

## Minutes of the Miami Township Board of Trustees Regular Meeting

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March 22, 2016

Trustee President Douglas Barry called the Miami Township Board of Trustees Regular meeting to order on Tuesday, March 22, 2016 at 7:02 pm and led in the reciting of the Pledge of Allegiance. The following were present:

Elected Officials:

Douglas Barry – Trustee President  
Robert Matthews Jr. – Trustee Vice President  
Andrew Papanek – Trustee  
Ann Barhorst – Fiscal Officer

Township Staff:

Greg Rogers – Township Administrator  
Ron Hess – Police Chief  
Dan Mayberry – Public Works Director  
Clay McCord – Finance Director  
Chris Snyder – Community Development Director  
Kyle Hinkelman – Community Development, Deputy Director

Mukesh Singh – Compliance Director - Absent

### Recognition of guests

Mr. Barry recognized Aaron Newell the Fiscal Officer-Elect who was in attendance and who will be starting his term of office next month.

### CONSENT AGENDA

All matters under the Consent Agenda are considered by the Board of Trustees to be routine and will be enacted by one motion. Any Trustee may remove an item from the Consent Agenda by request. No second is required for removal of an item. Items removed for separate discussion will be considered after the motion to approve the Consent Agenda.

- A. Meeting Minutes
- March 8, 2016

- B. Payroll and Bills
- Payroll dated March 18, 2016 total \$182,951.71.
  - Regular check run checks 66735 - 66779, totaling \$133,790.78.
  - Write on check run checks 66780 - 66788, totaling \$1,786.82.

Mr. Barry motioned and Mr. Papanek seconded the motion to approve the Consent Agenda items.

Mr. Barry -           yes  
Mr. Matthews -    yes  
Mr. Papanek-       yes

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### NEW BUSINESS

#### Department Reports

**Admin-** Greg Rogers discussed the following item:

1. To support the continuation of a tax abatement within the enterprise zone for Brixey & Meyer (Resolution 022-2016)  
This is a 60%, 10-year enterprise zone that must be reviewed annually. The Tax Incentive Review Council has reviewed and renewed the commitment.

**Police-** Chief Hess discussed the following item:

1. To authorize the Township Administrator to enter into an agreement for participation in Montgomery County Regional Radio Council (Resolution 023-2016)  
Chief Hess explained that this is a renewal of the agreement entered into last year for the P-25 Marx Radio System and this is a continuation of our involvement within the Radio Council.

**Public Works-** Dan Mayberry stated that he had nothing formal for the Board this evening and thanked Mr. Eric Flasher for his efforts on the Street Levies.

**Community Development-** Chris Snyder discussed the following items:

1. To execute a development agreement (Resolution 024-2016)  
This is for a development agreement with Scannell Properties for a distribution facility to be located on Byers Road.
2. To enter into a maintenance agreement for sidewalks and bikeways on Byers Road (Resolution 025-2016)  
This is a maintenance agreement with Scannell Properties as they will be taking over maintenance of the sidewalks and bikeways that will be in the public rights of way adjacent to the distribution center project on Byers Rd.

**Community Development/IT-** Kyle Hinkelman stated that he had nothing formal for the Board this evening.

**Finance-** Clay McCord stated that he had nothing formal for the Board this evening.

**Compliance-** Mukesh Singh was not in attendance this evening, so Greg Rogers on his behalf discussed the following item:

1. To amend the pay schedule (Resolution 026-2016)  
This change is part of the strategic plan and compensation plan for the Township. Mr. Singh continues to research pay scales and personnel issues. This pay schedule amendment adjusts the pay range for department heads but no one is getting a raise at this time..

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### PUBLIC COMMENTS

**Eric Flasher**, 2868 Loris Drive, stated that he had formed the Political Action Committee (PAC) for Miami Township road levy. The PAC had about 25 volunteers and donors including three corporations. Approximately 3,900 door hangers were distributed across all precincts within the township. Mr. Flasher expressed his appreciation for the assistance everyone gave and stated it was a great learning experience.

**Paul Baker**, 2909 Owendale Drive, complained about the sidewalks in his area of the township. He said that Dayton and Kettering have the same problem, but they are willing to fix it. He stated that he read an article that said the township applied for a grant to put in sidewalks from Meijer to the Dayton Mall. He asked if this was more sidewalks with no maintenance. Mr. Barry explained that the grant is for sidewalks over I-75 on Lyons Road. Mr. Baker wants to know when the sidewalks will be fixed in his neighborhood.

### VOTING ON RESOLUTIONS

#### Resolution 022-2016

Mr. Papanek motioned and Mr. Matthews seconded the motion to approve Resolution 022-2016 to support the continuation of a tax abatement within the enterprise zone for Brixey & Meyer, Inc. / Eagles Real Estate Group, LLC, 2991 Newmark Dr.

