

**RESOLUTION #001-2019**

**RESOLUTION TO APPROVE AN APPROPRIATION OF FUNDS FOR 2019**

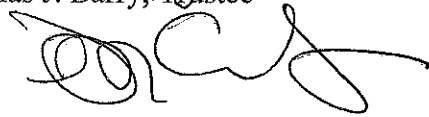
**Whereas,** the annual appropriations for 2019 are to provide for expenditures for the fiscal year ending December 31, 2019; and

**Whereas,** it is necessary to approve an appropriation of funds for Miami Township; and

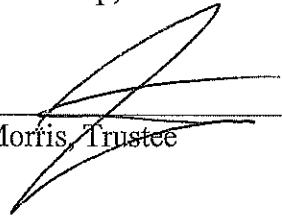
**Therefore Be It Resolved,** the Board of Trustees of Miami Township, Montgomery County, Ohio, approves the annual appropriations for 2019 and forwards the attached copy to the Montgomery County Auditor.



\_\_\_\_\_  
Douglas J. Barry, Trustee

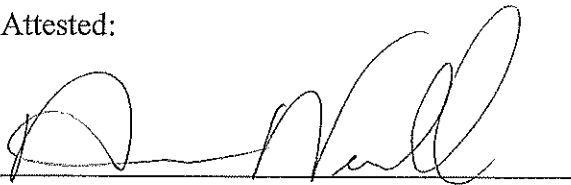


\_\_\_\_\_  
Donald R. Culp, Trustee



\_\_\_\_\_  
John Morris, Trustee

Attested:



\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: January 8, 2019

RLH:nsc

**RESOLUTION # 002-2019**

**RESOLUTION TO ADOPT A MAJOR MODIFICATION TO THE  
PRELIMINARY DEVELOPMENT PLAN FOR THE AUSTIN PARK  
PLANNED DEVELOPMENT, LOT TWO AND LOT THREE UNDER  
ZONING CASE #417-14**

**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, January 8, 2019; and

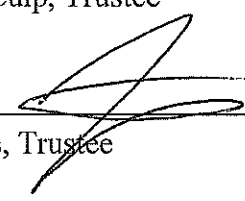
**Whereas,** Zoning Case #417-14, filed by Joseph "Jay" V. Tortorice, proposes a major modification to the preliminary development plan for Lot 2 and Lot 3 and modifications to the development standards of the Austin Park Planned Development; and

**Whereas,** the Trustees reviewed said Zoning Case in a Public Hearing; and

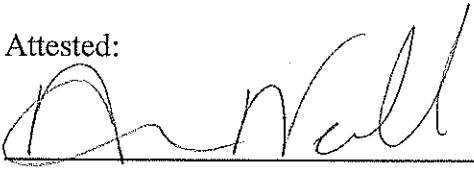
**Therefore Be It Resolved,** the Miami Township Board of Trustees approve  
the Major Modification to the Preliminary Development Plan and  
development standards under Zoning Case #417-14 and uphold  
the Zoning Commission recommendation.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee

  
\_\_\_\_\_  
Donald R. Culp, Trustee

  
\_\_\_\_\_  
John Morris, Trustee

Attested:


  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer  
Passed: January 8, 2019  
RLH:nsc

**RESOLUTION #003-2019**

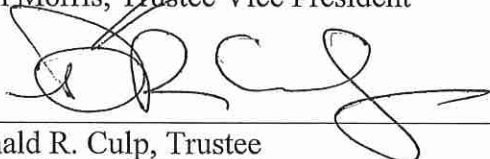
**RESOLUTION TO AUTHORIZE SALE OF POLICE K-9 TO  
OFFICER DOUGLAS HESLER**

- Whereas,** the Ohio Revised Code Section 9.62 establishes procedures by which Miami Township can sell a police dog from a disbanded canine unit; and
- Whereas,** regulations are being followed in accordance with the Ohio Revised Code; and
- Whereas,** Miami Township has a desire to sell its K-9 Coron which is no longer needed; and
- Whereas,** Officer Douglas Hesler wishes to purchase K-9 Coron for a price of \$1.00; and

**Therefore Be It Resolved,** in accordance with the Ohio Revised Code Section 9.62, Miami Township Board of Trustees authorizes the sale of K-9 Coron to Officer Douglas Hesler in the amount of \$1.00, effective February 3, 2019.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer

Passed: January 22, 2019

RLH:sld

**RESOLUTION #004-2019**


**RESOLUTION TO AUTHORIZE THE TOWNSHIP ADMINISTRATOR  
TO EXECUTE THE NECESSARY DOCUMENTS TO SECURE AN  
AGREEMENT WITH MONTGOMERY COUNTY RECORDS  
COMMISSION AND MICROFILMING BOARD**

- Whereas,** Miami Township is desirous of retaining the services of Montgomery County Records Commission & Microfilming Board for microfilming certain documents and storage of certain microfilms; and
- Whereas,** Miami Township is authorized by the Ohio Revised Code to secure an agreement, if the amount is under the statutory bidding requirement; and
- Whereas,** Miami Township is satisfied with said services and the Director of Community Development is recommending the signing of an agreement with Montgomery County Records Commission & Microfilming Board; and


**Therefore Be It Resolved,** the Miami Township Board of Trustees authorizes the Township Administrator to execute the necessary documents to secure an agreement with Montgomery County Records Commission & Microfilming Board and establishing rates for the creation and storage of microfilm records from January 1, 2019 through December 31, 2019 as outlined in the agreement on file with Miami Township.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_  
Aaron J. Newell, Fiscal Officer  
Passed: January 22, 2019  
RLH:nsc

**RESOLUTION #005-2019**

**RESOLUTION TO DECLARE IT NECESSARY TO RENEW A TAX LEVY  
IN EXCESS OF THE TEN (10) MILL LIMITATION FOR THE  
POLICE DEPARTMENT**


**Whereas,** the amount of taxes which may be raised within the ten (10) mill limitation will be insufficient to provide an adequate amount for the necessary requirements of said Miami Township, Montgomery County, Ohio; and

**Therefore Be It Resolved,** by the Board of Trustees of Miami Township, Montgomery County, Ohio, two thirds of all members elected thereto concurring, that it is necessary to levy a tax in excess of the ten (10) mill limitation for the benefit of the unincorporated area of Miami Township – Montgomery County, Ohio, for the purpose of paragraph (J) Section 5705.19 of the Revised Code, “providing and maintaining motor vehicles, communications, other equipment, buildings, and sites for such buildings used directly in the operation of the Police Department, or the payment of salaries of permanent or part-time police, communications, or administrative personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.33 of the Revised Code, or for the payment of other related costs at a rate not exceeding 5.50 mills for each one dollar of valuation, which amounts to \$0.550 for each one hundred dollars of valuation for five (5) years, and which is a replacement of an existing levy of 5.00 mills commencing in 2019, first due in calendar 2020; and


**Be It Further Resolved,** said levy be placed upon the tax list to be collected in the calendar year of 2020, if a majority of the electors voting thereon vote in favor thereof; and

**Be It Further Resolved,** the Fiscal Officer of this Board of Trustees be and is hereby directed to certify a copy of this Resolution to the Board of Elections, Montgomery County, not less than ninety (90) days before the election upon which it will be voted, and notify said Board of Elections to cause notice of election on the question of levying said tax to be given as required by law.

**SIGNATURE PAGE FOR RESOLUTION #005-2019 ONLY**

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer

Passed: January 22, 2019

RLH:ccm

**OFFICIAL QUESTIONS AND ISSUES BALLOT  
PRIMARY ELECTION – MAY 7, 2019  
MONTGOMERY COUNTY**

**PROPOSED TAX LEVY (REPLACEMENT)**

**MIAMI TOWNSHIP – MONTGOMERY COUNTY, OHIO  
(UNINCORPORATED)**

**A majority affirmative vote is necessary for passage.**

A replacement tax levy for the benefit of unincorporated areas of Miami Township – Montgomery County, Ohio for the purpose of **PROVIDING AND MAINTAINING MOTOR VEHICLES, COMMUNICATIONS, AND OTHER EQUIPMENT, BUILDINGS, AND SITES FOR SUCH BUILDINGS USED DIRECTLY IN THE OPERATION OF THE POLICE DEPARTMENT, OR THE PAYMENT OF SALARIES OF PERMANENT OR PART-TIME POLICE, COMMUNICATIONS, OR ADMINISTRATIVE PERSONNEL TO OPERATE THE SAME, INCLUDING THE PAYMENT OF EMPLOYER CONTRIBUTIONS REQUIRED FOR SUCH PERSONNEL UNDER SECTION 145.48 OR 742.33 OF THE REVISED CODE, OR FOR THE PAYMENT OF OTHER RELATED COSTS** at a rate not exceeding 5.50 mill for each one dollar of valuation which amounts to \$0.550 for each one hundred dollars of valuation for five (5) years, commencing in 2019, first due in calendar year 2020.

**FOR THE TAX LEVY RENEWAL**

**AGAINST THE TAX LEVY RENEWAL**

## Amended Certificate of Estimated Property Tax Revenue For Miami Township

(Use this form when a taxing authority certifies a millage rate  
and requests the revenue produced by that rate.)

The County Auditor of Montgomery County, Ohio, does hereby certify the following:

1. On December 5, 2018 the taxing authority of Miami Township, certified a copy of its resolution ordinance adopted November 27, 2018, requesting the county auditor to certify the current tax valuation of the unincorporated township and the amount of revenue that would be produced by five (5.50) mills for each one dollar (\$1.00) of valuation, which amounts to fifty-five cents (\$0.55) for each one hundred dollars (\$100.00) of valuation, to levy a tax outside the ten-mill limitation for the police department, pursuant to Revised Code §5705.19 (J), to be placed on the ballot at the May 7, 2019, primary election. The levy type is a 5.50 Mill Replacement Levy for a five (5) year period of time.
2. The estimated property tax revenue that will be produced by the stated millage, assuming the tax valuation of the taxing authority district remains constant throughout the life of the levy, is calculated to be \$3,190,577.
3. The total tax valuation of the taxing authority district used in calculating the estimated property tax revenue is \$610,636,700

Property Class	Assessed Valuation		Millage Rate		Dollars Generated @ 95%
Class 1 Res/Agr	392,303,500	X	5.50	=	2,049,786
Class 2 Com/Ind	199,926,190	X	5.50	=	1,044,614
Public Utility Real Property	69,750	X	5.50	=	364
Public Utility Personal Property	18,337,260	X	5.50	=	95,812
<b>Total</b>	<b>610,636,700</b>				<b>3,190,577</b>

Karl L. Keith  
Auditor, Montgomery County, Ohio

By:  Deputy

**RESOLUTION #006-2019**

**A RESOLUTION TO AUTHORIZE THE ACTING TOWNSHIP  
ADMINISTRATOR TO TERMINATE CONTRACT WITH JUNIPER  
CRE SOLUTIONS TO PROVIDE MARKETING AND  
REAL ESTATE SERVICES**

**WHEREAS,** Pursuant to Resolution #116-2016 adopted December 20, 2016, the Board of Trustees of Miami Township, Montgomery County, Ohio ("Miami Township"), entered into a contract with Juniper CRE Solutions for marketing and real estate services, a copy of which is attached as Exhibit A; and

**WHEREAS,** the contract provides that either party may terminate the agreement at any time with the thirty-day written notice; and

**WHEREAS,** the trustees have determined that it is no longer in the best interest of Miami Township to continue operating under the contract; and

**THEREFORE, BE IT RESOLVED** by the Board of Township Trustees of Miami Township, Montgomery County, Ohio:


Section 1. The Board hereby wishes to terminate the contract with Juniper CRE Solutions attached hereto as Exhibit A, effective 30 days after written notification is provided to Juniper CRE Solutions; and

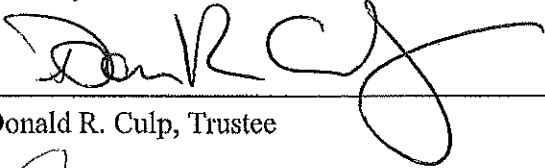
Section 2. The Acting Township Administrator is hereby authorized to promptly provide written notice of the termination of the contract to Juniper Solutions CRE on behalf of the Board; and

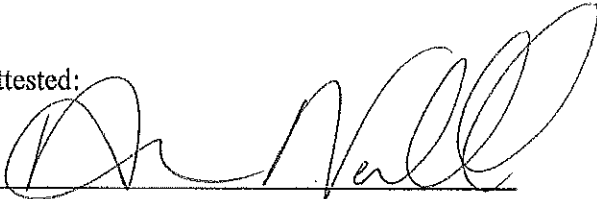
Section 3. This Resolution shall take effect and be enforced from and after the earliest period allowed by law.

