



**CITY OF HUBER HEIGHTS  
STATE OF OHIO  
City Council Meeting  
Regular Session  
October 11, 2021  
7:00 P.M.**

**City Hall - Council Chambers - 6131 Taylorsville Road**

1. **Call The Meeting To Order - Mayor Jeff Gore**
2. **Invocation - Pastor Randy Griffith Of The Free Methodist Church At 6875 Old Troy Pike, Huber Heights, Ohio**
3. **Pledge Of Allegiance**
4. **Roll Call**
5. **Approval Of Minutes**
  - A. City Council Meeting Minutes - September 27, 2021
6. **Special Presentations/Announcements**
  - A. Indigenous Peoples' Day Proclamation Presentation To The Huber Heights Culture And Diversity Citizen Action Commission - Mayor Jeff Gore
7. **Citizens Comments**
8. **Citizens Registered to Speak on Agenda Items**
9. **City Manager Report**
10. **Pending Business**

11. **New Business**

**CITY COUNCIL**

**Anthony Rodgers, Clerk of Council**

- A. An Ordinance Amending Certain Sections Of Part Three, Traffic Code, Of The City Code Of Huber Heights.  
(first reading)
- B. An Ordinance Amending Certain Sections Of Part Seven, Business Regulation Code, Of The City Code Of Huber Heights.  
(first reading)

12. **City Official Reports and Comments**

13. **Executive Session**

14. **Adjournment**

AI-7870

Minutes A.

**City Council Meeting**

**Meeting Date:** 10/11/2021

Approval of Minutes - 9/27/21

**Submitted By:** Anthony Rodgers

**Department:** City Council

**Council Committee Review?:** None

**Date(s) of Committee Review:** N/A

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

**Motion/Ordinance/** N/A

**Resolution No.:**

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**Agenda Item Description or Legislation Title**

City Council Meeting Minutes - September 27, 2021

**Purpose and Background**

Approval of the minutes from the September 27, 2021 City Council Meeting.

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**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

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

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

**Financial Implications:**

There are no financial implications to this agenda item.

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**Attachments**

Minutes

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1. The Huber Heights City Council met in a Regular Session on September 27, 2021. Mayor Jeff Gore called the meeting to order at 7:00 p.m.
2. The Invocation was given by Father Kyle Schnippel Of Saint Peter Church At 6161 Chambersburg Road, Huber Heights, Ohio.
3. **Flag Ceremony - Wayne High School Junior ROTC Honor Guard and Pledge of Allegiance**
4. **Roll Call**

Councilmembers present for this meeting were Richard Shaw, Kathleen Baker, Mark Campbell, Nancy Byrge, Glenn Otto, Ed Lyons, Don Webb, and Mayor Jeff Gore.

Mayor Gore said Mr. Hill emailed stating he would not be able to attend the meeting and asked to be excused.

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

**5. Approval of Minutes**

- A. City Council Meeting Minutes – September 13, 2021

**6. Special Presentations/Announcements**

- A. William Karl Mayoral Proclamation Presentation - Mayor Jeff Gore

Mayor Gore read the proclamation and presented Mr. William Karl with a City coin. He said Mr. Karl is 97 years old and is a World War II veteran who has lived in Huber Heights since 1956. He thanked Mr. Karl for his service.

- B. Dayton Mediation Center Homelessness Prevention Program Presentation - Mr. Aaron Primm, Mediation Specialist II, Dayton Mediation Center.

Mr. Primm said most people do not realize the Dayton Mediation Center exists and that it is a part of the City of Dayton. He said Dayton Mediation Center is a neutral third-party mediator, but also perform conflict coaching for individuals who do not want to meet with the other person. He said multiple programs exist. He said it is a community mediation center which deals with all things community including barking dogs, leaves, parenting, custody, small claims, and evictions court. He presented information on the landlord/tenant homelessness prevention program which serves all of Montgomery County, allows for both parties to call, and is a free service. He provided information cards for the meeting attendees, Council, and for distribution to residents.

Mayor Gore asked Scott Falkowski to have City Staff post this information on the City's website and in the City Hall lobby.

**7. Citizens Comments**

Frank Wylie said he is representing the Huber Heights Athletic Foundation Executive Board. He said the foundation emailed the Council ward representative in March, 2021 about the access road off of Fishburg Road and he asked if there is any updated information. He said the foundation is interested in partnering on that issue, but they just need to know where things stand.

Mr. Falkowski said he does not have anything planned for the City Manager Report on this issue tonight, but he will have further discussions with Mr. Wylie and keep this matter as part of the Brandt Pike Revitalization Plan item and move forward on anything to be done with that and other areas.

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Beth van Haaren said Mr. Primm's information on conflict resolution is priceless as Bethel Township and the proposed notice of annexation of 233 acres is the biggest conflict Council will hear about tonight. She said residents are pissed, angry, and do not wish for Huber Heights to annex the 233 acres. She said that area is in Bethel Township's Facilities Planning Area (FPA), there is sewer and water, and the EPA gave Bethel Township a grant to put sewer and water lines in. She said the reason Huber Heights was created is because Dayton kept annexing Wayne Township in the 1970's and 1980's. She asked why Council would think Bethel Township would feel any differently. She said now that the shoe is on the other foot, the City is happy to take Bethel Township's property. She said a solution can be made if everyone sits down at the table and talks. She said Bethel Schools are drastically overcrowded thanks to the Carriage Trails, Parktowne, and Windbrooke developments. She discussed the school overcrowding and described how classes are being conducted. She asked Council, to at the very least, come to the table and discuss lower density and a future moratorium on annexation of Bethel Township property. She said the draw for the Carriage Trails, Parktowne, and Windbrooke developments is the phenomenal Bethel Schools, but the schools are being overcrowded and will no longer be the draw. She asked Council to help find a solution to keep both communities great and Bethel's school district great.

