565,000	$0	$17,160	$582,160	Mont. County TIF, Gas Tax Fund, Water/Sewer/Storm
Acquire Carriage Trail Public Improvements	$6,111,000	$0	$299,166	$6,410,166	DEC Miami County TIF
City Hall Renovations	$3,382,000	$0	$168,630	$3,550,630	Income Tax
Indoor Music Facility	$5,000,000	$3,600,000	$249,305	$8,849,305	New Community Authority (NCA), CT2 TIF
Fire Station #25 bonds	$1,600,000	-$87,000	$0	$1,513,000	Fire Cap Fund
2020 Prop Acq, City Admin Offices	$2,865,000	-$81,000	$82,839	$2,866,839	Meadows Rent Payments Meadows TIF Authentix TIF
TOTAL	**$56,151,000**	**$3,432,000**	**$2,405,224**	**$61,988,224**	

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2026 BAN Renewal and New Money Needs

Income Tax Revenue Bond Anticipation Notes (BAN's)					
Description	2025 Amount Issued	2026 New Money Needs	2026 Capitalized Interest	2026 Total Issued Amount	Funding Source
2023 Water Main construction	$2,904,000	$0	$45,912	$2,949,912	Water Fund
New water well	$3,335,000	$0	$52,015	$3,387,015	Water Fund
Water Main construction 2025-2030	$6,076,000	$3,500,000	$254,291	$9,830,291	Water Fund
Radio Read Water Meters	$3,522,000	$3,800,000	$148,336	$7,470,336	Water Fund
Brandt Pike Sewer Pump Station	$0	$2,000,000	$0	$2,000,000	Sewer Fund
TOTAL	$15,837,000	$9,300,000	$500,554	$25,637,554	

Non-Tax Revenue Bond Anticipation Notes (BAN's)					
Description	2025 Amount Issued	2026 New Money Needs	2026 Capitalized Interest	2026 Total Issued Amount	Funding Source
Renovations to CR Dayton strip mall	$3,303,000	$0	$189,395	$3,492,395	Meadows Rent Payments Meadows TIF Authentix TIF
Purchase land on Executive	$2,395,000	$0	$137,330	$2,532,330	Future Land Sale
2020 Taxable Notes – Prop Acq for econ dev	$3,915,000	$0	$224,487	$4,139,487	Future Land Sale
TOTAL	$9,613,000	$0	$551,212	$10,164,212	

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Indirect 10 Mill Limitation Breakdown

City of Huber Heights Indirect Debt Limitation (10 Mill Limit)					
Subdivision	**Assessed Valuation (2025-2026)**	**Annual Principal**	**Annual Interest**	**Total Debt Service (2027)**	**Required Tax Rate**
MIAMI COUNTY	$4,233,744,923	$938,212	$238,089	$1,176,301	0.27784
HUBER HEIGHTS CITY	$1,051,271,170	$4,399,615	$3,240,627	$7,640,242	7.26762
BETHEL TOWNSHIP	$251,192,400	$0	$0	$0	0.00000
BETHEL LOCAL SCHOOL DISTRICT	$270,127,130	$0	$0	$0	0.00000
MIAMI VALLEY CAREER CENTER JVSD	$11,025,185,856	$0	$0	$0	0.00000
	$0	$0	$0	$0	0.00000
		$0	$0	$0	0.00000
		$0	$0	$0	0.00000
		$0	$0	$0	0
[redacted]				Total	7.54546
				Allowable	10.00
				Balance of 10 Mill Limitation:	2.45454
Additional City Charter Millage				Balance of 5 Mill Charter Limitation:	0.00000

Millage Impact	Total Borrowing Capacity	Annual Debt Service	Debt Service Requirement	Millage Impact
City Leverage Impact	$ 10,000,000.00	20 Years	$802,425.87	0.76
City Leverage Impact	$ 12,800,000.00	20 Years	$1,027,105.12	0.98
City Leverage Impact	$ 15,000,000.00	25 Years	$1,064,286.86	1.01
City Leverage Impact	$ 20,000,000.00	30 Years	$1,301,028.70	1.24
5 Mill Impact of additional charter millage	$ -	25 Years	$0.00	0.00

Source: OMAC & Squires Patton Boggs

Important Disclosures

Disclosure of Conflicts of Interest and Legal or Disciplinary Events

- Pursuant to Municipal Securities Rulemaking Board ("MSRB") Rule G-42, on Duties of Non-Solicitor Municipal Advisors, Municipal Advisors are required to make certain written disclosures to clients which include, amongst other things, conflicts of interest and any legal or disciplinary events of Bradley Payne Advisors, LLC ("Bradley Payne") and its associated persons.

- **<u>Conflicts of Interest</u>**
  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.

- **<u>Legal or Disciplinary Events</u>**
  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.

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Important Disclosures

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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 $1,513,000 (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 fourteen (14) 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 fourteen (14) years but in excess of five years, then the maximum maturity of the Bonds would still be at least fourteen (14) 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 fourteen (14) years.

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

Dated: May 5, 2026

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

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2026-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF $1,513,000, 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, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2025-O-2692 passed May 15, 2025, notes in anticipation of bonds in the principal amount of $1,600,000, dated June 26, 2025 (the "*Outstanding Notes*"), were issued for the purpose stated in Section 1, to mature on June 25, 2026; and

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

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

WHEREAS, the Director of Finance has certified to this City Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is at least fourteen (14) 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 $1,513,000 (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 June 1, 2027, shall bear interest at the now estimated rate of 5.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in fourteen (14) 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, 2027.

Section 3. It is necessary to issue and this City Council determines that notes in the maximum principal amount of $1,513,000 (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.

The Director of Finance may determine if it is in the best interest of and financially advantageous to the City that the Notes shall be subject to optional redemption by and at the sole option of the City, in whole or in part, on any date prior to maturity and at such redemption price, plus accrued interest to the redemption date, all of which terms shall be set forth in the Certificate of Award. Notice of redemption, identifying the Notes or portions thereof, to be called, shall be mailed by certified mail to the registered holders thereof not less than thirty (30) days prior to the date of redemption. Notice having been mailed in the manner provided in the preceding sentence hereof, the Notes and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Section 5, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Notes or portions thereof to be redeemed, together with accrued interest thereon to the redemption date, and without the need for investment or reinvestment, are held by the Paying Agent (as defined below) on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Notes or portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Notes or portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption.

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).

"*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.

To the extent that the Director of Finance determines that it would be in the best interest of the City and elects to utilize the Ohio Market Access Program (the "*Ohio Market Access Program*") which is administered by the Treasurer of the State of Ohio (the "*Treasurer*"), the City Manager and the Director of Finance are authorized to sign and deliver, in the name and on behalf of the City, the Standby Note Purchase Agreement (the "*Standby Note Purchase Agreement*") in substantially the form as presented to this City Council with such changes as are not materially adverse to the City and as may be approved by the officers of the City executing the Standby Note Purchase Agreement. The City acknowledges the agreement of the Treasurer in the Standby Note Purchase Agreement that, in the event the City is unable to repay the principal amount and accrued and unpaid interest of the Notes at their maturity, whether through its own funds or through the issuance of other obligations of the City, the Treasurer agrees to (a) purchase the Notes from the holders or beneficial owners thereof upon their presentation to the Treasurer for such purchase at a price of par plus accrued interest to maturity or (b) purchase renewal notes of the City in a principal amount not greater than the principal amount of the Notes plus interest due at maturity, with such renewal notes bearing interest at the Renewal Note Rate (as defined in the Standby Note Purchase Agreement), maturing not more than one year after the date of their issuance, and being prepayable at any time with 30 days' notice, *provided* that in connection with the Treasurer's purchase of such renewal notes the City shall deliver to the Treasurer an unqualified opinion of nationally recognized bond counsel that (i) such renewal notes are the legal, valid and binding general obligations of the City, and the principal of and interest on such renewal notes, unless paid from other sources, are to be paid from the proceeds of the levy of ad valorem taxes, within the ten-mill limitation imposed by law, on all property subject to ad valorem taxes levied by the City and (ii) interest on the renewal notes is excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code, as amended, to the same extent that interest on the Notes is so excluded.

The officers signing the Notes are authorized to take all actions that may in their judgment reasonably be necessary to provide for the Standby Note Purchase Agreement, including but not limited to the inclusion of a notation on the form of the Notes providing notice to the holders or beneficial owners of the existence of the Standby Note Purchase Agreement and providing instructions to such holders or beneficial owners regarding the presentation of the Note for purchase by the Treasurer at stated maturity.

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

Section 13. The legal services of the law firm of Squire Patton Boggs (US) LLP, as bond counsel, 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 City 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 determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 17. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; therefore, this Ordinance shall take full force and effect immediately upon its adoption by Council.

Passed by Council on the ______ day of __________, 2026;
______ 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. 2026-O-_____ passed by the City Council of the City of Huber Heights on _____________, 2026.

____
Clerk of Council

AI-11516			**Topics Of Discussion**
Council Work Session			
Meeting Date:	05/05/2026		
Issuance Of Notes - Refunding - The Meadows Infrastructure - $3,070,663			
Submitted By:	Jim Bell		
Department:	Assistant City Manager - Finance/ED	**Division:**	Finance/Tax
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	05/05/2026
Audio-Visual Needs:	None	**Legal Review:**	Completed
Emergency Legislation?:	Yes	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

* Refunding - The Meadows Infrastructure - $3,070,663

Purpose and Background

The attached ordinance will allow the City to issue one year notes in the amount of $3,070,663 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 May 5, 2026 Council Work Session and be available to answer any questions. City Staff are requesting this ordinance be passed as emergency legislation with waiving of the second reading and adoption of this ordinance at the May 14, 2026 City Council Meeting, so the notes can be sold with ten additional notes.

Fiscal Impact

Source of Funds:	Notes
Cost:	$3,070,663
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 August 30, 2023, September 3, 2024 and May 1, 2025, I certify in connection with your proposed issue of notes in the maximum principal amount of $3,070,663 (the "*Notes*"), to be issued in anticipation of the issuance of bonds (the "*Bonds*") for the purpose of paying the costs of the Meadows infrastructure project including constructing, reconstructing, extending, opening, improving, widening, grading, draining and changing the lines of municipal roads, streets and highways, installing curbs, sidewalks and landscaping, installing, improving and relocating street lighting, traffic signalization and electrical lines, and constructing, reconstructing, extending and improving storm sewers and culverts, water and sanitary sewer lines in connection therewith, and acquiring any necessary real property and interests therein in connection therewith, together with all necessary appurtenances thereto (the "*Improvement*"), that:

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

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

3. The maximum maturity of the Notes is (a) November 14, 2043 as to $2,800,000 of the principal amount, (b) November 6, 2044 as to $130,000 of the principal amount, (c) June 26, 2045 as to $54,000 of the principal amount and (d) two hundred forty (240) months as to $86,663 of the principal amount.

Dated: May 5, 2026

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

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2026-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF $3,070,663, 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, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2025-O-2693 passed May 15, 2025, notes in anticipation of bonds in the principal amount of $2,984,000, dated June 26, 2025 (the "*Outstanding Notes*"), were issued for the purpose stated in Section 1, to mature on June 25, 2026; 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 $86,663 for the purpose described in Section 1; and

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

WHEREAS, the Director of Finance has certified to this City Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is at least twenty (20) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is (a) November 14, 2043 as to $2,800,000 of the principal amount, (b) November 6, 2044 as to $130,000 of the principal amount, (c) June 26, 2045 as to $54,000 of the principal amount and (d) two hundred forty (240) months as to $86,663 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 $3,070,663 (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 June 1, 2027, shall bear interest at the now estimated rate of 5.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment on the Bonds is estimated to be December 1, 2027.

Section 3. It is necessary to issue and this City Council determines that notes in the maximum principal amount of $3,070,663 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes, to provide additional money for the purpose described in Section 1 and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the "*Certificate of Award*") as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes, to provide additional money for the purpose described in Section 1 and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.50% 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.

The Director of Finance may determine if it is in the best interest of and financially advantageous to the City that the Notes shall be subject to optional redemption by and at the sole option of the City, in whole or in part, on any date prior to maturity and at such redemption price, plus accrued interest to the redemption date, all of which terms shall be set forth in the Certificate of Award. Notice of redemption, identifying the Notes or portions thereof, to be called, shall be mailed by certified mail to the registered holders thereof not less than thirty (30) days prior to the date of redemption. Notice having been mailed in the manner provided in the preceding sentence hereof, the Notes and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Section 5, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Notes or portions thereof to be redeemed, together with accrued interest thereon to the redemption date, and without the need for investment or reinvestment, are held by the Paying Agent (as defined below) on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Notes or portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Notes or portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption.

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).

"*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.

To the extent that the Director of Finance determines that it would be in the best interest of the City and elects to utilize the Ohio Market Access Program (the "*Ohio Market Access Program*") which is administered by the Treasurer of the State of Ohio (the "*Treasurer*"), the City Manager and the Director of Finance are authorized to sign and deliver, in the name and on behalf of the City, the Standby Note Purchase Agreement (the "*Standby Note Purchase Agreement*") in substantially the form as presented to this City Council with such changes as are not materially adverse to the City and as may be approved by the officers of the City executing the Standby Note Purchase Agreement. The City acknowledges the agreement of the Treasurer in the Standby Note Purchase Agreement that, in the event the City is unable to repay the principal amount and accrued and unpaid interest of the Notes at their maturity, whether through its own funds or through the issuance of other obligations of the City, the Treasurer agrees to (a) purchase the Notes from the holders or beneficial owners thereof upon their presentation to the Treasurer for such purchase at a price of par plus accrued interest to maturity or (b) purchase renewal notes of the City in a principal amount not greater than the principal amount of the Notes plus interest due at maturity, with such renewal notes bearing interest at the Renewal Note Rate (as defined in the Standby Note Purchase Agreement), maturing not more than one year after the date of their issuance, and being prepayable at any time with 30 days' notice, *provided* that in connection with the Treasurer's purchase of such renewal notes the City shall deliver to the Treasurer an unqualified opinion of nationally recognized bond counsel that (i) such renewal notes are the legal, valid and binding general obligations of the City, and the principal of and interest on such renewal notes, unless paid from other sources, are to be paid from the proceeds of the levy of ad valorem taxes, within the ten-mill limitation imposed by law, on all property subject to ad valorem taxes levied by the City and (ii) interest on the renewal notes is excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code, as amended, to the same extent that interest on the Notes is so excluded.

