

CITY OF MIAMISBURG  
10 N FIRST STREET, MIAMISBURG, OHIO

July 20, 2021

Mayor Collins 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 Colvin, seconded by Thompson to accept the minutes of the Regular Session June 15, 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 to come forward.

Amber Quillen asked for help regarding her neighbor Kathleen Ingle. Ms. Quillen stated that Ms. Ingle has violated the trespass order against her several times. She is constantly harassing her and her daughter. Ms. Ingles property is an eye sore and it needs to be cleaned up.

Virginia Shambo voiced her concerns about the neighbors in the 600 hundred block of Central. She stated that code enforcement needs to enforce code issues for houses in this area. Also, there are several abandoned vehicles that need to be looked at.

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

Ryan Davis introduced Alison Longworth as the new Recreation & Special Events Superintendent.

Ryan Homsy presented Ordinance 6909, second reading and a public hearing. Mr. Homsy stated that the developer is requesting a major change to the preliminary plan for Deer Valley. At the Planning Commission meeting on May 24, the Planning Commission recommended that Council adopt this ordinance to approve the major change to Deer Valley planned residential development and to approve the preliminary development plan contained with conditions, that shall be met by the Final Development Plan and Report, to be submitted and reviewed for consistency with the Preliminary Development Plan and associated conditions at a later date. A staff report was included in City Council's packet with the Planning Commission's full recommendation, including conditions. Mr. Homsy also read the full recommendation of the Planning Commission

ORDINANCE NO. 6909

AN ORDINANCE APPROVING A MAJOR CHANGE TO THE DEER VALLEY PLANNED RESIDENTIAL (PR) DEVELOPMENT LOCATED ON CITY LOTS, PARCEL IDS K45302612 0002, K45302612 0092, AND K45302612 0003 ALONG BENNER ROAD AND TO APPROVE THE COMPANION PRELIMINARY DEVELOPMENT PLAN FOR THE DEER VALLEY PLANNED RESIDENTIAL SUBDIVISION.

The first reading of this Ordinance was held at Regular Session on April 6, 2021, at which time it was referred to the Planning Commission. Mayor Collins opened a Public Hearing and asked anyone present who wished to speak in favor of or in opposition to the Ordinance to come forward. Each person was sworn in before they spoke.

Greg Smith is the Oberer developer for this project. He stated that this project began prior to COVID. The developers wanted to reduce the asphalt surface of the project so they made major modifications to the design. They added three more lots and configured the road to align with Kelly Marie Ct. Ryan Homes is the builder. There will be one model home. It takes them 4 to 6 months to build each home. Homes will not be built until under contract with a home buyer. The price range for this development will be \$280,000-\$400,000. The Developer expects to see people living in these homes by next summer.

James Hodde, Jr. is a resident of Terrington Place. He is pleased to see the new alignment of Kelly Marie Ct. and the road into Deer Valley. He likes the left turn lane into Deer Valley, but would also like to see a left turn lane into Terrington Way. He also sees the speed limit of 45 being a problem on the road after the subdivision is built. He suggested placing a stop sign at Kelly Marie Ct. to slow down traffic in this area.

John Burkhart, a Township resident, has concerns about the retention pond on his property. He believes the Shepard Road Creek will disappear with the construction of the subdivision.

Phil Clark, a Township resident, also has concerns with the Shepard Road Creek. With this construction he believes he will lose another bridge on his property.

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

Motion was made by Stalder, seconded by Nicholas to make the staff report a part of the record, accept the findings and recommendations of the Planning Commission and to amend Ordinance 6909 to be consistent with the changes recommended by the Planning Commission and City staff for the second and final reading, carried by Yea Votes of Colvin, McCabe, Nestor, Nicholas, Stalder, Thacker, and Thompson. Motion was made by McCabe, seconded by Thompson to read the Ordinance the second and final time by title only. Motion carried. The Ordinance was read by title only. Motion was made by Colvin, seconded by Nicholas to pass Ordinance No. 6909, carried by Yea Votes of Colvin, McCabe, Nestor, Nicholas, Stalder, Thacker, and Thompson.

Ryan Homsy presented Ordinance 6912, second reading and a public reading. Mr. Homsy stated that this Ordinance will rezone Kroger and Groby Field properties from R-3 (Residential) and PC (Planned Commercial) to SDD-2 (Special Development District 2).

At the Planning Commission meeting on May 24, the Planning Commission recommended that Council adopt this ordinance to both rezone the subject lots from R-3 (Residential) and PC (Planned Commercial) to SDD-2(Special Development District 2) and approve the Preliminary Planned Development contained herein with conditions which shall be met by the Final Development Plan and Report to be submitted and reviewed for consistency with the Preliminary Development Plan and associated at a later date. A staff report was included in City Council's packet with the Planning Commission's full recommendation, including conditions. Mr. Homsy also read the full recommendation of the Planning Commission

ORDINANCE NO. 6912

AN ORDINANCE TO REZONE CITY LOTS, PARCEL IDS K46 00412 0001, K46 00412 0004, 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.