Cindy Schwartz said she has been a Huber Heights resident for 36 years. She said she moved out of Huber Heights for a couple years and moved back. She said the Huber Heights School District is not what it should be and her draw for Carriage Trails is she can reside in her hometown, but her kids can go to Bethel Schools. She said she did not know so much more building would be taking place. She said she is against the annexation. She said this is Huber Heights wanting to take land from someone else. She said there were many issues when this started happening in 2003 and she is paying for them with all kinds of assessments and TIFs she had no clue about when moving into Carriage Trails. She said residents are already paying for mistakes made with DEC and Huber Heights in general, and now the City is looking to add more. She said there are not a lot of projects on the south side of Huber Heights and asked why the City does not take care of the properties it already has and make that great again instead of taking other people's property.

Mr. Shaw confirmed that Cindy Schwartz said she did not know of the assessments when she moved into Carriage Trails.

Mayor Gore said from an annexation perspective, this is not a land grab by Huber Heights taking someone's property by annexation. He said this annexation is not something Huber Heights started, and Huber Heights did not file with Miami County and the City did not file with Bethel Township. He said it is property owners in Bethel Township who have submitted an annexation request, and all the City did at the past City Council Meeting was to say, if an annexation is approved by Miami County, then that is when it comes back to Huber Heights. He said this annexation was not initiated by the City. He said there is no paperwork this City has filed to take anyone's property. He said there is lots of misinformation out there.

Carolyn Wright, a Bethel Township Trustee, said it is incredibly disingenuous for the Mayor to sit there and say this is not a land grab when the City is working with the development company hand in hand. She said the City has an option with the development company that says Huber Heights has a first right, so to say Huber Heights did not ask for that is absolute crap, and everyone here knows that.

Beth van Haaren said Section 4.9 of Huber Heights/DEC Restated and Amended Development Agreement states that between State Routes 201 and 202 and south of U.S. Route 40, any of that land if DEC develops it goes first right and first refusal to Huber Heights and DEC will not seek utilities from anybody else, so how is that not a land grab.

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Carolyn Wright said Miami County has no ability and Bethel Township has no way to fight this annexation.

Beth van Haaren said this annexation is a Type II expedited annexation.

Carolyn Wright said Huber Heights City Council will not come to the table. She said the City has previously asked for meetings.

Mayor Gore said once Miami County makes its decision, Council will meet with the Bethel township trustees and the Bethel school board. He said he does not get to make those decisions and he has not had a discussion with anyone on the dais who says this annexation is a slam dunk and that this action is the right thing for Huber Heights. He said there is still due diligence for the City to do, the City needs to understand what the extra costs are, and the City has a litany of due diligence items to go through before deciding this annexation is right for the City. He said anyone on the dais who says this is or is not right for the City before that information is collected are being disingenuous. He said no one has the information needed to make that decision at this time. He asked Councilmembers if they have received any information from City Staff regarding the implications or due diligence items required to make a responsible decision based on what is best for the City of Huber Heights.

The Councilmembers responded that they had not received any such information.

Beth van Haaren said she has already seen the plan from the developer, and since the developer has shared that information with her and other people in Miami County last summer and the City of Huber Heights has not seen it, she finds that incredibly surprising.

Mayor Gore said whether or not there is a plan the developer has put forth does not mean City Staff have put together any information that this Council needs to make a decision.

Mr. Otto said unless and until he hears from the township trustees, the school board, and the people of Bethel Township, he will definitively say "no".

Carol Wright said Bethel Township is very much not interested in the annexation and she said they do not want further annexation and they made that clear the last time around and will continue to make that clear.

Mayor Gore said he understands that, and Council does not have the information to make a decision. He said all of the input will be taken into consideration.

Mr. Shaw asked the township trustees to approach the microphone. He said he learned of a possible discussion of annexation roughly about 2019-2020. He asked the township trustees when the first time was that they heard that property was looking to be annexed.

Beth van Haaren said in May, 2020 she had an unrelated meeting with one of the parcel owners who said their property is under option from Heights, LLC, but could not talk about it without getting into trouble. She said it had been under option since January, 2020. She said she learned the Bethel school board had met with someone in April, 2020 and discussed this matter with Mr. Keethler. She said in May, 2020, she put the information out on Facebook to share with the residents.

Mr. Shaw asked when the first time was that an administrative representative of the City of Huber Heights met with the township trustees to discuss annexation.

Beth van Haaren said in July, 2020 she met via Zoom call with Matt Lindsay from the Miami Valley Regional Planning Commission, David Heckler from Tri-Cities, Doug Evans from Miami County Sanitary Engineering, a representative from DEC, and City Manager Rob Schommer. She said they talked about the proposed development,

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and Mr. Heckler assured them he could support the development for water and sewer, and Miami County and Clark County who supply Bethel Township with sewage treatment and water stated there was plenty of capacity. She said the DEC representative said he doubts Bethel Township can handle the 600-900 units, and Miami County said it could. She told Council that Matt Lindsay set up and facilitated that meeting, and if Rob Schommer did not pass that information along to Council, she is sorry.

