

CITY COUNCIL MEETING MINUTES
CITY OF MIAMISBURG
10 N FIRST STREET, MIAMISBURG, OHIO

July 16, 2024

Council met at 5:30 p.m. with the following members present: Mayor Collins, Councilmembers: Beachler, Colvin, McCabe, Nestor, Nicholas, Stalder and Thacker.

Council entered Study Session to discuss Land Use Planning.

Land Use Planning

Andrew Rodney presented information on a proposed moratorium on Zoning Map Amendment Applications within an area of approximately 111 acres along the E. Central Avenue corridor from N. Heincke Road to N. Gebhart Church Road. The purpose of the moratorium is to allow sufficient time for residents, property owners, City Staff, Planning Commission, and City Council to comment on future land use within the corridor as part of a proposed E. Central Avenue Land Use Study.

The proposed moratorium would not prevent applications for other forms of development, such as private property improvements or site plan reviews in accordance with current zoning regulations. The moratorium would only temporarily prevent rezoning actions (e.g. residential-to-commercial) within the moratorium area for a 12-month period.

Council concluded Study Session at 5:54 p.m. and convened in Regular Session at 6:00 p.m. in Council Chambers.

Mayor Collins gave the invocation and led everyone in the Pledge of Allegiance.

Roll call was again taken with the following members present: Mayor Collins, Councilmembers: Beachler, Colvin, McCabe, Nestor, Nicholas, Stalder and Thacker.

Motion was made by Colvin, seconded by McCabe, to accept the minutes of the Regular Session on June 18, 2024, as distributed. Motion carried.

Mayor Collins opened the Citizen Forum and asked anyone present who wished to discuss an item not appearing on the agenda to come forward.

Paul and Nanette Zanowick, Miamisburg residents, provided information on Rocky's Run for Freedom, noting that this year's event provided the best turnout of supporters in several years. The event raised approximately \$11,000, with the City of Miamisburg's Veterans Park being one of three charities to receive benefit from the event.

The Zanowicks also provided information on an upcoming event, to be held August 10th, 2024 at 4:00 p.m. The Blue Skies Hero Parade will be held at Riverfront Park, honoring

combat injured warriors, and fallen hero families. The event is free, open to the public and will include a JEEP parade and Team Fastrax Skydiving.

After no one else wished to discuss any further items, Citizen Forum was closed.

Andrew Rodney, City Planner, presented Ordinance No. 7093. Mr. Rodney requested City Council approve an ordinance to authorize the City Manager to enter into the First Amendment to the Project Support Agreement with the Montgomery County Transportation Improvement District (TID) and the Miami Crossing Joint Economic Development District (JEDD) for an Ohio Department of Transportation (ODOT) project. The purpose of the amendment is to memorialize negotiations between the entities regarding the funding of any future Project Payment Obligations incurred by the TID, specifically cost overruns and change orders related to construction of the improvements. Staff recommends approval of this Ordinance.

ORDINANCE NO. 7093

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO THE FIRST AMENDMENT TO THE PROJECT SUPPORT AGREEMENT WITH THE MONTGOMERY COUNTY TRANSPORTATION IMPROVEMENT DISTRICT (TID) AND THE MIAMI CROSSING JOINT ECONOMIC DEVELOPMENT DISTRICT (JEDD) FOR AN OHIO DEPARTMENT OF TRANSPORTATION (ODOT) PROJECT FURTHER DESCRIBED AS PID #108619 LOCATED AT THE I-75 EXIT 44 INTERCHANGE AND DECLARING AN EMERGENCY.

Motion was made by Nicholas, seconded by Stalder, to dispense with the requirement that Ordinance No. 7093 be read on two separate days, authorize its adoption on the first reading and have it read by title only. Motion carried. The ordinance was read by title only. Motion was made by Beachler, seconded by Colvin, to pass Ordinance No. 7093, carried by Yea Votes of Beachler, Colvin, McCabe, Nestor, Nicholas, Stalder and Thacker.

Andrew Rodney, City Planner, presented Ordinance No. 7094. Mr. Rodney requested City Council approve an ordinance to amend Part Twelve, Title Six of the Codified Ordinances. The amendment would allow barber and beauty shop uses in the Central Service District (CSD-1) Zoning District. Currently, Household Pet Grooming Establishments are permitted by-right in the CSD-1, while barber and beauty shops are prohibited. Staff recommends approval of this Ordinance.

ORDINANCE NO. 7094

AN ORDINANCE TO AMEND PART TWELVE, TITLE SIX OF THE CODIFIED ORDINANCES TO ALLOW BARBER AND BEAUTY SHOP USES IN THE CENTRAL SERVICE DISTRICT (CSD-1) ZONING DISTRICT.

Motion was made by Nicholas, seconded by Colvin, to pass Ordinance No. 7094 to the second and final reading after being presented to the City Planning Commission. Motion carried.

