

CITY OF MIAMISBURG
10 N FIRST STREET, MIAMISBURG, OHIO

November 15, 2022

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

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

Motion was made by Nicholas, seconded by Beachler to excuse Council members Nestor and Stalder. Motion carried.

Motion was made by Colvin, seconded by McCabe to accept the minutes of the Regular Session on November 1, 2022, 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.

Fire Chief Brandon Barnett spoke on behalf of the Miami Valley Fire District Board of Trustees and employees. He thanked all the citizens of Miamisburg and Miami Township for their support of the fire levy.

James Boian, a Miamisburg resident, advocated for the city to purchase the Parkview Church property that is home to Sunflower Park. This park is used a lot and is an asset to the neighborhood.

Bob Spirk, President, Fire Union Local 1832, on behalf of all the employees thanked all the citizens of Miamisburg and Miami Township for their support to the fire levy. He also invited everyone to attend the Miami Valley Fire District Pancake Breakfast. This event is scheduled for December 10 at 9:00 a.m. at the Middle School.

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

Andrew Rodney presented Ordinance 6982. Mr. Rodney stated that this Ordinance eliminates the newspaper public notice but expands the notice to residents who would be directly affected from a BZA decision. It also would allow a resident's request to be heard by the BZA quicker because the 30-day publishing requirement would be eliminated. The Planning Commission recommends approval of this Ordinance.

ORDINANCE NO. 6982

AN ORDINANCE TO AMEND PART TWELVE, TITLE SIX OF THE CODIFIED ORDINANCES TO MODIFY THE NOTICE REQUIREMENTS FOR PUBLIC HEARINGS BEFORE THE BOARD OF ZONING APPEALS.

The first reading of the Ordinance was held at the August 16, 2022, regular session 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. There was no response, and the Hearing was closed. Motion was made by Nicholas, seconded Colvin to adopt the Ordinance as recommended by the Planning Commission. Motion carried. Motion was made by McCabe, seconded by Beachler to pass the Ordinance to the second and final reading, carried by Yea Votes of Beachler, Colvin, McCabe, Nicholas, and Thacker. Motion was made by Nicholas, seconded by Colvin to read Ordinance No. 6982 the second and final time by title only. Motion carried. The Ordinance was read by title only. Motion was made by Beachler, seconded by McCabe to pass Ordinance No. 6982, carried by Yea Votes of Beachler, Colvin, McCabe, Nicholas, and Thacker.

Andrew Rodney presented Ordinance 6983. Mr. Rodney stated that this Ordinance will allow homeowners more flexibility when installing a pool or large spa. This Ordinance will permit the use of an automatic pool cover meeting the ASTM F 1346 standard in lieu of a perimeter fence. The Planning Commission recommends approval of this Ordinance

ORDINANCE NO. 6983

AN ORDINANCE TO AMEND PART TWELVE, TITLE SIX OF THE CODIFIED ORDINANCES TO MODIFY THE REQUIREMENTS FOR SECURING A RESIDENTIAL POOL OR LARGE SPA.

The first reading of the Ordinance was held at the August 16, 2022, regular session 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.

Lindsey Boyer, a Miamisburg resident, spoke in support of this Ordinance. She and her family researched all their options before deciding on the automatic pool cover.

Mayor Collins closed the Hearing. Motion was made by Colvin, seconded Nicholas to adopt the Ordinance as recommended by the Planning Commission. Motion carried. Motion was made by Beachler, seconded by Thacker to pass the Ordinance to the second and final reading, carried by Yea Votes of Beachler, Colvin, McCabe, Nicholas, and Thacker. Motion was made by Colvin seconded by Nicholas to read Ordinance No. 6983 the second and final time by title only. Motion carried. The Ordinance was read by title only. Motion was made by Beachler, seconded by Thacker to pass Ordinance No. 6983, carried by Yea Votes of Beachler, Colvin, McCabe, Nicholas, and Thacker.

Valerie Griffin presented Ordinance 6996. Ms. Griffin stated that this Ordinance will renew the lease agreement for space at the Central Avenue Water Tank. The agreement would extend the contract through November 2027 with an option for two 5-year renewal periods. The initial lease payment to the City is \$42,500 with an increase of 3% annually. Staff recommends approval of this Ordinance.

ORDINANCE NO. 6996

AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO THE FIRST AMENDMENT TO THE AGREEMENT WITH CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS FOR THE LEASE OF CERTAIN CITY PROPERTY AND DECLARING AN EMERGENCY.

Motion was made by Colvin, seconded by McCabe to dispense with the requirement that Ordinance No. 6996 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. 6996, carried by Yea Votes of Beachler, Colvin, McCabe, Nicholas, and Thacker.

Jennifer Johns presented Ordinance 6997. Ms. Johns stated that after Council's authorization to purchase land for the City's new production well, bond counsel advised staff that it is necessary to pass additional legislation allowing the City to reimburse itself from a future borrowing. Staff recommend approval of this Ordinance.

ORDINANCE NO. 6997

AN ORDINANCE DELEGATING AUTHORITY TO MAKE DECLARATIONS OF OFFICIAL INTENT AND ALLOCATIONS WITH RESPECT TO REIMBURSEMENTS OF TEMPORARY ADVANCES DURING FISCAL YEAR 2022 AND 2023 MADE FOR CAPITAL IMPROVEMENTS AND ACQUISITIONS FOR MUNICIPAL PURPOSES TO BE MADE FROM SUBSEQUENT BORROWINGS.

Motion was made by Colvin, seconded by Beachler to dispense with the requirement that Ordinance No. 6997 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. 6997, carried by Yea Votes of Beachler, Colvin, McCabe, Nicholas, and Thacker.

Sarah Thacker nominated Steve Beachler to serve on the Boards & Commission Interview Committee.

Motion was made by Nicholas, seconded by McCabe to appoint Steve Beachler to the Boards & Commissions Interview Committee. Motion Carried.

Motion was made by McCabe, seconded by Beachler to recess into an executive session to discuss a litigation case and property purchase. Motion carried by: Yea Votes of Beachler, Colvin, McCabe, Nicholas, and Thacker.

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



Michelle L. Collins, Mayor



Kim Combs, Clerk of Council