Mr. Shaw said he received no information about this meeting.

Beth van Haaren said she would forward the email and information to Council.

Mr. Shaw said until the trustees, school board, parents and residents of Bethel Township tell him that 233 acres and approximately an additional 900 homes inundating that area is a good thing, he does not see it is a good thing for Huber Heights. He said the vote that took place last Monday was a service agreement that the City could service the area. He asked if Bethel Township just passed a multimillion-dollar bond to service that area with water and sewer.

Beth van Haaren said Bethel Township has water and sewer lines all along U.S. Route 40 and there is also capacity via Clark County. She said that area is in Bethel Township's FPA. She confirmed for Mr. Shaw that Bethel Township and Miami County can service that area with fire, police, and infrastructure outside of the mutual aid agreement. She said unincorporated areas need to designate a Fire Protection Area as an unincorporated area. She said the fire and police levies are on the ballot, and Bethel Township can only service the unincorporated areas with that levy money. She said that levy would cover the 233 acres now, but if the City annexes that area, it will be incorporated into the City of Huber Heights.

Mr. Shaw said he has been asking to meet with the Huber Heights School Board for the past three and a half years and Council had asked the Clerk of Council to schedule a meeting with Bethel Township. He said regional collaboration is important.

Beth van Haaren said all of Bethel Township shops in Huber Heights. She said they do not hate Huber Heights; they just do not want to be Huber Heights. She said they are available to sit down to meet starting tomorrow morning if Council likes.

Mr. Shaw said that meeting is the role of the City Manager.

Mrs. Byrge asked Beth van Haaren to forward the email she referenced to Clerk of Council Anthony Rodgers.

Julie Reese said she is a member of the Bethel Local Schools Board of Education, but she is not here tonight speaking on its behalf. She read her statement against annexation citing the student population has doubled and is increasing approximately 120-130 students each year. She said Bethel Schools are building a new elementary school and it is expected to be over capacity when it opens in two years just with the Carriage Trails development and without the annexation. She said the current road design does not support adding an additional 700 to 1,000 houses along U.S. Route 40. She said the roads and signals have yet to be upgraded to support the traffic that flows to and from Carriage Trails. She said the roads are lacking turn lanes, traffic signals, and the wider roads needed to support the traffic let alone adding another 2,000 plus vehicles. She said annexation will change the culture of the township. She said residents choose to live in the township because they like rural living; they like greenspace and living further away from their neighbors, farming, raising livestock; they like seeing fields of hay, corn, and wheat growing; and they like the small town feel of the school. She said Huber Heights has lots of land already that could be developed, and she asked that Huber Heights not take township land and take away their way of life. She said it is Council's job to do what is best for Huber Heights and she asked them to keep in mind that Bethel Township is a neighbor. She thanked Council for its consideration in not annexing this land.

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Janell Smith said she is here to speak on the Mayor using his government official page to campaign for a person on a board and commission. She asked when this is okay and asked Gerald McDonald if an elected official can use what is deemed a government site on Facebook; and said Mayor Gore is using the City's address and phone number. She said the Mayor is speaking for every member on the dais and that is against the Rules of Council and the City Charter. She said the reason Council had property owners come here is because Council knows DEC and the principal owners of DEC's names are mud here because of the no bid contracts, Disney vacations, you name it. She said it is not good business. She said DEC is the principal owner of Carriage Trails, The Heights, 201 Corridor and asked how many LLC's it takes to get these people shoved through. She said people do not understand these are the same individuals. She said she is asking the people of Huber Heights to file a complaint with the Board of Elections because what the Mayor is doing is breaking the rules.

**8. Citizens Registered to Speak on Agenda Items**

There were no Citizens Registered to Speak on Agenda Items this evening.

**9. City Manager Report**

Interim City Manager Scott Falkowski said at previous Council Work Sessions, there was discussion about the sanitary sewer at Jonetta Street. He said the City Engineer has hired a surveyor to do the grade work between the houses, running lines to see how that can work for the direct connection that comes from Jonetta Street to the south. He said the City is also working on getting the field data. He said the City Engineer has talked to a couple of contractors regarding boring that line and he will have more information at an upcoming Council Work Session. He said the well test at Rip Rap Road is complete and the road is open. He said all the test results are not back yet. He said the Summer Music Series at the Eichelberger Amphitheater is now done and it was a very big success. He said there were more events at the Eichelberger Amphitheater this year and he thanked Park Manager Josh King, the Parks and Recreation Board, and the Arts and Beautification Commission. He said the Finance Director notified him regarding the Shuttered Venues Grant that there is more money available for the Rose Music Center. He said the City will be getting an additional \$1.5 million from that grant funding which brings that up to a total of \$5.8 million. He said that amount plus the \$4 million in naming rights have paid for half of the facility.

**10. Pending Business**

- A. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$1,740,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Certain Real Property Which Will Be Used As A Site For City Administrative Offices, And Providing For General Site Preparation Thereof And Improvements Thereto, Together With All Necessary Appurtenances Thereto, And Declaring An Emergency.  
(second reading)

Interim City Manager Scott Falkowski said this item is for the sale of notes for existing items and not for any new purchases.