The first reading of this Ordinance was held at Regular Session on April 20, 2021, at which time it was referred to the Planning Commission. Mayor Collins opened a Public Hearing and asked anyone present who wished to speak in favor of or in opposition to the Ordinance to come forward. Each person was sworn in before they spoke.

Ann McBride, a representative for Kroger, stated that Kroger staff members have been working on this project for over a year. Kroger staff have been working with City staff to comply with all the concerns and issues that both city and residents have regarding this site. Kroger staff is fine with all the Planning Commission requests; however, they have some concerns with item #6: northern side buffering. They are requesting more latitude with the landscape planning.

Amber Quillen voiced her concerns about the vinyl being used instead of stone wall. She also asked if the vacant 3.3 acres could be used as a park for children in the area.

James Hodde, Jr. voiced his concerns about the Austin Landing parking lot. He hopes the Miamisburg parking lot is laid out better to handle the click list area. He also asked how many click list spaces there will be at this location.

Tim Schroeder asked questions concerning the buffering and landscape plan for residents on Lindsey Avenue.

Ryan Brant also voiced his concerns about the buffering wall on Lindsey. Will this be a sufficient noise barrier? He is also concerned about the dust. His grandmother lives on Lindsey and has health issues. How will they alleviate the dust situation?

Ms. McBride addressed citizens questions/concerns. She stated that the vinyl is a heavy-duty vinyl that it is a very good sound barrier. The pickup area is located in northeast

corner of the new location. There will be 12 pickup spots for this service. The tree/landscaping buffer in the northeastern berm will be evergreens/shrubs and some trees. The dead trees will be removed as needed. The 8' wall will have vegetation between it. The 3.3 acres will remain green space. There should not be a lot of earth moving, but if there is the site will be wet down to avoid the dust. Construction will begin this fall with anticipated opening of the new store in Fall of 2022. The fuel station will be constructed last. Parking lot will be cut down and leveled. There will be 669 parking spaces on the new lot.

Colleen Curry stated that she doesn't think the wall will be tall enough of a noise barrier. She also has concerns about the homeless people wandering into the grassy area and living there.

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

Motion was made by Colvin, seconded by Stalder to make the staff report a part of the record and accept the findings and recommendations of the Planning Commission and to amend Ordinance 6912 to be consistent with the changes recommended by the Planning Commission and City staff for the second and final reading, carried by Yea Votes of Colvin, McCabe, Nestor, Nicholas, Stalder, Thacker, and Thompson. Motion was made by Nicholas, seconded by Thacker to read the Ordinance the second and final time by title only. Motion carried. The Ordinance was read by title only. Motion was made by Stalder, seconded by Thompson to pass Ordinance No. 6912, carried by Yea Votes of Colvin, McCabe, Nestor, Nicholas, Stalder, Thacker, and Thompson.

Ryan Homsy presented Ordinance 6922, first reading. Mr. Homsy stated that the Development Department received a request to rezone the property located at 88 S. Gebhart Church Road. This property is currently zoned R-1 (Residential) to OS-1 (Office Service). 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. 6922**

**AN ORDINANCE TO REZONE CITY LOTS, PARCEL IDS K46 00705 0095 AND K46 00705 0113, OF THE CITY OF MIAMISBURG FROM THE CURRENT ZONING DESIGNATION OF R-1 (RESIDENTIAL) TO OS-1 (OFFICE SERVICE DISTRICT).**

Motion was made by Colvin, seconded by Thompson to read Ordinance No. 6922 the first time by title only. Motion carried. The Ordinance was read by title only. Motion was made by McCabe, seconded by Colvin to refer Ordinance No. 6922 to the Planning Commission. Motion carried.

Anthony Covington presented Ordinance 6923. Mr. Covington stated that the Municipal Court would like Council's approval in purchasing a new case management system. The

Court was awarded a grant in 2018 from the Supreme Court of Ohio Technology Grant Fund to upgrade the traffic/criminal software. The current software vendor could not provide the updated services. After reviewing all the quotes, Henschen Software will enable the Court to use proven technology to better serve the public in an efficient manner. The Court Modernization Fund will be used to purchase the new software at a cost not to exceed \$267,000. Staff recommends approval of this ordinance.

**ORDINANCE NO. 6923**

**AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE PURCHASE OF CASE MANAGEMENT SYSTEM FOR THE MIAMISBURG MUNICIPAL COURT AND DECLARING AN EMERGENCY.**

Motion was made by McCabe, seconded by Nicholas to dispense with the requirement that Ordinance No. 6923 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. 6923, carried by Yea Votes of Colvin, McCabe, Nestor, Nicholas, Stalder, Thacker and Thompson.

