

RECORD OF PROCEEDINGS

Minutes of City Council

Held September 25, 2025

Regular Meeting Call to Order

Meeting called to order at 6:00 PM.

Roll Call

Teri Murphy	Mayor	Present
Donald Burchett	At-Large	Present
Ora Allen	At-Large	Present
Mike Daugherty	Ward 1	Present
Dave Miller	Ward 2	Present
Shirley Whitt	Ward 3	Present
Jeanette Marcus	Ward 4	Present

Staff Attendance:

City Manager Michael Davis	Law Director Martina Dillon
Police Chief Craig Richardson	Deputy Fire Chief Michael Guadagno
Finance Director Annetta Williams	Street Superintendent Chris Dunn
Build. Maint. Superintendent Rocky Bangert	City Engineer Lauren Alvarado
City Planner Nick Sorice	Build. & Zoning Admin. Brent Carpenter
Parks and Recreation Director Brent Shane	Public Information Officer Aaron Viotor

Pledge of Allegiance

Mayor Murphy led the Pledge of Allegiance.

Law Director Martina Dillon asked for a motion to appoint Aaron Viotor as Acting Clerk of Council.

Mrs. Whitt moved to appoint Aaron Viotor Acting Clerk of Council for this evening's meetings.

RESULT: Passed (*Yes 7, No 0, Abstained 0*)
MOVER: Shirley Whitt
AYES: Teri Murphy, Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Donald Burchett
NAYS: None
ABSTAIN: None

Approval of Minutes

Special City Council Meeting Minutes - September 11, 2025

Mayor Murphy asked if there were any changes or corrections to the September 11, 2025, Special Council meeting minutes. Hearing none, the minutes were approved as submitted.

Regular City Council Meeting Minutes - September 11, 2025

Mayor Murphy asked if there were any changes or corrections to the September 11, 2025, Regular Council meeting minutes. Hearing none, the minutes were approved as submitted.

Special Presentations - None

Public Hearings

RECORD OF PROCEEDINGS

Minutes of City Council

Held September 25, 2025

Law Director Martina Dillon administered an Oath to attendees providing testimony in any of the following public hearings.

R-03-2025 - Zoning District Change from R-2 to B-1 at 6844 Germantown Pike and Additional Land

Open Public Hearing

Mayor Murphy opened the Public Hearing concerning Case R-03-2025 - Zoning District Change from R-2 to B-1 at 6844 Germantown Pike and Additional Land at 6:03 PM.

Staff Report

City Planner Nick Sorice provided Council with the Staff Report from the Technical Review Committee. He reported the developer, A4 Real Estate Group, operated by Josh Allen, is requesting a section of land encompassing 6844 Germantown Pike and additional land which refers to 6888 Germantown Pike for a total of 1.5 acres, be approved for a Zoning District Change of R-2 to B-1. He said at 6844 Germantown Pike, there is a vacant dwelling which is presently a hazard for neighbors and has several property concerns as individuals have been reported breaking into the structure in addition to overgrowth issues surrounding the property. He noted on the Zoning exhibit that there are B-1 districts southwest of Germantown Pike as well as additional B-1 districts on South Union Road. He said in looking at the Comprehensive Plan for future land use at that parcel, the property is indicated as a single family detached dwelling or an R-2 district. He reported the Community Development Department has received numerous e-mails, letters and phone calls. He said the distances of Dollar Generals to this location are included in the packet. He said as a result of the August 19, 2025, Planning Commission meeting, the Planning Commission members recommended the application be denied. He asked Mr. Allen to speak and present to the Council.

Mr. Allen said, as pointed out in the Staff Report, this area has B-1 zoning, and he is asking the City to expand that zoning a little further. He gave a slide presentation showing 3-mile and 1-mile radius business and zoning overlays. He said the location was picked because it does not have direct neighbors. He said the rezoning will also create jobs. He pointed out there were people for and against the rezoning, and he asked Council to take everyone's opinion into consideration. He noted a precedent was made with the rezoning for Wawa.