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

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

- B. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$1,803,000, In Anticipation Of The Issuance



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Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Certain Real Property Which Will Be Used As A Site For One Or More Governmental Facilities, And Providing For General Site Preparation Thereof And Improvements Thereto, Together With All Necessary Appurtenances Thereto, And Declaring An Emergency.  
(second reading)

Interim City Manager Scott Falkowski said this item is the same as the last one and the next item as well. He said these three items are split due to the type of purchases.

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

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

- C. An Ordinance Providing For The Issuance And Sale Of Notes In The Maximum Principal Amount Of \$4,262,000, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying The Costs Of Acquiring Approximately 19.5 Acres Of Real Property Near The Intersection Of Brandt Pike And Fishburg Road And Providing For The Site Preparation Thereof, All In Support Of Economic Development And Job Creation Within The City, And Declaring An Emergency.  
(second reading)

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

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

**11. New Business**

**ADMINISTRATION**

**Scott Falkowski, Interim City Manager**

- A. A Resolution Authorizing The City Manager To Execute Various Sub-Lease Agreements With Enterprise Fleet Management For The Lease Of Vehicles.  
(first reading)

Mr. Falkowski said Council previously approved the master lease with Enterprise for the program to lease vehicles and as part of that lease it was discussed bringing back before Council the sub leases and the individual leases. He said this legislation authorizes City Staff to move forward with the first round of leases.

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

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

- B. An Ordinance Authorizing Transfers Between Various Funds Of The City Of Huber Heights, Ohio And Amending Ordinance No. 2020-O-2453 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2021 And Ending December 31, 2021.  
(first reading)

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Mr. Falkowski said the large item on this is due to the refinancing of the Kroger Aquatic Center bonds. He said it had to be put in the correct place to pay off the existing one. He said this item also includes the Lexington Place TIF PILOT payment to the schools, water and sewer expenses, the energy lease, salary expenses for the new Fire Inspector, and the Rose Music Center sound panel installation.

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

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

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

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

Mr. Falkowski said this item is for Montgomery County Budget Commission and this legislation sets the amounts and rates from the City for the tax levies and certifies them to the Montgomery County Auditor.

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

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

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

Mr. Falkowski said similar to the previous legislation, this item is for the Miami County portion and sets the property tax rates and dollar amounts by the Miami County Budget Commission.

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

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

- E. A Resolution Amending Resolution 2021-R-7041, Authorizing The City Manager To Enter Into A Contract For Baseball Field Renovation At Thomas A. Cloud Park And Monita Field And Waiving The Formal Bidding Requirements.  
(first reading)

Mr. Falkowski said the previous resolution for this item was with a contractor who is unable to meet the timeline and would not be able to complete the work until late spring or early summer. He said the request is to change to the other bidder, Lawns Plus. He said after City Staff went out and looked at the

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site more work is required and the request is to increase the not to exceed amount from \$90,000 to \$95,000.

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

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

Mr. Shaw said at a previous meeting, the Girls' Softball Association (GSA) addressed Council and formally requested a multi-year lease in conjunction with these fields being redone. He asked if the lease has been signed.

Mr. Falkowski said as he discussed at the Council Work Session, in City regulations, the City Manager can only sign off on one-year leases. He said as he mentioned, City Staff and the Parks and Recreation Board want to discuss all the changes to those procedures and move forward and bring something back to City Council to have Council approve for longer term leases.

Mr. Shaw asked if the Parks and Recreation Board has recently met and had that discussion.

Mr. Falkowski said the Parks and Recreation Board has not met since last week's Council Work Session.

Mr. Shaw said he would like to see this matter expedited as quickly as possible. He said the boards and commissions have the opportunity to call meetings outside of the regular scheduled meetings. He said this Council has shown it very important that it assist this organization and move forward, and that organization is eager to move forward.

Mr. Otto seconded Mr. Shaw's comments and said Council needs to show it is all in on this effort and is fully dedicated to the City's parks and local youth sports organizations.

Mrs. Byrge said she would prefer the Parks and Recreation Board and the others do the due diligence and make sure to get all details right and meet everyone's requirements. She said there is no urgency in getting the long-term agreement signed, but she does want to get it done as quickly as it can be done. She said the Parks and Recreation Board is busy working on a lot of different issues right now. She asked that Council give the board sufficient time to do what it needs to do to get it to Council as quickly as possible, but she does not want to push the board to come up with a solution and take its efforts away from other urgent things it is working on.

Mr. Falkowski said he has had discussions with Mr. Vincent King who has had discussion with the GSA and the other groups. He said City Staff have no problem with a long-term lease, but current rules approved through resolution state that the City Manager cannot sign off on a five-year lease for a park user. He said that provision has to be changed either in the way the parks are looked at or with specific agreement through City Council. He said, as was brought up at the last Council Work Session, the only concern is if City Staff do a five-year lease with the GSA who are helping to take over the Little League fields, what if Little League wants to come back in two years and the City has a five-year lease with a different group.

Mayor Gore asked if City Staff's recommendation is to continue doing what they are doing and have the Parks Manager work with the Parks and Recreation Board to look at those rules and bring something back to Council.