**SIGNATURE PAGE FOR RESOLUTION #006-2019 ONLY**

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:  
  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer  
Passed: February 12, 2019  
RLH:nsc

**RESOLUTION #007-2019**

**RESOLUTION TO DECLARE VEHICLES AS SURPLUS PROPERTY  
AND AUTHORIZE THE SALE OF SAID PROPERTY**

**Whereas,** the Ohio Revised Code Section 505.10 establishes procedures by which Miami Township can sell, trade-in, or dispose of Township-owned articles; and

**Whereas,** regulations are being followed in accordance with the Ohio Revised Code; and

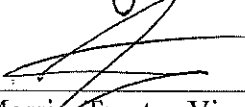
**Whereas,** Miami Township Police Department has a 2004 Ford Crown Victoria Police Interceptor (CVPI), VIN 2FAHP71W74X172548, which is no longer needed, broken and /or worn out and beyond useful purpose; and

**Whereas,** Miami Township Police Department has a 2004 GMC Yukon, VIN 1GKEK63U44J302512, which is no longer needed, broken and /or worn out and beyond useful purpose; and

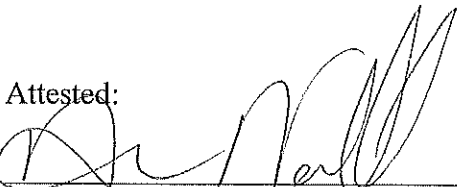
**Whereas,** Miami Township Police Department has a 2008 Ford Crown Victoria Police Interceptor (CVPI), VIN 2FAFP71V08X170581, which is no longer needed, broken and /or worn out and beyond useful purpose; and

**Therefore Be It Resolved,** in accordance with the Ohio Revised Code, Section 505.10, the Miami Township Board of Trustees declares the above listed vehicles as surplus property to be disposed of, sold or traded-in and removed from the Police Department inventory.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:  
  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer  
Passed: February 12, 2019  
RLH:nsc

**RESOLUTION #008-2019**

**RESOLUTION TO AUTHORIZE THE ACTING TOWNSHIP ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE MIAMISBURG CITY SCHOOL DISTRICT TO IMPLEMENT THE SCHOOL RESOURCE OFFICER (SRO) PROGRAM FOR DAYTON CHRISTIAN SCHOOL**

**Whereas,** the Miamisburg City School District is the fiscal agent for Dayton Christian School; and

**Whereas,** Miami Township and Dayton Christian School have formed an effective and successful partnership in providing and promoting school safety; and

**Whereas,** Miami Township and Dayton Christian School wishes to expand the community policing services provided to the school; and

**Whereas,** the Township and Dayton Christian School have decided to expand the services being provided to include a full-time School Resource Officer (SRO) and wish to enter into an agreement for the SRO program; and

**Therefore Be It Resolved,** by the Board of Township Trustees of Miami Township, Montgomery County, Ohio, that:


Section 1. The Acting Township Administrator is authorized to take such actions, or to cause such actions to be taken, on behalf of the Board, including signing agreements or other instruments contemplated by this Resolution, or deemed necessary or appropriate by the Board, in order to accomplish the purposes of this Resolution.


Section 2. This Board finds and determines that all formal actions of this Board and any of its committees concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board or its committees and that all deliberations of this Board and any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 3. Upon adoption, this Resolution shall be in effect for a period starting on March 1, 2019 through June 30, 2024 and will be renewed every five years thereafter.

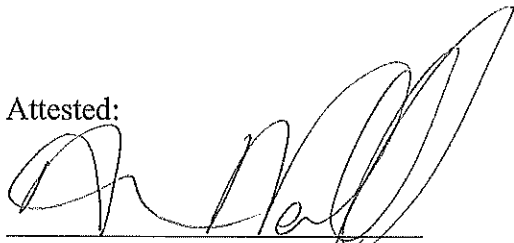
**SIGNATURE PAGE ONLY FOR RESOLUTION #008-2019**

absent  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:



\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: February 26, 2019

RLH:sld

## RESOLUTION #009-2019

### A RESOLUTION TO APPROVE AN OHIO DEPARTMENT OF TRANSPORTATION STATE INFRASTRUCTURE BANK LOAN AGREEMENT AND PROMISSORY NOTE FOR THE LOCAL SHARE OF THE VIENNA PARKWAY PROJECT; AND TO APPROVE AND AUTHORIZE RELATED MATTERS

- Whereas,** the Miami Township Board of Trustees (the "Board") approved a Community Improvement Corporation (CIC), with Resolution #73-2006, on March 14, 2006 to facilitate economic development within the Township; and
- Whereas,** the Board of Directors of the Miami Township Community Improvement Corporation (the "CIC"), by action of Resolution #12-2019, entered into a Project Management and Financing Agreement with the Montgomery County Transportation Improvement District (the "TID") which provided for the joint planning, financing, construction, acquisition, improvement and implementation of the Vienna Parkway Project; and
- Whereas,** the TID submitted a loan application to the Ohio Department of Transportation ("ODOT") State Infrastructure Bank ("SIB") pledging future Payments in Lieu of Taxes as a primary source for the repayment of the loan; and
- Whereas,** ODOT approved the SIB loan application submitted by the TID with a stipulation that Miami Township pledge (i) certain revenues from tax increment financing districts and joint economic development districts as a primary source of repayment and (ii) future Gasoline Tax revenue as a secondary repayment source, all as further described in the SIB Project Loan Agreement; and
- Whereas,** ODOT has now presented Project Loan Agreement and Promissory Note to the Township, the TID, and the CIC to memorialize the final terms of the SIB Loan and the Executive Director and the General Counsel of the TID, the Acting Township Administrator, and the President of the CIC have reviewed both documents and recommended that they be approved; and

**Therefore Be It Resolved,** by the Board of Trustees of Miami Township, Montgomery County, Ohio that:

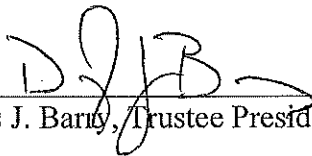
Section 1. Authorization of SIB Project Loan Agreement and Promissory Note. The SIB Project Loan Agreement, which is on file with this Board, for \$2,070,089 for the local share of the Vienna Parkway Project among the Ohio Department of Transportation, the TID, the CIC and the Township is hereby approved. The Promissory Note from Miami Township and the TID in support of the Vienna Parkway Project is hereby approved. This Board of Trustees hereby authorizes and directs the President of the Board of Trustees, the Township Fiscal Officer, the Acting Township Administrator or other appropriate officers of the Township, to sign and execute the SIB Project Loan

Agreement and Promissory Note, with only such changes that are not materially detrimental to the Township or the Vienna Parkway Project and as are approved by legal counsel to the Township. Copies of this Resolution shall be provided to ODOT and the TID.


Section 2. Further Authorizations. This Board of Trustees further hereby authorizes and directs the President of the Board of Trustees, the Township Fiscal Officer, the Acting Township Administrator or other appropriate officers of the Township, to prepare and sign all agreements, and any amendments thereto such that the character of those changes is not substantially adverse to the Township, which shall be established conclusively by their signatures thereon, and to prepare and sign all instruments and to take all other actions as may be necessary and appropriate to implement this Resolution.

Section 3. Open Meetings. This Board of Trustees finds and determines that all formal actions of this Board of Trustees and any of its committees concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board of Trustees, and that all deliberations of this Board of Trustees and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Ohio Revised Code Section 121.22.


Section 4. Effective Date. This Resolution shall be effective from and after the earliest period provided by law.

  
\_\_\_\_\_  
Douglas J. Barn, Trustee President

\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:



\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: March 12, 2019

RLH:sld

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State of Ohio – Ohio Department of Transportation  
State Infrastructure Bank Loan  
*Is proposing to provide financing for the*  
Montgomery County Transportation Improvement District  
**Vienna Parkway Extension Project**  
February 22, 2019

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**PRELIMINARY TERM SHEET**

*The following is provided for discussion purposes only. Final details of the financing structure will be determined upon review by the participating parties.*

**I. PROJECT INFORMATION**

Vienna Parkway is a township roadway located in Miami Township in southern Montgomery County. Currently, the road is connecting a large residential area to similar residential neighborhoods to the north, south and east. The road has not been extended to the west to include the connection of SR 741. The construction of Vienna Parkway will provide signalized access to SR 741 from 1) existing and future residential development to the east of the state highway, 2) from undeveloped commercial property owned by the Miami Township Community Improvement Corporation (CIC) on the east of SR 741, and 3) from Five Rivers MetroParks's Cox Arboretum Metro Park on the west side of SR 741. The Montgomery County Transportation Improvement District (the "Borrower" or the "MCTID") will manage the extension of Vienna Parkway under the terms of agreements with Miami Township and Montgomery County. Along with the extension of Vienna Parkway, there will also be a signalized intersection on SR 741 and traffic calming improvements on the existing roadways. The Montgomery County Transportation Improvement District has submitted an application to the Ohio Department of Transportation ("ODOT") for State Infrastructure Bank ("SIB") funding as a component of the financing for the extension of Vienna Parkway located on the east side of SR 741 in southwest Montgomery County. Outlined below are the terms and conditions of the Ohio Department of Transportation, State Infrastructure Bank direct loan transaction with the MCTID.

**Loan #:** 190015

**PID #:**

**II. SOURCES AND USES OF FUNDS**

**Sources & Uses of Funds:** See attached Schedule I for further details.

<u>Sources</u>		<u>Uses</u>	
SIB Loan	\$1,960,589	Preliminary Engineering	\$ 104,500
Miami Township (CIC) Equity	\$ 109,500	Right-of-Way Acquisition	\$ 239,750
		Construction	\$ 1,376,336
		TID Project Management Fee	\$ 73,817
		Legal & Accounting	\$ 10,000
		Contingency	\$ 259,686
		SIB Closing Costs	\$ 6,000
<b>Total</b>	<b>\$2,070,089</b>	<b>Total</b>	<b>\$2,070,089</b>

**Estimated SIB Loan Repayment Schedule:** See attached Schedule II.

**III. FINANCIAL TERMS OF THE SIB LOAN**

**Loan Amount from SIB:** \$ 1,960,589

**Lender:** State of Ohio, Ohio Department of Transportation

**Borrower:** Montgomery County Transportation Improvement District

**Borrower Contacts:** Steve Stanley, Executive Director  
Phone: (937) 673-3852  
[sstanley@mctid.org](mailto:sstanley@mctid.org)

Crystal Corbin, Deputy Director  
Phone: (614) 530-0884  
[ccorbin@mctid.org](mailto:ccorbin@mctid.org)

**Address of Borrower:** 451 West Third Street, 10<sup>th</sup> Floor  
Dayton, OH 45422

**Guarantor:** Miami Township

**Guarantor Contact:** Clay McCord, Finance Director  
Phone: (937) 433-9969  
[cmccord@miamitownship.com](mailto:cmccord@miamitownship.com)

**Address of Guarantor:** Miami Township Government Center  
Miamisburg, OH 45342

**County:** Montgomery

**Estimated Closing Date:** May 15, 2019 (Estimated)

**Final Maturity of Loan:** May 15, 2029 (Estimated)

**Term of Loan:** 10 Years

**Loan Repayments:** There will be no interest assessed on the loan from the date of closing through the last day of the 12<sup>th</sup> month. From the first day of the 13<sup>th</sup> month after closing through final maturity, the interest rate will be 3.0%. From month 13 through month 24, interest due on the loan will accrue and be added to the principal of the loan. The accrued interest amount is estimated to be \$58,817.67. The Borrower will be required to make principal and interest payments commencing on the first day of the

31<sup>st</sup> month after the Closing Date. The interest amount due, in arrears, will be based upon the outstanding principal amount of the loan from time to time. The projected principal and interest payments are estimated in Schedule II.

**Expected Construction Start Date:**

May 15, 2019

**Expected Construction Completion Date:**

October 15, 2019

**Prepayment of Loan:**

Prepayment of the State loan, in whole or in part, will be at the option of the Borrower. Any prepayment of the loan prior to the 36<sup>th</sup> month following closing will be subject to a 3.0% premium.

**Interest Rate:**

The following interest rates will be assessed during the designated time periods:

<u>Months</u>	<u>Interest Rate</u>
1-12	0.00%
13-120	3.00%

**Source of Repayment:**

The Miami Township (the "Township") will agree to pledge its Miami Crossing JEDD receipts and the Miami Township 741 TIF service payments, (collectively, the "Repayment Sources") to repay the SIB loan.

