

CITY OF MIAMISBURG  
10 N FIRST STREET, MIAMISBURG, OHIO

October 17, 2023

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, Nestor, Nicholas, Stalder and Thacker.

Motion was made by Colvin, seconded by Nicholas, to accept the minutes of the Regular Session on October 3, 2023 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.

Jonathan Hadden, a Miamisburg resident, inquired when the fiber optic ring will be available to Miamisburg residents.

John Eastes, a Miamisburg resident, voiced his concerns about the code interpretation for chickens in Miamisburg.

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

Chris Fine presented Ordinance 7038, second reading, public hearing. Mr. Fine stated that this Ordinance will amend the Official Zoning Map to rezone properties currently in the Floodway (FW). The Planning Commission conducted a Public Hearing of this request at their September 18 meeting. The Planning Commission recommended approval of this Ordinance.

**ORDINANCE NO. 7038**

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP TO REZONE CERTAIN PROPERTIES FROM FLOODWAY DISTRICT (FW), RESIDENTIAL (R-1), OR INDUSTRIAL (I-1) TO AGRICULTURAL (A), AGRICULTURAL-RESIDENTIAL (AR), NEIGHBORHOOD BUSINESS (NB-1), RESIDENTIAL (R-1, R-2, R-4) OR INDUSTRIAL (I-2).HIS ORDINANCE.**

The first reading of the Ordinance was held at the August 15, 2023, 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 McCabe, seconded Colvin to adopt the Ordinance as recommended by the Planning Commission. Motion carried. Motion was made by Nicholas, seconded by Stalder to pass the Ordinance to the second and final reading, carried by Yea Votes of Beachler Colvin, McCabe, Nestor, Nicholas, Stalder and Thacker. Motion was made

by McCabe, seconded by Nicholas to read Ordinance No. 7038 the second and final time by title only. Motion carried. The Ordinance was read by title only. Motion was made by Beachler, seconded by Colvin to pass Ordinance No. 7038, carried by Yea Votes of Beachler, Colvin, McCabe, Nestor, Nicholas, Stalder and Thacker.

Jennifer Johns presented Ordinance 7042. Ms. Johns stated that this Ordinance is to certify special assessments for sidewalk charges to the County's Auditor's Office. Property owners have chosen to have the cost of the repairs assessed to their property taxes. The assessment includes sixty-three parcels for a total of \$170,927.45

**ORDINANCE NO. 7042**

**AN ORDINANCE TO CERTIFY SPECIAL ASSESSMENTS FOR THE REPAIR OF CURBS, GUTTERS AND SIDEWALKS IN THE CITY OF MIAMISBURG, MONTGOMERY COUNTY, OHIO, TO THE COUNTY AUDITOR OF SAID COUNTY FOR THE COLLECTION THEREOF AND DECLARING AN EMERGENCY.**

Motion was made by Colvin, seconded by Nicholas to dispense with the requirement that Ordinance No. 7042 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 Beachler to pass Ordinance No. 7042, carried by Yea Votes of Beachler, Colvin, McCabe, Nestor, Nicholas, Stalder and Thacker.

Jennifer Johns presented Ordinance 7043. Ms. Johns stated that this Ordinance is to certify special assessments for delinquent charges for grass mowing and weed control to the County Auditor's Office. Total assessment is \$56,952.40. Staff recommends approval of this Ordinance.

**ORDINANCE NO. 7043**

**AN ORDINANCE TO CERTIFY SPECIAL ASSESSMENTS FOR THE DELINQUENT CHARGES FOR THE CUTTING AND REMOVAL OF WEEDS, VEGETATION AND/OR GRASS, IN THE CITY OF MIAMISBURG, MONTGOMERY COUNTY, OHIO, TO THE COUNTY AUDITOR OF SAID COUNTY FOR THE COLLECTION THEREOF, AND DECLARING AN EMERGENCY.**

Motion was made by Nicholas, seconded by Stalder, to dispense with the requirement that Ordinance No. 7043 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 McCabe to pass Ordinance No. 7043, carried by Yea Votes of Beachler, Colvin, McCabe, Nestor, Nicholas, Stalder and Thacker.

Ryan Davis presented a motion to approve the road closures for two holiday events.

Motion was made by Nicholas, seconded by Colvin to approve the Turkey Trot and Holiday Celebration road closures. Motion carried.

Phil Callahan, Law Director asked Council to approve a motion to retain Bricker Graydon as legal counsel to advise as needed.


Motion was made by Colvin, seconded by Thacker to retain Bricker Graydon as legal counsel. Motion carried by Yea Votes of Beachler, Colvin, McCabe, Nestor, Nicholas, Stalder and Thacker.

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

Council recessed out of executive session at 7:19 pm.

Council recessed to Study Session to discuss:  
Sycamore Trail Aquatic Center Update

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

  
Michelle L. Collins, Mayor

  
Kim Combs, Clerk of Council