The officers signing the Notes are authorized to take all actions that may in their judgment reasonably be necessary to provide for the Standby Note Purchase Agreement, including but not limited to the inclusion of a notation on the form of the Notes providing notice to the holders or beneficial owners of the existence of the Standby Note Purchase Agreement and providing instructions to such holders or beneficial owners regarding the presentation of the Note for purchase by the Treasurer at stated maturity.

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

Section 13. The legal services of the law firm of Squire Patton Boggs (US) LLP, as bond counsel, 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 City 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 determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 17. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; therefore, this Ordinance shall take full force and effect immediately upon its adoption by Council.

Passed by Council on the ______ day of __________, 2026;
______ 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. 2026-O-_____ passed by the City Council of the City of Huber Heights, on _____________, 2026.

____
Clerk of Council

AI-11517 **Topics Of Discussion**

Council Work Session

Meeting Date:	05/05/2026		
Issuance Of Notes - Refunding - Governance Center/Property Acquisition - $14,403,486			
Submitted By:	Jim Bell		
Department:	Assistant City Manager - Finance/ED	**Division:**	Finance/Tax
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	05/05/2026
Audio-Visual Needs:	None	**Legal Review:**	Completed
Emergency Legislation?:	Yes	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

* Refunding - Governance Center/Property Acquisition - $14,403,486

Purpose and Background

The attached ordinance will allow the City to issue one year notes in the amount of $14,403,486 for the renewal of the notes issued in 2025 for the cost of the property acquisition, pre-construction architectural and engineering design work, and construction of a new City Governance Center to include City Council and City Administration meeting/office space. The estimated tax-exempt rate for this note is 5%. The City's Municipal Advisor, Andy Brossart, will make a brief presentation at the May 5, 2026 Council Work Session and be available to answer any questions. City Staff are requesting this ordinance be passed as emergency legislation with waiving of the second reading and adoption of this ordinance at the May 14, 2026 City Council Meeting, so the notes can be sold with ten additional notes, and the proceeds received prior to the maturity of the notes issued in 2025.

Fiscal Impact

Source of Funds:	Notes
Cost:	$14,403,486
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, August 30, 2023, June 12, 2024, September 3, 2024 and May 1, 2025, I certify in connection with your proposed issue of notes in the maximum principal amount of $14,403,486 (the "*Notes*"), to be issued in anticipation of the issuance of bonds (the "*Bonds*") for the purpose of paying the costs of improving the City's facilities by constructing, furnishing and equipping a new building to house the City Council chambers and other administrative purposes, including landscaping, site improvements, any necessary utility improvements, constructing related parking facilities, and acquiring any necessary real property and interests therein in connection therewith, together with all necessary appurtenances thereto (the "*Improvement*"), that:

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

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is as follows:

- The estimated maximum maturity of the $2,604,000 portion of the Bonds is at least twenty (20) years; *provided, however*, since notes in anticipation of Bonds have been outstanding for a period beyond December 31, 2025, that period beyond December 31, 2025 shall be deducted from the maximum maturity of the Bonds and therefore, the maximum maturity of the $2,604,000 portion of the Bonds is at least nineteen (19) 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 nineteen (19) years but in excess of five years, then the maximum maturity of the $2,604,000 portion of the Bonds would still be at least nineteen (19) 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 nineteen (19) years.

- The estimated maximum maturity of the $11,799,486 portion of the Bonds 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 $11,799,486 portion 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 $2,604,000 of the principal amount, (b) November 14, 2043 as to $550,000 of the principal amount, (c) July 11, 2044 as to $10,000,000 of the principal amount, (d) November 6, 2044 as to $254,000 of the principal amount, (e) June 26, 2045 as to $392,000 of the principal amount and (f) two hundred forty (240) months as to $603,486 of the principal amount.

Dated: May 5, 2026

Director of Finance
City of Huber Heights, Ohio

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2026-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF $14,403,486, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE CITY'S FACILITIES BY CONSTRUCTING, FURNISHING AND EQUIPPING A NEW BUILDING TO HOUSE THE CITY COUNCIL CHAMBERS AND OTHER ADMINISTRATIVE PURPOSES, INCLUDING LANDSCAPING, SITE IMPROVEMENTS, ANY NECESSARY UTILITY IMPROVEMENTS, CONSTRUCTING RELATED PARKING FACILITIES, AND ACQUIRING ANY NECESSARY REAL PROPERTY AND INTERESTS THEREIN IN CONNECTION THEREWITH, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2025-O-2694 passed May 15, 2025, notes in anticipation of bonds in the principal amount of $13,881,000, dated June 26, 2025 (the "*Outstanding Notes*"), were issued for the purpose stated in Section 1, to mature on June 25, 2026; 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 $603,486 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, and that the estimated maximum maturity of the (a) $2,604,000 portion of the Bonds described in Section 1 is at least nineteen (19) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is November 18, 2040 as to $2,604,000 of the principal amount, (b) $11,799,486 portion 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 (i) November 14, 2043 as to $550,000 of the principal amount, (ii) July 11, 2044 as to $10,000,000 of the principal amount, (iii) November 6, 2044 as to $254,000 of the principal amount, (iv) June 26, 2045 as to $392,000 of the principal amount and (v) two hundred forty (240) months as to $603,486 of the principal amount;

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

Section 1. It is necessary to issue bonds of this City in the maximum principal amount of $14,403,486 (the "*Bonds*") for the purpose of paying the costs of improving the City's facilities by constructing, furnishing and equipping a new building to house the City Council chambers and other administrative purposes, including landscaping, site improvements, any necessary utility improvements, constructing related parking facilities, and acquiring any necessary real property and interests therein in connection therewith, together with all necessary appurtenances thereto (the "*Improvement*").

Section 2. The Bonds shall be dated approximately June 1, 2027, shall bear interest at the now estimated rate of 5.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment on the Bonds is estimated to be December 1, 2027.

Section 3. It is necessary to issue and this City Council determines that notes in the maximum principal amount of $14,403,486 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes, to provide additional money for the purpose described in Section 1 and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the "*Certificate of Award*") as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes, to provide additional money for the purpose described in Section 1 and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.50% 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.

The Director of Finance may determine if it is in the best interest of and financially advantageous to the City that the Notes shall be subject to optional redemption by and at the sole option of the City, in whole or in part, on any date prior to maturity and at such redemption price, plus accrued interest to the redemption date, all of which terms shall be set forth in the Certificate of Award. Notice of redemption, identifying the Notes or portions thereof, to be called, shall be mailed by certified mail to the registered holders thereof not less than thirty (30) days prior to the date of redemption. Notice having been mailed in the manner provided in the preceding sentence hereof, the Notes and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Section 5, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Notes or portions thereof to be redeemed, together with accrued interest thereon to the redemption date, and without the need for investment or reinvestment, are held by the Paying Agent (as defined below) on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Notes or portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Notes or portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption.

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).

"*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.

To the extent that the Director of Finance determines that it would be in the best interest of the City and elects to utilize the Ohio Market Access Program (the "*Ohio Market Access Program*") which is administered by the Treasurer of the State of Ohio (the "*Treasurer*"), the City Manager and the Director of Finance are authorized to sign and deliver, in the name and on behalf of the City, the Standby Note Purchase Agreement (the "*Standby Note Purchase Agreement*") in substantially the form as presented to this City Council with such changes as are not materially adverse to the City and as may be approved by the officers of the City executing the Standby Note Purchase Agreement. The City acknowledges the agreement of the Treasurer in the Standby Note Purchase Agreement that, in the event the City is unable to repay the principal amount and accrued and unpaid interest of the Notes at their maturity, whether through its own funds or through the issuance of other obligations of the City, the Treasurer agrees to (a) purchase the Notes from the holders or beneficial owners thereof upon their presentation to the Treasurer for such purchase at a price of par plus accrued interest to maturity or (b) purchase renewal notes of the City in a principal amount not greater than the principal amount of the Notes plus interest due at maturity, with such renewal notes bearing interest at the Renewal Note Rate (as defined in the Standby Note Purchase Agreement), maturing not more than one year after the date of their issuance, and being prepayable at any time with 30 days' notice, *provided* that in connection with the Treasurer's purchase of such renewal notes the City shall deliver to the Treasurer an unqualified opinion of nationally recognized bond counsel that (i) such renewal notes are the legal, valid and binding general obligations of the City, and the principal of and interest on such renewal notes, unless paid from other sources, are to be paid from the proceeds of the levy of ad valorem taxes, within the ten-mill limitation imposed by law, on all property subject to ad valorem taxes levied by the City and (ii) interest on the renewal notes is excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code, as amended, to the same extent that interest on the Notes is so excluded.

The officers signing the Notes are authorized to take all actions that may in their judgment reasonably be necessary to provide for the Standby Note Purchase Agreement, including but not limited to the inclusion of a notation on the form of the Notes providing notice to the holders or beneficial owners of the existence of the Standby Note Purchase Agreement and providing instructions to such holders or beneficial owners regarding the presentation of the Note for purchase by the Treasurer at stated maturity.

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

Section 13. The legal services of the law firm of Squire Patton Boggs (US) LLP, as bond counsel, 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 City 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 determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 17. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; therefore, this Ordinance shall take full force and effect immediately upon its adoption by Council.

Passed by Council on the ______ day of __________, 2026;
______ 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. 2026-O-_____ passed by the City Council of the City of Huber Heights, on _____________, 2026.

____
Clerk of Council

AI-11518			**Topics Of Discussion**
Council Work Session			
Meeting Date:	05/05/2026		
Issuance Of Notes - Refunding - Public Works Facility - $20,718,926			
Submitted By:	Jim Bell		
Department:	Assistant City Manager - Finance/ED	**Division:**	Finance/Tax
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	05/05/2026
Audio-Visual Needs:	None	**Legal Review:**	Completed
Emergency Legislation?:	Yes	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

* Refunding - Public Works Facility - $20,718,926

Purpose and Background

The attached ordinance will allow the City to issue one year notes in the amount of $20,718,926 for the cost of the property acquisition, pre-construction architectural and engineering design work, and 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 May 5, 2026 Council Work Session and be available to answer any questions. City Staff are requesting this ordinance be passed as emergency legislation with the waiving of the second reading and adoption of this ordinance at the May 14, 2026 City Council Meeting, so the notes can be sold with ten additional notes.

Fiscal Impact

Source of Funds:	Notes
Cost:	$20,718,926
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 August 30, 2023, May 30, 2024, September 3, 2024 and May 1, 2025, I certify in connection with your proposed issue of notes in the maximum principal amount of $20,718,926 (the "*Notes*"), to be issued in anticipation of the issuance of bonds (the "*Bonds*") for the purpose of paying the costs of improving the City's facilities by constructing, furnishing and equipping a new building to house the Public Works Department, including landscaping, site improvements, any necessary utility improvements, constructing related parking facilities, and acquiring real property and interests therein in connection therewith, together with all necessary appurtenances thereto (the "*Improvement*"), that:

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

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

3. The maximum maturity of the Notes is (a) November 14, 2043 as to $6,176,000 of the principal amount, (b) July 11, 2044 as to $5,000,000 of the principal amount, (c) November 6, 2044 as to $8,276,000 of the principal amount, (d) June 26, 2045 as to $431,000 of the principal amount and (e) two hundred forty (240) months as to $835,926 of the principal amount.

Dated: May 5, 2026

Director of Finance
City of Huber Heights, Ohio

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2026-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF $20,718,926, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE CITY'S FACILITIES BY CONSTRUCTING, FURNISHING AND EQUIPPING A NEW BUILDING TO HOUSE THE PUBLIC WORKS DEPARTMENT, INCLUDING LANDSCAPING, SITE IMPROVEMENTS, ANY NECESSARY UTILITY IMPROVEMENTS, CONSTRUCTING RELATED PARKING FACILITIES, AND ACQUIRING REAL PROPERTY AND INTERESTS THEREIN IN CONNECTION THEREWITH, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2025-O-2695 passed May 15, 2025, notes in anticipation of bonds in the principal amount of $19,883,000, dated June 26, 2025 (the "*Outstanding Notes*"), were issued for the purpose stated in Section 1, to mature on June 25, 2026; 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 $835,926 for the purpose described in Section 1; and

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

WHEREAS, the Director of Finance has certified to this City Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is at least twenty (20) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is (a) November 14, 2043 as to $6,176,000 of the principal amount, (b) July 11, 2044 as to $5,000,000 of the principal amount, (c) November 6, 2044 as to $8,276,000 of the principal amount, (d) June 26, 2045 as to $431,000 of the principal amount and (e) two hundred forty (240) months as to $835,926 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 $20,718,926 (the "*Bonds*") for the purpose of paying the costs of improving the City's facilities by constructing, furnishing and equipping a new building to house the Public Works Department, including landscaping, site improvements, any necessary utility improvements, constructing related parking facilities, and acquiring real property and interests therein in connection therewith, together with all necessary appurtenances thereto (the "*Improvement*").

