

CITY OF MIAMISBURG
10 N FIRST STREET, MIAMISBURG, OHIO

April 20, 2021

Pastor Chuck Sharp, Jr., Miamisburg Assembly of God gave the invocation, after which everyone recited the Pledge of Allegiance.

Council met in Regular Session at 6:00 p.m. with the following members present: Mayor Collins, Councilmembers Colvin, McCabe, Nestor, Nicholas, Stalder, Thacker and Thompson.

Motion was made by Nicholas, seconded by Colvin to accept the minutes of the Regular Session April 6, 2021, 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 and not regarding DORA to come forward.

Representative Tom Young addressed City Council with an update on HB157. Representative Young informed Council that the Ways & Means Committee tabled the bill today. This bill allows employers to adjust the worker's place of work retroactively, thus removing tax revenue from cities. This deadline has been extended until December 31, 2021.

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

Ryan Homsy presented Ordinance No. 6912, a first reading. Mr. Homsy stated that the City received an application for the rezoning of the properties that contain the existing Kroger and Groby Field on North Heincke Road from the zoning designations of Planned Commercial (PC) and R-3 (Residential) to Special Development District 2 (SDD-2). Combined, the two properties measure approximately 21.76 acres in size. The Kroger property is zoned Planned Commercial (PC) and the Groby Field property is zoned R-3 (Residential). The purpose of the requested rezoning is to allow for the construction of a Kroger Marketplace and fueling station on the property. Mr. Homsy stated that staff is requesting that the ordinance be forwarded to the Planning Commission for their review and recommendation. The Planning Commission will hold a public hearing on the item before the item returns to City Council for a second reading and public hearing at a later date.

ORDINANCE NO. 6912

AN ORDINANCE TO REZONE CITY LOTS, PARCEL IDS K46 00412 0004, K46 00412 0001, K46 00412 0010, K46 00412 0012, AND K46 00412 0013 OF THE CITY OF MIAMISBURG, FROM THE CURRENT ZONING DESIGNATIONS OF PC (PLANNED COMMERCIAL) AND R-3 (RESIDENTIAL) TO SDD-2 (SPECIAL DEVELOPMENT

DISTRICT 2) AND TO APPROVE THE COMPANION PRELIMINARY DEVELOPMENT PLAN FOR THE NORTH HEINCKE KROGER DEVELOPMENT.

Motion was made by Colvin, seconded by Thompson to read Ordinance No. 6912 the first time by title only. Motion carried. The Ordinance was read by title only. Motion was made by Stalder, seconded by Nicholas to refer Ordinance No. 6912 to the Planning Commission. Motion carried.

Bob Stanley presented Ordinance No. 6913. Mr. Stanley stated that Miami Valley Communications Council advertised and received bids for the 2021 Pavement Marking Program. Two competitive bids were received. Aero Mark Inc submitted the lowest and best bid of \$60,381. A&A Safety submitted a bid of \$67,372.20. The Engineering estimate was \$67,998.10. Funding for this project was approved in the 2021 capital improvement plan. Staff recommends approval of this ordinance.

ORDINANCE NO. 6913

AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE 2021 PAVEMENT MARKING PROGRAM AND DECLARING AN EMERGENCY.

Motion was made by Colvin, seconded by Nestor to dispense with the requirement that Ordinance No. 6913 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 McCabe to pass Ordinance No. 6913, carried by Yea Votes of Colvin, McCabe, Nestor, Nicholas, Stalder, Thacker and Thompson.

Katie Frank presented an overview of the Designed Outdoor Refreshment Area (DORA). Ms. Frank stated that staff has been working with the MMA over the last three years to evaluate the DORA program. After discussion with Council and the downtown merchants an application was filed on March 12 with the State Liquor Commission. The DORA application includes a boundary that encompass a 41.2 acre area; suggested hours of operation are Monday – Friday 5:00-11:00 pm and Saturday and Sunday noon-11:00 pm, (can be adjusted accordingly); sign and window stickers located within the boundary area; merchant education and a review committee. DORA can be turned “off” during special events or altogether. Each special event will be reviewed on a case by case basis. DORA is designed to benefit to all businesses in the downtown area. If DORA isn’t working out, then City Council can determine to stop the DORA at any time.