In the event that the Repayment Sources are insufficient to repay the SIB loan, the Township will also agree to pledge its State Gas Tax receipts to repay the SIB loan and agree to use all legally available Township funds to make up any semi-annual payment shortfalls.

The Township has received \$192,804 and \$190,653 in State Gas Tax receipts in 2017 and 2018, respectively and estimates to receive \$190,800 in 2019, 2020 and 2021.

The township will agree to pledge its Miami Township 741 TIF to repay SIB loan. They are estimated to be \$50,000 and \$200,000 in 2020 and 2021.

The Miami Crossing JEDD (formerly known as the "Dayton Mall JEDD") receipts for the township have historically been \$406,782 and \$430,029 in 2017 and 2018. These receipts are estimated to be \$435,000,

\$462,000, and \$489,000 for the years 2019, 2020 and 2021.

Year	2017	2018	2019*	2020*	2021*
<b>Historical/Projected Revenues<sup>1</sup></b>	\$599,586	\$620,682	\$625,800	\$702,800	\$879,800
- SIB loan Debt Service <sup>2</sup>	(285,807)	(285,807)	(285,807)	(285,807)	(285,807)
- Existing Debt Service <sup>3</sup>	(85,159)	(85,159)	(85,159)	(85,159)	(85,159)
<b>= Cash Margin</b>	\$228,620	\$249,716	\$254,834	\$331,834	\$508,834
<b>DSCR (SIB Loan)</b>	2.10x	2.17x	2.19x	2.46x	3.08x
<b>DSCR (SIB Loan + Existing Debt)</b>	<b>1.62x</b>	<b>1.67x</b>	<b>1.69x</b>	<b>1.89x</b>	<b>2.37x</b>

<sup>1</sup> Includes the Township's historical/projected Miami Township 741 TIF, Miami Crossing JEDD Receipts and Miami Township State Gas Tax Receipts

<sup>2</sup> SIB Loan Debt Service will commence in 2021, shown in all years for presentation purposes

\* Projected (2019 -2021)

#### IV. CLOSING REQUIREMENTS/COVENANTS

- a) On an annual basis, provide to ODOT, audited financial statements and a certificate of available resources for Miami Township;
- b) Provide all environmental approvals, if any, for the Project prior to closing;
- c) Pay state prevailing wages on all construction contracts, if applicable;
- d) Provide evidence that all funding sources are secured and available, or have been expended for their intended use, at the time of the SIB loan closing; and
- e) Agree to subordinate any future pledges of the Township's Repayment Sources including the JEDD and the TIF and Miami Township State Gas Tax, if in any one calendar year (as projected) the expected revenues generated when divided by the scheduled annual debt service of outstanding obligations secured by the Repayment Sources and Township's State Gas Tax is equal to or less than 1.30.

**V. ACCEPTANCE**

Upon acceptance of the terms herein, the Montgomery County Transportation Improvement District and Miami Township shall sign and submit to the Ohio Department of Transportation, Brenna Smathers, 1980 W. Broad Street, mailstop 2130, Columbus, Ohio 43223. This agreement will be terminated if not signed and received by February 26, 2019. The SIB Loan documents must be executed by May 15, 2019 or the loan will be canceled and closed. If an application is resubmitted for the same project, an application fee of \$5,000 will be assessed.

**The Ohio Department of Transportation hereby accepts the foregoing terms and conditions on the date set forth below.**

By: \_\_\_\_\_

Date: \_\_\_\_\_

Its: \_\_\_\_\_

**The Montgomery County Transportation Improvement District hereby accepts the foregoing terms and conditions on the date set forth below.**

By: [Signature]

Date: 3/13/19

Its: EXECUTIVE DIRECTOR

**The Miami Township hereby accepts the foregoing terms and conditions on the date set forth below.**

By: [Signature]

Date: March 13, 2019

Its: MIAMI TOWNSHIP  
ADMINISTRATOR



Ohio Department of Transportation  
State Infrastructure Bank  
Miami Township  
Vienna Parkway Extension Project

Schedule I  
Sources and Uses of Funds and Financing Terms

**I. Sources and Uses**

**Sources**

State Infrastructure Bank Loan	1,960,589.00
Miami Township CIC Equity	109,500.00

<b>Total Sources of Funds</b>	<b>\$ 2,070,089.00</b>
-------------------------------	------------------------

**Uses**

Preliminary Engineering	104,500.00
Right-of Way Acquisition	239,750.00
Construction	1,376,336.00
TID Project Management	73,817.00
Legal & Accounting	10,000.00
Contingencies	259,686.00
SIB Closing Costs	6,000.00

<b>Total Uses of Funds</b>	<b>\$ 2,070,089.00</b>
----------------------------	------------------------

**II. Financing Terms**

Loan Term (years)				10
Interest Rate from	05/15/19	to	05/14/20	0.0000%
Interest Rate from	05/15/20	to	05/14/29	3.0000%
Semi-Annual Payments beginning on	11/15/21	to	05/15/29	\$ 142,903.47

Ohio Department of Transportation  
State Infrastructure Bank  
Miami Township  
Vienna Parkway Extension Project

Schedule II  
Estimated Payment Schedule

Date	Principal	Interest 3.00%	Total Payment	Outstanding Loan Balance
05/15/19				\$ 1,960,589.00
11/15/19	\$ -	\$ -	\$ -	1,960,589.00
05/15/20	-	-	-	1,960,589.00
11/15/20	-	-	(29,408.84)	1,989,997.84
05/15/21	-	-	(29,408.84)	2,019,406.67
11/15/21	112,612.37	30,291.10	142,903.47	1,906,794.30
05/15/22	114,301.56	28,601.91	142,903.47	1,792,492.74
11/15/22	116,016.08	26,887.39	142,903.47	1,676,476.67
05/15/23	117,756.32	25,147.15	142,903.47	1,558,720.34
11/15/23	119,522.66	23,380.81	142,903.47	1,439,197.68
05/15/24	121,315.50	21,587.97	142,903.47	1,317,882.18
11/15/24	123,135.24	19,768.23	142,903.47	1,194,746.94
05/15/25	124,982.27	17,921.20	142,903.47	1,069,764.67
11/15/25	126,857.00	16,046.47	142,903.47	942,907.67
05/15/26	128,759.86	14,143.62	142,903.47	814,147.82
11/15/26	130,691.25	12,212.22	142,903.47	683,456.56
05/15/27	132,651.62	10,251.85	142,903.47	550,804.94
11/15/27	134,641.40	8,262.07	142,903.47	416,163.55
05/15/28	136,661.02	6,242.45	142,903.47	279,502.53
11/15/28	138,710.93	4,192.54	142,903.47	140,791.60
05/15/29	140,791.60	2,111.87	142,903.47	0.00
<b>Totals</b>	<b>\$ 2,019,406.67</b>	<b>\$ 267,048.85</b>	<b>\$ 2,227,637.85</b>	

**RESOLUTION #010-2019**

**RESOLUTION TO SUPPORT THE CONTINUATION OF A TAX  
ABATEMENT WITHIN THE ENTERPRISE ZONE FOR  
BRIXEY & MEYER, INC./EAGLES REAL ESTATE GROUP LLC,  
2991 NEWMARK DRIVE**

**Whereas,** Miami Township and Montgomery County have encouraged the development of real property and the acquisition of personal property, located in the area designated as an Enterprise Zone; and


**Whereas,** Brixey & Meyer, Inc./Eagles Real Estate Group LLC constructed a new 12,000 square foot multi-tenant office/warehouse building to create employment opportunities, provided that the appropriate incentives were available to support the economic viability of said project; and

**Whereas,** Miami Township and Montgomery County have the appropriate authority to allow incentives, as provided for in the Ohio Revised Code, as approved by the local school taxing authorities; and

**Whereas,** the Miami Township Tax Incentive Review Council (TIRC) met on March 21, 2019 and determined Brixey & Meyer, Inc./Eagles Real Estate Group LLC has exceeded its promised investment in the community, and the TIRC recommends continuation of the tax abatement; and


**Therefore Be It Resolved,** the Miami Township Board of Trustees approves the continuation of the Ohio Enterprise Zone Agreement, approved by Resolution #152-2010, with all the terms and conditions as stated therein with Montgomery County and Brixey & Meyer, Inc./Eagles Real Estate Group LLC.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: March 26, 2019


RLH:sld

**RESOLUTION #011-2019**

**RESOLUTION TO APPOINT A  
BOARD OF ZONING APPEALS MEMBER**

- Whereas,** the Board of Zoning Appeals is made up of five regular members and one alternate; and
- Whereas,** There is currently a vacancy on the Board of Zoning Appeals for a regular member; and
- Whereas,** Zach Dickerson has requested to serve as a full member on the Board of Zoning Appeals and has provided a letter of interest and resume to the Board of Trustees for consideration; and

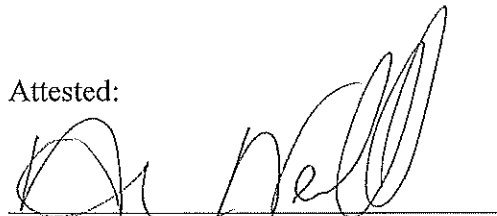
**Therefore Be It Resolved,** the Miami Township Board of Trustees appoints Zach Dickerson to serve on the Board of Zoning Appeals as a full member, to complete a term ending on December 31, 2021, pending completion of a background check.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_

Aaron J. Newell, Fiscal Officer

Passed: March 26, 2019

**RESOLUTION #012-2019**

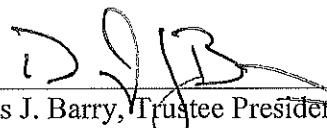
**RESOLUTION TO APPOINT A  
BOARD OF ZONING APPEALS ALTERNATE MEMBER**

**Whereas,** the Board of Zoning Appeals is made up of five regular members and one alternate; and

**Whereas,** Currently the alternate position on the Board of Zoning Appeals is vacant; and

**Whereas,** Glenn Zink has requested to serve as the alternate member on the Board of Zoning Appeals and has provided a letter of interest to the Board of Trustees for consideration; and

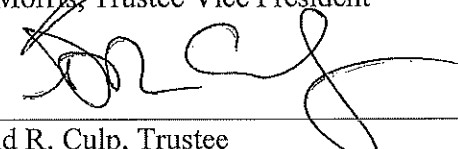
**Therefore Be It Resolved,** the Miami Township Board of Trustees appoints Glenn Zink to serve on the Board of Zoning Appeals as an alternate member for a term of one (1) year ending on December 31, 2019, pending completion of a background check.



\_\_\_\_\_  
Douglas J. Barry, Trustee President



\_\_\_\_\_  
John Morris, Trustee Vice President



\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:



\_\_\_\_\_  
Aaron J. Newell, Fiscal Officer

Passed: March 26, 2019

**RESOLUTION #013-2019**

**RESOLUTION TO APPOINT A  
ZONING COMMISSION ALTERNATE MEMBER**

**Whereas,** the Zoning Commission is made up of five regular members and one alternate;  
and

**Whereas,** Currently the alternate position on the Zoning Commission is vacant; and

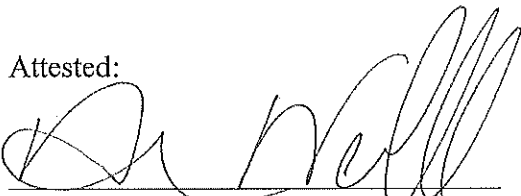
**Whereas,** Amy Jauch has requested to serve as the alternate member on the Zoning  
Commission and has provided a letter of interest and CV to the Board for  
consideration; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees appoints Amy Jauch to  
serve on the Zoning Commission as an alternate member for a term of one (1)  
year ending on December 31, 2019, pending completion of a background  
check.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:  
  
