Trustee President Douglas Barry called the Miami Township Board of Trustees Regular meeting to order on Tuesday, August 23, 2016 at 6:00 pm and led in the reciting of the Pledge of Allegiance. Attendance was as follows:

Elected Officials:		Present	Absent
Douglas Barry	Trustee President	X	
Robert Matthews Jr.	Trustee Vice President	X	
Andrew Papanek	Trustee	X	
Aaron Newell	Fiscal Officer	X	
Township Staff:			
Greg Rogers	Township Administrator	X	
Ron Hess	Police Chief	X	
Dan Mayberry	Public Works Director	X	
Clay McCord	Finance Director	X	
Mukesh Singh	Compliance Director	X	
Chris Snyder	Community Development Director	X	
Kyle Hinkelman	Community Development, Deputy Director	X	

RECOGNITION OF FIRST RESPONDERS CASUALTIES

Chief Hess read the latest casualties of the First Responders who gave the ultimate sacrifice for the community they serve. Tonight we honor and remember the following officers with a moment of silence:

First Responder	Location		First Responder	Location
Sergeant Shawn Miller	West De Moines, IA		Officer Justin Scherlen	Amarillo Police Dept. TX
Special Agent De'Greaun Frazier	Tennessee Bureau of Investigation, TN		Corporal Bill Cooper	Sebastian County Sheriff's Office, AR
Border Patrol Agent Manuel Alvarez	US Dept of Homeland Security		Officer Jose Chavez	Hatch Police Department, NM
Officer Timothy Kevin Smith	Eastman Police Department, GA		Officer Shannon Brown	Fenton Police Department, LA
K-9 Amico	Kingman Police Dept, AZ		Ret. K-9 Torro	Miamisburg Police Dept, OH

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
   - August 9, 2016

B. Payroll and Bills
   - Payroll dated August 19, 2016 total $194,292.56.
   - Regular check run checks 67426 - 67450, totaling $37,693.03.
   - Write on check run checks 67521 -67541, totaling $508,480.96.

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

	Yes	No	Abstain
Mr. Barry	X		
Mr. Matthew	X		
Mr. Papanek	X		

NEW BUSINESS

Department Reports

Administration: Greg Rogers reported that Friday August 26th will begin the Lebanese Festival and all are invited to come.

Police: Chief Hess discussed the following items:

1. Approval of a liquor license- Staybridge Suites Hotel, Austin Landing
   The police department conducted the necessary background checks and did not identify any concerns. They are recommending approval of the license.

2. Authorizing the Township Administrator to sign a contract with Sandy's Towing for the tow franchise agreement for the Miami Township Police Department, (Resolution 064-2016)
   Recently an ad was placed with a closing date of August 4th for bids for a towing service for the township. Professional Standards Captain Johnson handled the bidding process, and Sandy's Towing was the sole bid received. For these services they have agreed to pay the township $40,000 annually.

Public Works: Dan Mayberry had nothing formal for the board.

Community Development: Chris Snyder discussed imposing a moratorium of six months on the issuance and processing of any permits allowing cultivators, processors and/or retail dispensaries of medical marijuana within the township (Resolution 065-2016). Mr. Snyder stated that House Bill 523 which passed on June 8, 2016 legalized the use of medical marijuana in Ohio. However, formal processes for determining the rules and regulations for these type of facilities and operations are not in place. The township should not issue any permits allowing cultivators, processors or retail dispensaries until the proper rules and regulations are in place. This resolution does not prohibit anyone who has legally obtained a prescription for medical

marijuana to have and use it in the township. This proposed moratorium indicates that during this time period, the township will not issue any permits for the growing, processing or selling of medical marijuana.

Community Development/IT: Kyle Hinkelman had nothing formal for the board.

Finance: Clay McCord had nothing formal for the board.

Compliance: Mukesh Singh had nothing formal for the board.

PUBLIC COMMENTS

Michael Keller, 7480 Mad River Rd, a criminal defense attorney and retired USAF military officer. Mr. Keller stated that he has used medical marijuana for chronic depression and PTSD and has become an advocate for the use of medical marijuana. Mr. Keller stated that opiate deaths have decreased up to 25% in states with legalized medical marijuana laws. Mr. Keller also stated that alcohol, tobacco and pharmaceuticals kill more than all illegal drugs combined, and indicated that not one marijuana overdose death has been recorded. Mr. Keller indicated that he would rather see the township take a pro-active stance on this issue and not impose the six-month moratorium.

Mr. Barry stated that this moratorium isn't closing any dialogue. The township is governed by the Ohio Revised Code and cannot proceed without the rules and regulations from the state.