Ryan Davis presented Ordinance 6924. Mr. Davis stated that this Ordinance is to authorize a facility use agreement with local school districts for the use of City golf courses. These agreements are for five years with a 5-year extension agreement. The school districts are Miamisburg City Schools, West Carrollton City Schools and Dayton Christian City Schools. Staff recommends approval of this ordinance.

**ORDINANCE NO. 6924**

**AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A FACILITY USE AGREEMENT WITH LOCAL SCHOOL DISTRICTS FOR THE USE OF CITY GOLF COURSES, AND DECLARING AN EMERGENCY.**

Motion was made by Thompson, seconded by Nicholas to dispense with the requirement that Ordinance No. 6924 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 Colvin, seconded by Thacker to pass Ordinance No. 6924, carried by Yea Votes of Colvin, McCabe, Nestor, Nicholas, Stalder, Thacker and Thompson.

Ryan Davis presented Ordinance 6925. Mr. Davis stated that this Ordinance is to authorize a facility use agreement with the Miami Valley Church for the use of Carnegie Center. The church's office building has been sold and the church building is for sale. The church's focus has transitioned from physical church to a digital content provider, leader of small-group meetings and creator of connections with other community service providers. Carnegie Center hasn't been used in the past 2-3 years. Upstairs, the building needs cosmetic updates and general upkeep. The lower level need an overall assessment and long-term investment to prevent water damage/remediation. This will be a short-term lease from August 1-December 31, 2021 with option to renew for an additional six months. The church will use the facility free of charge but will help with cosmetic updates as needed. Staff recommends approval of this ordinance.

ORDINANCE NO. 6925

AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A FACILITY USE AGREEMENT WITH THE MIAMI VALLEY CHURCH, AND DECLARING AN EMERGENCY.

Motion was made by Colvin, seconded by Thompson to dispense with the requirement that Ordinance No. 6925 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. 6925, carried by Yea Votes of Colvin, McCabe, Nestor, Nicholas, Stalder, Thacker and Thompson.

Chief John Sedlak presented Resolution 2979. Chief Sedlak stated that this is the 25<sup>th</sup> year that the police department has applied for this grant. This grant will fund the 50% of a full-time police officer wage.

RESOLUTION NO. 2979

A RESOLUTION AUTHORIZING THE CITY OF MIAMISBURG TO ACCEPT THE 2021-2022 DRUG USE PREVENTION GRANT IN THE AMOUNT OF \$22,566.

Motion was made by Nicholas, seconded by Colvin to have the Resolution No. 2979 read by title only. Motion carried. The Resolution was read by title only. Motion was made by Thompson, seconded by McCabe to pass Resolution No. 2979, carried by Yea Votes of Colvin, McCabe, Nestor, Nicholas, Stalder, Thacker and Thompson.

Ryan Davis presented a motion to close roads for River Blast 2021. This event is scheduled for September 4 from 6:00-9:00 p.m. Fireworks will begin at 9:05 p.m. The roads to be closed are as follows: 11:00 a.m. to midnight – Linden Avenue Bridge; 11:00 am. – 10:00 p.m. – Miami Avenue (Riverfront Park); and 7:00 p.m. – 10:00 p.m. Water Street from Ferry Street to Linden Avenue; Linden Avenue from Water Street to Main Street; West Central Avenue from Water Street to Main Street and Ferry Street west of Main Street.

Motion was made by Nicholas, seconded by Thompson to approve the River Blast road closures on September 4. Motion carried.

Motion was made by Nicholas, seconded by Thacker to recess to an Executive Session to discuss a litigation case. Motion carried by Yea Votes of Colvin, McCabe, Nestor, Nicholas, Stalder, Thacker and Thompson.

Motion was made by Nestor, seconded by Thacker to recess out of executive session and into regular session.

Motion was made by Colvin, seconded by Thompson to waive the notice of the following Resolution. Motion carried.

RESOLUTION NO. 2980

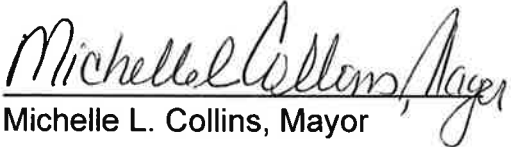
A RESOLUTION CONFIRMING THE CITY OF MIAMISBURG'S INTENTIONS CONCERNING LITIGATION AGAINST THE U.S. DEPARTMENT OF ENERGY AND MONSANTO COMPANY.

Motion was made by Nicholas, seconded by Nestor to have the Resolution No. 2980 read by title only. Motion carried. The Resolution was read by title only. Motion was made by Thacker, seconded by Thompson to pass Resolution No. 2980, carried by Yea Votes of Colvin, McCabe, Nestor, Nicholas, Stalder, Thacker and Thompson.

Council recessed to a Study Session to discuss the following:

- Quarterly Financial
- Hampton Golf Course Extension Agreement
- Non-Traditional Golf Vehicle/Equipment Fees
- DORA Review Board

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

  
Michelle L. Collins, Mayor

  
Kim Combs, Clerk of Council