\_\_\_\_\_  
Aaron J. Newell, Fiscal Officer  
Passed: March 26, 2019

**RESOLUTION #014-2019**

**A RESOLUTION TO AUTHORIZE MIAMI TOWNSHIP, MONTGOMERY COUNTY, OHIO (THE "TOWNSHIP") TO ISSUE BONDS IN THE AMOUNT OF NOT TO EXCEED \$3,400,000 FOR THE PURPOSE OF REDEEMING ITS LIMITED TAX GENERAL OBLIGATION TRANSPORTATION IMPROVEMENT BONDS, SERIES 2008 (KINGSRIDGE ROAD IMPROVEMENT BONDS), DATED SEPTEMBER 4, 2008 AND ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$4,885,000; REFUNDING THE MONTGOMERY COUNTY TRANSPORTATION IMPROVEMENT DISTRICT (OHIO) TRANSPORTATION IMPROVEMENT SPECIAL OBLIGATION BONDS, SERIES 2008A (KINGSRIDGE DRIVE PROJECT) DATED SEPTEMBER 4, 2008 AND ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$4,885,000; TO APPROVE A PRELIMINARY OFFICIAL STATEMENT; TO AUTHORIZE THE PREPARATION, USE AND EXECUTION OF AN OFFICIAL STATEMENT; AND TO APPROVE AND AUTHORIZING THE EXECUTION AND DELIVERY OF A CERTIFICATE OF FISCAL OFFICER, A BOND PURCHASE AGREEMENT, A CONTINUING DISCLOSURE CERTIFICATE AND A BOND REGISTRAR AGREEMENT AND OTHER RELATED MATTERS IN CONNECTION THEREWITH**

**WHEREAS,** pursuant to Resolution No. 90.2008 duly passed by the Board of Township Trustees (the "Board") on June 10, 2008, the Township issued its Limited Tax General Obligation Transportation Improvement Bonds, Series 2008 (Kingsridge Road Improvement Bonds) dated September 4, 2008 and issued in the original principal amount of \$4,885,000 (the "Township Bonds") for the purpose of paying the costs of construction and acquisition of improvements to Kingsridge Drive, Lyons Ridge Drive at Lyons Road, Route 725, The Ring Road at the Dayton Mall, Southwind Drive, including but not limited to the addition of new lanes on such roads as needed, relocation of Lyons Ridge Drive, new grading, constructing storm sewer, storm water improvements, burial of utility lines, gas, electric and communications service facilities, street lighting and signs, sidewalks, bikeways and landscaping, traffic signs and signalization, overhead wiring, and including design and other related costs, and acquiring real estate, together with all related appurtenances thereto (collectively, the "Project"); and

**WHEREAS,** pursuant to Resolution No. 2008-35, the Montgomery County Transportation Improvement District (Ohio) (the "TID") Transportation Improvement Special Obligation Bonds, Series 2008A (Kingsridge Drive Project) dated September 4, 2008 and issued in the original principal amount of \$4,885,000 (the "TID Bonds"), the proceeds of which were used to purchase the Township Bonds in accordance with Section 555.10 of Am. Sub. H.B. 67 of

the 127<sup>th</sup> General Assembly, as subsequently amended by Sub S.B. 35 of the 127<sup>th</sup> General Assembly and to pay costs of the Project; and

**WHEREAS,** in view of currently lower interest rates, the Board has determined that it is advisable and in the best interest of the Township to issue Bonds, as defined herein, to redeem the Township Bonds and refund the TID Bonds; and

**WHEREAS,** the Fiscal Officer of the Board (the "Fiscal Officer") has certified to this Board that the estimated life of the improvements (calculated in accordance with Ohio Revised Code Section 133.20) which are financed with the proceeds of the Bonds, hereinafter referred to, exceeds five years and the maximum maturity of the bonds is at least ten (10) years;

**Therefore, Be It Resolved,** the Miami Township Board of Trustees authorizes the following:

Section 1. It is hereby declared necessary to issue bonds of the Township in the principal sum of not to exceed Three Million, Four Hundred Thousand Dollars (\$3,400,000) or such lesser amount as shall be determined by the Fiscal Officer and certified to this Board, which bonds shall be designated as "Miami Township, Montgomery County, Ohio Refunding Limited Tax General Obligation Bonds, Series 2019 (Tax-Exempt)," or as otherwise designated by the Fiscal Officer (the "Bonds"), for the purpose described in the title of this Resolution. The Fiscal Officer is hereby directed and authorize to provide notice for the redemption of the Township Bonds as set forth therein.

Section 2. The Bonds shall be issued as fully registered bonds in book entry form only, in such denominations as shall be determined by the Fiscal Officer, but not exceeding the principal amount of Bonds maturing on any one date; shall be numbered consecutively from R-1 upward, as determined by the Fiscal Officer; shall be dated the date determined by the Fiscal Officer and set forth in the Certificate of Fiscal Officer provided for in Section 3 below.

Section 3. The Fiscal Officer is hereby authorized and directed to execute on behalf of the Township, and to forward to the Auditor of Montgomery County, Ohio, a Certificate of Fiscal Officer Relating to Terms of Bonds (the "Certificate of Fiscal Officer") setting forth the aggregate principal amount of the Bonds and the final terms of the Bonds, which aggregate principal amount and terms, subject to the limitations set forth in this Resolution, shall be as determined by the Fiscal Officer. The Certificate of Fiscal Officer shall indicate the dated date for the Bonds, the dates on which interest on the Bonds is to be paid (the "Interest Payment Dates"), the purchase price for the Bonds (which shall be not less than 97% of the face value thereof), the maturity schedule for the Bonds, the interest rates for the Bonds (provided that the true interest cost for all of the Bonds shall not exceed five and one-half per centum (5.50%) per annum), the optional and mandatory redemption provisions, if any, and such other terms not inconsistent with this Resolution as the Fiscal Officer shall deem appropriate in his discretion on behalf of this Board.

Section 4.

The Bonds shall be issued with interest payable semiannually on each Interest Payment Date until the principal sum is paid or provision has been duly made therefor in such proportions as shall be set forth in the Certificate of Fiscal Officer provided hereof. Interest shall be calculated on the basis of a 360-day year of twelve 30-day months unless otherwise determined by the Fiscal Officer. The Bonds shall be in the denominations of \$5,000 or any integral multiple thereof.

Section 5.

The Bonds shall be subject to optional and mandatory redemption prior to stated maturity as provided in the Certificate of Fiscal Officer. If optional redemption of the Bonds at a redemption price exceeding 100% is to take place on any date on which a mandatory redemption of the Bonds of the same maturity will take place, the Bonds to be redeemed by optional redemption shall be selected by the Bond Registrar (as defined herein below) prior to the selection of the Bonds to be redeemed at par on the same date.

When partial redemption is authorized, the Bond Registrar shall select a Bond or portion thereof by lot within a maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Bond so selected shall be in the amount of \$5,000 or any integral multiple thereof unless otherwise determined by the Fiscal Officer.

The notice of the call for redemption of a Bond shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bond or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. From and after the specified redemption date interest on the Current Interest Bond (or portions thereof) called for redemption shall cease to accrue. Such notice shall be sent by first class mail at least 30 days prior to the redemption date to each registered holder of the Bond to be redeemed at the address shown in the Bond Register (as defined hereinbelow) on the 15th day preceding the date of mailing. Failure to receive such notice of any defect therein shall not affect the validity of the proceedings for the redemption of any Bond.

Section 6.

The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Resolution, and the Bonds shall be executed by at least two members of the Board and by the Fiscal Officer in their official capacities, provided that any or all of their signatures may be a facsimile. No Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Resolution unless and until a certificate of authentication, as printed on the Bond, is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued and delivered under this Resolution and is entitled to the security and benefit of this Resolution. The certificate of authentication may be signed by any officer or officers of the Bond Registrar or by such other person acting as an agent of the Bond Registrar as shall be approved by the Fiscal Officer on behalf of the Township. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Bonds.

Section 7.

The principal of and interest on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Bonds shall be payable upon presentation and surrender of the Bonds at the principal office of the Bond Registrar. Each Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register at the address appearing therein.

Any interest on any Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each Bondholder, at such Bondholder's address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section, each Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

Section 8.

The Fiscal Officer is hereby authorized and directed to serve as authenticating agent, bond registrar, transfer agent, and paying agent for the Bonds or to execute on behalf of the Board a Bond Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Fiscal Officer and Hilltop Securities, Inc., or such other purchaser as stated in the Certificate of Fiscal Officer (the "Original Purchaser"), pursuant to which such bank or financial institution shall agree to serve as authenticating agent, bond registrar, transfer agent, and paying agent (collectively, the "Bond Registrar") for the Bonds. If at any time the Bond Registrar shall be unable or unwilling to serve as such, or the Fiscal Officer in such officer's discretion shall determine that it would be in the best interest of the Township for such functions to be performed by another party, the Fiscal Officer may, and is hereby authorized and directed to, enter into an agreement with a

national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar hereunder. Each such successor Bond Registrar shall promptly advise all bondholders of the change in identity and new address of the Bond Registrar. So long as any of the Bonds remain outstanding, the Township shall cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions hereof, the person in whose name any Bond shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Bond shall be made only to or upon the order of that person. Neither the Township nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Bond, upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Bonds of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Township and the Bond Registrar shall not be required to transfer or exchange (i) any Bond during a period beginning at the opening of business fifteen (15) days before the day of mailing of a notice of redemption of Bonds, and ending at the close of business on the day of such mailing, or (ii) any Bonds selected for redemption, in whole or in part; following the date of such mailing.

In all cases in which Bonds are exchanged or transferred hereunder, the Township shall cause to be executed and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Resolution. The exchange or transfer shall be without charge to the owner; except that the Township and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Township or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Bonds. All Bonds issued upon any transfer or exchange shall be the valid

obligations of the Township, evidencing the same debt, and entitled to the same benefits under this Resolution, as the Bonds surrendered upon that transfer or exchange.

Section 9.

For purposes of this Resolution, the following terms shall have the following meanings: “Book entry form” or “book entry system” means a form or system under which (i) the beneficial right to payment of principal of and interest on the Bonds may be transferred only through a book entry and (ii) physical Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Bonds “immobilized” in the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Bonds.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Bonds, and to effect transfers of Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

All or any portion of the Bonds may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Resolution: (i) there shall be a single Bond of each maturity; (ii) those Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Township. Bond service charges on Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Bonds as provided in this Resolution.

The Bond Registrar may, with the approval of the Township, enter into an agreement with the beneficial owner or registered owner of any Bond in the custody of a Depository providing for making all payments to that owner of principal and interest on that Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Resolution, without prior presentation or surrender of the Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Township. That payment in any event shall be made to the person who is the registered owner of that Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar shall furnish a copy

of each of those agreements, certified to be correct by the Bond Registrar, to other paying agents for Bonds and to the Township. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Resolution.

If requested, the Fiscal Officer, or any other officer of this Board is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Township, a letter agreement among the Township, the Bond Registrar and the Depository. Trust Company, as depository, to be delivered in connection with the issuance of the Bonds to the Depository for use in a book entry system in substantially the form submitted to the Board.

If any Depository determines not to continue to act as the Depository for the Bonds for use in a book entry system, the Township and the Bond Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository under this Resolution. If the Township and the Bond Registrar do not or are unable to do so, the Township and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Bonds from the Depository and authenticate and deliver bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Bonds), if the event is not the result of action or inaction by the Township or the Bond Registrar, of those persons requesting such issuance.

Section 10. There shall be and is hereby levied annually on all the taxable property in the Township, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 11. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Township determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will

be so available, and the Township shall appropriate such funds to the payment of the Bonds in accordance with law.

In each year to the extent money from payments in lieu of taxes ("PILOTS") deposited into the Kingsridge Redevelopment Tax Equivalent Fund created pursuant to Section 5709.75 of the Revised Code and Resolution No. 225-2005 adopted on December 13, 2005 is available for the payment of the debt charges on the Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of the money so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Bonds shall be paid from PILOTS lawfully available therefore under the Constitution and laws of the State of Ohio; and the Township hereby covenants, subject and pursuant to such authority, including particularly Section 133.04(B)(8), Revised Code, to appropriate annually from such PILOTS such amount as is necessary to meet such annual debt charges.

Nothing in the preceding paragraph in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the Township to the prompt payment of the debt charges on the Bonds.

Section 12. The Bonds shall be sold at private sale to the Original Purchaser at the purchase price, both as set forth in the Certificate of Fiscal Officer, plus interest accrued, if any, to the date of delivery of the Bonds. The Fiscal Officer is authorized and directed to execute on behalf of the Board a Bond Purchase Agreement with the Original Purchaser, setting forth the conditions under which the Bonds are to be sold and delivered, which agreement shall be in such form, not inconsistent with the terms of this Resolution, as the Fiscal Officer shall determine.

The proceeds from the sale of the Bonds, except the premium and accrued interest thereon, shall be used for the purpose aforesaid and for no other purpose. Any accrued interest received from such sale shall be transferred to the Bond Retirement Fund to be applied to the payment of the principal of and interest on the Bonds, or other obligations of the Township, as permitted by law. Any premium from the sale of the Bonds shall be deposited into the fund or funds specified in the Certificate of Fiscal Officer and shall be used for the proper purposes of such fund or funds.