Section 2. The Bonds shall be dated approximately June 1, 2027, shall bear interest at the now estimated rate of 5.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment on the Bonds is estimated to be December 1, 2027.

Section 3. It is necessary to issue and this City Council determines that notes in the maximum principal amount of $20,718,926 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes, to provide additional money for the purpose described in Section 1 and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the "*Certificate of Award*") as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes, to provide additional money for the purpose described in Section 1 and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.50% 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.

The Director of Finance may determine if it is in the best interest of and financially advantageous to the City that the Notes shall be subject to optional redemption by and at the sole option of the City, in whole or in part, on any date prior to maturity and at such redemption price, plus accrued interest to the redemption date, all of which terms shall be set forth in the Certificate of Award. Notice of redemption, identifying the Notes or portions thereof, to be called, shall be mailed by certified mail to the registered holders thereof not less than thirty (30) days prior to the date of redemption. Notice having been mailed in the manner provided in the preceding sentence hereof, the Notes and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Section 5, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Notes or portions thereof to be redeemed, together with accrued interest thereon to the redemption date, and without the need for investment or reinvestment, are held by the Paying Agent (as defined below) on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Notes or portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Notes or portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption.

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).

"*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.

To the extent that the Director of Finance determines that it would be in the best interest of the City and elects to utilize the Ohio Market Access Program (the "*Ohio Market Access Program*") which is administered by the Treasurer of the State of Ohio (the "*Treasurer*"), the City Manager and the Director of Finance are authorized to sign and deliver, in the name and on behalf of the City, the Standby Note Purchase Agreement (the "*Standby Note Purchase Agreement*") in substantially the form as presented to this City Council with such changes as are not materially adverse to the City and as may be approved by the officers of the City executing the Standby Note Purchase Agreement. The City acknowledges the agreement of the Treasurer in the Standby Note Purchase Agreement that, in the event the City is unable to repay the principal amount and accrued and unpaid interest of the Notes at their maturity, whether through its own funds or through the issuance of other obligations of the City, the Treasurer agrees to (a) purchase the Notes from the holders or beneficial owners thereof upon their presentation to the Treasurer for such purchase at a price of par plus accrued interest to maturity or (b) purchase renewal notes of the City in a principal amount not greater than the principal amount of the Notes plus interest due at maturity, with such renewal notes bearing interest at the Renewal Note Rate (as defined in the Standby Note Purchase Agreement), maturing not more than one year after the date of their issuance, and being prepayable at any time with 30 days' notice, *provided* that in connection with the Treasurer's purchase of such renewal notes the City shall deliver to the Treasurer an unqualified opinion of nationally recognized bond counsel that (i) such renewal notes are the legal, valid and binding general obligations of the City, and the principal of and interest on such renewal notes, unless paid from other sources, are to be paid from the proceeds of the levy of ad valorem taxes, within the ten-mill limitation imposed by law, on all property subject to ad valorem taxes levied by the City and (ii) interest on the renewal notes is excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code, as amended, to the same extent that interest on the Notes is so excluded.

The officers signing the Notes are authorized to take all actions that may in their judgment reasonably be necessary to provide for the Standby Note Purchase Agreement, including but not limited to the inclusion of a notation on the form of the Notes providing notice to the holders or beneficial owners of the existence of the Standby Note Purchase Agreement and providing instructions to such holders or beneficial owners regarding the presentation of the Note for purchase by the Treasurer at stated maturity.

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

Section 13. The legal services of the law firm of Squire Patton Boggs (US) LLP, as bond counsel, 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 City 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 determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 17. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; therefore, this Ordinance shall take full force and effect immediately upon its adoption by Council.

Passed by Council on the ______ day of __________, 2026;
______ 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. 2026-O-_____ passed by the City Council of the City of Huber Heights, on _____________, 2026.

____
Clerk of Council

AI-11519 **Topics Of Discussion**

Council Work Session

Meeting Date:	05/05/2026		
Issuance Of Notes - Refunding - Fire Station #23 Renovations - $3,472,048			
Submitted By:	Jim Bell		
Department:	Assistant City Manager - Finance/ED	**Division:**	Finance/Tax
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	05/05/2026
Audio-Visual Needs:	None	**Legal Review:**	Completed
Emergency Legislation?:	Yes	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

* Refunding - Fire Station 23 Renovations - $3,472,048

Purpose and Background

The attached ordinance will allow the City to issue one year notes in the amount of $3,472,048 for the costs of all renovations for Fire Station #23. The estimated tax-exempt rate for this note is 5%. The City's Municipal Advisor, Andy Brossart, will make a brief presentation at the May 5, 2026 Council Work Session and be available to answer any questions. City Staff are requesting this ordinance be passed as emergency legislation with the waiving of the second reading and adoption of this ordinance at the May 14, 2026 City Council Meeting, so the notes can be sold with ten additional notes.

Fiscal Impact

Source of Funds:	Notes
Cost:	$3,472,048
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 September 3, 2024 and May 1, 2025, I certify in connection with your proposed issue of notes in the maximum principal amount of \$3,472,048 (the "*Notes*"), to be issued in anticipation of the issuance of bonds (the "*Bonds*") for the purpose of paying the costs of improving the municipal fire safety facilities by renovating, equipping and furnishing an existing fire station and otherwise improving the site therefor, together with all necessary appurtenances thereto (the "*Improvement*"), that:

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

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

3. The maximum maturity of the Notes is (a) November 6, 2044 as to \$3,250,000 of the principal amount, (b) June 26, 2045 as to \$60,000 of the principal amount and (c) two hundred forty (240) months as to \$162,048 of the principal amount.

Dated: May 5, 2026

Director of Finance
City of Huber Heights, Ohio

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2026-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF $3,472,048, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE MUNICIPAL FIRE SAFETY FACILITIES BY RENOVATING, EQUIPPING AND FURNISHING AN EXISTING FIRE STATION AND OTHERWISE IMPROVING THE SITE THEREFOR, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2025-O-2696 passed May 15, 2025, notes in anticipation of bonds in the principal amount of $3,310,000, dated June 26, 2025 (the "*Outstanding Notes*"), were issued for the purpose stated in Section 1, to mature on June 25, 2026; 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 $162,048 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 6, 2044 as to $3,250,000 of the principal amount, (b) June 26, 2045 as to $60,000 of the principal amount and (c) two hundred forty (240) months as to $162,048 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 $3,472,048 (the "*Bonds*") for the purpose of paying the costs of improving the municipal fire safety facilities by renovating, equipping and furnishing an existing fire station and otherwise improving the site therefor, together with all necessary appurtenances thereto (the "*Improvement*").

Section 2. The Bonds shall be dated approximately June 1, 2027, shall bear interest at the now estimated rate of 5.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment on the Bonds is estimated to be December 1, 2027.

Section 3. It is necessary to issue and this City Council determines that notes in the maximum principal amount of $3,472,048 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes, to provide additional money for the purpose described in Section 1 and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the "*Certificate of Award*") as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes, to provide additional money for the purpose described in Section 1 and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award.

The Notes shall bear interest at a rate or rates not to exceed 6.50% 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.

The Director of Finance may determine if it is in the best interest of and financially advantageous to the City that the Notes shall be subject to optional redemption by and at the sole option of the City, in whole or in part, on any date prior to maturity and at such redemption price, plus accrued interest to the redemption date, all of which terms shall be set forth in the Certificate of Award. Notice of redemption, identifying the Notes or portions thereof, to be called, shall be mailed by certified mail to the registered holders thereof not less than thirty (30) days prior to the date of redemption. Notice having been mailed in the manner provided in the preceding sentence hereof, the Notes and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Section 5, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Notes or portions thereof to be redeemed, together with accrued interest thereon to the redemption date, and without the need for investment or reinvestment, are held by the Paying Agent (as defined below) on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Notes or portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Notes or portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption.

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).

“*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.

To the extent that the Director of Finance determines that it would be in the best interest of the City and elects to utilize the Ohio Market Access Program (the "*Ohio Market Access Program*") which is administered by the Treasurer of the State of Ohio (the "*Treasurer*"), the City Manager and the Director of Finance are authorized to sign and deliver, in the name and on behalf of the City, the Standby Note Purchase Agreement (the "*Standby Note Purchase Agreement*") in substantially the form as presented to this City Council with such changes as are not materially adverse to the City and as may be approved by the officers of the City executing the Standby Note Purchase Agreement. The City acknowledges the agreement of the Treasurer in the Standby Note Purchase Agreement that, in the event the City is unable to repay the principal amount and accrued and unpaid interest of the Notes at their maturity, whether through its own funds or through the issuance of other obligations of the City, the Treasurer agrees to (a) purchase the Notes from the holders or beneficial owners thereof upon their presentation to the Treasurer for such purchase at a price of par plus accrued interest to maturity or (b) purchase renewal notes of the City in a principal amount not greater than the principal amount of the Notes plus interest due at maturity, with such renewal notes bearing interest at the Renewal Note Rate (as defined in the Standby Note Purchase Agreement), maturing not more than one year after the date of their issuance, and being prepayable at any time with 30 days' notice, *provided* that in connection with the Treasurer's purchase of such renewal notes the City shall deliver to the Treasurer an unqualified opinion of nationally recognized bond counsel that (i) such renewal notes are the legal, valid and binding general obligations of the City, and the principal of and interest on such renewal notes, unless paid from other sources, are to be paid from the proceeds of the levy of ad valorem taxes, within the ten-mill limitation imposed by law, on all property subject to ad valorem taxes levied by the City and (ii) interest on the renewal notes is excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code, as amended, to the same extent that interest on the Notes is so excluded.

The officers signing the Notes are authorized to take all actions that may in their judgment reasonably be necessary to provide for the Standby Note Purchase Agreement, including but not limited to the inclusion of a notation on the form of the Notes providing notice to the holders or beneficial owners of the existence of the Standby Note Purchase Agreement and providing instructions to such holders or beneficial owners regarding the presentation of the Note for purchase by the Treasurer at stated maturity.

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

Section 13. The legal services of the law firm of Squire Patton Boggs (US) LLP, as bond counsel, 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 City 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 determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 17. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; therefore, this Ordinance shall take full force and effect immediately upon its adoption by Council.

Passed by Council on the ______ day of __________, 2026;
______ 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. 2026-O-_____ passed by the City Council of the City of Huber Heights, on _____________, 2026.

____
Clerk of Council

AI-11520 **Topics Of Discussion**

Council Work Session

Meeting Date:	05/05/2026		
Issuance Of Notes - Refunding - Carriage Trails Infrastructure - $6,410,166			
Submitted By:	Jim Bell		
Department:	Assistant City Manager - Finance/ED	**Division:**	Finance/Tax
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	05/05/2026
Audio-Visual Needs:	None	**Legal Review:**	Completed
Emergency Legislation?:	Yes	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

* Refunding - Carriage Trails Infrastructure - $6,410,166

Purpose and Background

The attached ordinance will allow the City to issue one year notes in the amount of $6,410,166 for the costs of improving the public infrastructure serving the Carriage Trails development. The estimated tax-exempt rate for this note is 5%. The City's Municipal Advisor, Andy Brossart, will make a brief presentation at the May 5, 2026 Council Work Session and be available to answer any questions. City Staff are requesting this ordinance be passed as emergency legislation with waiving of the second reading and adoption of this ordinance at the May 14, 2026 City Council Meeting, so the notes can be sold with ten additional notes.

Fiscal Impact

Source of Funds:	Notes
Cost:	$6,410,166
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 September 3, 2024 and May 1, 2025, I certify in connection with your proposed issue of notes in the maximum principal amount of $6,410,166 (the "*Notes*"), to be issued in anticipation of the issuance of bonds (the "*Bonds*") for the purpose of paying the costs of improving the public infrastructure serving the Carriage Trails development by acquiring certain real property and related interests therein and related roadways, utilities and other related public infrastructure, together with all necessary appurtenances thereto (the "*Improvement*"), that:

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

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

3. The maximum maturity of the Notes is (a) November 6, 2044 as to $6,000,000 of the principal amount, (b) June 26, 2045 as to $111,000 of the principal amount and (c) two hundred forty (240) months as to $299,166 of the principal amount.

Dated: May 5, 2026

Director of Finance
City of Huber Heights, Ohio

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2026-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF $6,410,166, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE PUBLIC INFRASTRUCTURE SERVING THE CARRIAGE TRAILS DEVELOPMENT BY ACQUIRING CERTAIN REAL PROPERTY AND RELATED INTERESTS THEREIN AND RELATED ROADWAYS, UTILITIES AND OTHER RELATED PUBLIC INFRASTRUCTURE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2025-O-2697 passed May 15, 2025, notes in anticipation of bonds in the principal amount of $6,111,000, dated June 26, 2025 (the "*Outstanding Notes*"), were issued for the purpose stated in Section 1, to mature on June 25, 2026; 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 $299,166 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 6, 2044 as to $6,000,000 of the principal amount, (b) June 26, 2045 as to $111,000 of the principal amount and (c) two hundred forty (240) months as to $299,166 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 $6,410,166 (the "*Bonds*") for the purpose of paying the costs of improving the public infrastructure serving the Carriage Trails development by acquiring certain real property and related interests therein and related roadways, utilities and other related public infrastructure, together with all necessary appurtenances thereto (the "*Improvement*").

Section 2. The Bonds shall be dated approximately June 1, 2027, shall bear interest at the now estimated rate of 5.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment on the Bonds is estimated to be December 1, 2027.