Mayor Collins opened the Public Hearing for Ordinance No. 6914 and 6915 and asked anyone present who wished to discuss DORA to come to the podium. All speakers were sworn-in at the same time.

Andy Alford, 204 E. Pearl spoke on behalf of the Parks & Recreation Advisory Commission and as a resident of the downtown Canal District stated the Advisory board members unanimously agreed with the City that they should move forward with DORA. He stated that staff did a good job of researching the issue with both city leaders and community committees. He wants Miamisburg to keep moving forward.

Molly Williams, 911 E Linden, owner of M & Co and Ivy Designs stated that she is in favor of the DORA. She stated that visitors will be able to walk to the park, to the bike path and discover all the businesses in the downtown area that they might not have noticed before.

Chef Maria Walusis, resident, and Chef at Watermark stated that DORA will draw other citizens from other communities to Miamisburg. The DORA will also help other restaurants to grow their businesses since they don't have liquor license.

Tim Maddox, resident, as a life-long resident he remembers drunken revelry and fighting spilling out onto the street when he was younger. He doesn't want Miamisburg to revert back to those days, but believes City Council should move forward, but limit the DORA to weekdays and see how that goes before finalizing the plan.

Doug Sorrell, 1640 Brandonhall, stated that he talked with officials in cities of Middletown and Hamilton. He believes DORA will increase foot traffic but doesn't think it will help retail businesses.

Julie Grice, business owner at 33 W. Linden, resident of Miami Township and member of MMA, stated that she thinks the DORA would be beneficial to all merchants in the downtown area.

Tom Croskey, resident and business owner, stated that he doesn't like the boundary of the DORA encompassing the church and their park area. He presented City Council with a petition with 69 residents and 12 business owners opposing the DORA.

After no one else wished to discuss any further items the Public Hearing was closed.

Phil Callahan presented Ordinance No. 6914. Mr. Callahan stated that the City received an application from MMA to apply for a DORA. The City Manager filed the application on March 12, 2021. City Council discussed this topic at several study sessions. City Council needs to approve or disapprove the DORA by May 11, 2021. Ordinance No. 6914 is for Council to approve the application. Ordinance No. 6915 is for Council to establish rules and regulations for the DORA. Both Ordinances are for first reading with actual votes being cast on May 4, 2021.

ORDINANCE NO. 6914

AN ORDINANCE APPROVING AN APPLICATION FOR A "DESIGNATED OUTDOOR REFRESHMENT AREA" AND ESTABLISHING A DESIGNATED OUTDOOR REFRESHMENT AREA WITHIN THE CITY OF MIAMISBURG.

Motion was made by Colvin, seconded by McCabe to suspend the rule requiring this Ordinance be read in full and have it read this first time by title only. Motion carried by Yea Votes of Colvin, McCabe, Stalder and Thompson. Nay Votes of Nestor, Nicholas, and Thacker.

ORDINANCE NO. 6915

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS NEEDED TO ENSURE THE HEALTH, SAFETY, AND WELFARE WITHIN AN APPROVED DESIGNATED OUTDOOR REFRESHMENT AREA WITHIN THE CITY OF MIAMISBURG.

Motion was made by Colvin, seconded by Thompson to suspend the rule requiring this Ordinance be read in full and have it read this first time by title only. Motion carried by Yea Votes of Colvin, McCabe, Stalder and Thompson. Nay Votes of Nestor, Nicholas, and Thacker.

Motion was made by Stalder, seconded by Nestor to recess to an executive session for property purchase discussion Motion carried.

Council recessed to a Study Session to discuss the following:

- ODOT 75/725 Improvements
- Quarterly Financial Report

There being no further business, motion was made to adjourn. Motion carried.



Michelle L. Collins, Mayor



Kim Combs, Clerk of Council