Opponents/Proponents

The following people spoke in favor of or against the proposed Zoning Dstrict change: Doris Fisher, 6919 Germantown Pike; Mary Getter, 6891 Germantown Pike; Betsy Rainbolt, 6879 Germantown Pike; Kathy Walkup-King, 4488 South Union Road; Brett Scott, 6879 Germantown Pike; Ernestine Byrne, 4510 South Union Road; Kathy McKelvey, 6952 Germantown Pike; and O.L. Garrison, 5571 Shephard Road. Issues cited were store closings, increased traffic, increase in traffic accidents, potential increase in crime, deterioration of rural living, devaluation of property, saturation of dollar stores within five to ten miles of the proposed site, and additional trash. Those in favor look forward to the convenience of a store in the area.

Mrs. Whitt asked how the Beverage Dock and other businesses receive their merchandise?

Pam Crabtree of 6729 Germantown Pike said the Beverage Dock has a straight truck that delivers merchandise, not a semi truck and trailer.

Mr. Garrison responded to Ms. Crabtree's comment and said a commercial truck delivers merchandise to the business.

RECORD OF PROCEEDINGS

Minutes of City Council

Held September 25, 2025

Mr. Josh Allen provided a closing statement addressing the residents' concerns. He reminded Council that the case is about rezoning not Dollar General. He talked about lighting levels and truck deliveries. He mentioned the emails that were sent in support of the rezoning and store.

Close Public Hearing - R-03-2025 - Zoning District Change from R-2 to B-1 at 6844 Germantown Pike and Additional Land

Mayor Murphy closed the Public Hearing at 6:43 PM.

Mr. Davis explained to the audience that a Committee of the Whole meeting follows the Regular City Council meeting. He noted in that meeting, the City Planner will bring up and then Council will vote on whether to push legislation forward for this item. He said a vote will not be taken at either of tonight's meetings.

TA-02-2025 - MCO 521.07 Fences

Open Public Hearing

Mayor Murphy opened the Public Hearing at 6:46 PM.

Staff Report

Mr. Sorice said clarity is needed for fence requirements. He stated the Ohio Building Code requires any fence over six feet in height to have a building permit, and that is language he would like to add to the Moraine Codified Ordinances. He said the amendment also clarifies that spiral barbed wire is not permitted on any fence in any district within the City of Moraine. He did state that three-strand barbed wire is permitted in industrial districts, and anywhere else will require a variance from the Board of Zoning Appeals. He noted any fence repairs would not require a variance. He said fences cannot display rust or damage.

Opponents/Proponents

There were no opponents or proponents to speak on this text amendment.

Close Public Hearing - TA-02-2025 - MCO 521.07 Fences

Mayor Murphy closed the Public Hearing at 6:49 PM.

TA-03-2025 - MCO 1181.04 Standards for Accessory Buildings and Uses in Residential and Agricultural Districts

Open Public Hearing

Mayor Murphy opened the Public Hearing at 6:49 PM.

Staff Report

Mr. Sorice said the text amendments are a touch up on the fencing ordinance changes City staff is trying to make uniform throughout the Moraine Codified Ordinances. He noted barbed wire and electrical fencing are not permitted in residential or agricultural zoned properties; however, sharp-pointed and barbed wire fencing is permitted in agricultural districts only for the use of keeping animals enclosed. He said battery charged fencing is not in the ordinances at all. He noted on July 21, 2022, House Bill 397 passed which included battery-charged fences being allowed in the State of Ohio. He said that is something the City is trying to adopt within the Ordinances as well. He said battery-charged fencing is permitted in nonresidential districts and

RECORD OF PROCEEDINGS

Minutes of City Council

Held September 25, 2025

agricultural districts upon the issuance of a zoning permit and shall comply with the Ohio Revised Code (ORC) 3781.1011. Mr. Sorice highlighted the addition of corner lots, double frontage lots, and reverse corner lots and stated encing requirements are added as regulations as they were not in the code prior, and there are examples of those types of lots in the packet. He discussed fencing language and zoning enforcement.