Section 3. It is necessary to issue and this City Council determines that notes in the maximum principal amount of $6,410,166 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes, to provide additional money for the purpose described in Section 1 and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the "*Certificate of Award*") as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes, to provide additional money for the purpose described in Section 1 and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.50% 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.

The Director of Finance may determine if it is in the best interest of and financially advantageous to the City that the Notes shall be subject to optional redemption by and at the sole option of the City, in whole or in part, on any date prior to maturity and at such redemption price, plus accrued interest to the redemption date, all of which terms shall be set forth in the Certificate of Award. Notice of redemption, identifying the Notes or portions thereof, to be called, shall be mailed by certified mail to the registered holders thereof not less than thirty (30) days prior to the date of redemption. Notice having been mailed in the manner provided in the preceding sentence hereof, the Notes and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Section 5, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Notes or portions thereof to be redeemed, together with accrued interest thereon to the redemption date, and without the need for investment or reinvestment, are held by the Paying Agent (as defined below) on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Notes or portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Notes or portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption.

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).

"*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.

To the extent that the Director of Finance determines that it would be in the best interest of the City and elects to utilize the Ohio Market Access Program (the "*Ohio Market Access Program*") which is administered by the Treasurer of the State of Ohio (the "*Treasurer*"), the City Manager and the Director of Finance are authorized to sign and deliver, in the name and on behalf of the City, the Standby Note Purchase Agreement (the "*Standby Note Purchase Agreement*") in substantially the form as presented to this City Council with such changes as are not materially adverse to the City and as may be approved by the officers of the City executing the Standby Note Purchase Agreement. The City acknowledges the agreement of the Treasurer in the Standby Note Purchase Agreement that, in the event the City is unable to repay the principal amount and accrued and unpaid interest of the Notes at their maturity, whether through its own funds or through the issuance of other obligations of the City, the Treasurer agrees to (a) purchase the Notes from the holders or beneficial owners thereof upon their presentation to the Treasurer for such purchase at a price of par plus accrued interest to maturity or (b) purchase renewal notes of the City in a principal amount not greater than the principal amount of the Notes plus interest due at maturity, with such renewal notes bearing interest at the Renewal Note Rate (as defined in the Standby Note Purchase Agreement), maturing not more than one year after the date of their issuance, and being prepayable at any time with 30 days' notice, *provided* that in connection with the Treasurer's purchase of such renewal notes the City shall deliver to the Treasurer an unqualified opinion of nationally recognized bond counsel that (i) such renewal notes are the legal, valid and binding general obligations of the City, and the principal of and interest on such renewal notes, unless paid from other sources, are to be paid from the proceeds of the levy of ad valorem taxes, within the ten-mill limitation imposed by law, on all property subject to ad valorem taxes levied by the City and (ii) interest on the renewal notes is excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code, as amended, to the same extent that interest on the Notes is so excluded.

The officers signing the Notes are authorized to take all actions that may in their judgment reasonably be necessary to provide for the Standby Note Purchase Agreement, including but not limited to the inclusion of a notation on the form of the Notes providing notice to the holders or beneficial owners of the existence of the Standby Note Purchase Agreement and providing instructions to such holders or beneficial owners regarding the presentation of the Note for purchase by the Treasurer at stated maturity.

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

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

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

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

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

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the

Notes, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as "qualified tax-exempt obligations" if such designation is applicable and desirable, and to make any related necessary representations and covenants.

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

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

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

Section 13. The legal services of the law firm of Squire Patton Boggs (US) LLP, as bond counsel, 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 City 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 determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 17. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; therefore, this Ordinance shall take full force and effect immediately upon its adoption by Council.

Passed by Council on the ______ day of __________, 2026;
______ 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. 2026-O-_____ passed by the City Council of the City of Huber Heights, on _____________, 2026.

____
Clerk of Council

AI-11521 **Topics Of Discussion**

Council Work Session

Meeting Date:	05/05/2026		
Issuance Of Notes - City Hall Renovations - $3,550,630			
Submitted By:	Jim Bell		
Department:	Assistant City Manager - Finance/ED	**Division:**	Finance/Tax
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	05/05/2026
Audio-Visual Needs:	None	**Legal Review:**	Completed
Emergency Legislation?:	Yes	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

* City Hall Renovations - $3,550,630

Purpose and Background

The attached ordinance will allow the City to issue one year notes in the amount of $3,550,630 for the costs of all renovations for City Hall so that the Finance Department's Accounting and Tax Divisions and the Water and Wastewater Division can be located in one place. The estimated tax-exempt rate for this note is 5%. The City's Municipal Advisor, Andy Brossart, will make a brief presentation at the May 5, 2026 Council Work Session and be available to answer any questions. City Staff are requesting this ordinance be passed as emergency legislation with the waiving of the second reading and adoption of this ordinance at the May 14, 2026 City Council Meeting, so the notes can be sold with ten additional notes.

Fiscal Impact

Source of Funds:	Notes
Cost:	$3,550,630
Recurring Cost? (Yes/No):	No
Funds Available in Current Budget? (Yes/No):	Yes
Financial Implications:	

Attachments

FOC

Ordinance

SUPPLEMENTAL
FISCAL OFFICER'S CERTIFICATE

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

As fiscal officer of the City of Huber Heights, Ohio, and supplementing the fiscal officer's certificate of May 1, 2025, I certify in connection with your proposed issue of notes in the maximum principal amount of $3,550,630 (the "*Notes*"), to be issued in anticipation of the issuance of bonds (the "*Bonds*") for the purpose of paying the costs of updating the existing City Hall facilities to house municipal offices and functions, by renovating, remodeling, reconfiguring, improving, furnishing and equipping an existing building, and otherwise improving the site therefor, together with all necessary appurtenances thereto (the "*Improvement*"), that:

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

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

3. The maximum maturity of the Notes is (a) June 26, 2045 as to $3,382,000 of the principal amount and (b) two hundred forty (240) months as to $168,630 of the principal amount.

Dated: May 5, 2026

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

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2026-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF $3,550,630, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF UPDATING THE EXISTING CITY HALL FACILITIES TO HOUSE MUNICIPAL OFFICES AND FUNCTIONS, BY RENOVATING, REMODELING, RECONFIGURING, IMPROVING, FURNISHING AND EQUIPPING AN EXISTING BUILDING, AND OTHERWISE IMPROVING THE SITE THEREFOR, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2025-O-2698 passed May 15, 2025, notes in anticipation of bonds in the principal amount of $3,382,000, dated June 26, 2025 (the "*Outstanding Notes*"), were issued for the purpose stated in Section 1, to mature on June 25, 2026; 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 $168,630 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) June 26, 2045 as to $3,382,000 of the principal amount and (b) two hundred forty (240) months as to $168,630 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 $3,550,630 (the "*Bonds*") for the purpose of paying the costs of updating the existing City Hall facilities to house municipal offices and functions, by renovating, remodeling, reconfiguring, improving, furnishing and equipping an existing building, and otherwise improving the site therefor, together with all necessary appurtenances thereto (the "*Improvement*").

Section 2. The Bonds shall be dated approximately June 1, 2027, shall bear interest at the now estimated rate of 5.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment on the Bonds is estimated to be December 1, 2027.

Section 3. It is necessary to issue and this City Council determines that notes in the maximum principal amount of $3,550,630 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes, to provide additional money for the purpose described in Section 1 and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the "*Certificate of Award*") as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes, to provide additional money for the purpose described in Section 1 and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award.

The Notes shall bear interest at a rate or rates not to exceed 6.50% 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.

The Director of Finance may determine if it is in the best interest of and financially advantageous to the City that the Notes shall be subject to optional redemption by and at the sole option of the City, in whole or in part, on any date prior to maturity and at such redemption price, plus accrued interest to the redemption date, all of which terms shall be set forth in the Certificate of Award. Notice of redemption, identifying the Notes or portions thereof, to be called, shall be mailed by certified mail to the registered holders thereof not less than thirty (30) days prior to the date of redemption. Notice having been mailed in the manner provided in the preceding sentence hereof, the Notes and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Section 5, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Notes or portions thereof to be redeemed, together with accrued interest thereon to the redemption date, and without the need for investment or reinvestment, are held by the Paying Agent (as defined below) on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Notes or portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Notes or portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption.

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).

“*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.

To the extent that the Director of Finance determines that it would be in the best interest of the City and elects to utilize the Ohio Market Access Program (the "*Ohio Market Access Program*") which is administered by the Treasurer of the State of Ohio (the "*Treasurer*"), the City Manager and the Director of Finance are authorized to sign and deliver, in the name and on behalf of the City, the Standby Note Purchase Agreement (the "*Standby Note Purchase Agreement*") in substantially the form as presented to this City Council with such changes as are not materially adverse to the City and as may be approved by the officers of the City executing the Standby Note Purchase Agreement. The City acknowledges the agreement of the Treasurer in the Standby Note Purchase Agreement that, in the event the City is unable to repay the principal amount and accrued and unpaid interest of the Notes at their maturity, whether through its own funds or through the issuance of other obligations of the City, the Treasurer agrees to (a) purchase the Notes from the holders or beneficial owners thereof upon their presentation to the Treasurer for such purchase at a price of par plus accrued interest to maturity or (b) purchase renewal notes of the City in a principal amount not greater than the principal amount of the Notes plus interest due at maturity, with such renewal notes bearing interest at the Renewal Note Rate (as defined in the Standby Note Purchase Agreement), maturing not more than one year after the date of their issuance, and being prepayable at any time with 30 days' notice, *provided* that in connection with the Treasurer's purchase of such renewal notes the City shall deliver to the Treasurer an unqualified opinion of nationally recognized bond counsel that (i) such renewal notes are the legal, valid and binding general obligations of the City, and the principal of and interest on such renewal notes, unless paid from other sources, are to be paid from the proceeds of the levy of ad valorem taxes, within the ten-mill limitation imposed by law, on all property subject to ad valorem taxes levied by the City and (ii) interest on the renewal notes is excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code, as amended, to the same extent that interest on the Notes is so excluded.

The officers signing the Notes are authorized to take all actions that may in their judgment reasonably be necessary to provide for the Standby Note Purchase Agreement, including but not limited to the inclusion of a notation on the form of the Notes providing notice to the holders or beneficial owners of the existence of the Standby Note Purchase Agreement and providing instructions to such holders or beneficial owners regarding the presentation of the Note for purchase by the Treasurer at stated maturity.

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

Section 13. The legal services of the law firm of Squire Patton Boggs (US) LLP, as bond counsel, 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 City 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 determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 17. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; therefore, this Ordinance shall take full force and effect immediately upon its adoption by Council.

Passed by Council on the ______ day of __________, 2026;
______ 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. 2026-O-_____ passed by the City Council of the City of Huber Heights, on _____________, 2026.

____
Clerk of Council

AI-11522 **Topics Of Discussion**

Council Work Session

Meeting Date:	05/05/2026		
Issuance Of Notes - Recreation Facility Improvements - $8,849,305			
Submitted By:	Jim Bell		
Department:	Assistant City Manager - Finance/ED	**Division:**	Finance/Tax
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	05/05/2026
Audio-Visual Needs:	None	**Legal Review:**	Completed
Emergency Legislation?:	Yes	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

* Recreation Facility Improvements - $8,849,305

Purpose and Background

The attached ordinance will allow the City to issue one year notes in the amount of $8,849,305 for the cost of the property acquisition, pre-construction architectural and engineering design work, and construction costs which will be used as a site for a future municipal recreation facility. The estimated tax-exempt rate for this note is 6.5%. The City's Municipal Advisor, Andy Brossart, will make a brief presentation at the May 5, 2026 Council Work Session and be available to answer any questions. City Staff are requesting this ordinance be passed as emergency legislation with the waiving of the second reading and adoption of this ordinance at the May 14, 2026 City Council Meeting, so the notes can be sold with ten additional notes and the proceeds received prior to the maturity of the notes issued in 2025.

Fiscal Impact

Source of Funds:	Notes
Cost:	$8,849,305
Recurring Cost? (Yes/No):	No
Funds Available in Current Budget? (Yes/No):	Yes
Financial Implications:	

Attachments

FOC

Ordinance

SUPPLEMENTAL
FISCAL OFFICER'S CERTIFICATE

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

As fiscal officer of the City of Huber Heights, Ohio, and supplementing the fiscal officer's certificate of May 1, 2025, I certify in connection with your proposed issue of notes in the maximum principal amount of $8,849,305 (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 recreation facilities by constructing, equipping and furnishing a multi-purpose facility, including among other amenities, concession facilities, restrooms, parking facilities, landscaping and related driveways and roads, and acquiring real estate and interests therein, together with all necessary and related appurtenances thereto (the "*Improvement*"), that:

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

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

3. The maximum maturity of the Notes is (a) June 26, 2045 as to $5,000,000 of the principal amount and (b) two hundred forty (240) months as to $3,849,305 of the principal amount.

Dated: May 5, 2026

Director of Finance
City of Huber Heights, Ohio

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2026-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF $8,849,305, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE CITY'S MUNICIPAL RECREATION FACILITIES BY CONSTRUCTING, EQUIPPING AND FURNISHING A MULTI-PURPOSE FACILITY, INCLUDING AMONG OTHER AMENITIES, CONCESSION FACILITIES, RESTROOMS, PARKING FACILITIES, LANDSCAPING AND RELATED DRIVEWAYS AND ROADS, AND ACQUIRING REAL ESTATE AND INTERESTS THEREIN, TOGETHER WITH ALL NECESSARY AND RELATED APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2025-O-2700 passed May 15, 2025, notes in anticipation of bonds in the principal amount of $5,000,000, dated June 26, 2025 (the "*Outstanding Notes*"), were issued for the purpose stated in Section 1, to mature on June 25, 2026; 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 $3,849,305 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) June 26, 2045 as to $5,000,000 of the principal amount and (b) two hundred forty (240) months as to $3,849,305 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 $8,849,305 (the "*Bonds*") for the purpose of paying the costs of improving the City's municipal recreation facilities by constructing, equipping and furnishing a multi-purpose facility, including among other amenities, concession facilities, restrooms, parking facilities, landscaping and related driveways and roads, and acquiring real estate and interests therein, together with all necessary and related appurtenances thereto (the "*Improvement*").