Section 13. The Fiscal officer is hereby authorized, and directed if deemed necessary, to execute and deliver an "Escrow Deposit Agreement" or similar agreement (the "Escrow Deposit Agreement") with such banking association selected by the Fiscal officer to serve as Escrow Trustee (the "Escrow Trustee"), pursuant to which the Escrow Trustee shall: (i) maintain a trust fund for the proceeds of any TID Bonds deposited with the Escrow Trustee for the defeasance of the TID Bonds, in accordance with the terms of the Escrow Deposit Agreement; and (ii) if appropriate, be appointed and serve as the co-paying agent for the TID Bonds. The Escrow Deposit Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Resolution as shall be approved

by the officer executing the same. The approval of the Escrow Deposit Agreement shall be conclusively evidenced by the execution thereof by the Fiscal officer.

Section 14.

The Board hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Bonds is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Bonds so that the Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Board further covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations"). The Fiscal Officer, or any other officer of this Board, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Board with respect to the Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Fiscal Officer, which action shall be in writing and signed by the Fiscal Officer, or any other officer of the Board, on behalf of the Board; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Township, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds; and (c) to give an appropriate certificate on behalf of the Board, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Board pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Board regarding compliance by the Board with Sections 141 through 150 of the Code and the Regulations.

The Fiscal Officer shall keep and maintain adequate records pertaining to investment of all proceeds of the Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Township to comply with any federal law or regulation now or hereafter having applicability to the Bonds which limits the amount of bond proceeds which may be invested on an unrestricted yield or requires the Township to rebate arbitrage profits to the United States Department of the Treasury. The Fiscal Officer is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Bonds requires any such reports or rebates.

Section 15. The distribution of an Official Statement or similar offering document of the Township, in preliminary and final form, relating to the original issuance of the Bonds is hereby authorized, and the Trustees of the Board and the Fiscal Officer are hereby authorized to negotiate and prepare and at least two of the Trustees of the Board and the Fiscal Officer is hereby authorized to execute, on behalf of the Township and in their official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Bonds, and they are authorized to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Bonds as they deem necessary or appropriate to protect the interests of the Township. The Trustees of the Board and the Fiscal Officer are each authorized to execute and deliver, on behalf of the Township and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

Section 16. For the benefit of the owners and beneficial owners from time to time of the Bonds, the Township agrees, as the only obligated person with respect to the Bonds under Rule 15c2-12 prescribed by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, audited financial statements and notices, in such manner, as may be required for purposes of the Rule.

The Continuing Disclosure Certificate in the form on file with this Board is approved. The Fiscal Officer is authorized and directed to complete, sign and deliver, in the name and on behalf of the Township, the Continuing Disclosure Certificate with such changes that are not inconsistent with this Resolution, are not materially adverse to the Township, and are approved by the Fiscal Officer, all of which shall be conclusively evidence by the signing of the Continuing Disclosure Certificate by the Fiscal Officer.

The Fiscal Officer is further authorized and directed to establish procedures in order to ensure compliance by the Township with the Continuing Disclosure Certificate, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Fiscal Officer shall consult with and obtain legal advice from, as appropriate, the Township's general counsel and bond or other qualified independent special counsel selected by the Township. The Fiscal Officer, acting in the name and on behalf of the Township, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the Township of the Continuing Disclosure Certificate shall be subject to the annual appropriation of any funds that may be necessary to perform it.

Section 17. If, in the judgment of the Fiscal Officer, it is in the best interest of and financially advantageous to the Township to (i) obtain or update a rating on the Bonds by one or more nationally-recognized rating agencies, or (ii) purchase a policy of insurance from a company or companies to better assure the payment of principal of and interest on the

Bonds, the Fiscal Officer is hereby authorized to take such steps necessary to obtain such rating or policy of insurance, except to the extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Fiscal Officer has taken such actions, those actions are hereby ratified and confirmed.

Section 18. The law firm of Frost Brown Todd LLC is hereby appointed to serve as bond counsel to the Township in connection with the issuance of the Bonds.

Section 19. The Fiscal Officer or any two Trustees, acting alone or together, are further authorized and directed to execute the any certifications, financing statements, assignments, agreements, terminations, and security instruments, and to take such further actions as are necessary or appropriate to implement the transactions contemplated in this Resolution and to consummate the transactions contemplated in this Resolution. All actions heretofore taken by the officers and officials of the Authority and of this Board in connection with the redemption of the Township Bonds and the refunding of the TID Bonds are hereby ratified and approved.

Section 20. The officer having charge of the minutes of the Board and any other officers of the Board, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Bonds and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Board relating to the power and authority of the Township to issue the Bonds and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Fiscal Officer and a no-litigation certificate of at least two of the Trustees of the Board and the Fiscal Officer, and such certified copies and certificates shall be deemed representations of the Township as to the facts stated therein.

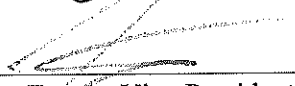
Section 21. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make them legal, valid and binding obligations of the Township have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the Township are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Bonds.

Section 22. It is hereby found and determined that all formal actions of the Board concerning and relating to the passage of this Resolution were taken in an open meeting of the Board, and that all deliberations of the Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 23. The Fiscal Officer is hereby directed to forward a certified copy of this Resolution and a copy of the Certificate of Fiscal Officer, as soon as each is available, to the Auditor of Montgomery County, Ohio.

Section 24. This Resolution shall be in full force and effect immediately upon its passage. Each section of this resolution and each subdivision or paragraph of any section hereof and each sentence of a paragraph hereof is hereby declared to be independent and the finding or holding of any section or any subdivision, paragraph or sentence hereof to be invalid or void shall not be deemed or held to affect the validity of any other section, subdivision, paragraph or sentence of this resolution.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice-President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer

Passed: March 26, 2019

RLH:nsc

## RESOLUTION #015-2019

### A RESOLUTION TO APPROVE A FIRST AMENDMENT TO THE 2017 AMENDED AND RESTATED MIAMI CROSSING JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT BY AND BETWEEN MIAMI TOWNSHIP AND THE CITY OF MIAMISBURG TO ADD PROPERTY TO THE MIAMI CROSSING JOINT ECONOMIC DEVELOPMENT DISTRICT

- Whereas,** Miami Township, Montgomery County, Ohio ("Miami Township") and the City of Miamisburg, Ohio ("Miamisburg") (together, the "Contracting Parties") entered into the 2017 Amended and Restated Miami Crossing Joint Economic Development District Contract dated as of December 19, 2017 (the "JEDD Contract") in accordance with Ohio Revised Code Section 715.72, to provide for the continued operation of the Miami Crossing Joint Economic Development District (the "District") for the benefit of their residents and residents of the State; and
- Whereas,** the JEDD Contract provides that the legislative authorities of the Contracting Parties may amend the JEDD Contract to add to the District any area that was not originally included in the District in accordance with Section 715.72(L) of the Revised Code; and
- Whereas,** the Contracting Parties now desire to amend the JEDD Contract to add certain areas to the District pursuant to the terms of a First Amendment to 2017 Amended and Restated Miami Crossing Joint Economic Development District Contract (the "First Amendment"); and
- Whereas,** this Board has determined that it is in the best interests of the citizens of the Township for this Board to approve and enter into the First Amendment.

**Therefore, Be It Resolved** by the Miami Township Board of Trustees:

- Section 1. This Board finds and determines: (i) that the Board held a public hearing concerning the First Amendment at 6:00 p.m. on April 9, 2019, in accordance with Section 715.72(L) of the Revised Code; (ii) that 30 days' public notice of the time and place of that public hearing was provided in the *Dayton Daily News*, a newspaper of general circulation in Miami Township; (iii) that during the 30-day period prior to that public hearing, a copy of the First Amendment, a description of the area to be added to the District, and a map in sufficient detail to denote the specific boundaries of the area and to indicate any zoning restrictions applicable to the area, were on file for public examination in the office of the Fiscal Officer for the Township; (iv) that public comment and recommendations on the proposed First Amendment were allowed pursuant to the public hearing; (v) that the First Amendment is on file with the Fiscal Officer

of the Township; and (vi) that the Board is in receipt of a petition signed by a majority of the owners of property located within the area to be added to the District, and a petition signed by a majority of the owners of businesses, if any, located within the area to be added to in the District.

Section 2. The Board approves the First Amendment now on file with the Fiscal Officer of the Township and authorizes the execution of the First Amendment.

Section 3. The Board desires that the First Amendment be deemed entered into as of the date the last Contracting Party executes the First Amendment.


Section 4. The Acting Township Administrator is authorized to take such actions, or to cause such actions to be taken, on behalf of the Board, including signing agreements, petitions or other instruments contemplated by the First Amendment or deemed necessary or appropriate by the Board, in order to achieve approval of the First Amendment and to accomplish the purposes of this Resolution and the First Amendment.

Section 5. This Board finds and determines that all formal actions of this Board and any of its committees concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board or its committees and that all deliberations of this Board and any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 6. This Resolution shall be in full force and effect immediately upon its adoption.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:  
  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: April 9, 2019  
RLH:nsc

**FIRST AMENDMENT TO 2017 AMENDED AND RESTATED MIAMI CROSSING  
JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT**

This **FIRST AMENDMENT TO 2017 AMENDED AND RESTATED MIAMI CROSSING JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT** (this "**First Amendment**") is made and entered into as of the 16 day of April, 2019, by and between the Township of Miami in the County of Montgomery, Ohio ("**Miami Township**") and the City of Miamisburg, Ohio ("**Miamisburg**") under the following circumstances:

A. Miami Township and Miamisburg (the "**Contracting Parties**") are the parties to that certain 2017 Amended and Restated Miami Crossing Joint Economic Development District Contract dated as of December 19, 2017 (the "**JEDD Contract**"), which governs the Miami Crossing Joint Economic Development District (the "**JEDD**");

B. The JEDD Contract provides that the legislative authorities of the Contracting Parties may amend the JEDD Contract to add to the JEDD any area that was not originally included in the JEDD in accordance with Section 715.72(L) of the Revised Code;

C. The Contracting Parties now desire to amend the JEDD Contract to add certain areas to the JEDD; and

D. The legislative authority of each of the Contracting Parties has authorized and directed its respective Contracting Party to make and enter into this First Amendment by and through its respective officers in accordance with Resolution No. 015-2019 adopted by the Board of Trustees of Miami Township on April 9, 2019; and Ordinance No. 6790, passed by the City Council of Miamisburg on April 16, 2019.

**NOW, THEREFORE**, in consideration of the mutual promises and covenants set forth in this First Amendment, the Contracting Parties agree and bind themselves, their agents, employees and successors, as follows:

1. **Addition to JEDD.** The real property set forth on Exhibit A attached hereto is hereby included within the JEDD, effective as of the date this First Amendment is executed by the last of the Contracting Parties after approval by all of the legislative authorities of the Contracting Parties in accordance with Section 715.72(L) of the Revised Code (the "**Property Addition**").

2. **No Change in Allocation; Mixed-Use Development.** Notwithstanding the provisions contained in Section 6.E. of the JEDD Contract, the Contracting Parties hereby agree that the Contracting Party Percentages outlined in the JEDD Contract will not change as a result of the Property Addition contained in this First Amendment. For purposes of Section 5.B. of the JEDD Contract, the Property Addition is not considered a Mixed Use Development as of the effective date of this First Amendment.

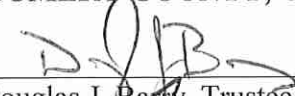
3. **Ratification of the JEDD Contract.** Except as set forth in this First Amendment, the JEDD Contract remains in full force and effect and is hereby ratified in its entirety.

4. **Miscellaneous.** This First Amendment shall be construed under the laws of the State of Ohio. This First Amendment may be executed in any number of counterparts, each of which shall be deemed an original and together shall constitute a single instrument. The capitalized terms used in this First Amendment but not otherwise defined herein shall have the meanings assigned to them in the JEDD Contract.

*[Remainder of Page Intentionally Blank. Signature Page Follows.]*

IN WITNESS WHEREOF, Miami Township and Miamisburg have caused this First Amendment to be duly signed in their respective names by their duly authorized officers as of the date hereinbefore written.

