

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

November 5, 2024

The Miamisburg City Council meeting commenced at 6:00 p.m.

Mayor Collins issued the call to order, followed by Invocation and the Pledge of Allegiance.

Regular Session began with the following members present: Councilmembers: Beachler, Colvin, McCabe, Nestor, Nicholas, Stalder and Thacker.

Motion was made by Nicholas, seconded by Stalder, to accept the minutes of the Regular Session on October 15, 2024, as distributed. Motion carried.

Mayor Collins opened Citizen Forum and asked anyone present who wished to discuss an item not appearing on the agenda, to come forward. There was no response, and the Forum was closed.

Upon the close of Citizens Forum, Council began hearing the following items:

**ORDINANCE NO. 7107**

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP TO REZONE THE PROPERTY AT 490 BYERS ROAD (CITY LOTS #3869 AND #6551) FROM HS-1, HIGHWAY SERVICE AND OS-1, OFFICE-SERVICE TO SPECIAL DEVELOPMENT DISTRICT (SDD-4), AND TO APPROVE THE COMPANION DEVELOPMENT GUIDELINES REPORT AND PRELIMINARY DEVELOPMENT PLAN.**

Chris Fine, Development Director, presented the second reading of Ordinance No. 7107. The ordinance would approve a Special Development District (SDD-4) for Winsupply to construct a warehouse and distribution facility at the northeast corner of Byers Road and Lyons Road. As currently proposed, Winsupply proposes to construct a 622,728 square foot building with improvements to include a sidewalk along Byers Road and substantial screening, landscaping and mounding along the property perimeter. Winsupply expects to construct and occupy the building within five (5) years. The first reading of this ordinance was heard by City Council on September 17, 2024, during Regular Session, at which time it was referred to the Planning Commission. The Planning Commission conducted a Public Hearing of this matter at their October 15, 2024 meeting, where the Planning Commission recommended approval of this ordinance.

Mayor Collins opened a Public Hearing and asked anyone present who wished to speak in favor of, or in opposition to this ordinance to come forward.

Mr. Matt Smith, real estate agent for Mall Park Properties and Colliers International, came forward and was sworn in. Mall Park Properties is the owner of the site under consideration,

with interest in establishing a warehouse and distribution facility at the location. Mr. Smith referenced both marketing efforts and opportunities, as well as the large reach that Colliers International has, as the fourth largest full-service real estate company in the world. Mr. Smith focused on the feasibility and marketing of the site, noting two major challenges faced with the land associated with the site; the easements in relation to the gas main, located on the northern portion of the parcel, and the environmental contamination of the site. Mr. Smith provided his opinion on where prospective buyers may take issue, noting that options would be limited as to what may be built on the site, due to the current Land Use Plan, and the substantial costs associated with making the necessary changes needed to build on the site. Mr. Smith offered that in order to prepare the site for adherence to the current zoning designation (i.e. office designations, or multi-family development, medical or hotel), further remediation of the site would be required, which is cost prohibitive to prospective buyers. Winsupply's proposal was selected as the best option presented, as they are able to prepare and design appropriately, have credibility, and demonstrate a financial willingness to develop the site. Mr. Smith advocates approval of the rezoning of the property at 490 Byers Road (City Lots #3869 and #6551).

Mr. Bill Tolliver, licensed attorney and Real Estate Manager for Winsupply, came forward and was sworn in. Mr. Tolliver has been a licensed attorney for 23 years with a focus on real estate and has been with Winsupply for 15 years, managing their real estate holdings nationally. Mr. Tolliver acknowledged two additional challenges identified, which included the size of the proposed building structure and whether the proposed structure would conform to the current Land Use Plan. Mr. Tolliver also advised that conversations occurred between Winsupply and Centerpoint Energy to assess the costs associated with the movement of the gas line on the site, which proved to be a substantial amount. Mr. Tolliver also noted the significant changes which have occurred since the current Land Use Plan was approved in 2018; one being challenges in finding the need for additional office space/buildings, post-covid, adding that retail and office spaces are not as in demand as years prior, where the trend is now moving toward industrial and commercial facilities. Mr. Tolliver notes Winsupply's commitment to improving the site by landscaping and networking with local vendors, and acknowledges their reputation and dedication to being a "good neighbor". Mr. Tolliver advocates approval of the rezoning of the property at 490 Byers Road (City Lots #3869 and #6551).

As no other party wished to speak on the matter, the Public Hearing was closed.

*Motion was made by Nicholas, seconded by Stalder, to acknowledge the requirement that Ordinance No. 7107 has been read on two separate days, authorizing the second reading, having it read by title only. Motion carried. The ordinance was read by title only. Motion was made by McCabe, seconded by Colvin, to open voting for the passage of Ordinance No. 7107 as recommended by the Planning Commission. Ordinance No. 7107 did not pass, with unanimous Nay Votes from Beachler, Colvin, McCabe, Nestor, Nicholas, Stalder and Thacker.*

**ORDINANCE NO. 7113**

**AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF AN ADDITIONAL ASSESSMENT FOR THE BYERS ROAD SANITARY SEWER EXTENSION PROJECT AND TO DEFINE THE TERM ASSESSMENT AND DECLARING AN EMERGENCY.**

Bob Stanley, City Engineer, presented Ordinance No. 7113. The ordinance would establish assessment costs for the recently completed sanitary sewer mainline extension along Byers Road. In 2022, Miami Township property owners at 8613 Byers Road began construction of a new house and requested sanitary sewer service from the City. Staff evaluated the site and determined the City sanitary sewer south of the area could be extended approximately 300 feet north to serve the property. Two adjacent properties with existing on-site septic systems would also benefit from future tie-in to this public sewer. A cost of \$20,981 was calculated for each of the three adjacent properties to cover the easement and construction costs of the project. This cost will be collected for each property during the permitting process, prior to connection to the sewer. Staff recommend approval of this ordinance.

