

# Notice of Meeting

## CITY COUNCIL WORK SESSION

Tuesday, October 5, 2021

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

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

- City Manager Report
- Energy Aggregation Discussion
- 2022 City Budget
- Brandt Pike Revitalization Project
- Ordinance Review Commission Recommendations – City Code Amendments

**Please Note:**

The meeting will be viewable by the public on live stream available at [www.hhoh.org](http://www.hhoh.org)



**HUBER  
HEIGHTS**  
Come Grow With Us!



Distributed – September 30, 2021

**For more information, visit [www.hhoh.org](http://www.hhoh.org)**



**HUBER  
HEIGHTS**  
*Come Grow With Us!*

**CITY OF HUBER HEIGHTS  
STATE OF OHIO**

**City Council Work Session**

**October 5, 2021**

**6:00 P.M.**

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

1. **Call Meeting To Order/Roll Call**
2. **Approval of Minutes**
  - A. September 21, 2021
3. **Work Session Topics Of Discussion**
  - A. City Manager Report
  - B. Energy Aggregation Discussion
  - C. 2022 City Budget
  - D. Brandt Pike Revitalization Project
  - E. Ordinance Review Commission Recommendations - City Code Amendments
    - \* Part Three - Traffic Code
    - \* Part Seven - Business Regulation Code
4. **Adjournment**

**CITY OF HUBER HEIGHTS  
STATE OF OHIO**

**Council Work Session Meeting Minutes**

**Name of Body:** Council Work Session  
**Date:** October 5, 2021  
**Time:** 6:00 P.M.  
**Place:** City Hall – 6131 Taylorsville Road – Council Chambers

**Members Present:**

Kathleen Baker, Councilmember  
Andy Hill, Councilmember (Arrived at 6:53 P.M.)  
Ed Lyons, Councilmember  
Glenn Otto, Councilmember  
Richard Shaw, Councilmember  
Don Webb, Councilmember  
Jeff Gore, Mayor

**Guests Present:**

City Staff Present: Bryan Chodkowski, Russ Bergman, Scott Falkowski,  
Keith Knisley, Gerald McDonald, and Anthony Rodgers.

Guests Present: There was no list of guests present at the meeting.

**Topics of Discussion:**

- City Manager Report
- Energy Aggregation Discussion
- 2022 City Budget
- Brandt Pike Revitalization Project

- Ordinance Review Commission Recommendations – City Code Amendments

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

Mayor Jeff Gore convened the Council Work Session at 6:01 P.M.

Anthony Rodgers took Roll Call.

2. **Approval of Minutes**

There were no minutes for approval at this meeting as the September 21, 2021 Council Work Session minutes were approved at the October 4, 2021 Council Work Session.

3. **Work Session Topics Of Discussion**

**City Manager Report**

Scott Falkowski said the Bites In The Heights food truck rally, a car show, and a movie night will all take place at the Rose Music Center on Saturday, October 16, 2021 and all of the events are free and open to the public. He said the Ohio Department of Transportation (ODOT) has been out to work on the intersection at State Route 4 and Chambersburg Road to address the line of sight and guardrail obstruction issues at the off ramps. He said ODOT has completed this work and the line of sight at the intersection has been greatly improved. He said work is now underway on the pump trails at the bike park at Monita Field Park and the work will be completed in approximately three weeks. Scott Falkowski said the ramps at the skate park at Monita Field Park will also be installed over the next few weeks.

Richard Shaw asked for an update on the ingress/egress issues with Ray's Drive-Thru on Taylorsville Road.

Russ Bergman said he was not prepared for an update on Ray's Drive-Thru for this meeting. He said City Staff will look at the options

available to address these issues with a traffic engineer and he will report back to the City Council at a future Council Work Session.

Ed Lyons asked for an update on the Jonetta Street lift station situation.

Scott Falkowski said City Staff are working to get estimates and survey work completed to provide detailed information on the options for addressing the Jonetta Street lift station situation. He said this information will be presented to the City Council at a future Council Work Session.

Mark Bruns from the Huber Heights Chamber of Commerce asked when the skate park and the bike park will be open at Monita Field Park. He said the Huber Heights Chamber of Commerce has been receiving inquiries regarding the opening date of the skate park and the bike park at Monita Field Park.

Scott Falkowski said the skate park and the bike park at Monita Field Park will be open in approximately three weeks.

#### Energy Aggregation Discussion

Russ Bergman distributed information regarding energy aggregation (see attached).

Rich Surace from Energy Alliances gave an update on the City's electric aggregation agreement and program. He said the City's current electric aggregation agreement expires at the end of December, 2021. He said market conditions continue to worsen. He said his recommendation is that the City pause and not renew the City's electric aggregation program when it expires in December, 2021 at this time. He suggested waiting about six months and then reassessing the City's electric aggregation program in March, 2022. He answered questions from the City Council and City Staff.

Mayor Jeff Gore said education and communication to residents about the status of the City's electric aggregation program is crucial and he said City Staff need to get out ahead of this issue and convey this information to the residents in an effective and timely manner.