Mr. Barry -	yes
Mr. Matthews -	yes
Mr. Papanek-	yes

#### Resolution 023-2016

Mr. Barry motioned and Mr. Papanek seconded the motion to approve Resolution 023-2016 to authorize the Township Administrator to enter into an agreement for participation in the Regional Council of Governments known as the Montgomery County Regional Radio Council.

Mr. Barry -	yes
Mr. Matthews -	yes
Mr. Papanek-	yes

#### Resolution 024-2016

Mr. Matthews motioned and Mr. Papanek seconded the motion to approve Resolution 024-2016 to authorize the execution and delivery of a development agreement between Miami Township and Scannell Properties for a project within Miami Township located on the Byers Road corridor.

Mr. Barry commented that this is a great example of accomplishing what the citizens have asked be done which is to find new funding opportunities and provide services to the community without raising taxes. Mr. Barry thanked the Community Development Department for their involvement in this project.

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Mr. Papanek echoed Mr. Barry's comments and recognized both Chris Snyder and Kyle Hinkelman for their efforts on this project.

Mr. Barry - yes  
Mr. Matthews - yes  
Mr. Papanek- yes

### Resolution 025-2016

Mr. Barry motioned and Mr. Papanek seconded the motion to approve Resolution 025-2016 to authorize the Township Administrator to enter into a maintenance agreement for sidewalks and bikeways for the Fed-Ex Facility on Byers Road.

Mr. Barry added that Fed-Ex will be maintaining these sidewalks, not the township.

Mr. Barry - yes  
Mr. Matthews - yes  
Mr. Papanek- yes

### Resolution 026-2016

Mr. Papanek motioned and Mr. Matthews seconded the motion to approve Resolution 026-2016 to amend the Miami Township 2016 pay schedule effective immediately.

Mr. Papanek reiterated Mr. Rogers' earlier statement that there are no wage increases.

Mr. Barry - yes  
Mr. Matthews - yes  
Mr. Papanek- yes

## PUBLIC HEARINGS

### Zoning Case 222-88

To adopt a final development plan for Austin Landing - Area 9 final tenant fit-up, under Zoning Case #222-88, Bar 145.

Mr. Barry motioned and Mr. Matthews seconded the motion to open public hearing for Zoning Case 222-88 concerning Bar 145.

Mr. Barry - yes  
Mr. Matthews - yes  
Mr. Papanek- yes

Mr. Hinkelman, Miami Township Deputy Director of Community Development, stated this is a final tenant fit up for Bar 145, located west of Penny Lane, north and east of Innovation Dr. and south of the existing parking garage. Bar 145 will be a 6,200 square foot restaurant with a 1,233 square foot patio.

The zoning commission recommended the above changes with a vote of 3-0.

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No one came forward as a Proponent or an Opponent in this case.

Mr. Barry motioned and Mr. Matthews seconded the motion to close public hearing for Zoning Case 222-88.

Mr. Barry -       yes  
Mr. Matthews -   yes  
Mr. Papanek-     yes

Mr. Barry motioned and Mr. Matthews seconded the motion to approve Resolution 027-2016 to adopt a final development plan for Austin Landing - Area 9, under Zoning Case 222-88, for lands zoned "PD-5", planned mixed use and uphold the Zoning Commission recommendation.

Mr. Barry -       yes  
Mr. Matthews -   yes  
Mr. Papanek-     yes

### **Zoning Case 271-94**

To adopt a major modification to a preliminary development plan for the Zengel Property planned development, under Zoning Case #271-94, for lands zoned "PD-3" planned business district.

Mr. Barry motioned and Mr. Matthews seconded the motion to open public hearing for Zoning Case 271-94 concerning the Zengel Property.

Mr. Barry -       yes  
Mr. Matthews -   yes  
Mr. Papanek-     yes

Mr. Hinkelman, Miami Township Deputy Director of Community Development, stated this property is located east of State Route 741, south of Silvercliff Drive and north of Habitat Boulevard. The applicant is requesting 3.39 acres of the 15 acre property to have a different set of development standards to permit an automobile dealership with service and repair facilities.

The zoning commission recommended the above changes with a vote of 3-0

Mr. Hinkelman stated that as part of the approval process from the department, staff must review the codes and make certain they comply with the standards. Many of the standards are very clear. They state for a plan to be approved certain things must be provided, one of those is showing traffic control. The primary way to do this is to have a Traffic Impact Study (TIS) completed. The study would show what access is permitted on an ODOT roadway and would allow the understanding of whether or not full access, partial access, or no access should be granted to a parcel. A TIS has not been completed on this project. Without the TIS, the staff was unable to recommend approval of this case.

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Mr. Barry asked how often we require the TIS to be done for developments. Mr. Hinkelman responded that anyone requiring access off State Route 741 would require a TIS be completed. Mr. Hinkelman stated that the length of time to complete a study can be 6-7 months, and that the applicant applied in December 2015 with their certified traffic study and is currently waiting for a response from ODOT. Mr. Hinkelman also stated that recent TIS studies had been completed on the Fed-Ex facility on Byers Rd., Austin Landing, and Austin Park. Mr. Matthews inquired about the length of time to complete those TIS studies. Mr. Hinkelman replied that he couldn't give a timeline as TIS studies are usually done at the beginning of a development project.