Section 2. The Bonds shall be dated approximately June 1, 2027, shall bear interest at the now estimated rate of 5.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment on the Bonds is estimated to be December 1, 2027.

Section 3. It is necessary to issue and this City Council determines that notes in the maximum principal amount of $8,849,305 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes, to provide additional money for the purpose described in Section 1 and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the "*Certificate of Award*") as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes, to provide additional money for the purpose described in Section 1 and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.50% 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.

The Director of Finance may determine if it is in the best interest of and financially advantageous to the City that the Notes shall be subject to optional redemption by and at the sole option of the City, in whole or in part, on any date prior to maturity and at such redemption price, plus accrued interest to the redemption date, all of which terms shall be set forth in the Certificate of Award. Notice of redemption, identifying the Notes or portions thereof, to be called, shall be mailed by certified mail to the registered holders thereof not less than thirty (30) days prior to the date of redemption. Notice having been mailed in the manner provided in the preceding sentence hereof, the Notes and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Section 5, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Notes or portions thereof to be redeemed, together with accrued interest thereon to the redemption date, and without the need for investment or reinvestment, are held by the Paying Agent (as defined below) on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Notes or portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Notes or portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption.

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).

"*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.

To the extent that the Director of Finance determines that it would be in the best interest of the City and elects to utilize the Ohio Market Access Program (the "*Ohio Market Access Program*") which is administered by the Treasurer of the State of Ohio (the "*Treasurer*"), the City Manager and the Director of Finance are authorized to sign and deliver, in the name and on behalf of the City, the Standby Note Purchase Agreement (the "*Standby Note Purchase Agreement*") in substantially the form as presented to this City Council with such changes as are not materially adverse to the City and as may be approved by the officers of the City executing the Standby Note Purchase Agreement. The City acknowledges the agreement of the Treasurer in the Standby Note Purchase Agreement that, in the event the City is unable to repay the principal amount and accrued and unpaid interest of the Notes at their maturity, whether through its own funds or through the issuance of other obligations of the City, the Treasurer agrees to (a) purchase the Notes from the holders or beneficial owners thereof upon their presentation to the Treasurer for such purchase at a price of par plus accrued interest to maturity or (b) purchase renewal notes of the City in a principal amount not greater than the principal amount of the Notes plus interest due at maturity, with such renewal notes bearing interest at the Renewal Note Rate (as defined in the Standby Note Purchase Agreement), maturing not more than one year after the date of their issuance, and being prepayable at any time with 30 days' notice, *provided* that in connection with the Treasurer's purchase of such renewal notes the City shall deliver to the Treasurer an unqualified opinion of nationally recognized bond counsel that (i) such renewal notes are the legal, valid and binding general obligations of the City, and the principal of and interest on such renewal notes, unless paid from other sources, are to be paid from the proceeds of the levy of ad valorem taxes, within the ten-mill limitation imposed by law, on all property subject to ad valorem taxes levied by the City and (ii) interest on the renewal notes is excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code, as amended, to the same extent that interest on the Notes is so excluded.

The officers signing the Notes are authorized to take all actions that may in their judgment reasonably be necessary to provide for the Standby Note Purchase Agreement, including but not limited to the inclusion of a notation on the form of the Notes providing notice to the holders or beneficial owners of the existence of the Standby Note Purchase Agreement and providing instructions to such holders or beneficial owners regarding the presentation of the Note for purchase by the Treasurer at stated maturity.

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

Section 13. The legal services of the law firm of Squire Patton Boggs (US) LLP, as bond counsel, 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 City 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 determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 17. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; therefore, this Ordinance shall take full force and effect immediately upon its adoption by Council.

Passed by Council on the ______ day of __________, 2026;
______ 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. 2026-O-_____ passed by the City Council of the City of Huber Heights, on _____________, 2026.

____
Clerk of Council

AI-11523 **Topics Of Discussion**

Council Work Session

Meeting Date:	05/05/2026		

Issuance Of Notes - Refunding/New Money - Water Infrastructure - New Water Well/Water Meters - Sanitary Lift Station - $25,637,554

Submitted By:	Jim Bell		
Department:	Assistant City Manager - Finance/ED	**Division:**	Finance/Tax
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	05/05/2026
Audio-Visual Needs:	None	**Legal Review:**	Completed
Emergency Legislation?:	Yes	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

* Refunding/New Money - Water Infrastructure - New Water Well/
Water Meters - Sanitary Lift Station - $25,637,554

Purpose and Background

The attached ordinance will allow the City to issue one year notes in the amount of $25,637,554 for the costs of improving the City's municipal waterworks system by constructing and installing water lines, constructing a new water well, purchasing new radio read meters, installing a sanitary lift station on Brandt Pike, and acquiring any property necessary for this project. The estimated tax-exempt rate for this note is 6.5%. The City's Municipal Advisor, Andy Brossart, will make a brief presentation at the May 5, 2026 Council Work Session and be available to answer any questions. City Staff are requesting this ordinance be passed as emergency legislation with the waiving of the second reading and adoption of this ordinance at the May 14, 2026 City Council Meeting, so the notes can be sold with ten additional notes.

Fiscal Impact

Source of Funds:	Notes
Cost:	$25,637,554
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 August 30, 2023, September 3, 2024 and May 1, 2025, I certify in connection with your proposed issue of notes in the maximum principal amount of $25,637,554 (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 utility systems, including the municipal waterworks system by constructing and installing water lines, constructing a new water well, rehabilitating existing water lines, acquiring radio read water meters and the municipal sewer system by constructing and installing a pump station, and in each case, acquiring any necessary real property and interests therein in connection therewith, together with all necessary appurtenances thereto (the "*Improvement*"), that:

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

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

3. The maximum maturity of the Notes is (a) November 14, 2043 as to $5,800,000 of the principal amount, (b) November 6, 2044 as to $4,269,000 of the principal amount, (c) June 26, 2045 as to $5,768,000 of the principal amount and (d) two hundred forty (240) months as to $9,800,554 of the principal amount.

Dated: May 5, 2026

Director of Finance
City of Huber Heights, Ohio

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2026-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF $25,637,554, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE CITY'S MUNICIPAL UTILITY SYSTEMS, INCLUDING THE MUNICIPAL WATERWORKS SYSTEM BY CONSTRUCTING AND INSTALLING WATER LINES, CONSTRUCTING A NEW WATER WELL, REHABILITATING EXISTING WATER LINES, ACQUIRING RADIO READ WATER METERS AND THE MUNICIPAL SEWER SYSTEM BY CONSTRUCTING AND INSTALLING A PUMP STATION, AND IN EACH CASE, ACQUIRING ANY NECESSARY REAL PROPERTY AND INTERESTS THEREIN IN CONNECTION THEREWITH, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Section 10.04 of the City's Charter (which Section was effective as of January 1, 1984), this City Council shall not have the power to adopt and levy a City income tax without the approval of a majority vote of the electors voting on such issue at a general, primary or special election; and

WHEREAS, by a majority vote of the electors on November 6, 1984, a general municipal income tax was levied at the effective rate of one percent (1%) (the "*1984 General Income Tax*") for the purposes of general municipal operations, maintenance, new equipment, extension and enlargement of municipal services and facilities and capital improvements of the City (the "*General Municipal Income Tax Purpose*"); and

WHEREAS, by a majority vote of the electors on November 4, 2008, the 1984 General Income Tax was reduced by twenty-five one-hundredths percent (0.25%) to an effective rate of seventy-five one-hundredths percent (0.75%) (the "*General Income Tax*"); and

WHEREAS, pursuant to a majority vote of the electors, the City also levies an additional one and fifty one-hundredths percent (1.50%) income tax, but the proceeds from the collection of that additional tax are not generally available for the General Municipal Income Tax Purpose and will not be pledged pursuant to this Ordinance in connection with the Notes described in Section 3; and

WHEREAS, pursuant to Ordinance No. 2021-O-2480 passed July 12, 2021 (the "*General Income Tax Bond Ordinance*"), the City heretofore authorized and issued its General Income Tax Special Obligation Refunding Bonds, Series 2021 (the "*Series 2021 Bonds*") which outstanding Series 2021 Bonds are the only obligations of the City which are payable solely from and secured by a pledge of the moneys received by the City from the General Income Tax (the "*General Income Tax Receipts*") as provided by the laws of the State of Ohio, including, without limitation, Section 3, Article XVIII of the Ohio Constitution and Chapter 133 of the Ohio Revised Code (the "*Act*") and the General Income Tax Bond Ordinance; and

WHEREAS, pursuant to Ordinance No. 2025-O-2699 passed May 15, 2025, notes in anticipation of bonds in the principal amount of $15,837,000, dated June 26, 2025 (the "*Outstanding Notes*"), were issued for the purpose described in Section 1, to mature on June 25, 2026; and

WHEREAS, this City Council finds and determines that it will be in the City's best interest to issue notes, in anticipation of the issuance of bonds, in accordance with the Act and the Charter of the City, in the maximum principal amount of $25,637,554 (the "*Bonds*"), which notes will now be or continue to be payable from and secured by the General Income Tax, in order to 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 $9,800,554 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 is at least five (5) years, the estimated maximum maturity of the Bonds is at least twenty (20) years and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is (a) November 14, 2043 as to $5,800,000 of the principal amount, (b) November 6, 2044 as to $4,269,000 of the principal amount, (c) June 26, 2045 as to $5,768,000 of the principal amount and (d) two hundred forty (240) months as to $9,800,554 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 $25,637,554 (the "*Bonds*") for the purpose of paying the costs of improving the City's municipal utility systems, including the municipal waterworks system by constructing and installing water lines, constructing a new water well, rehabilitating existing water lines, acquiring radio read water meters and the municipal sewer system by constructing and installing a pump station, and in each case, 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 June 1, 2027, shall bear interest at the now estimated rate of 5.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment on the Bonds is estimated to be December 1, 2027.

Section 3. It is necessary to issue and this City Council determines that notes in the maximum principal amount of $25,637,554 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes, to provide additional money for the purpose described in Section 1 and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the "*Certificate of Award*") as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes, to provide additional money for the purpose described in Section 1 and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.50% 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. The Notes shall be issued pursuant to the Act, the Charter of the City, this Ordinance and the Certificate of Award.

The Director of Finance may determine if it is in the best interest of and financially advantageous to the City that the Notes shall be subject to optional redemption by and at the sole option of the City, in whole or in part, on any date prior to maturity and at such redemption price, plus accrued interest to the redemption date, all of which terms shall be set forth in the Certificate of Award. Notice of redemption, identifying the Notes or portions thereof, to be called, shall be mailed by certified mail to the registered holders thereof not less than thirty (30) days prior to the date of redemption. Notice having been mailed in the manner provided in the preceding sentence hereof, the Notes and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Section 5, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Notes or portions thereof to be redeemed, together with accrued interest thereon to the redemption date, and without the need for investment or reinvestment, are held by the Paying Agent (as defined below) on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Notes or portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Notes or portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption.

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).

"*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.

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 Fund (as described below).

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. 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 General Income Tax Receipts established by and as provided the Act and this Ordinance which are on deposit in the General Income Tax Bond Fund, all as described below. The City covenants that to the extent the Notes will not be paid fully from General Income Tax Receipts, 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 General Income Tax Bond Fund (the "*Bond Fund*") into which General Income Tax Receipts 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 General Income Tax Receipts 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 General Income Tax Receipts.

The City hereby covenants and agrees that so long as the Notes are outstanding, it will appropriate and maintain sufficient General Income Tax Receipts each year to make each payment due under this Section 9 and to pay principal and interest when due; *provided*, *however*, the amount of such appropriation may be reduced by the amount of any Bonds or renewal bond anticipation notes issued for the purpose of refunding the Notes and payments due hereunder and under the Notes are payable solely from the proceeds of the Bonds and the General Income Tax Receipts.

The Notes do not constitute a general obligation debt or a pledge of the full faith or credit or property taxing power of the City. Nothing herein shall be construed as requiring the City to use or apply to the payment of principal of and interest (and any premium) on the Notes any funds or revenues from any source other than General Income Tax Receipts. Nothing herein, however, shall be deemed to prohibit the City, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Ordinance or of the Notes.

If the City shall pay or cause to be paid and discharged the Notes, the covenants, agreements and other obligations of the City hereunder and in the Notes shall be discharged and satisfied. The City shall be considered to have caused the Notes or such portion thereof to be paid and discharged if the City has (a) on deposit with the Paying Agent sufficient monies as described in Section 4 or (b) placed in escrow, and pledged for the payment of debt charges on such Notes or portion thereof, money or direct or guaranteed obligations of the United States, or a combination of those obligations, determined by an independent firm experienced in making such determinations to be sufficient, with the interest or other investment income accruing on those direct or guaranteed obligations, for the payment of debt charges on the Notes. For purposes of this Section 9, "*direct obligations of or obligations guaranteed as to payment by the United States*" includes rights to receive payment or portions of payments of the principal of or interest or other investment income on those obligations, and other obligations fully secured as to payment by those obligations and the interest or other investment income on those obligations.

All of the agreements, covenants and duties under this Ordinance are hereby established as duties specifically enjoined by law or resulting from an office, trust or station upon this City within the meaning of Section 2731.01 of the Revised Code.