VOTING ON MOTIONS & RESOLUTIONS

Motion for a Liquor Permit for Staybridge Suites Hotel, Austin Landing

Mr. Barry motioned and Mr. Matthews seconded the motion to **approve** the motion for a Liquor Permit for Staybridge Suites Hotel, Austin Landing.

	Yes	No	Abstain
Mr. Barry	X		
Mr. Matthews	X		
Mr. Papanek	X		

Resolution 064-2016

Mr. Papanek motioned and Mr. Matthews seconded the motion to approve Resolution 064-2016 to authorize the Township Administrator to sign a contract with Sandy's Towing, Recovery and Carrier Service for the tow franchise agreement for the Miami Township Police Department for the annual rate of $40,000.

	Yes	No	Abstain
Mr. Barry	X		
Mr. Matthews	X		
Mr. Papanek	X		

Resolution 065-2016

Mr. Matthews motioned and Mr. Barry seconded the motion to approve Resolution 065-2016 to impose a moratorium of six months on the issuance and processing of any permits allowing cultivators, processors, and retail dispensaries of medical marijuana within the township.

	Yes	No	Abstain
Mr. Barry	X		
Mr. Matthews	X		
Mr. Papanek	X		

PUBLIC HEARINGS

Zoning Case 271-94

To adopt a final development plan for the Zengel Property planned development, new auto dealership, under Zoning Case #271-94.

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

	Yes	No	Abstain
Mr. Barry	X		
Mr. Matthews	X		
Mr. Papanek	X		

Mr. Hinkelman, Miami Township Deputy Director of Community Development, stated that the property in question is located east of State Route 741, south of Silvercliff Dr. and north of Habitat Blvd. Mr. Hinkelman noted that staff did receive updated plans earlier in the day, but staff has not had significant time to review the updated plans at this time. The total parcel is 15.539 acres, however the area in question is Lot #7 and is 3.29 acres. The applicant originally requested to approve the building design, landscaping, lighting and elevation for a pre-owned car dealership of 9,000 sq. ft. The revised plan under consideration is requesting a Volkswagen dealership of 20,200 sq. ft. The overall lot size has not changed, and the increased building area will come from a reduction in parking spaces.

Mr. Hinkleman noted that explicit standards, agreed upon earlier in the year, were not met with the design plans submitted to and reviewed by the Zoning Board. The landscaping plan was deficient in two areas, several required deciduous trees were replaced with evergreens, and a required 36-inch screening of shrubs along 741 was not included. In addition, the lighting plan and the proposed roof design did not meet the agreed upon standards.

The zoning commission recommended **denial** with a vote of 4-0.

Tim White Jr with White-Allen, 2 River Place, Suite 444 Dayton, stated that the current facility handles new and used cars for their Volkswagen, Audi, Porsche, Jaguar and Land Rover brands. Based upon feedback from the other manufacturers, White-Allen decided to pursue a stand-alone building for the Volkswagen brand. White-Allen has been working with Volkswagen designers to meet most of design requirements of Miami Township except the pitched roof. Currently there is no Volkswagen franchise in the U.S. with a pitched roof. Mr. White stated that they thought evergreens would make a better year round buffer because the deciduous trees would leave an approximate 4-month gap during the winter.

Steve Pitchel, 5970 Mad River, is the architect for White-Allen. Mr. Pitchel clarified the lighting concern stating that the lighting is LED and programmable so that during the winter months, from 5-9 pm the lights would be at a strength of 20 foot candles, but reduced down to 6 foot candles after the store closes. Mr. Pitchel noted that the proposed roof design does have a small slope and that a full pitched roof would actually cause residents behind the dealership to have less of a view than the proposed roof.

Adam Zengel, 2431 Vienna Parkway, spoke more about the landscaping, roofing and visibility from the residential area behind the dealership.

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

	Yes	No	Abstain
Mr. Barry	X		
Mr. Matthews	X		
Mr. Papanek	X		

Mr. Barry motioned and Mr. Matthews seconded the motion to **deny** Resolution 066-2016 to approve a major modification to a final development plan for Zoning Case 271-94 and **uphold** the Zoning Commission recommendation.

	Yes	No	Abstain
Mr. Barry	X		
Mr. Matthews	X		
Mr. Papanek	X		

COMMENTS FROM THE BOARD

Douglas Barry reminded those in attendance that Wednesday is the Breakfast with the Board at Cox Arboretum at 8:00 am.

Mr. Barry adjourned the meeting at 6:52 pm.

Douglas Barry, Trustee President

Robert Matthews Jr., Trustee Vice President

Andrew Papanek, Trustee

Aaron Newell, Fiscal Officer

AFN: pdb