**Alex Arestides**, 1872 North Lakeman Drive, representing the White family who is interested in building the dealership. Mr. Arestides discussed an e-mail from ODOT that indicated the TIS would be completed in April. He also indicated that the White family is willing to comply with all standards to which they would be held accountable including design, sidewalk, building requirements and any other requirements set forth by the board including the buffer zone area.

**Steve Pitchel**, 5970 Mad River Road, is the architect for the White family who would like to build on the lot just to the north of the White-Allen European Auto Group – a Land Rover, Jaguar, Porsche, Audi, and Volkswagen dealership. The used car portion of the dealership would be located on this lot and be an extension of the existing business. He also said that the entrance from 741 can be relocated if ODOT requires it to be further away from the Vienna Parkway intersection.

**Adam Zengel**, 6759 Greenpark Drive, is speaking on behalf of the Zengel family who currently own the property. Mr. Zengel acknowledged the current zoning restrictions that his family helped develop, but felt that the White family would build an impressive facility to go along with their current dealership. Mr. Zengel stated that his family had requested the buffer zone be at least 50 foot and not just the 25 foot that is required.

**Carolyn Root**, 6858 Lorien Woods, is concerned about keeping a barrier between the residential property and the new development. She expressed concern that while rules and restrictions were put in place in 1994 they can be so easily changed later for different plans to make a dollar. She asked that the buffer between her property and the proposed changes be enforced to the rules in force now. She also mentioned that while the existing White building is a distance away, their trash containers are located close to their property and the trash pickup is at 4:52 am, which is quite disturbing. Mr. Zengel stated he has no plans to remove the buffer including the honeysuckle that is currently in place. Mr. Hinkelman stated that for this proposed project none of the natural buffer will be removed.

**Karol Hadick**, 6866 Lorien Woods, had a question about the property line. At the Zoning meeting, she thought the property line was going through the existing barn. Mr. Zengel explained that the existing barn will be demolished because the proposed new property line

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will go through the structure. Ms. Hadick also expressed concern about potential noise levels from cars parked at the back of the lot and the trash collection.

Ms. Root asked if a noise barrier would also be installed since there will be cars being tested. Mr. Pitchel stated that the cars on the back lot are for those cars that are just taken in and getting ready for sale not currently being shown. The cars in the front of the lot will be their target sales cars. As for the noise from the trash collection, Mr. Pitchel stated that Mr. White is working with Rumpke to change the trash collection time so as to not disturb nearby homeowners.

Mr. Barry motioned and Mr. Matthews seconded the motion to close public hearing for Zoning Case 271-94.

Mr. Barry -           yes  
Mr. Matthews -    yes  
Mr. Papanek-       yes

Mr. Barry motioned and Mr. Matthews seconded the motion to **approve** Resolution 028-2016 to adopt a major modification to a preliminary development plan for the Zengel Property planned development under Zoning Case 271-94, for lands zoned "PD-3" planned business district and **uphold** the Zoning Commission recommendation.

Mr. Barry -           yes  
Mr. Matthews -    yes  
Mr. Papanek-       yes

**COMMENTS FROM THE BOARD**

**Ann Barhorst** stated that this is the final meeting of her four-year term, and that is has been a privilege serving as the township's Fiscal Officer. She thanked the Trustees and the township staff for all of their support, cooperation, and many hours of work that go into running the township successfully.

**Andrew Papanek** commended and thanked Eric Flasher for his work on the road levy. Mr. Papanek commended Ann Barhorst on her four year term, on the job she has done, the professionalism that she has brought to the table and working together with the trustees to improve the township.

**Robert Matthews** thanked Eric Flasher for the work he did for the road levy. Mr. Matthews thanked Ms. Barhorst for her attention to detail, integrity, work ethic and constant efforts to keep the costs under control. Mr. Matthews thanked the Zoning Board and staff for their hard work on the Zengel case tonight. Mr. Matthews thanked the residents for coming to the meeting.

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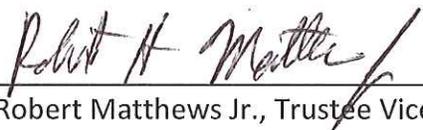
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Douglas Barry thanked the residents who came tonight to discuss the project. Mr. Barry thanked Ms. Barhorst for her hard work and stated that she is leaving the office in better shape than when she started four years ago.

Mr. Barry adjourned the meeting at 8:18 pm.

  
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Douglas Barry, Trustee President

  
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Robert Matthews Jr., Trustee Vice President

  
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Andrew Papanek, Trustee

  
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Ann Barhorst, Fiscal Officer

AMB: pdb