Ms. Marcus asked if the electric fencing includes dog fences?

Mr. Sorice replied no. He discussed the Copart fence as an example.

Opponents/Proponents

There were no opponents or proponents to speak on this text amendment.

Close Public Hearing - TA-03-2025 - MCO 1181.04 Standards for Accessory Buildings and Uses in Residential and Agricultural Districts

Mayor Murphy closed the Public Hearing at 6:55 PM.

TA-04-2025 - MCO 1181.05 Standards for Accessory Buildings and Uses in Conservation, Business and Industrial Districts

Open Public Hearing

Mayor Murphy opened the Public Hearing at 6:56 PM.

Staff Report

Mr. Sorice said these text amendments are regarding fencing requirements as listed in the attached language designed to clarify regulations as in the previous item.

Opponents/Proponents

There were no opponents or proponents to speak regarding this text amendment.

Close Public Hearing - TA-04-2025 - MCO 1181.05 Standards for Accessory Buildings and Uses in Conservation, Business and Industrial Districts

Mayor Murphy closed the Public Hearing at 7:00 PM.

TA-06-2025 - New MCO Section "Mobile Food Vendors"

Open Public Hearing

Mayor Murphy opened the Public Hearing at 7:01 PM.

Staff Report

Mr. Sorice said this is a lengthy Ordinance and will be going into supplemental regulations if approved, which is Chapter 1185. He said food trucks are very popular in the City of Moraine, and the City does not have any regulations. He reported he did extensive research with other jurisdictions on food truck provisions, and he worked with the Law Director on the language. He said the City wants to make sure vendors have legal grounds to operate food trucks. He said the regulations do not affect one-day events. He stated the City wants to make sure sanitary and health regulations are being followed and that the vendors are in proper locations.

RECORD OF PROCEEDINGS

Minutes of City Council

Held September 25, 2025

Mrs. Whitt confirmed that the City of Moraine is not responsible for health permits and those permits are regulated by Montgomery County.

Mr. Daugherty asked if there is any concern with a vendor bouncing from location to location every three days?

Mr. Sorice said that is something the City would need to look at and confirm with landowners.

Opponents/Proponents

There were no opponents or proponents to speak regarding this text amendment.

Close Public Hearing - TA-06-2025 - New MCO Section "Mobile Food Vendors"

Mayor Murphy closed the Public Hearing at 7:10 PM.

TA-07-2025 - MCO 1412.02 Parking, Introduction of Gravel Pads and Provisions

Open Public Hearing

Mayor Murphy opened the Public Hearing at 7:11 PM.

Staff Report

Mr. Sorice said this text amendment is for the introduction of allowing a gravel pad in the side and/or rear yard only for the purpose of parking only one vehicle, one recreational vehicle, and one utility trailer along with the provisions for a zoning permit to be issued. He said this Section also prohibits new gravel driveway installation or gravel driveway additions. He said in the Moraine Codified Ordinances, businesses cannot have gravel parking lots. He said this does not apply to permitted agricultural uses. He discussed the specifications of the pad. He said the City is trying to help residents find ways to park. He said a permit and engineer review is required. He said current gravel pads are grandfathered in.

Mrs. Whitt asked Mr. Sorice to clarify where boats and campers are allowed to park currently.

Mr. Sorice replied in the driveway, in the side or rear yard as long as they are on a concrete pad or gravel pad. He said the Planning Commission tried to recommend an Ordinance change for recreational and utility vehicles, but those were tabled and not brought before Council.

Mayor Murphy asked what the time restriction is for street parking?

Mr. Sorice replied 48 hours is the limit.

Opponents/Proponents

There were no opponents or proponents to speak regarding this text amendment.

Close Public Hearing - TA-07-2025 - MCO 1412.02 Parking, Introduction of Gravel Pads and Provisions

Mayor Murphy closed the Public Hearing at 7:16 PM.