After discussion, the City Council agreed with the recommendation from Energy Alliances for the City to City pause and not renew the City's electric aggregation program when it expires in December, 2021 at this time.

### 2022 City Budget

Scott Falkowski distributed information regarding the 2022 City Budget Highlights (see attached).

Bryan Chodkowski gave an initial PowerPoint presentation on the 2022 City Budget (see attached).

Mayor Jeff Gore said there was a lot of great news in the budget presentation. He reiterated the importance of a new facility for the Public Works Division.

Richard Shaw also noted the need for a new facility for the Public Works Division. He also said he would like to hear more from Police Chief Mark Lightner on the possible Traffic Unit in the Police Division. He said he would also like a report on the amounts and uses of the CARES Act, American Rescue Plan Act, and Shuttered Venues Grant funds received by the City to date. He also said the City needs to look at increased for the 2022 Water Main Lining Project and the 2022 Streets Program.

Glenn Otto said he liked the bullets on the summary page of the budget presentation.

Ed Lyons also stressed the importance of new facility for the Public Works Division. He said he would like to see the staffing levels of both the Fire Division and the Police Division increased by three new employees.

Fire Chief Keith Knisley provided a lengthy update on staffing issues in the Fire Division.

The City Council and City Staff had a lengthy discussion on staffing levels in the Fire Division and the Police Division.

After lengthy discussion, Mayor Jeff Gore said the staffing levels in the Fire Division and the Police Division will be an agenda item for discussion at the next Council Work Session.

### Brandt Pike Revitalization Project

Scott Falkowski distributed information regarding the Brandt Pike Revitalization Project (see attached). He provided an update on a number of items related to the Brandt Pike Revitalization Project. He said the new Dogtown site will be going to the Planning Commission for approval at the next meeting of the Planning Commission. He said he is meeting this week with the architect and staff of the Dayton Metro Library to discuss the planning and construction of the new Huber Heights Library at the site of the former Marian Meadows shopping center. He said the architect is finalizing the plans for the facades for the former CR Dayton buildings to improve the appearance of these buildings. Scott Falkowski said there is continuing work with the environmental analysis and assessment of the site of the former Marian Meadows shopping center. He said he is communicating with the Huber Heights Athletic Foundation (HHAF) regarding the access road and the common areas shared by the HHAF and the City's property at the site of the former Marian Meadows shopping center. He said City Staff are also working on a community survey regarding the use of this site and the Brandt Pike Revitalization Project.

### Ordinance Review Commission Recommendations – City Code Amendments

Anthony Rodgers distributed information and proposed legislation to amend certain sections of Part Three – Traffic Code of the Huber Heights City Code (see attached). He said these proposed amendments were recommendations from the Ordinance Review Commission. He reviewed each of the proposed amendments to Part Three – Traffic Code.

After discussion, the City Council agreed to recommend approval of the proposed legislation to amend certain sections of Part Three – Traffic Code of the Huber Heights City Code and requested that the proposed legislation be placed on the agenda at the October 11, 2021 City Council Meeting for a first reading as non-emergency legislation with the waiving

of the second reading and adoption of the legislation at the October 11, 2021 City Council Meeting.

Anthony Rodgers distributed information and proposed legislation to amend certain sections of Part Seven – Business Regulation Code of the Huber Heights City Code (see attached). He said these proposed amendments were recommendations from the Ordinance Review Commission. He reviewed each of the proposed amendments to Part Seven – Business Regulation Code.

After discussion, the City Council agreed to recommend approval of the proposed legislation to amend certain sections of Part Seven – Business Regulation Code of the Huber Heights City Code and requested that the proposed legislation be placed on the agenda at the October 11, 2021 City Council Meeting for a first reading as non-emergency legislation with the waiving of the second reading and adoption of the legislation at the October 11, 2021 City Council Meeting.

#### Other Business

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

#### 4. Adjournment

Mayor Jeff Gore adjourned the Council Work Session at 8:00 P.M.



AI-7869

Topics of Discussion B.

**Council Work Session**

**Meeting Date:** 10/05/2021

Energy Aggregation Discussion

**Submitted By:** Stephanie Wunderlich

**Department:** Engineering

**Division:** Engineering

**Council Committee Review?:** Council Work Session  
**Date(s) of Committee Review:** 09/07/2021 and 10/05/2021

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

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

---

**Agenda Item Description or Legislation Title**

Energy Aggregation Discussion

**Purpose and Background**

Rich Surace from Energy Alliances would like to update Council again about the upcoming new energy aggregation agreement and answer any questions. The old energy aggregation agreement expires at the end of December, 2021.

---

**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-7874

Topics of Discussion C.

**Council Work Session**

**Meeting Date:** 10/05/2021

2022 City Budget

**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?:**

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

**Agenda Item Description or Legislation Title**

2022 City Budget

**Purpose and Background**

City Staff will provide an initial presentation regarding the 2022 City Budget and will solicit City Council input for the 2022 City Budget.