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Mr. Falkowski said that was the recommendation, but if it is Council's will to see if it can be done in a quicker timeframe, that timeframe can be looked into.

Mr. Otto said he is not looking to skirt any of the process, he would like to see some urgency as it seems the GSA may become concerned the City is not in this effort as much as it says it is. He said he does not want to skip any part of the process; he just wants to make sure it moves through as quickly as possible.

On a call of the vote, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Webb, Mr. Shaw, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 7-0.

- F. A Resolution Authorizing The City Manager To Enter Into An Agreement With Intrado To Purchase Power 911 System For Use By The Public Safety Communications Center And Waiving The Competitive Bidding Requirement.  
(first reading)

Mr. Falkowski said the current Power 911 system has reached the end of its useful life and this legislation allows City Staff to move forward with the upgrades to maintain operations and the ability to expand.

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

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

- G. A Resolution Authorizing The City Manager To Submit An Application For Federal Fast Act Funds Through The Miami Valley Regional Planning Commission (MVRPC) For The Chambersburg Road West Widening Improvement.  
(first reading)

Mr. Falkowski said this legislation allows City Staff to move forward with the application process, and hopefully the City receives this funding. He said City Staff will come back to City Council for the award, if approved.

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

Mrs. Byrge moved to adopt; Mr. Webb seconded the motion.

Mrs. Byrge asked Mr. Falkowski if City Staff have talked with anyone at Miami Valley Regional Planning Commission (MVRPC) to see if the MVRPC wants to put in a companion package to take this project from the City limits down to the bike path.

Mr. Falkowski said regarding the widening portion itself, there has been no conversation with the MVRPC, but regarding bike path type connections, he said there have been conversations.

Mrs. Byrge asked if there is a reason the conversation has not been had.

Mr. Falkowski said he will get with the City Engineer in the morning and see if that is something the MVRPC would be interested in as well.

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On a call of the vote, Mr. Lyons, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; none voted nay. The motion passes 7-0.

### 12. City Official Reports and Comments

Mayor Gore said he appreciates everyone from Bethel Township coming out this evening and letting their opinions be known regarding what the situation is from an annexation perspective. He assured them he certainly hears them and understands the frustrations. He said Council will take all of those things into consideration.

Mr. Otto asked Mr. Falkowski to reach out and organize some type of meeting between Bethel Township and City Council and City Staff, whether it be a formal declared meeting or just a few representatives from each side, whichever way works best. He said he would be happy to be a part of that meeting, and he thinks the City needs to sit down and have discussions as to where the Bethel Township representatives are at and what their vision is for that area. He said the Fire Division's Open House was amazing and he gave kudos for another great job.

Mr. Shaw said he appreciates the Fire Division for working hard to put on the Open House for the community. He congratulated Wayne High School for a huge win on Friday. He thanked Josh King for all of his work on the summer events and he said Mr. King did an absolutely amazing job. He said he brought to Council a while back an opportunity for a grant from National League of Cities and TIP Strategies. He said that conference was recently held at Sinclair Community College with over 100 attendees. He said it was a successful forum with a lot of great ideas and conversations. He said Councilmember Bruce Duke and Will Seer from the City Centerville did an amazing job. He said this conference was able to be done at a cost of approximately \$40 per suburb due to the hard work, dedication, fundraising, and collaboration. He said this conference will be highlighted at the National League of Cities Summit at the end of the year. He said employers and businesses in the region are trying to tackle job attraction and retention and he wants all the groups to work side by side with the business community.

Mrs. Byrge said the conference was a very good gathering and a lot of good information was shared. She said one piece of information that was not shared is that there was a survey done prior to the event, and Mr. Falkowski received a copy and answered for the City, but the survey was not shared with the rest of Council. She said all of Council should have had a vote or input into the survey. She said Mr. Seer said the survey went out to every major city in the area and along with all of the public officials. She said that distribution did not happen here.

Mr. Shaw said the survey was sent out to the heads of the government organizations as well as business leaders. He said input was wanted from the heads of government, not the individual representatives.

Mrs. Byrge said that is Mr. Shaw's opinion and that Mr. Seer said it should have gone out to all of the Councils within the region.

Mr. Shaw said the follow-up survey did go out to everybody and he apologizes if there was any confusion. He said the final survey did have an over 89 percent response rate and he would be happy to send Council the survey information.

Mr. Campbell thanked everyone who came to the meeting and voiced their opinions. He said he believes and hopes the residents of Bethel Township know who they have representing them; and he said they have high energy, are very serious, and have the best interests of the township and the schools. He said as the Mayor indicated, there will be a due diligence period and there will be several things talked about, including density and the schools. He said he looks forward to the time everyone sits down

Huber Heights City Council

In Council Chambers  
6131 Taylorsville Road

September 27, 21

and starts to work this out. He asked if Gerald McDonald knows when Miami County will make a decision.

Beth van Haaren said the annexation petition was filed on September 13, 2021 and Miami County has to act within thirty days.

Mr. McDonald said there is a statutory timeframe and then the reality of the timeframe.

**13. Executive Session**

There was no need for an Executive Session this evening.

**14. Adjournment**

Mayor Gore adjourned the Regular Session City Council Meeting at 8:21 p.m.