**TOWNSHIP OF MIAMI  
MONTGOMERY COUNTY, OHIO**

By:   
\_\_\_\_\_  
Douglas J. Barry, Trustee


By:   
\_\_\_\_\_  
John Morris, Trustee

By:   
\_\_\_\_\_  
Donald Culp, Trustee

**OR:**

\_\_\_\_\_  
Acting Township Administrator

**CITY OF MIAMISBURG, OHIO**

By:   
\_\_\_\_\_  
KEITH JOHNSON

**Exhibit A**

Added Property

3121455.2

# MIAMI TOWNSHIP

Miami Crossing JEDD

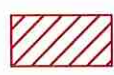
EXHIBIT A



SPRINGBORO PIKE

VIENNA PKWY

K45 02402 0005  
"PD-3" Planned Business District



JEDD Addition



Township Parcels

## RESOLUTION #016-2019

### RESOLUTION TO AUTHORIZE THE ACTING TOWNSHIP ADMINISTRATOR TO EXECUTE A LETTER OF INTENT CONTEMPLATING THE CONVEYANCE OF REAL ESTATE TO THE MIAMI TOWNSHIP COMMUNITY IMPROVEMENT CORPORATION FOR ITS SUBSEQUENT SALE TO DILLIN, LLC

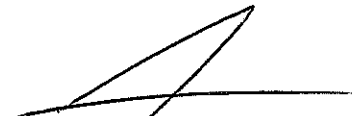
- Whereas,** Miami Township owns certain land identified as Parcel Identification No. K45 02605 0015, K45 02605 0015, and K45 02605 0064; and
- Whereas,** Dillin, LLC desires to enter into a Letter of Intent to purchase approximately 41 +/- acres of said real estate; and
- Whereas,** the Board of Trustees has reviewed said request and has an interest, pending completion of due diligence activities and agreements on the terms of a real estate purchase and sale agreement, in transferring said real estate to the Miami Township Community Improvement Corporation for the purposes of promoting economic development on the property; and

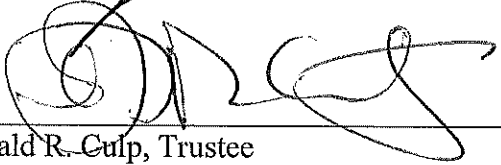
**Therefore Be It Resolved,** the Miami Township Board of Trustees:

- Section 1. The Board hereby authorizes and directs the Acting Township Administrator, to execute and deliver for and on behalf of the Township a Letter of Intent substantially in the form presently on file with the Township and attached hereto, with such changes thereto as may be approved by the Law Director of the Township and the Acting Township Administrator executing the Agreement, the execution of which shall be prima facie evidence of such Township official's approval of the form of such Agreement.
- Section 2. The Board finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution, and that all deliberations of this Board that resulted in those formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.
- Section 3. This Resolution shall take effect immediately upon its adoption.

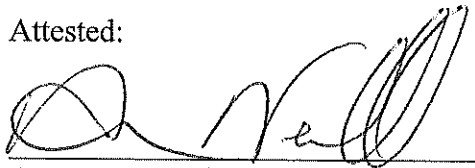
**SIGNATURE PAGE ONLY FOR RESOLUTION #016-2019**

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer

Passed: April 9, 2019

RLH:sld

**RESOLUTION #017-2019**

**RESOLUTION TO APPOINT DESIGNEES TO ATTEND PUBLIC RECORDS TRAINING ON BEHALF OF THE BOARD OF TRUSTEES AND THE FISCAL OFFICER**

**Whereas,** Ohio Revised Code §109.43 and 149.43 require that officials elected to local office, or their designees, receive training to enhance the officials' understanding of public records and open meetings laws; and

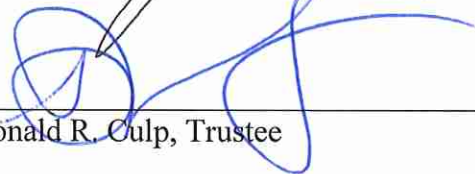
**Whereas,** the training must meet the requirements established by the Ohio Attorney General and Ohio Revised Code §109.43 including a minimum of three hours for each term of office for which the elected official was appointed or elected to the public office involved; and

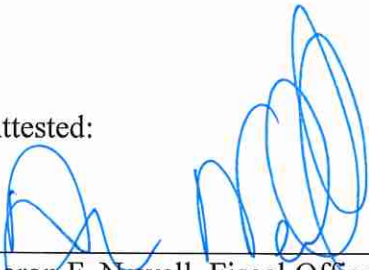
**Whereas,** Trustees Morris, Barry, and Culp, and Fiscal Officer Newell desire to appoint designees; and

**Therefore, Be It Resolved** the Miami Township Board of Trustees appoints Jill Drury and Beverly Sherwood to attend public records training as designees for the Trustees and Julie Hunn to attend public records training for the Fiscal Officer for 2019, effective immediately.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice-President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:  
  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer  
Passed: April 23, 2019  
CCM/jrh

**RESOLUTION #018-2019**

**RESOLUTION TO ADOPT A MAJOR MODIFICATION TO THE PRELIMINARY DEVELOPMENT STANDARDS FOR THE AIRPORT PLANNED DEVELOPMENT UNDER ZONING CASE #434-18, FOR LANDS ZONED "PD-5", PLANNED MIXED-USE DISTRICT**

**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, April 23, 2019; and

**Whereas,** Zoning Case #434-18, filed by the City of Dayton – Dayton-Wright Brothers Airport, proposes a modification to the preliminary development standards for the Airport Planned Development "PD-5" Planned Mixed-Use District; and

**Whereas,** the Trustees reviewed said Zoning Case in a Public Hearing; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees approve the Major Modification to the Preliminary Development Standards under Zoning Case #434-18 and upholds the Zoning Commission recommendation.



\_\_\_\_\_  
Douglas J. Barry, Trustee President

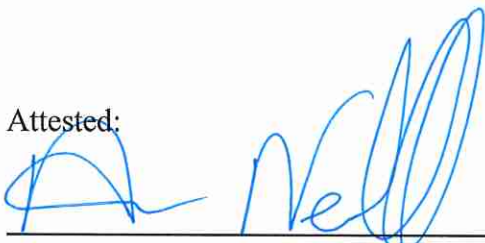


\_\_\_\_\_  
John Morris, Trustee Vice President



\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:



\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: April 23, 2019

RLH:nsc



# Memorandum

**To:** Board of Trustees  
**From:** Kyle A. Hinkelman, Deputy Director  
**Date:** April 17, 2019  
**Re:** Zoning Case #434-18, a Major Modification to the Preliminary Development Plan for the Airport Planned Development

---

**Case #:** ZC 434-18  
**Request:** MJM to PDP – Airport PD  
**Date of ZC Meeting:** April 16, 2019  
**ZC Recommendation / Vote:** Approval | 5-0

---

Attached is the formal Zoning Commission recommendation for the case. The Commission recommended approval in a 5-0 vote.

The applicant is requesting modifications to the previously approved development standards for the Dayton-Wright Brothers Airport. These changes are limited to the section titled "Outdoor Advertising Signage".

The text changes do not change the previously approved use of outdoor advertising sign, it clarifies which standards within our zoning resolution must be met and which are exempt. The specific language proposed requires that under Article 41, Section 4103.01 and 4103.01(B) the sign must only meet subsections 8, 9, 10, 11, and 12. This means that the sign will not be required to meet the setback requirements from residential properties or other signage. It will be required to meet all other message frequency, sign resolution, and lighting standards.

Please contact me with any questions about the case.

## COMMUNITY DEVELOPMENT

**DIRECTOR** CHRISTOPHER E. SNYDER 2700 LYONS ROAD MIAMI TOWNSHIP, OHIO 45342  
planning@miamitownship.com phone (937) 433-3426 fax (937) 433-8709 www.miamitownship.com

## **Zoning Commission Recommendation**

### **Major Modification to the Preliminary Development Standards Airport Planned Development**

Meeting Date: 04/16/2019  
Case Number: ZC 434-18

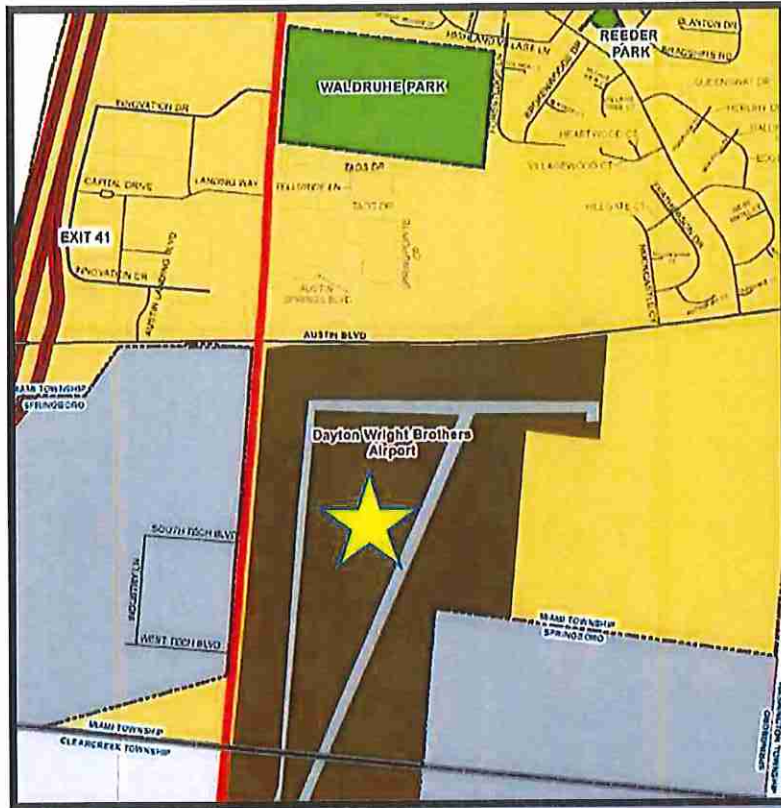
**Recommendation: APPROVAL, 5-0 Vote**

#### **Recommendation as made by the Zoning Commission:**

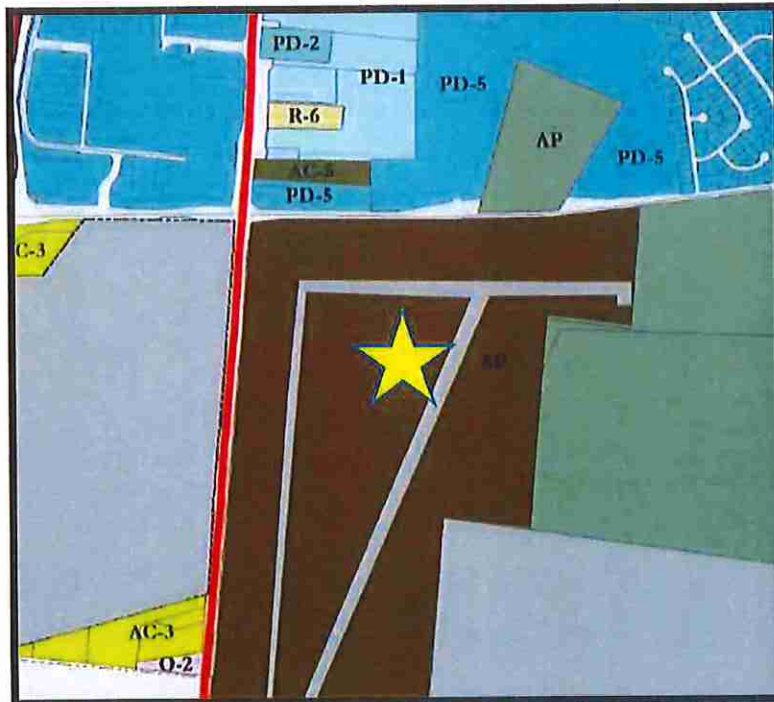
The Zoning Commission recommends approval of zoning case ZC 434-18 with no stipulations.