Section 10. The General Income Tax Bond Fund is hereby continued as of the date of initial delivery of the Notes as a bond retirement fund or an account of a bond retirement fund established pursuant to Sections 133.01(D) and 5705.09 of the Ohio Revised Code for payment of debt service and financing costs (as defined in Section 133.01 of the Ohio Revised Code) related to the Notes, and shall be maintained by the Director of Finance in the custody of the City. The Director of Finance is hereby authorized to maintain, or permit the maintenance of, such separate accounts in that Fund, and such separate subaccounts in any account, as is determined to be in the best interest of the City. Any moneys on deposit in the General Income Tax Bond Fund shall be invested to the extent permitted by law.

To the extent other moneys have not been appropriated and made available for the purpose, the City hereby covenants, subject and pursuant to the Constitution and laws of the State of Ohio, to appropriate and pay from the General Income Tax Receipts into the General Income Tax Bond Fund on or before each required payment date an amount which, after giving effect to any amounts then on deposit in the General Income Tax Bond Fund, including any interest earnings retained in that Fund, would result in an amount sufficient to pay the interest and principal due and payable on all outstanding Notes, Series 2021 Bonds and any Additional Bonds (as defined in Section 11) on that next respective payment date. For that purpose, in each year while the Notes, the Series 2021 Bonds and any Additional Bonds are outstanding, to the extent other moneys have not been appropriated and made available for the purpose, this City Council will appropriate General Income Tax Receipts required to pay the principal of and interest (and any premium) on the Notes, the Series 2021 Bonds and any Additional Bonds in that year. Further, this City Council will give effect to such appropriations in all ordinances it passes or resolutions it adopts thereafter in that year appropriating money for expenditure and encumbrance and limit the other appropriations of General Income Tax Receipts in that year to the amount available after deducting the amount required to pay the principal of and interest (and any premium) on the Notes, the Series 2021 Bonds and any Additional Bonds in that year to the extent other moneys have not been appropriated and made available for those principal, interest and premium payments.

Any portion of the General Income Tax Receipts not otherwise required to be deposited into the General Income Tax Bond Fund in accordance with this Section 10 shall be used to meet other obligations of the City as may be lawfully discharged from the General Income Tax.

Section 11. The City shall have the right from time to time to issue additional bonds ("*Additional Bonds*") on a parity with the Notes, the Series 2021 Bonds, which Additional Bonds shall be payable solely from the General Income Tax Receipts, and such payment shall be secured by a pledge of and a lien on the General Income Tax Receipts as provided by the Act and by an ordinance passed by this City Council authorizing the issuance of those Additional Bonds. Before any Additional Bonds are issued, the City shall be required to furnish a certificate of the Director of Finance showing that the aggregate amount of General Income Tax Receipts received during the fiscal year immediately preceding the issuance of those Additional Bonds is at least equal to 300% of the largest amount required to be paid in any succeeding calendar year to meet estimated interest and principal maturities of the Bonds, any Additional Bonds delivered after the Bonds, and those Additional Bonds proposed to be issued, or in the event that the Additional Bonds proposed to be issued are to be issued as bond anticipation notes, the largest amount required to be paid in any succeeding calendar year to meet the estimated interest and principal maturities of the bonds anticipated by those bond anticipation notes (the "*Coverage Test*").

Junior lien or other subordinate bonds payable from the General Income Tax Receipts may be issued without limitation.

The Additional Bonds shall bear such designation as may be necessary to distinguish them from the Notes, the Series 2021 Bonds or other Additional Bonds having different provisions and shall have maturities, interest rates, interest payment dates, redemption provisions, denominations and other provisions as provided in the ordinances hereafter adopted providing for the issuance of the Additional Bonds; *provided*, *however*, that those terms and provisions shall not be inconsistent with this Ordinance to the extent it governs the issuance and terms of Additional Bonds.

This City Council determines that the Notes will be treated as Additional Bonds pursuant to the General Income Tax Bond Ordinance. This City Council further determines, and directs the Director of Finance to certify upon the delivery of the Notes, that the aggregate amount of

General Income Tax Receipts received during fiscal year 2025 (being the fiscal year immediately preceding the issuance of the Notes) is at least equal to 300% of the largest amount required to be paid in any succeeding calendar year to meet estimated interest and principal maturities of the Series 2021 Bonds and since the Notes are issued as bond anticipation notes, the largest amount required to be paid in any succeeding calendar year to meet the estimated interest and principal maturities of the Bonds anticipated by the Notes.

Section 12. 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.

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

Section 14. The legal services of the law firm of Squire Patton Boggs (US) LLP, as bond counsel, 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 15. 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 16. This City 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; that the General Income Tax Receipts of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 17. It is hereby determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 18. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; therefore, this Ordinance shall take full force and effect immediately upon its adoption by Council.

Passed by Council on the ______ day of __________, 2026;
______ 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. 2026-O-_____ passed by the City Council of the City of Huber Heights, on _____________, 2026.

____
Clerk of Council

AI-11524 **Topics Of Discussion**

Council Work Session

Meeting Date:	05/05/2026		

Issuance Of Notes - Refunding - Property Acquisition/Improvement - Brandt/Fishburg - Economic Development - $7,631,882

Submitted By:	Jim Bell		
Department:	Assistant City Manager - Finance/ED	**Division:**	Finance/Tax
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	05/05/2026
Audio-Visual Needs:	None	**Legal Review:**	Completed
Emergency Legislation?:	Yes	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

* Refunding - Property Acquisition/Improvement - Brandt/Fishburg - Economic Development - $7,631,882

Purpose and Background

The attached ordinance will allow the City to issue one year notes in the amount of $7,631,882 for the refunding of the notes issued in 2025 for the cost of property acquisition near the intersection of Brandt Pike and Fishburg Road, and for improving and rehabilitating certain buildings and razing other buildings on the property. The estimated taxable rate for this note is 7.5%. The City's Municipal Advisor, Andy Brossart, will make a brief presentation at the May 5, 2026 Council Work Session and be available to answer any questions. City Staff are requesting this ordinance be passed as emergency legislation with the waiving of the second reading and adoption of this ordinance at the May 14, 2026 City Council Meeting, so the notes can be sold with ten additional notes and proceeds received prior to the maturity of the notes issued in 2025.

Fiscal Impact

Source of Funds:	Notes
Cost:	$7,631,882
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. 2026-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF $7,631,882, 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, AND DECLARING AN EMERGENCY.

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

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

WHEREAS, pursuant to Ordinance No. 2025-O-2701 passed May 15, 2025, notes in anticipation of bonds in the principal amount of $7,218,000, dated June 26, 2025 (the "*Outstanding Notes*"), were issued for the purpose described in Section 2, to mature on June 25, 2026; 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 $413,882 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 $7,631,882 (the "*Bonds*") for the purpose of paying the costs of acquiring approximately 19.5 acres of real property near the intersection of Brandt Pike and Fishburg Road, providing for the site preparation thereof, improving and rehabilitating certain of the buildings and razing certain other buildings located thereupon, all in support of economic development and job creation within the City (the "*Project*").

Section 3. The Bonds shall be dated approximately June 1, 2027, shall bear interest at the now estimated rate of 5.50% 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, 2027.

The Director of Finance may determine if it is in the best interest of and financially advantageous to the City that the Notes shall be subject to optional redemption by and at the sole option of the City, in whole or in part, on any date prior to maturity and at such redemption price, plus accrued interest to the redemption date, all of which terms shall be set forth in the Certificate of Award. Notice of redemption, identifying the Notes or portions thereof, to be called, shall be mailed by certified mail to the registered holders thereof not less than thirty (30) days prior to the date of redemption. Notice having been mailed in the manner provided in the preceding sentence hereof, the Notes and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Section 6, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Notes or portions thereof to be redeemed, together with accrued interest thereon to the redemption date, and without the need for investment or reinvestment, are held by the Paying Agent (as defined below) on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Notes or portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Notes or portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption.

Section 4. It is necessary to issue and this City Council determines that notes in the maximum principal amount of $7,631,882 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 2 and to retire, together with other funds available to the City, the Outstanding Notes, to provide additional money for the purpose described in Section 2 and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 7 of this Ordinance (the "*Certificate of Award*") as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes, to provide additional money for the purpose described in Section 2 and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 7.50% per year (computed on the basis of a 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).

"*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 8, the Paying Agent shall be authorized to create a fund in accordance with the Note Registrar Agreement for that purpose. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Fund (as described below).

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

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

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

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

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

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

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

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

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

Section 13. The legal services of the law firm of Squire Patton Boggs (US) LLP, as bond counsel, 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 City 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 determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 17. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; therefore, this Ordinance shall take full force and effect immediately upon its adoption by Council.

Passed by Council on the ______ day of __________, 2026;
______ 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. 2026-O-_____ passed by the City Council of the City of Huber Heights, on _____________, 2026.

____
Clerk of Council

AI-11525			**Topics Of Discussion**
Council Work Session			
Meeting Date:	05/05/2026		

Issuance Of Notes - Refunding - Property Acquisition/Improvement - Economic Development - $2,532,330

Submitted By:	Jim Bell		
Department:	Assistant City Manager - Finance/ED	**Division:**	Finance/Tax
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	05/05/2026
Audio-Visual Needs:	None	**Legal Review:**	Completed
Emergency Legislation?:	Yes	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

* Refunding - Property Acquisition/Improvement - Executive Boulevard - Economic Development - $2,532,330

Purpose and Background

The attached ordinance will allow the City to issue one year notes in the amount of $2,532,330 for the cost of property acquisition of approximately 16.5 acres on Executive Boulevard and providing site preparation for economic development. The estimated federally taxable rate for this note is 7.5%. The City's Municipal Advisor, Andy Brossart, will make a brief presentation at the May 5, 2026 Council Work Session and be available to answer any questions. City Staff are requesting this ordinance be passed as emergency legislation with the waiving of the second reading and adoption of this ordinance at the May 14, 2026 City Council Meeting, so the notes can be sold with ten additional notes.

Fiscal Impact

Source of Funds:	Notes
Cost:	$2,532,330
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. 2026-O-

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF $2,532,330, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF ACQUIRING APPROXIMATELY 16.5 ACRES OF REAL PROPERTY ON EXECUTIVE BOULEVARD AND PROVIDING FOR THE SITE PREPARATION THEREOF, ALL IN SUPPORT OF ECONOMIC DEVELOPMENT AND JOB CREATION WITHIN THE CITY, AND DECLARING AN EMERGENCY.

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

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

WHEREAS, pursuant to Ordinance No. 2025-O-2702 passed May 15, 2025, notes in anticipation of bonds in the principal amount of $2,395,000, dated June 26, 2025 (the "*Outstanding Notes*"), were issued for the purpose described in Section 2, to mature on June 25, 2026; 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 $137,330 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 $2,532,330 (the "*Bonds*") for the purpose of paying the costs of acquiring approximately 16.5 acres of real property on Executive Boulevard and providing for the site preparation thereof, all in support of economic development and job creation within the City (the "*Project*").

Section 3. The Bonds shall be dated approximately June 1, 2027, shall bear interest at the now estimated rate of 5.50% 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, 2027.

The Director of Finance may determine if it is in the best interest of and financially advantageous to the City that the Notes shall be subject to optional redemption by and at the sole option of the City, in whole or in part, on any date prior to maturity and at such redemption price, plus accrued interest to the redemption date, all of which terms shall be set forth in the Certificate of Award. Notice of redemption, identifying the Notes or portions thereof, to be called, shall be mailed by certified mail to the registered holders thereof not less than thirty (30) days prior to the date of redemption. Notice having been mailed in the manner provided in the preceding sentence hereof, the Notes and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Section 6, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Notes or portions thereof to be redeemed, together with accrued interest thereon to the redemption date, and without the need for investment or reinvestment, are held by the Paying Agent (as defined below) on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Notes or portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Notes or portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption.

Section 4. It is necessary to issue and this City Council determines that notes in the maximum principal amount of $2,532,330 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 2 and to retire, together with other funds available to the City, the Outstanding Notes, to provide additional money for the purpose described in Section 2 and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 7 of this Ordinance (the "*Certificate of Award*") as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes, to provide additional money for the purpose described in Section 2 and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 7.50% per year (computed on the basis of a 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).

"*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 8, the Paying Agent shall be authorized to create a fund in accordance with the Note Registrar Agreement for that purpose. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Fund (as described below).

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

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

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

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

The City hereby covenants and agrees that so long as the Notes are outstanding, it will appropriate and maintain sufficient Nontax Revenues each year to make each payment due under this Section 10 and to pay principal and interest when due; *provided*, *however*, the amount of such appropriation may be reduced by the amount of any Bonds or renewal bond anticipation notes issued for the purpose of refunding the Notes and payments due hereunder and under the Notes are payable solely from the proceeds of the Bonds and the Nontax Revenues, which

Nontax Revenues are hereby selected by the City pursuant to Section 165.12 of the Ohio Revised Code as moneys that are not raised by taxation. The Notes are not secured by an obligation or pledge of any moneys raised by taxation. The Notes do not and shall not represent or constitute a debt or pledge of the faith or credit or taxing power of the City, and the registered owners of the Notes have no right to have taxes levied by the City for the payment of principal of and interest on the Notes.

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

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

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

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

Section 13. The legal services of the law firm of Squire Patton Boggs (US) LLP, as bond counsel, 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 City 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 determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 17. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; therefore, this Ordinance shall take full force and effect immediately upon its adoption by Council.

Passed by Council on the ______ day of __________, 2026;
______ 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. 2026-O-_____ passed by the City Council of the City of Huber Heights, on _____________, 2026.