*Motion was made by Colvin, seconded by Nestor, to dispense with the requirement that Ordinance No. 7113 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 Nicholas, seconded by Stalder, to pass Ordinance No. 7113, carried by Yea Votes of Beachler, Colvin, McCabe, Nestor, Nicholas, Stalder and Thacker.*

**ORDINANCE NO. 7114**

**AN ORDINANCE TO ESTABLISH SPEED LIMITS AND A NO THRU TRUCK ZONE ON A DESIGNATED ROADWAY WITHIN THE MIAMI CROSSING JOINT ECONOMIC DEVELOPMENT DISTRICT (JEDD).**

Bob Stanley, City Engineer, presented Ordinance No. 7114. The ordinance would establish traffic designations on the newly constructed portion of Vienna Parkway. Pursuant to the Miami Crossing Joint Economic Development District (JEDD) contract, Miami Township may request the City of Miamisburg exercise its powers as a municipal corporation to regulate vehicular traffic within areas designated as part of the Miami Crossing JEDD. Recently, Miami Township, through Resolution #085-2024, has requested the City exercise this authority to establish a 25 MPH speed limit, and a no thru truck zone, to restrict truck traffic on the remainder of Vienna Parkway ending at Mad River Road. The Miami Township Police and Public Works Departments support these proposed changes. City staff has completed a review and analysis of the roadway and concurs. Staff recommend approval of this ordinance.

*Motion was made by Colvin, seconded by McCabe, to dispense with the requirement that Ordinance No. 7114 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. 7114, carried by Yea Votes of Beachler, Colvin, McCabe, Nestor, Nicholas, and Stalder. A Nay Vote was issued by Councilmember Thacker.*

**ORDINANCE NO. 7115**

**AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE MIAMISBURG CITY SCHOOL DISTRICT FOR PROVIDING COMMUNITY POLICING SERVICES TO THE DISTRICT AND DECLARING AN EMERGENCY.**

Police Chief Michael Brem presented Ordinance No. 7115. The ordinance would authorize an agreement with the school district for policing services through a School Resource Officer (SRO). Ohio law requires a Memorandum of Understanding (MOU) between a school district and a law enforcement agency to appoint a school resource officer and to explain the duties and responsibilities of officers. The State of Ohio has a set of standards and guidelines, which are listed in the MOU, along with reimbursement costs to the city. The cost of the SRO will be shared evenly amongst the City of Miamisburg and the Miamisburg School District. Staff recommend approval of this ordinance.

*Motion was made by Nicholas, seconded by Colvin, to dispense with the requirement that Ordinance No. 7115 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. 7115, carried by Yea Votes of Beachler, Colvin, McCabe, Nestor, Nicholas, Stalder and Thacker.*

**ORDINANCE NO. 7116**

**AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT, MANAGEMENT AGREEMENT AND RELATED ADDENDA, WITH THE OHIO HISTORY CONNECTION, FOR THE USE AND MANAGEMENT OF MOUND PARK AND A PORTION OF MOUND GOLF COURSE AND DECLARING AN EMERGENCY.**

Ryan Davis, Parks and Recreation Director, presented Ordinance No. 7116. This ordinance would authorize agreements between the City and the Ohio History Connection for the operation of parks and recreation services on property owned by the State of Ohio. These agreements and leases are simple renewals to the past arrangements, modified only in structure to align with Ohio History Connection administrative recommendations and requirements. As a result, instead of long-term agreements, all of their lease and management agreements will align with the states biennial budget cycle. The lease, management agreement and related addenda will be effective upon signing and through June 30, 2025, at which point new two-year agreements will be required. Staff recommend approval of this ordinance to permit the continued use of and maintenance coordination for Mound Park and a portion of Mound Golf Course.

*Motion was made by Colvin, seconded by Nestor, to dispense with the requirement that Ordinance No. 7116 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 Nicholas, seconded by Stalder, to pass Ordinance No. 7116, carried by Yea Votes of Beachler, Colvin, McCabe, Nestor, Nicholas, Stalder and Thacker.*

**A MOTION TO CLOSE ROADS FOR THE 2024 HOLIDAY CELEBRATION AND PARADE.**

Ryan Davis, Parks and Recreation Director, presented City Council with a motion to close roads for the 2024 Holiday Celebration and Parade. The event takes place on the first Saturday of December; Saturday, December 7<sup>th</sup>. This year's parade route will be similar to previous parade routes, with staging at Community Park and Long Cleaners, and will proceed on South Main Street through downtown ending on Water Street. Miamisburg Police Cruisers will lead and end the parade. Officers will also be situated in key intersections along the route. The Mound Amateur Radio Association will also be present to assist with safety and communication during the parade. Staff recommend approval of the motion.

*Motion was made by Nestor, seconded by McCabe, to approve the motion to close roads for the 2024 Holiday Celebration and Parade. Motion carried.*

Upon the close of legislative items, with no items presented for a Study Session, the Regular Session of City Council concluded.



Michelle L. Collins, Mayor



Keysha Alexander, Clerk of Council