**ZC # 434-18**  
**Major Modification to the Preliminary Plan**

Property Location Map:



Zoning Map:



**ZC Case # 434-18**  
**Major Modification to the Preliminary Development Plan**  
**Wright Brothers Airport PD**  
**April 16, 2019**

<b>Applicant</b>	City of Dayton / Dayton – Wright Brothers Airport 101 West Third Street Dayton, OH  Owner(s): City of Dayton / Dayton – Wright Brothers Airport 101 West Third Street Dayton, OH
<b>Requested Action</b>	Approval of a modification to the previously approved development standards.
<b>Purpose</b>	To clarify the Outdoor Advertising Signage regulations under the Planned Development
<b>Existing Zoning</b>	"PD-5" Planned Mixed-Use District
<b>Property Location/Size:</b>	Multiple Parcel IDs K45 02602 0015, 0023, 0010, 0059, 0011, K45 02601 0001  The property is located south Austin Boulevard and east of Springboro Pike.  321 acres
<b>Existing Land Use:</b>	Airport Property
<b>Surrounding Uses &amp; Zoning:</b>	Residential neighborhood to the north and south. Undeveloped land to the east, and future Austin Landing South to the west.
<b>Comprehensive Plan:</b>	The Comprehensive Plan designates the area as Airport
<b>Utilities:</b>	Public water and sewer
<b>Pertinent Articles</b>	Article 6, Article 14, Article 31, Article 32, Article 41, Article 42, Article 43, Article 45-A

## ANALYSIS

Regarding the standards of Article 31, and Article 32 the Community Development Department offers the following comments:

- A. Development Schedule:** The request is for modifications to a previously approved set of development standards for the airport district. No changes to the development schedule are being proposed.
- B. Public Health, Safety, Morals, and Welfare:** The plans have been forwarded to the police, public works department, and Miami Valley Fire District for review in addition to the Montgomery County Engineer's office.
- C. Traffic Control and Access:** The plans have been forwarded to the Montgomery County Engineer's Office. Any comments that are received will be provided within your packets. No modifications to existing access or traffic control are being requested at this time.
- D. Public Service Burden:** The plans have been forwarded to all departments for review and comment. Any comments that were provided have been attached to your packets.
- E. Arrangement and Compatibility of Structures:** The applicant is requesting a rezoning and preliminary and final development plan for Dayton-Wright Brothers Airport.

**Development Standards.** The applicant is requesting modifications to the signage portion of the development standards, specifically the section permitting an outdoor advertising sign. The current language did not make it clear exactly where the sign was permitted and what, if any, standards within the Miami Township Zoning Resolution must be followed. The changes being proposed do not change the type of sign, the location proposed for a future sign, or the size and scale of the potential sign. The changes do make exactly what is permitted clearer so there is no confusion about what is permitted.

The changes are redlined below:

- **Outdoor Advertising Signage**

- Within the southern portion of Area 2 only, one outdoor Advertising Sign, as defined under Article 41, Section 4103.01 and 4103.01(B) of the Miami Township Zoning Resolution is permitted with up to two (2) sides and shall adhere to the lighting, message frequency, sign resolution and other standards of Article 4103.01(B) subsections 8, 9, 10, 11 and 12. The Advertising Sign shall also adhere to the following location, setback, area and height restrictions, but shall not have to meet a specific setback from another Advertising Sign:

~~◦ Generally, the sign shall meet at a minimum Article 41, Section 4103.01(B), with the following additional requirements:~~

- No such sign shall exceed three hundred seventy (370) square feet of digital display area per face with a maximum of two (2) faces placed back to back.
- Minimum physical pixel pitch resolution shall be 19 mm ~~minimum resolution~~ or as regulated by Article 41, Section 43103.01(B) 12, whichever is the most restrictive.
- The sign shall be setback a minimum of twenty (20) feet from any public road right of way ROW.
- Height: No advertising sign shall exceed twenty-eight (28) feet in height.
- The Total Structure Width shall not exceed: Forty (40) feet
- The base of the Advertising Sign structure shall be comprised of brick and stone in a style and manner as approved by the Board of Trustees as part of a Final Development Plan
- Landscaping, in the form of flowers, small shrubs and other similar materials shall be at the base of the sign covering at least three hundred seventy (370) square feet.
- The architectural design of the sign shall be subject to approval by the Board of Trustees as part of a Final Development Plan approval and shall meet the intent of providing a gateway sign as described under Article 41, Section 4103.01(13) f. of the Miami Township Zoning Resolution.
- Additional non-digital, static display area shall be permitted explicitly as detailed below on each side:
  - "Dayton-Wright Brothers Airport" at 70 square feet.
  - "Miami Township" at 20 square feet, backlit.
  - "Key-Ads" at 10.5 square feet, backlit.

Staff supports the requested changes as they are not changing the airport planned development uses only clarifying the already approved development standards pertaining to the outdoor advertising signage allowance.

## **EXHIBIT A: DEVELOPMENT STANDARDS**

### **ZONING CASE #434-18**

#### **Airport Planned Development**

In addition to the provisions of Article 31 and Article 35-A and any restrictions or requirements of the approved preliminary and final development plans and associated approved modifications, the following regulations shall govern the "PD-5" District established under Zoning Case #434-18, such uses being approved and/or modified by the Miami Township Board of Trustees on the following date(s):

December 11, 2018

**April 23, 2019**

#### **Purpose**

The intention of the Airport Planned Development is to accommodate the Dayton-Wright Brothers Airport as well as future development opportunities around the airport. Future development of an industrial area to the east is anticipated to accommodate airport manufacturing uses, high tech industrial uses, or corporate office uses.

For the purpose of these standards "directly related to aviation" means a business that either directly services airport passengers or staff, or a business that produces or supplies over 50% of their products for use in the aviation industry.

The Airport Planned Development is a partnership with the City of Dayton intended to encourage a mixture of airport related uses alongside non-aviation uses that complement the office and industrial needs of the Township. Design standards are incorporated to transition the property from what has been a primarily utilitarian design focused solely on aviation related uses to those intended to complement the other Austin Center commercial areas at the nearby Austin Center interchange.

#### **Permitted Uses**

- **Area 1 (Airport)**

**It is the intent of Area 1 to promote development of aviation related facilities, while providing allowance for services and support facilities that serve aviation facilities and their customers.**

1. Airports and heliports with associated hangars and support facilities
2. Industrial activities directly related to aviation.
3. Commercial activities directly related to aviation.
4. Eating Places No. 1, No. 2 and Carry-Out that are completely within a terminal.
5. Offices.

6. Long term commercial parking.
7. Retail Uses completely within a terminal, or with no exterior signage.

- **Area 2 (Office Areas)**

**It is the intent of Area 2 to provide areas for corporate and regional offices that desire to be located within close proximity to airport facilities. Area 2 may also include uses that serve the general public and offer a transition between purely airport related facilities and those that may serve primarily those coming from outside of the airport.**

1. Offices.
2. Airports and heliports with associated hangars and support facilities.
3. Automobile rental and lease.
4. Retail uses, including one automobile gas and service center.
5. Restaurant uses, including fast food where the drive thru is not fronting Springboro Pike.
6. One Outdoor Advertising Sign – Per the sign section below.

- **Area 3 (Remaining Property)**

**It is the intent of Area 3 to serve primarily as an industrial and business park for businesses that utilize a relatively large employment base. This area is not intended to be utilized by the general public for service and retail-oriented uses.**

- Airports and heliports with associated hangars and support facilities.
- Manufacturing or assembly of products and their component parts provided such manufacture or assembly does not violate the prohibitions and required conditions listed below.
- Machine shops and tool and die shops.
- Research and engineering laboratories.
- Printing, publishing, binding and typesetting plants.
- Packaging centers and distribution facilities meeting the intent of the planned development to accommodate significant employment centers.
- Bakeries for wholesale distribution.
- Business and professional offices and technology centers, such as corporate or regional offices, and call centers that do not cater to the general public or offer goods and services for sale on the premises in a retail format, except as an ancillary part of an approved aviation related use. A Fixed Base Operator (FBO) for example that has an office and sells fuel or aircraft rentals would not be excluded. Examples of excluded uses in this category are:
  - Banks and financial institutions.
  - Retirement or financial guidance offices.
  - Hospitals.
  - Medical and dental clinics.

- Medical Research Facilities.

### **Accessory Uses**

- Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including storage sheds and fuel storage.

### **Prohibited Uses**

- No raw materials shall be processed into any products, including metal of any kind, glass, plastic, textiles, leather, petroleum or paper.
- Open storage of (but not limited to): junk, refuse, miscellaneous discarded items, inoperative items, inoperative or unlicensed motor vehicles or recreational equipment, or inoperative appliances.
- Storage facilities, except as ancillary to a permitted use and only to the extent permitted through an approved final development plan, but generally should not exceed thirty percent (30%) of any facility. This provision does not apply in the case of approved aviation related aircraft hangars that are utilized for the storage and maintenance of aircraft and their support equipment and components.
- Any use not listed as a permitted use.

### **Required Conditions**

- All industrial activity will be conducted wholly within a completely enclosed building
- No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 44.
- No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken.
- The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Combined Health District. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means.
- There will be no emission of odors or odor-causing substances which can be detected without the use of instruments at or beyond the lot lines.
- There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.
- Any operation that produces intense glare or heat shall be performed within a completely enclosed building or structure and exposed sources of light shall be screened so as not to be detectable at the lot line.
- All premises shall be furnished with all-weather hard surface walks of a material such as bituminous or portland cement concrete, wood, tile, terrazzo, or similar material and, except for parking areas, the grounds shall be planted and landscaped.

- No commercial vehicle over one (1) ton rated capacity and more than seven (7) feet in height, and not owned by or associated with an existing business on a subject property, may be parked on any industrial lot, except for commercial vehicles making service calls or delivering to or from a subject property.

## **Signage**

- **General Signage**
  - FAA required signage, including but not limited to ground markings, destination markings, and taxiway signage shall be exempt from this code, and shall not require a Zoning Certificate.
- **Wall Signage**
  - All wall signs meant to be viewed from public streets are subject to Article 41, Section 4106.
  - Signs that face a runway, taxiway or tarmac that is not meant to be viewed from a public street are subject to Article 41, Section 4109.
- **Ground signage**
  - Two monument signs are permitted, one at each entrance to the Airport on Springboro Pike, which meet Article 41, Section 4106.
  - One monument sign is permitted as an entrance sign to the future development within Area 3, which meets Article 41, Section 4106 and only states the name of the development, not individual tenants.
  - All other individual parcels or tenants may be permitted a ground sign based on the standards of Article 41, Section 4106 and final development plan for commercial and restaurant uses, and Article 41, Section 4105 for office uses with the following requirements:
    - All ground signage must have a 6 inch stone or brick base.
    - No pole signs are permitted.
- **Outdoor Advertising Signage**
  - Within the southern portion of Area 2 only, one outdoor Advertising Sign, as defined under Article 41, Section 4103.01 and 4103.01(B) of the Miami Township Zoning Resolution is permitted with up to two (2) sides and shall adhere to the lighting, message frequency, sign resolution and other standards of Article 4103.01(B) subsections 8, 9, 10, 11 and 12. The Advertising Sign shall also adhere to the following location, setback, area and height restrictions, but shall not have to meet a specific setback from another Advertising Sign:
    - ~~Generally, the sign shall meet at a minimum Article 41, Section 4103.01(B), with the following additional requirements:~~
      - No such sign shall exceed three hundred seventy (370) square feet of digital display area per face with a maximum of two (2) faces placed back to back.

- Minimum physical pixel pitch resolution shall be 19 mm minimum-resolution or as regulated by Article 41, Section 43103.01(B) 12, whichever is the most restrictive.
- The sign shall be setback a minimum of twenty (20) feet from any public road right of way ROW.
- Height: No advertising sign shall exceed twenty-eight (28) feet in height.
- The Total Structure Width shall not exceed: Forty (40) feet
- The base of the Advertising Sign structure shall be comprised of brick and stone in a style and manner as approved by the Board of Trustees as part of a Final Development Plan
- Landscaping, in the form of flowers, small shrubs and other similar materials shall be at the base of the sign covering at least three hundred seventy (370) square feet.
- The architectural design of the sign shall be subject to approval by the Board of Trustees as part of a Final Development Plan approval and shall meet the intent of providing a gateway sign as described under Article 41, Section 4103.01(13) f. of the Miami Township Zoning Resolution.
- Additional non-digital, static display area shall be permitted explicitly as detailed below on each side:
  - "Dayton-Wright Brothers Airport" at 70 square feet.
  - "Miami Township" at 20 square feet, backlit.
  - "Key-Ads" at 10.5 square feet, backlit.

### **Landscaping**

- Area 1 shall meet the standards of Article 45-A of the Miami Township Zoning Resolution, with the ability to modify the location of trees to meet all FAA guidelines. No impervious surface requirements or landscaping requirement will be required to be met for the runway, or other paved surfaces necessary for the airport to function.
- Area 2 and 3 shall meet the standards of Article 45-A of the Miami Township Zoning Resolution for all new construction or retrofit / renovation.

### **Lighting**

- Exterior lighting shall be fully shielded and generally directed towards the ground unless explicitly required by the FAA.
- Where lighting abuts a residentially used property outside the Development, the maximum illumination at the property line will not exceed 0.5-foot candles.
- The color temperature of lighting shall not exceed the levels noted under Article 7 of the Miami Township Zoning Resolution, unless otherwise required by the FAA or approved by the Zoning Commission to meet specific security concerns.
- Area 2 shall further meet the requirements of Article 7 of the Miami Township Zoning Resolution for lighting.
- Area 3 shall further meet the requirements of Article 27, Section 2713 of the Miami Township Zoning Resolution for lighting.