TA-08-2025 - MCO 505.08 Cruelty to Animals

Open Public Hearing

RECORD OF PROCEEDINGS

Minutes of City Council

Held September 25, 2025

Mayor Murphy opened the Public Hearing at 7:16 PM

Staff Report

Mr. Sorice remarked this text amendment addition is to include all animals on the list and businesses that house animals. He reported the establishments are to comply with proper care of and supply of nutrients to animals including amphibians, birds, fish, mammals, and reptiles. He said this amendment will give the City of Moraine the authority to investigate any wrongdoing, as the City has had an incident in the past where its hands were tied from further investigation of a pet store due to the City's ordinances. He said the amendments help to ensure the safety of all animals in the City of Moraine.

Mr. Daugherty asked Mr. Sorice to explain how the City's hands were tied?

Mr. Sorice said the City received a report that a business had several amphibians, fish and animals that were not being fed properly. He said the Humane Society could not get involved without an ordinance from the City.

Opponents/Proponents

There were no opponents or proponents to speak regarding this text amendment.

Close Public Hearing - TA-08-2025 - MCO 505.08 Cruelty to Animals

Mayor Murphy closed the Public Hearing at 7:25 PM.

Mr. Sorice thanked everyone who helped with all of the text amendments.

Reports from the Following

Finance Committee

No report.

Finance Director

August 2025 Finance Director Report

Mrs. Williams reported that the August Financial Report is included in the packet. She stated that she attended the Ohio Government Finance Officers Association conference last week. She thanked Council for the opportunity to attend.

Committee of the Whole

Ms. Marcus noted the last Committee of the Whole meeting was on September 11, 2025. She reported there would be a meeting this evening following the Regular City Council meeting.

City Manager

City Manager's Report — September 25, 2025

Mr. Davis reported the City is considering spraying for mosquitoes again this year in the coming weeks. He stated Council was supportive last year and asked if there is any opposition to spraying this year. No opposition was expressed.

RECORD OF PROCEEDINGS

Minutes of City Council

Held September 25, 2025

Law Director

No report.

Mayor

No report.

Guest Speakers - None

Business - None

Persons Appearing Before Council

Mr. Sorice expressed condolences to the Clerk of Council on the passing of her brother.

Fire Chief Traci Kuzminski invited residents to attend the Fire Safety Fest on Tuesday, October 7, 2025.

Mr. Davis expressed condolences to Ms. Powell and also to Lieutenant Strong on the passing of his father.

Mr. Vietor stated that leaf collection will begin soon.

Any Other Business

Mr. Miller and Mrs. Allen offered condolences to Ms. Powell and Lieutenant Strong.

Ms. Marcus reported she and Ms. Allen attended the First Suburbs Consortium on September 24, 2025. She discussed infill housing which was a topic of the meeting.

Mrs. Whitt expressed her condolences. She wished Mr. Miller a Happy 70th Birthday.

Mr. Miller thanked everyone for the prayers through the years.

Mrs. Allen said Mr. Miller gave a tremendous presentation to the Moraine Senior Citizens on September 24, 2025.

Mayor Murphy expressed her condolences to Lieutenant Strong and Ms. Powell. She reminded residents the City Shredding Event will be held on Saturday, October 4, 2025, from 9:00 AM to 11:00 AM at the Payne Recreation Center. She invited everyone to the Fire Safety Fest which is held on the first Tuesday of October. She said the Christmas Smiles Program online registration began September 17, 2025, and runs through October 15, 2025. She said this is only open to Moraine residents. She provided donation and adoption information. She thanked the Miami Valley Communications Council for broadcasting this meeting live as well as any future rebroadcasts.

Executive Session - None

Adjournment

Meeting adjourned at 7:33 PM.

RECORD OF PROCEEDINGS

Minutes of City Council

Held September 25, 2025



Mayor Teri Murphy



ATTEST: Public Information Officer, Aaron Vietor