\_\_\_\_\_  
Deputy Clerk of Council

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

AI-7879

Special Presentations/Announcements A.  
City Council

**City Council Meeting**

**Meeting Date:** 10/11/2021

Indigenous Peoples' Day Proclamation Presentation

**Submitted By:** Anthony Rodgers

**Department:** City Council

**Council Committee Review?:** None

**Date(s) of Committee Review:** N/A

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

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

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**Agenda Item Description or Legislation Title**

Indigenous Peoples' Day Proclamation Presentation To The Huber Heights Culture And Diversity Citizen Action Commission - Mayor Jeff Gore

**Purpose and Background**

Mayor Jeff Gore will present a proclamation to acknowledge Indigenous Peoples' Day in the City of Huber Heights to the Huber Heights Culture And Diversity Citizen Action Commission. This proclamation was a recommendation of the Culture and Diversity Citizen Action Commission.

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**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:**

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**Attachments**

Proclamation

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# City of Huber Heights **Indigenous Peoples' Day** Mayoral Proclamation

**WHEREAS**, Indigenous Peoples' Day was first proposed in 1977 by a delegation of Native Nations to the International Conference on Discrimination Against Indigenous Populations in the Americas; and

**WHEREAS**, the United States endorsed the United Nations Declaration of Rights of Indigenous People on December 16, 2010; and

**WHEREAS**, Article 15 of the United Nations Declaration recognizes the right of Indigenous peoples "to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information" and places an obligation to "take effective measures, in consultation and cooperation with the Indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among Indigenous people and all other segments of society; and

**WHEREAS**, the City of Huber Heights wishes to recognize the second Monday of October as Indigenous Peoples' Day as an opportunity to celebrate indigenous heritage and resiliency; and

**WHEREAS**, the City of Huber Heights values the many contributions made to this community through Indigenous peoples' knowledge, labor, technology, science, philosophy, arts, and the deep cultural contributions that have shaped the character of this community; and

**WHEREAS**, the 2021 Indigenous Peoples' Day shall be used to express a commitment to the prosperity and well-being of Indigenous people through City policies, practices, and advocacy that ensure opportunity for communal collaboration on City initiatives, while honoring the nation's Indigenous history and contributions.

**NOW, THEREFORE**, I, Jeff Gore, Mayor of the City of Huber Heights, Ohio do hereby proclaim October 11, 2021, in the City of Huber Heights as:

## **Indigenous Peoples' Day**

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

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JEFF GORE  
MAYOR



AI-7877

New Business A.

**City Council Meeting**

**City Council**

**Meeting Date:** 10/11/2021

Ordinance Review Commission Recommendations - City Code Amendments - Part Three - Traffic Code

**Submitted By:** Anthony Rodgers

**Department:** City Council

**Council Committee Review?:** Council **Date(s) of Committee Review:** 10/05/2021

Work  
Session

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

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

**Agenda Item Description or Legislation Title**

An Ordinance Amending Certain Sections Of Part Three, Traffic Code, Of The City Code Of Huber Heights.  
(first reading)

**Purpose and Background**

This agenda item is to review and approve the recommendations for amendments to Part Three - Traffic Code of the City Code made by the Ordinance Review Commission as outlined in the attached ordinance.

**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**

ORC Worksheet - Part Three - Traffic Code  
Ordinance

**CITY OF HUBER HEIGHTS**  
**ORDINANCE REVIEW COMMISSION**  
**PART THREE - TRAFFIC CODE - WORKSHEET**

| Legislation/<br>Code Section                                     | Date of Review/<br>Action | Action Taken   | Notes  |
|--|---------------------------|--|--|
| 303.08<br>Impounding<br>Of Vehicles;<br>Notice And<br>Redemption | 01/20/21                  | <input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise<br><input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review | <p>Law Director to review Section 303.08(a) versus Section 305.02 in reference to the term “street” (see minutes). Law Director to determine if there is a definition for “highway”. Clerk of Council to get information regarding City’s towing contract. ORC reviewed towing contract and information from Law Director. ORC concurred with correcting the Ohio Revised Code citation in Section 303.08(a) by changing citation from Section 4511.01(B) to Section 4511.01(BB) at the 2/17/21 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART THREE</b></p>   |
| 331.44<br>Driving On<br>Brandt Pike<br>Busway                    | 01/20/21                  | <input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise<br><input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review | <p>City Engineer (in consultation with RTA) to determine exact location of Brandt Pike Busway and to determine if this section needs to be changes or removed entirely. City Engineer recommends removing Section 331.44 entirely from the City Code. ORC recommended removing Section 331.44 entirely from the City Code at the 3/17/21 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART THREE</b></p>  |
| 337.25<br>Air Cleaner<br>Required                                | 01/20/21                  | <input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise<br><input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review | <p>Law Director to review this section to determine purpose and why violation of this section is criminalized. Law Director reviewed and found no corresponding state or federal counterpart and no citations under this provision. ORC requested that Law Director sanction ORC recommendation for removing Section 337.25 entirely from the City Code. Law Director, City Manager, and Police Chief recommended removing Section 337.25 entirely from the City Code. ORC recommended removing Section 337.25 entirely from the City Code at the 3/17/21 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART THREE</b></p> |
| 343<br>Golf Carts  | 01/20/21                  | <input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise<br><input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review | <p>Law Director to review this section to determine if requirement for front and back license plates on golf carts needs to be changed in light of Ohio Revised Code changes to license plate requirements. ORC recommended removing the requirement for front plates on golf carts from Section 343 at the 2/17/21 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART THREE</b></p>   |
| 351.18<br>Nonmotorized   | 01/20/21                  | <input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise<br><input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review            | <p>Clerk of Council to gather information from local communities to see how this prohibition is handled in other communities. Clerk of Council gathered requested information and shared with ORC for</p>  |