Motion was entered by Stalder, seconded by Nicholas, to waive the notice of Ordinance No. 7095, carried by Yea Votes of Beachler, Colvin, McCabe, Nestor, Nicholas, Stalder and Thacker. Motion carried.

Andrew Rodney, City Planner, presented Ordinance No. 7095. Mr. Rodney requested City Council approve an ordinance to adopt a 12 Month Moratorium on Zoning Map Amendment Applications within the East Central Avenue Corridor from North Heincke Road to North Gebhart Church Road and declaring an emergency. Staff recommends approval of this Ordinance.

ORDINANCE NO. 7095

AN ORDINANCE TO ADOPT A 12 MONTH MORATORIUM ON ZONING MAP AMENDMENT APPLICATIONS WITHIN THE EAST CENTRAL AVENUE CORRIDOR FROM NORTH HEINCKE ROAD TO NORTH GEBHART CHURCH ROAD, AND DECLAIING AN EMERGENCY.

Motion was made by Colvin, seconded by McCabe, to dispense with the requirement that Ordinance No. 7095 be read on two separate days, authorize its adoption on the first reading and have it read by title only. Motion carried. The ordinance was read by title only. Motion was made by Beachler, seconded by Stalder, to pass Ordinance No. 7095, carried by Yea Votes of Beachler, Colvin, McCabe, Nestor, Nicholas, Stalder and Thacker.

Andrew Rodney requested City Council approve a motion to dedicate 0.007 acres (~305 square feet) as public right-of-way to facilitate construction of a pedestrian crossing for access to Miamisburg Community Park from S. Main Street. By unanimous vote, on June 24, 2024, the City Planning Commission recommended approval. Motion was made by Nicholas, seconded by Colvin, to approve the motion for a Right-of-Way Dedication Plat at 440 S. Main Street. Motion carried.

Ryan Davis requested City Council approve a motion to authorize the City Manager to complete the Owner's Acknowledgement within the Rock 'N Green Tomato Festival, Miamisburg Merchant's Association F2 Temporary Alcohol Permit Application. This application requires the acknowledgement and authorization of the owner of the property where the event is being held. In addition, the application requires acknowledgement of the Police Chief's being made aware of this application for the F2 Temporary Alcohol Permit. The Rock 'N Green Tomato Festival will be required to create a temporary boundary area within which alcohol purchased at the event may be consumed. Staff recommend approval of the motion. Motion was made by Stalder, seconded by Colvin, to approve the motion to authorize the City Manager to complete the Owner's Acknowledgement within the Rock 'N Green Tomato Festival, Miamisburg Merchant's Association F2 Temporary Alcohol Permit Application. Motion carried.

Ryan Davis requested City Council approve a motion to close roads for the Rock 'N Green Tomato Festival. This year, the event is being organized by the Miamisburg Merchant's Association and the City of Miamisburg, in addition to the volunteer committee from prior years' events. The event safety and logistics will require the use of city facilities and streets

for this annual event. These closures are meant to ensure a safe event environment for attendees, and vendors, and include Thursday to allow for event & vendor setup. Staff work closely with the business owners within and around the closure area to coordinate deliveries, trash services and other access requirements. Motion was made by Beachler, seconded by Nicholas, to approve the motion to close roads for the Rock 'N Green Tomato Festival. Motion carried.

Council entered Study Session to discuss:

- Quarterly Financial Update
- Manuscript Debt – Equipment Purchases
- Backyard Chickens
- Cannabis Moratorium

Quarterly Financial Update

Jennifer Johns presented the City of Miamisburg Quarterly Report. Topics discussed include Total Income Tax Revenue and Distributions, the General Fund, City Investments, and Other City Operations such as the Water/Sewer Fund, Golf Course Revenue and Expenses. Ms. Johns also reviewed Capital and Debt Status.

Manuscript Debt – Equipment Purchases

Ms. Johns reviewed equipment and vehicles needed for various city departments along with financing options. Manuscript Debt allows the City to borrow from the General Fund with lower issuance costs and interest rates while maintaining a positive cash position. Bond issuance to cover the costs of the equipment and vehicle purchases will be presented to City Council on August 6, 2024.

Backyard Chickens

Chris Fine discussed the current regulations on backyard chickens, and identified legislation passed in other communities. Mr. Fine asked that Council consider what the best option would be going forward, noting that there could be a removal of any legislation prohibiting the keeping of backyard chickens or a modification of current legislation to enact detailed regulations preventing this.

Cannabis Moratorium

Emily Christian presented options to the current moratorium on adult use cannabis operators. The current moratorium ends September 5, 2024. Options included allowing for the expiration of the moratorium or extending the moratorium for an additional term, allowing City staff to review new rules and regulations to be developed by the State of Ohio, and if needed, prepare any necessary changes to the City's Codified Ordinances. City Council will be presented with information and vote during the August 6th meeting.


Michelle L. Collins, Mayor


Keysha Alexander, Clerk of Council