____
Clerk of Council

AI-11492 **Topics Of Discussion** L.

Council Work Session

Meeting Date:	05/05/2026		
Case MJC 26-10 - Greg Hoskins - Major Change/Basic Development Plan - 3020 Burr Oak Drive			
Submitted By:	Geri Hoskins		
Department:	Assistant City Manager - Public Services	**Division:**	Planning
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	05/05/2026
Audio-Visual Needs:	None	**Legal Review:**	Not Needed
Emergency Legislation?:	No	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

Case MJC 26-10 - Greg Hoskins - Major Change/Basic Development Plan - 3020 Burr Oak Drive

Purpose and Background

The applicant, Greg Hoskins, is requesting approval of a Major Change to the Basic Development Plan to remove the open space restriction from Lot 199 (Case MJC 26-10).

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

Drawings
Fire Assessment
Staff Report
Decision Record
Minutes
Presentation
Ordinance

MASTER PLAN

FOR

THE OAKS

OF

HUBER HEIGHTS
HUBER HEIGHTS, OHIO
SUMMER 2003


CHAMBERSBURG RD.
POND
POTENTIAL ESTATE LOTS
RED OAK COURT
OAK CREEK TRAIL
OAK RIDGE DR.
PIN OAK CT.
RETENTION BASIN
OAK RIDGE WAY
LAUREL OAK LANE
GREEN SPACE
SIVER OAK WAY
BLACK OAK PLACE
WHITE OAK WAY
BUR OAK DRIVE
RECREATION AREA 3.0 ac
POND
PARKING
CHURCH 14.1843 AC
DETENTION AREA
SHADY OAK STREET
FISHBURG RD.
EX CHURCH
BELLFONTAINE RD.
MASTER PLAN
FOR
THE OAKS OF HUBER HEIGHTS
HUBER HEIGHTS, OHIO 2005
0 50 100 200 300
SCALE: 1" = 100'
APPROVED
REVISED 4/11/05
431 D 12 APR 05
J. Hallett

Huber Heights Fire Division

Inspections require two business days advance notice! (OAC)1301:7-7-09(A)(5)

Occupancy Name:	Lot 197 Silver Oak
Occupancy Address:	3020 Burr Oak Drive

Type of Permit:	HHP&D Site Plan
Additional Permits:	Choose an item.
Additional Permits:	Choose an item.

MCBR BLD:		HH P&D:	
MCBR MEC:		HHFD Plan:	26-125
MCBR ELE:		HHFD Box:	
REVIEWER:	Pugh	DATE:	04/02/2026

Fire Department Comments:

The Huber Heights City Code Part 15 Refers to Fire Code Requirements and has adopted by reference OFC and IFC Appendices

This plan review is for owner obtaining the lot next to his property for possible future use.

Requirements:

- **The fire department has no concerns or comments at this time.**

Please reference contact information below for questions or concerns with this document.

Plans reviewed by the Huber Heights Fire Division are reviewed with the intent they comply in **ALL** respects to this code, as prescribed in **SECTION (D) 104.1 of the 2011 Ohio Fire Code**. Any omissions or errors on the plans or in this review do not relieve the applicant of complying with **ALL** applicable requirements of this code. These plans have been reviewed for compliance with the Ohio Fire Code adopted by this jurisdiction. There may be other regulations applicable under local, state, or federal statues and codes, which this department has no authority to enforce and therefore have not been evaluated as part of this plan review.

Memorandum

Staff Report for Meeting of April 14, 2026

To: Huber Heights City Planning Commission

From: Aaron K. Sorrell, Assistant City Manager

Date: April 4, 2026

Subject: MJC 26-10 Major Change: The Oaks, Section 9, Lot 199
3020 Burr Oak Drive

Department of Planning and Zoning	City of Huber Heights

APPLICANT/OWNER:	Greg Hoskins – Applicant Silver Oaks HOA - Owner
DEVELOPMENT NAME:	Silver Oaks (The Oaks of Huber Heights, Section 9)
ADDRESS/LOCATION:	3020 Burr Oak Drive
ZONING/ACREAGE:	PR: Planned Residential / 0.3 acres.
EXISTING LAND USE:	Open Space
ZONING ADJACENT LAND:	PR: Planned Residential
REQUEST:	The applicant requests a major change to the Basic Development Plan to remove the open space restriction from lot 199.
ORIGINAL APPROVAL:	N/A
APPLICABLE HHCC:	Chapter 1171, 1172
CORRESPONDENCE:	In Favor – None Received In Opposition – None Received

STAFF ANALYSIS AND RECOMMENDATION:

Overview

The applicant is requesting a major change to the Basic and Detailed Development Plan to remove the open-space restriction on lot 199, which is at the corner of Burr Oak Drive, due north of Fishburg Road. The HOA owns the lot, no longer wants to maintain it, and has voted to sell it to the applicant once the green space limitation is removed. If a residential structure were to be constructed on this lot, the overall density would be 2.6 units per acre, well below the 5 units per acre maximum in the Planned Residential District.

Applicable Zoning Regulations

The applicable zoning regulations are Chapter 1171 – General Provisions and Chapter 1172 - Planned Residential District.

1171.11 Changes in the basic and detailed development plans.

A PUD shall be developed only according to the approved and recorded detailed development plan and supporting data together with all recorded amendments and shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the use of premises (including the internal use of buildings and structures) and location of structures in the PUD as set forth therein.

(a) Major Changes. Changes which alter the concept, uses or intent of the PUD including increases in the number of units per acre, change in location or amount of nonresidential land uses, more than 15 percent modification in proportion of housing types, significant redesign of roadways, utilities or drainage, may be approved only by submission of a new basic plan and supporting data in accordance with Sections 1171.03, 1171.04 and 1171.05.

(b) Minor Changes. The Zoning Officer recommends to the Planning Commission approval or disapproval of the minor changes in the PUD. Minor changes are defined as any change not defined as a major change.

Staff Analysis

Prior Basic / Detailed Development Approvals

The Basic and Detailed Development Plans for The Oaks have been modified at least three times since inception. The images below illustrate each evolution of the plans, the most recent being the Koehler & Wang subdivision in 2021. The following images represent the various development plans.

2003 Master Plan

The 2003 plan illustrated extensive open space with a central neighborhood feature. The lot in question is illustrated on this plan as the corner park, just north of Fishburg Road.

In 2005, the plan was modified to accommodate a church. This required the south roadways to be modified, and the central open space was eliminated. The church was never constructed.

2005 Master Plan

In 2020, the church land was sold and remains vacant.

Discussion

Based on the case records, staff and the Planning Commission discussed buffering between the properties to the west and the proposed Oaks subdivision. There is very little discussion about central open space features. Over time, the only non-stormwater-related open space improvement constructed was the gazebo at the corner of Oak Ridge Drive and White Oak Way.

The lot in question is currently unimproved by the developer, and it appears the HOA has no intention of making any improvements.

Staff supports removing the green space limitation for this lot for a following reasons:

1) Constructing a neighborhood park on this lot is unnecessary. This lot is approximately 300-feet from the entrance to Cottonwood Park. The City is investing nearly $600,000 in upgrades to the park amenities. Later this year, a new crosswalk will be installed from Burr Oak to the park entrance.

2) This lot is more of a financial liability to the HOA than a neighborhood asset. The HOA has no plans or intent to invest significant capital to create a gateway feature into the neighborhood.

3) There is no requirement for open space in the Planned Residential District.

Additional Comments:

Fire: The Fire Department had no comments.
City Engineer: The City Engineer had no comments.

Recommendation

Planning staff supports a major change to the Basic and Detailed Development Plan to remove the green space restriction on lot 199 of the Oaks of Huber Heights, Section 9 plat. Staff recommends approval with no conditions.

Planning Commission Action

Planning Commission may take the following actions with a motion to:

1) Recommend approval of the Major Change with or without conditions;
2) Recommend denial of the Major Change; or
3) Table the application to gather additional information.

Planning Commission Decision Record

WHEREAS, on March 27, 2026, the applicant, GREG HOSKINS, requested approval of a Major Change to the Basic Development Plan to remove the open space restriction from lot 199. Property located at 3020 Burr Oak Drive (MJC 26-10), and;

WHEREAS, on April 14, 2026, the Planning Commission did meet and fully discuss the details of the request.

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

Mr. Johnson moved to approve the request by the applicant, Greg Hoskins, for approval of a Major Change to the Basic Development Plan. Property is located at 3020 Burr Oak Drive (Case MJC 26-10), in accordance with the recommendation of Staff's Memorandum dated April 4, 2026, with the following conditions:

1. Approval with no conditions.

Seconded by Mr. Shomper. Roll call showed: YEAS: Ms. Thomas, Mr. Shomper, Mr. Johnson, and Mr. Walton. NAYS: None. Motion to recommend approval carried 4-0.

______________________________ ________________

Terry Walton, Chair Date
Planning Commission

Planning Commission
April 14, 2026, Meeting
City of Huber Heights

I. Chair Terry Walton called the meeting to order at approximately 6:00 p.m.

II. Present at the meeting: Mr. Johnson, Mr. Shomper, Ms. Thomas, Ms. Vargo (arrived late), and Mr. Walton.

Absent: None

Staff Present: Aaron K. Sorrell, Assistant City Manager, Geri Hoskins, Planning & Zoning Administrative Assistant.

III. Opening Remarks by the Chairman and Commissioners

None.

IV. Citizens Comments

None.

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

VI. Pending Business

None.

VII. New Business

1. **DETAILED DEVELOPMENT PLAN – The applicant, CARRIAGE TRAILS CO, LLC, is requesting approval of a Detailed Development Plan for 26 building lots and street right of way. Property is located North of Carriage Trails Parkway (DDP 26-08).**

Mr. Sorrell stated this is the third plat of the Carriage Trails II subdivision. The Carriage Trails II basic development plan outlines the minimum lot sizes, setbacks, lot coverage and open space requirements.

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

All front and rear setbacks are 25-feet, consistent with the requirements.
The minimum lot size in this phase is 56-feet, which is greater than the 50-foot minimum requirement outlined in the Carriage Trails II development standards.

The Detailed Development Plan (preliminary plat) conforms to the Basic Development Plan regulations

Ken Conway was present and said 121 lots sold last year.

Action

Ms. Thomas moved to approve the request by the applicant, Carriage Trails CO, LLC, for a Detailed Development Plan (DDP 26-08) in accordance with the recommendation of Staff's Memorandum dated April 6, 2026, and the Planning Commission Decision Record.

Seconded by Mr. Johnson. Roll call showed: YEAS: Ms. Shomper, Ms. Thomas, Mr. Johson and Mr. Walton. NAYS: None. Motion to approve carried 4-0.

2. **DETAILED DEVELOPMENT PLAN – The applicant, FORESTAR (USA) REAL ESTATE GROUP, INC., is requesting approval of a Detailed Development Plan for 38 building lots. Property is located at Chambersburg Road and Endicott Road (DDP 26-09).**

   Mr. Sorrell stated that this is the third section of the Canal Heights subdivision. The Planning Commission approved the Basic Development Plan in 2021 through a development known as the Villages of Westport, which was renamed Canal Heights when the land was purchased by Forestar Real Estate Group.

   The Basic Development Plan requirements are:
   Front & rear yard setbacks:25-feet
   Side yard setbacks: 5-feet
   Minimum lot width: 51-feet

   All front and rear yard setbacks are 25-feet, consistent with the requirements. All lot sizes are the same as approved through the Detailed Development Plan

   Action

   Mr. Johnson moved to approve the request by the applicant, Forestar (USA) Real Estate Group, Inc., for approval of a Detailed Development Plan (DDP 26-09) in accordance with the recommendation of Staff's Memorandum dated, April 7, 2026, and the Planning Commission Decision Record.

   Seconded by Mr. Shomper. Roll call showed: YEAS: Ms. Thomas, Ms. Shomper, Mr. Johnson, and Mr. Walton. NAYS: None. Motion to approve carried 4-0.

3. **MAJOR CHANGE – The applicant, GREG HOSKINS, is requesting approval of a Major Change to the Basic Development Plan to remove open space restricting from lot 199. Property is located at 3020 Burr Oak Drive (MJC 26 -10).**

   Mr. Sorrell stated that the applicant is requesting a major change to the Basic and Detailed Development Plan to remove the open-space restriction on lot 199, which is at the corner of Burr Oak Drive, due north of Fishburg Road. The HOA owns the lot, no longer wants to maintain it, and has voted to sell it to the applicant once the green space limitation is removed. If a residential structure were to be constructed on this lot, the overall density would be 2.6 units per acre, well below the 5 units per acre maximum in the Planned Residential District.

Prior Basic / Detailed Development Approvals

The Basic and Detailed Development Plans for The Oaks have been modified at least three times since inception. The images below illustrate each evolution of the plans, the most recent being the Koehler & Wang subdivision in 2021. The following images represent the various development plans.

2003 Master Plan

The 2003 plan illustrated extensive open space with a central neighborhood feature. The lot in question is illustrated on this plan as the corner park, just north of Fishburg Road.

In 2005, the plan was modified to accommodate a church. This required the south roadways to be modified, and the central open space was eliminated. The church was never constructed.

In 2020, the church land was sold and remains vacant.

Discussion

Based on the case records, staff and the Planning Commission discussed buffering between the properties to the west and the proposed Oaks subdivision. There is very little discussion about central open space features. Over time, the only non-stormwater-related open space improvement constructed was the gazebo at the corner of Oak Ridge Drive and White Oak Way.

The lot in question is currently unimproved by the developer, and it appears the HOA has no intention of making any improvements.