|   |          |   |  |
|---|----------|---|--|
| Vehicles Not To Be Parked On Streets                        |          | <input checked="" type="checkbox"/> No Further Action Needed  | discussion. ORC determined that no changes were needed for this section at the 2/17/21 ORC meeting.<br>Status: <b>NO FURTHER ACTION NEEDED ON THIS ITEM</b>  |
| Parking Vehicles On Residential Properties                  | 01/20/21 | <input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise<br><input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review<br><input checked="" type="checkbox"/> No Further Action Needed | ORC to discuss parking of vehicles on residential properties during review of Planning and Zoning Code. ORC discussed during review of Planning and Zoning Code.<br>Status: <b>NO FURTHER ACTION NEEDED ON THIS ITEM</b>   |
| 351.23 Leaving Motor Vehicles On Private Or Public Property | 01/20/21 | <input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise<br><input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review<br><input checked="" type="checkbox"/> No Further Action Needed | Law Director to review this section to determine why it is the only section in this chapter that has a penalty specified. Law Director reviewed Section 351.23 and said this section was added at the request of the Police Chief in 2010 to deal with problem vehicles. Police Chief and City Manager to review this section regarding the penalty section. City Staff reviewed section and do not recommend any changes to this section. ORC determined that no changes were needed for this section at the 4/21/21 ORC meeting.<br>Status: <b>NO FURTHER ACTION NEEDED ON THIS ITEM</b> |
| 353 Civil Infractions Violations Bureau                     | 01/20/21 | <input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise<br><input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review<br><input checked="" type="checkbox"/> No Further Action Needed | Law Director and City Staff to review this section to determine if this provision is being utilized or if it is any longer necessary. Law Director reviewed Section 353 and said the Civil Infractions Violations Bureau still exists and is utilized. ORC determined that no changes were needed for this section at the 2/17/21 ORC meeting. Clerk of Council to request parking violation statistics and information for the ORC.<br>Status: <b>NO FURTHER ACTION NEEDED ON THIS ITEM</b>   |

CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2021-O-

AMENDING CERTAIN SECTIONS OF PART THREE, TRAFFIC CODE, OF THE CITY CODE OF HUBER HEIGHTS.

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

WHEREAS, as part of the Ordinance Review Commission process, the Ordinance Review Commission has identified provisions within the Traffic Code that require updating or other changes; and

WHEREAS, the City Council has determined that revisions in Chapters 301, 331, 337, and 343 are necessary to enhance the effective and efficient delivery of municipal services.

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

Section 1. Part Three, Traffic Code, Chapter 301 – Definitions, Section 301.42(a) – Street or Highway; Arterial Street is hereby amended to read as follows:

**301.42 - Street or highway; arterial street.**

- (a) "Street" or "highway" are synonymous and mean the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel. (ORC 4511.01(BB))

Section 2. Part Three, Traffic Code, Chapter 331 – Operation Generally, Section 331.44 – Driving On Brandt Pike Busway is hereby deleted and removed in its entirety:

~~**331.44 – Driving on Brandt Pike Busway.**~~

- ~~(a) The busway between Brandt Pike and the Brandt Pike Access Road 300 feet south of Stonehurst Drive ("Brandt Pike Busway") is hereby declared to be restricted to travel by RTA buses, public safety vehicles and other vehicles described in Section 303.04. No person shall operate any other vehicle over this Brandt Pike Busway.~~
- ~~(b) Whoever violates this section is guilty of operating an unauthorized vehicle on the Brandt Pike Busway.~~
- ~~(c) Whoever violates this section is guilty of a misdemeanor of the first degree.~~

~~(Ord. 92-O-532, Passed 2-24-92)~~

Section 3. Part Three, Traffic Code, Chapter 337 – Safety and Equipment, Section 337.25 – Air Cleaner Required is hereby deleted and removed in its entirety:

~~**337.25 – Air cleaner required.**~~

- ~~(a) No person shall operate a motor vehicle with an internal combustion engine unless the carburetion system of the vehicle is protected with an air filter, a flame-arresting device, or any other accepted method of protection that is adequate for this purpose. If the original device or system is replaced, it shall be replaced with one that is equal to or better than the original equipment.~~

- (b) ~~This section does not apply to a person doing automotive repair work on a motor vehicle that necessitates this device being removed while the work is performed.~~
- (c) ~~Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.~~

Section 4. Part Three, Traffic Code, Chapter 343 – Golf Carts, Section 343.03 – equipment is hereby amended to read as follows:

**343.03 – Equipment.**

A list of equipment required for safe operation by the Ohio R.C. Chapter 4513 shall be maintained at the Police Division, and shall include:

- (a) Two working headlights.
- (b) At least one working taillight and one working brake light.
- (c) Directional signals.
- (d) A rearview mirror.
- (e) A white light illuminating the rear license plate legible from a distance of 50 feet.
- (f) A working horn.
- (g) Windshield made of glass or safety glass.
- (h) ~~At least one Two~~ license plates; ~~one in the front and one~~ in the rear; bracketed to the cart.
- (i) One seat belt per occupant.