**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

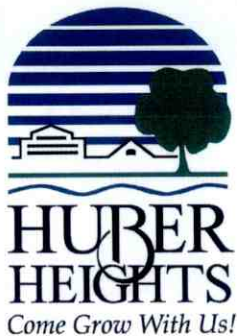
**Financial Implications:**

**Attachments**

*No file(s) attached.*

# Budget Presentation

## 2022 Highlights



# 2021 Budget Status Check

Operations remain on or under budget.

Maintaining a strong revenue position:

- COVID impacts were minimal.
- COVID aid was obtained.
- Local economy grew/profitable.

Increase in Bond Rating.

On target with the 2025 Plan.

# 2022 Budget Preview

Formal submittal November 1, 2021

\$88.76 Revenues & \$93.30 Expenses

Projected Fund Balance Growth:

- ❖ General, Motor Vehicle, & Gasoline Tax

Planned Fund Balance Reductions:

- ❖ Police, Fire, Parks, Local Streets, Water, & Sewer

***Strong and stable  
financial condition.***

# On-going Commitments

Stormwater Improvements	\$150,000
Annual Sidewalk Repairs	\$150,000
Sanitary Sewer Lining	\$300,000
Fleet Vehicles	\$320,000
Water Main Repair	\$450,000
Water Main Lining	\$1,000,000
<u>Annual Street Work</u>	<u>\$2,100,000</u>
TOTAL	\$4,470,000

# One-Time Commitments

OTP & Taylorsville	\$100,000
Chambersburg Widening	\$200,000
Park Improvements	\$300,000
Snowplows (2)	\$500,000
WTP New Well	\$700,000
HHFD Ladder Truck	\$1,500,000
Water Extension – East	\$2,100,000
<u>Sewer Extension – East</u>	<u>\$4,000,000</u>
TOTAL	\$9,400,000

# Staffing Changes

2 <sup>nd</sup> Deputy Tax Administrator	Temp for Transition
<ul style="list-style-type: none"><li>• Retirement/promotion overlap</li></ul>	
Additional Tax Technician	OSR in 2023
<ul style="list-style-type: none"><li>• 16,000 new &amp; 15,000 delinquent</li></ul>	
Additional Accounting Generalist	OSR in 2023
<ul style="list-style-type: none"><li>• ~3,500 assessments now, 1,500 coming</li></ul>	
Additional DPW Maintenance Tech	OSR in 2023
<ul style="list-style-type: none"><li>• Already in TO, just unfunded</li></ul>	
HHPD Traffic Unit (3 Officers)	TBD/Revisited
<ul style="list-style-type: none"><li>• T.O. fully funded &amp; staffed – 09/27/21</li></ul>	



# 2022 Tax Value Growth

Marian Meadows	TBD
Old Dominion	\$5,000,000
Lehman Farm	\$35,000,000
Huber Heights Crossing	\$35,000,000
<u>Chambersburg Housing</u>	<u>\$63,675,000</u>
TOTAL	\$138,675,000

# 2022 Budget Summary

Leverage our *strong & stable financial position* for long-term gains

- Manage money to cement new bond rating for debt
- Reduce debt as appropriate
- Commitment to new Public Works Facility

Ensures resources for supporting our *2025 Plan*.

❖ 0.25% up in 2024 (\$1.99M) & 0.25% up in 2025 (\$1.99M)

## Discussion

AI-7873

Topics of Discussion D.

**Council Work Session**

**Meeting Date:** 10/05/2021

Brandt Pike Revitalization Project

**Submitted By:** Scott Falkowski

**Department:** City Manager

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 07/20/2021 and 08/02/2021 and 08/31/2021 and 09/21/2021 and 10/05/2021

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

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

---

**Agenda Item Description or Legislation Title**

Brandt Pike Revitalization Project

**Purpose and Background**

This item is to continue discussion on the Brandt Pike Revitalization Project. The link to the Brandt Pike Target Revitalization Plan from May, 2017 is as follows: [https://www.hhoh.org/DocumentCenter/View/2667/Brandt\\_Pike\\_Target\\_Revitalization\\_Plan\\_FINAL\\_DRAFT\\_2017\\_0512](https://www.hhoh.org/DocumentCenter/View/2667/Brandt_Pike_Target_Revitalization_Plan_FINAL_DRAFT_2017_0512)

---

**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-7875

Topics of Discussion E.

**Council Work Session**

**Meeting Date:** 10/05/2021

Ordinance Review Commission Recommendations - City Code Amendments - Part Three - Traffic 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.:**

**Agenda Item Description or Legislation Title**

Ordinance Review Commission Recommendations - City Code Amendments

\* Part Three - Traffic Code

**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/ Code Section	Date of Review/ Action	Action Taken	Notes
303.08 Impounding Of Vehicles; Notice And Redemption	01/20/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <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 Driving On Brandt Pike Busway	01/20/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <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 Air Cleaner Required	01/20/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <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 Golf Carts	01/20/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <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 Nonmotorized	01/20/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <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. 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 <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <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. 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 <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <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. 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 <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <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. 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-7876

**Topics of Discussion**

**Council Work Session**

**Meeting Date:** 10/05/2021

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.:**

**Agenda Item Description or Legislation Title**

\* Part Seven - Business Regulation Code

**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.

**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 Seven - Business Regulation Code Ordinance



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~~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