Staff supports removing the green space limitation for this lot for a following reasons:

1) Constructing a neighborhood park on this lot is unnecessary. This lot is approximately 300-feet from the entrance to Cottonwood Park. The City is investing nearly $600,000 in upgrades to the park amenities. Later this year, a new crosswalk will be installed from Burr Oak to the park entrance.

2) This lot is more of a financial liability to the HOA than a neighborhood asset. The HOA has no plans or intent to invest significant capital to create a gateway feature into the neighborhood.

3) There is no requirement for open space in the Planned Residential District.

Additional Comments:

Fire: The Fire Department had no comments.
City Engineer: The City Engineer had no comments.

Mr. Greg Hoskins spoke about the lot and taking care of it.

Action

Mr. Johnson moved to approve the request by the applicant, Greg Hoskins, for approval of a Major Change to the Basic Development Plan (MJC 26-10) in accordance with the recommendation of Staff's Memorandum dated, April 4, 2026, and the Planning Commission Decision Record.

Seconded by Mr. Shomper. Roll call showed: YEAS: Ms. Thomas, Mr. Shomper, Mr. Johnson, and Mr. Walton. NAYS: None. Motion to approve carried 4-0.

VIII. Additional Business

1. PLANNING COMMISSION APPOINTMENT TO HOUSING COUNCIL

Action

Mr. Walton moved to appoint Ms. Thomas to a three year term to the City of Huber Heights Housing Council.

Seconded by Mr. Shomper. Roll call showed: YEAS: Mr. Johnson, Ms. Vargo, Ms. Thomas, Mr. Shomper, and Mr. Walton. NAYS: None. Motion to approve carried 5-0.

2. PRESENTATION BY ZONECO FOR THE ZONING CODE REWRITE (attached)

IX. Approval of the Minutes

Without objection, the minutes of the February 10, 2026, Planning Commission meeting are approved.

X. Reports and Calendar Review

XI. Upcoming Meetings

May 12, 2026
June 9, 2026

XII. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at approximately 7:13 p.m.

MJC 26-10
3020 Burr Oak Drive

Site Details:

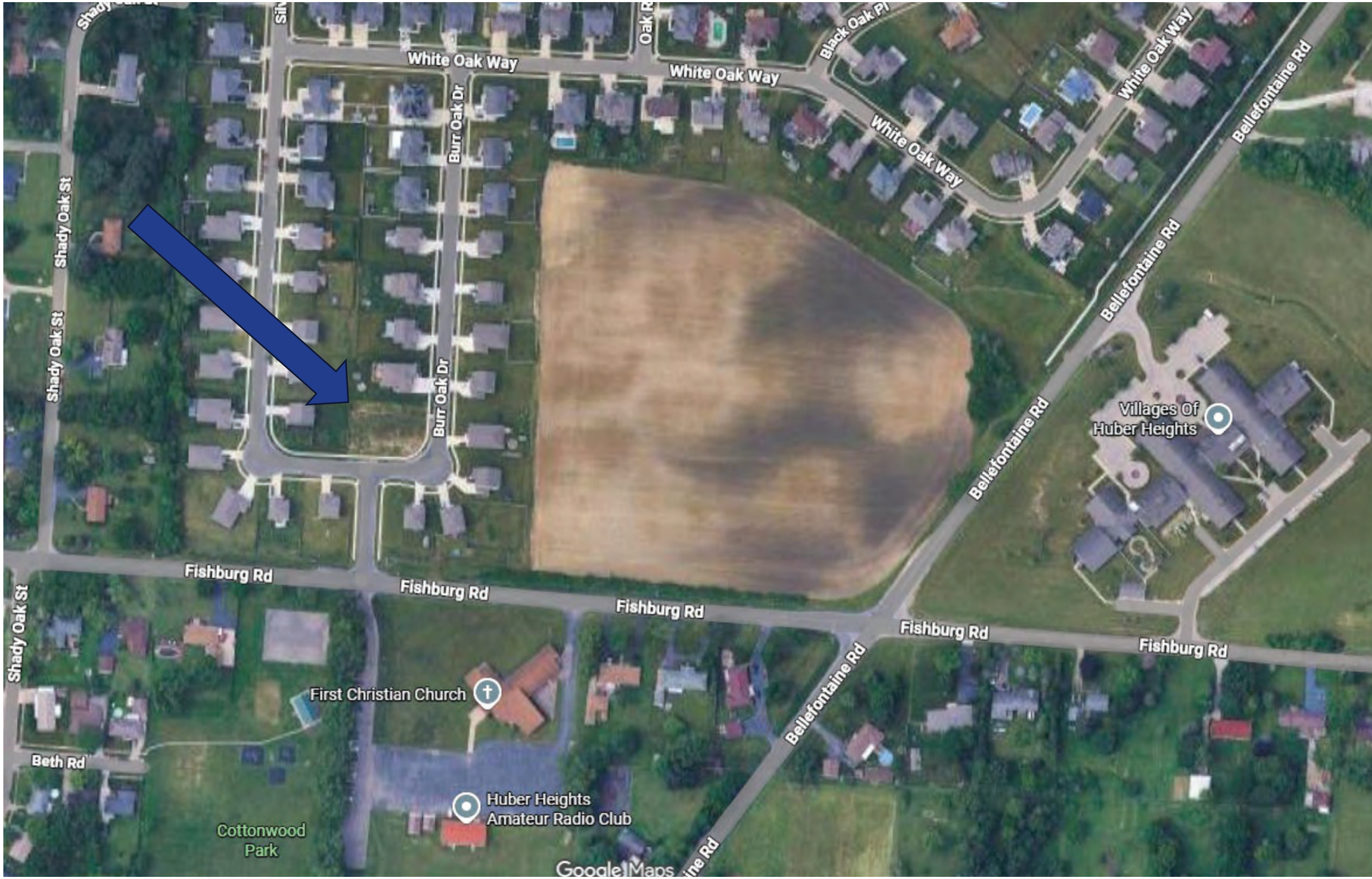
- 0.3 Acres
- Zoned: PR (Planned Residential)
- Adjacent lands: PR

Development Details:

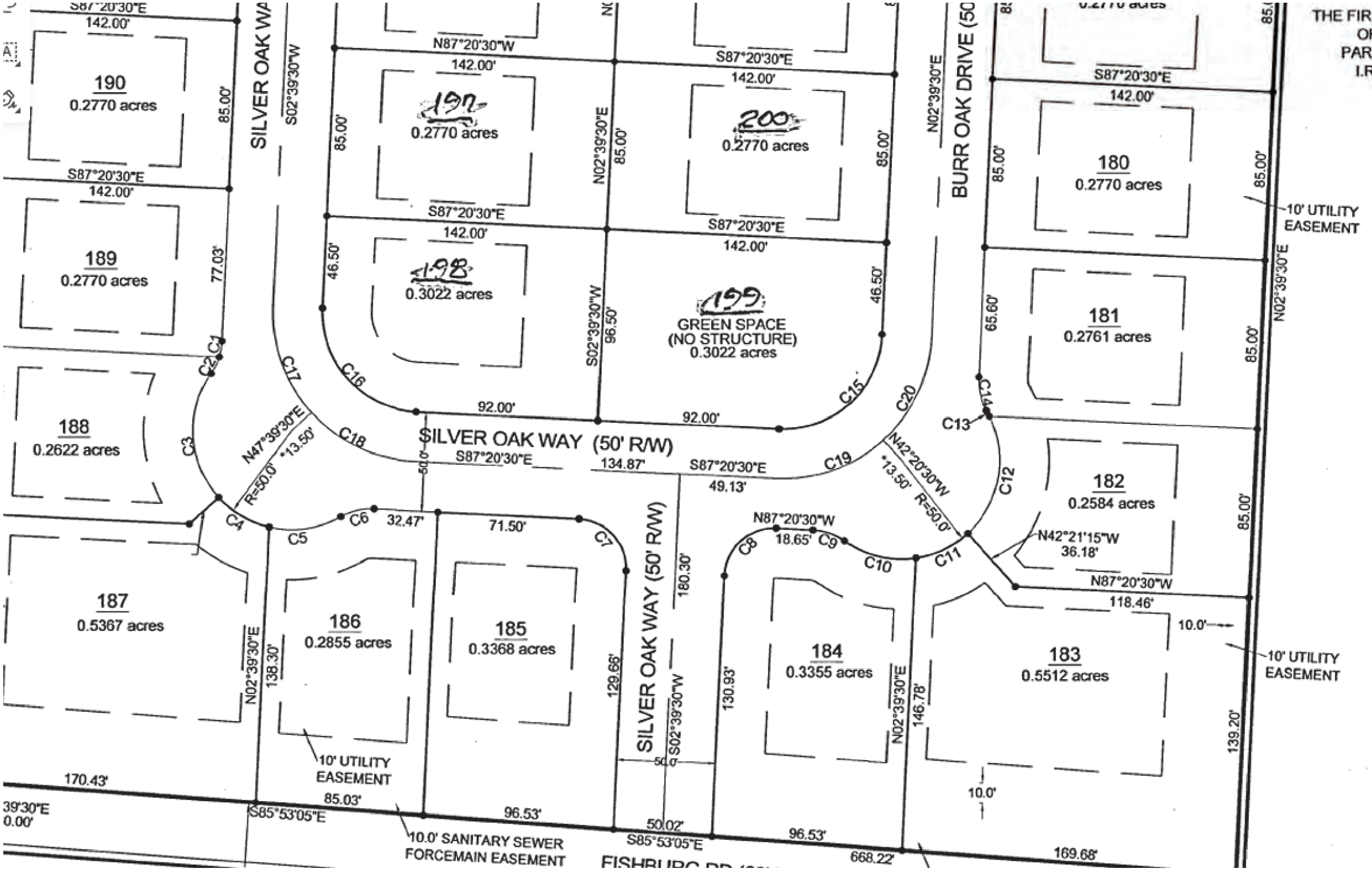
- The applicant requests a Major Change to the Basic Development Plan to remove the open space restriction from lot 199.

HUBER HEIGHTS

HUBER HEIGHTS
Come Grow With Us!



HUBER HEIGHTS
Come Grow With Us!



SILVER OAK WAY
SILVER OAK WAY (50' R/W)
BURR OAK DRIVE (50
190
0.2770 acres
189
0.2770 acres
188
0.2622 acres
187
0.5367 acres
186
0.2855 acres
185
0.3368 acres
184
0.3355 acres
183
0.5512 acres
182
0.2584 acres
181
0.2761 acres
180
0.2770 acres
197
0.2770 acres
198
0.3022 acres
199
GREEN SPACE
(NO STRUCTURE)
0.3022 acres
200
0.2770 acres
10' UTILITY EASEMENT
10.0' SANITARY SEWER FORCEMAIN EASEMENT
THE FIRS
OF
PARI
I.R.
S87°20'30"E
N87°20'30"W
S02°39'30"W
N02°39'30"E
N47°39'30"E
N42°20'30"W
N42°21'15"W
36.18'
S85°53'05"E
142.00'
85.00'
46.50'
77.03'
65.60'
92.00'
134.87'
49.13'
32.47'
71.50'
18.65'
118.46'
138.30'
129.66'
180.30'
130.93'
146.78'
139.20'
170.43'
85.03'
96.53'
50.02'
668.22'
169.68'
10.0'
R=50.0'
13.50'
C1
C2
C3
C4
C5
C6
C7
C8
C9
C10
C11
C12
C13
C14
C15
C16
C17
C18
C19
C20

Staff Analysis

Staff supports removing the green space limitation for this lot for the following reasons:

1. Constructing a neighborhood park on this lot is unnecessary. This lot is approximately 300-feet from the entrance to Cottonwood Park. The City is investing nearly $600,000 in upgrades to the park amenities. Later this year, a new crosswalk will be installed from Burr Oak to the park entrance.
2. This lot is more of a financial liability to the HOA than a neighborhood asset. The HOA has no plans or intent to invest significant capital to create a gateway feature into the neighborhood.
3. There is no requirement for open space in the Planned Residential District.

Staff Recommendation

Planning staff supports the Major Change to remove the green space restriction on lot 199 of the Oaks of Huber Heights, Section 9 plat. Staff recommends approval with no conditions.

Planning Commission Action

Planning Commission may take the following actions with a motion to:

1. Recommend approval of the Major Change with or without conditions;
2. Recommend denial of the Major Change; or
3. Table the application to gather additional information.

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2026-O-

TO APPROVE A MAJOR CHANGE TO THE BASIC DEVELOPMENT PLAN TO REMOVE THE OPEN SPACE RESTRICTION FROM LOT 199 FOR PROPERTY LOCATED AT 3020 BURR OAK DRIVE AND FURTHER IDENTIFIED AS PARCEL NUMBER P70 02211 0112 ON THE MONTGOMERY COUNTY AUDITOR'S MAP AND TO ACCEPT THE RECOMMENDATION OF THE PLANNING COMMISSION (CASE MJC 26-10).

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

WHEREAS, the City Planning Commission has reviewed Case MJC 26-10 and on April 14, 2026, recommended approval by a vote of 4-0 of the Major Change to the Basic Development Plan; and

WHEREAS, the City Council has considered the issue.

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

Section 1. The application for Case MJC 26-10 requesting approval of a Major Change to the Basic Development Plan to remove the open space restriction from Lot 199 for property located at 3020 Burr Oak Drive and further identified as Parcel Number P70 02211 0112 on the Montgomery County Auditor's Map is hereby approved in accordance with the Planning Commission's recommendation and with the following conditions:

1. Approve with no conditions.

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

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

Passed by Council on the_______day of_______, 2026;
______Yeas;______Nays.

Effective Date:

AUTHENTICATION:

____________________________	____________________________
Clerk of Council	Mayor
____________________________	____________________________
Date	Date