Section 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 6. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2021;  
 \_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
 Clerk of Council

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Date

AI-7878

**New Business B.  
City Council**

**City Council Meeting**

**Meeting Date:** 10/11/2021

Ordinance Review Commission Recommendations - City Code Amendments - Part Seven - Business Regulation Code

**Submitted By:** Anthony Rodgers

**Department:** City Council

**Council Committee Review?:** Council Work Session  
**Date(s) of Committee Review:** 10/05/2021

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

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

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**Agenda Item Description or Legislation Title**

An Ordinance Amending Certain Sections Of Part Seven, Business Regulation Code, Of The City Code Of Huber Heights.  
(first reading)

**Purpose and Background**

This agenda item is to review and approve the recommendations for amendments to Part Seven - Business Regulation Code of the City Code made by the Ordinance Review Commission.as outlined in the attached ordinance.

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**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:**

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**Attachments**

ORC Worksheet - Part Seven - Business Regulation Code Ordinance

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2021-O-

AMENDING CERTAIN SECTIONS OF PART SEVEN, BUSINESS REGULATION CODE, OF THE CITY CODE OF HUBER HEIGHTS.

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

WHEREAS, as part of the Ordinance Review Commission process, the Ordinance Review Commission has identified provisions within the Business Regulation Code that require updating or other changes; and

WHEREAS, the City Council has determined that revisions in Chapters 735, 736, 737, and 738 are necessary to enhance the effective and efficient delivery of municipal services.

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

Section 1. Part Seven, Business Regulation Code, Chapter 735 – Sexually Oriented Businesses, Section 735.02(10)(B) – Definitions is hereby amended to read as follows:

**735.02(10)(B) – Definitions.**

(10) *Sexual encounter establishment* means a business or commercial establishment, that as one of its principal business purposes, offers for any form of consideration:

- A. A place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas"; or
- B. Activities between ~~male and female~~ persons ~~and/or persons of the same sex~~ when one or more of the persons ~~is~~ are in a state of nudity or semi-nudity.

Section 2. Part Seven, Business Regulation Code, Chapter 736 – Sweepstakes Cafes, Section 736.01(a) – Findings and Purpose is hereby amended to read as follows:

**736.01 - Findings and purpose.**

(a) *Findings.* Based on investigation and reports of staff, news reports, discussions with members of other communities, and on findings incorporated in cases decided by Ohio courts, City Council finds: that in other communities where Sweepstakes Cafés and similar types of businesses currently exist in the State of Ohio, there ~~has~~ have been numerous incidents of illegal gambling; an increase in reports of criminal activities in the areas near the businesses; an increase in the number of constituent complaints related to the businesses; and an increase in the need for police oversight to ensure illegal gambling is not occurring. Further, City Council finds that the enactment of this chapter to regulate Sweepstakes Café is a substantial government interest for the City in preserving the quality of urban life and that it is in the interest of the health, safety, morals, and general welfare of the citizens of Huber Heights.

Section 3. Part Seven, Business Regulation Code, Chapter 736 – Sweepstakes Cafes, Section 736.02 – Definitions is hereby amended to read as follows:

**736.02 - Definitions.**

*Operator* means the person or persons having authority to control the premises of ~~an~~ a Sweepstakes Café.



Section 4. Part Seven, Business Regulation Code, Chapter 736 – Sweepstakes Cafes, Section 736.06(a) – Nature of Licenses is hereby amended to read as follows:

**736.06 - Nature of licenses.**

Each Sweepstakes Café license shall be required to be displayed permanently in a conspicuous place upon the premises for which it is issued. Each Sweepstakes Café license shall be issued for only one business at only one premises.

Section 5. Part Seven, Business Regulation Code, Chapter 737 – Solicitation, Section 737.01(1) – Definitions is hereby amended to read as follows:

**737.01 - Definitions.**

As used in this chapter:

*Canvassing, canvassers* and *canvass* means the house-to-house distribution of ideas, pamphlets, literature, and the like, or the collection of signatures or support for any purpose or cause. This definition does not include the commercial activities of solicitation, peddling, or vending, as those terms are defined in this section. This definition includes requesting contributions when such requests are made in conjunction with the house-to-house distribution of ideas, pamphlets, literature, or the collection of signatures or support for any purpose or cause. This definition includes both "contact canvassers" and "non-contact canvassers" as defined in paragraphs (1) and (2) hereof.

- (1) *Contact canvassers* and *contact canvassing* mean those persons who canvass, as defined above through in person, ~~face~~to-face contact, verbal or otherwise, with individual residents.

Section 6. Part Seven, Business Regulation Code, Chapter 738 – Massage Therapy Establishments, Section 738.03(a)(8) – Permit Application Process is hereby amended to read as follows:

**738.03 - Permit application process.**

- (8) A printed form, signed ~~by~~ the owner of the parcel of real property which is the proposed location of the Massage Therapy Establishment, whereby each such owner certifies that he/she/it understands and acknowledges that a Massage Therapy Establishment will be located on said parcel of real property; and

Section 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 8. 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 \_\_\_\_\_, 2021;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date