## **Design Guidelines**

- **Façade Designs / Site Plan Layout:**
  - All buildings in Area 1 that face outward towards Springboro Pike or Austin Boulevard shall be subject to Article 7 of the Miami Township Zoning Resolution.
  - All buildings in Area 2 shall be subject to Article 7 of the Miami Township Zoning Resolution with the exception below.
    - Alternative architectural styles may be considered by the Zoning Commission that do not meet Article 7 if they are unique and clearly add to the vibrant and high-quality buildings within the Township. This specifically would permit Connor Group to construct additional buildings that are similar in design to their existing buildings.
  - All buildings in Area 3 shall be subject to the standards of Article 27, Section 2713.
- **Building Height:**
  - No structure shall exceed fifty (50) feet and all structures are subject to FAA form 7460 or its successor.
- **Lot area, frontage, and yard requirements:**
  - **Lot Area:** No minimum.
  - **Minimum Lot Frontage:** 100 feet.
  - **Minimum Front Yard Depth:** 25 feet.
  - **Minimum Side Yard:** A side yard shall be required adjacent to a Residential or a Planned Residential District. Such side yard shall be equal to twice the height of the structure with a minimum of twenty (20) feet and a maximum requirement of fifty (50) feet.
  - **Rear Yard:** A rear yard shall be required adjacent to a Residential or a Planned Residential District. Such rear yard shall be equal to twice the height of the structure with a minimum requirement of twenty (20) feet.
- **Maximum Lot Coverage:**
  - Fifty (50) percent of lot area as defined in Section 212.08 of the Miami Township Zoning Resolution.

## **General Development Standards**

- The site shall meet all Montgomery County and Miami Township storm water requirements as applicable at the time of development.
- Modifications consistent with the approved airport layout plan to the tarmac location, runway width or location, or other FAA required changes to the ground infrastructure shall be permitted without the need for a Zoning Certificate.

## **Article References**

- All article references refer to the Miami Township Zoning Resolution unless otherwise noted and shall refer to the specific article referenced or as amended within the Miami Township Zoning Resolution.

## Airport Planned Development: Area Map





# MJM / FDP APPLICATION

## FINAL DEVELOPMENT PLAN / MAJOR MODIFICATION APPLICATION

APPLICANT AND PROPERTY INFORMATION		STAFF USE ONLY
APPLICANT NAME City of Dayton, Dayton Wright Brothers Airport		FILE INFORMATION <b>RECEIVED</b> APR. 09 2019 <i>McCall</i>
APPLICANT ADDRESS 101 West Third Street		
PROPERTY ADDRESS OR LOCATION 10550 North Springboro Pike		
PARCEL NUMBER(S) - REQUIRED IF NO STREET ADDRESS K45 02601 00001		RECEIVED AMOUNT / CHECK # N/A
APPLYING FOR A MAJOR MODIFICATION TO THE FOLLOWING AREA COVERED BY AN EXISTING PLAN <input type="checkbox"/> ALL <input checked="" type="checkbox"/> PHASE / SECTION <u>Area 2</u>	AREA (S) CURRENTLY ZONED PD-5 Airport Planned Development	CASE NUMBER(S) <u>434-18</u>
PREFERRED CONTACT METHOD <input checked="" type="checkbox"/> EMAIL PREFERRED <input type="checkbox"/> PHONE PREFERRED	EMAIL mcross@flydayton.com PHONE 937-454-8226	ZC MEETING DATE <u>April 16, 2019</u>
OWNER CONTACT INFORMATION		
OWNER NAME City of Dayton - Terrence G. Slaybaugh		OWNER PHONE 937-454-8202

LOCATION OF LAND
THE AREA OF LAND SOUGHT FOR MODIFICATION CONTAINS <u>69.148</u> (ACRES / SQ FT) AND IS LOCATED ALONG THE <u>NORTH</u> <u>SOUTH</u> <u><b>EAST</b></u> <u>WEST</u> SIDE OF <u>Springboro Pike (SR 741)</u> (STREET NAME) AND APPROX <u>3,600</u> (FEET) <u>NORTH</u> <u><b>SOUTH</b></u> <u>EAST</u> <u>WEST</u> OF <u>Austin Blvd.</u> (STREET NAME).
THE AREA OF LAND FOR CONSIDERATION IS FURTHER DESCRIBED ON MICROFICHE # _____ AND/OR DEED BOOK # <u>26</u> PAGE # <u>1</u> AND IS LOCATED IN MIAMI TOWNSHIP, MONTGOMERY COUNTY, OHIO IN SECTION <u>9</u> TOWN <u>2</u> AND RANGE <u>5</u> .

TOTAL LAND AREA OF DEVELOPMENT AND/OR TOTAL MODIFICATION AREA	
ENTIRE DEVELOPMENT (ACRES / SQ FT)	TOTAL MODIFICATION REQUEST AREA (ACRES / SQ FT) <b>69.148</b>



## FINAL DEVELOPMENT PLAN / MAJOR MODIFICATION APPLICATION

TYPE OF DEVELOPMENT (CHECK BOX AND FILL OUT SECTIONS BELOW ACCORDINGLY)

<input type="checkbox"/> RESIDENTIAL	<input checked="" type="checkbox"/> NON - RESIDENTIAL	<input type="checkbox"/> MIXED USE OR BOTH
--------------------------------------	---	--

### RESIDENTIAL DEVELOPMENT

<input type="checkbox"/> SINGLE FAMILY <input checked="" type="checkbox"/> MULTI FAMILY NUMBER OF (1) BEDROOM UNITS _____ NUMBER OF (2) BEDROOM UNITS _____ OTHER (SPECIFY) _____	TOTAL LAND AREA OF RESIDENTIAL ONLY (ACRES / SQ FT)  TOTAL FLOOR AREA OF ENTIRE DEVELOPMENT (SQ FT)  NUMBER OF DWELLING UNITS
ENTIRE DEVELOPMENT	MODIFICATION AREA
AVERAGE SIZE OF DWELLING UNIT _____ BUILDING HEIGHT (SHOW ON PLANS) _____ DENSITY OF LAND ARE PER UNIT _____ SQ FT BUILDING COVERAGE _____ % OPEN SPACE PER UNIT _____ % IMPERVIOUS SURFACE COVERAGE _____ %  NUMBER OF PARKING SPACES (surface and enclosed 9 x 18) _____	AVERAGE SIZE OF DWELLING UNIT _____ BUILDING HEIGHT (SHOW ON PLANS) _____ DENSITY OF LAND ARE PER UNIT _____ SQ FT BUILDING COVERAGE _____ % OPEN SPACE PER UNIT _____ % IMPERVIOUS SURFACE COVERAGE _____ %  NUMBER OF PARKING SPACES (surface and enclosed 9 x 18) _____

### NON - RESIDENTIAL DEVELOPMENT

TOTAL AREA OF NON - RESIDENTIAL ONLY (ACRES / SQ FT) <p style="text-align: center; font-weight: bold;">69.148 Acres</p>	TOTAL FLOOR AREA OF ENTIRE DEVELOPMENT (SQ FT)
TOTAL FLOOR AREA BY USE _____ SQ FT _____ SQ FT _____ SQ FT	TYPES OF USES (ALSO INDICATE ON DEVELOPMENT PLANS) _____ _____ _____
ENTIRE DEVELOPMENT	MODIFICATION AREA
BUILDING HEIGHT (SHOW ON PLANS) _____ BUILDING COVERAGE _____ % IMPERVIOUS SURFACE _____ %  NUMBER OF PARKING SPACES (surface and enclosed 9 x 18) _____	BUILDING HEIGHT (SHOW ON PLANS) _____ BUILDING COVERAGE _____ % IMPERVIOUS SURFACE _____ %  NUMBER OF PARKING SPACES (surface and enclosed 9 x 18) _____

#### COMMUNITY DEVELOPMENT

DIRECTOR CHRISTOPHER E. SNYDER, 2700 LYONS ROAD, MIAMI TOWNSHIP, OHIO 45342  
 planning@miamitownship.com phone (937) 433-3426 fax (937) 433-0709 www.miamitownship.com

## Final Development Plan / Major Modification Application

### Development Plan Approval

The applicant shall prepare a definitive statement on how this Major Modification will maintain compliance with each of these particular requirements. Please complete questions below or attach the necessary information and/or materials that show all necessary requirements are met.

Describe here or attach your schedule of development for this portion of the project. The development must be substantially completed within the period of time specified.	With the approval of this application, the applicant would re-submit for a permit to install the sign as described under Outdoor Advertising Signage in the AP-5 Development Standards as amended.
What covenants, easements, or other provisions are provided in the planned development to protect the public health, safety, morals, and general welfare? (These may include such items as utility and drainage easements, homeowner's association rules, or landscape buffers and other design criteria. All easements, buffers, etc. must be shown clearly on the plan drawing.)	The applicant will be required to adhere to the restrictions set forth in the City of Dayton, Department of Aviation Advertising Policy.
Traffic control signals must be provided without expense to Montgomery County when the County Engineer determines that such signals are required to prevent traffic hazards or congestion in adjacent streets. Please provide any comments.	N/A
The streets and driveways on the site of the proposed development must be adequate to serve the residents or occupants of the proposed development. How does your proposal meet this standard?	N/A
Adequate access roads, or entrance and exit drives, shall be provided and shall be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys. How does your proposal meet this standard?	N/A
The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses. How does your proposal meet this standard?	N/A
Any part of a Planned Development not used for structures, parking and loading areas, or access ways, shall be landscaped, designated as permanent open space or otherwise improved. How does your proposal meet this standard? (Plan drawing must clearly show compliance with this standard.)	A landscaping plan is included in the drawings for the proposed sign.

## Final Development Plan / Major Modification Application

When business or manufacturing structures or uses in a Planned Development District about a Residential District, screening shall be provided as stated in the zoning resolution. Additional screening may be required in order to meet the other standards in this application. How does your proposal meet this standard? (Plan drawing must clearly show compliance with this standard.)	N/A
A business or manufacturing structure in a Planned Development District cannot be located nearer than one hundred (100) feet to a residential building. How does your proposal meet this standard? (Plan drawing must clearly show compliance with this standard.)	N/A

### Other Considerations

What is the relationship of the proposed use to adjacent properties and land uses?	The proposed sign will have no effect on adjacent properties
The Planned Development must comply with Montgomery County storm water requirements. How does your proposal meet this requirement?	Landscaping is included in the signage plan and will address run-off.
What provisions have been or will be made for the care and maintenance of common open space and/or recreational facilities? (Attach copies of any restrictive covenants to be recorded and also any proposed bylaws and articles of incorporation for entity responsible for common open space.)	N/A

### Narrative of Request

In your own words, please **clearly describe** the request to which you are seeking approval ***in detail*** below. (If there is not enough space, please attach a separate sheet of paper describing your request.)

Please accept this request to Amend the AP-5 Airport Planned Development Standards to allow for the Outdoor Advertising Signage to be installed within Area 2. A copy of the Area Map, proposed signage plan and the City of Dayton, Department of Aviation Advertising Standards are attached.

# Final Development Plan / Major Modification Application

## AFFIDAVIT - Attach additional signature pages, if needed

Before completing this application and executing the following affidavit, It is recommended that this application be discussed with the Staff of the Miami Township Zoning Commission. All persons listed on the recorded deed, **must** sign this affidavit.

## OWNER AND APPLICANT'S AFFIDAVIT - Miami Township

### STATE OF OHIO, COUNTY OF MONTGOMERY

(I/We) Terrence G. Slaybaugh being duly sworn, depose and say that I am/we are **all** the owner(s)/lessee(s) of land included in the application and that the foregoing statement herein contained and attached, and information or attached exhibits thoroughly to the best of my/our ability present the arguments in behalf of the application herewith submitted and that the statements and attached exhibits above referred to are in all respects true and correct to the best of my/our knowledge and belief.

 (signature) \_\_\_\_\_ (signature)

Gilbert Turner (printed name) \_\_\_\_\_ (printed name)

3600 Terminal Drive, Vandalla, Ohio 45377 (mailing address) \_\_\_\_\_ (mailing address)

Phone: 937-454-8202 Phone: \_\_\_\_\_

Subscribed and sworn to before me this 4th day of April, 2019.

  
Notary Public

Person to be contacted for details, other than above signatory:

Michael Cross  
(printed name)

3600 Terminal Drive, Vandalla, Ohio 45377  
(mailing address)

Phone: 937-454-8226

**APRIL L BROWN, Notary Public**  
In and for the State of Ohio  
My Commission Expires Mar 5, 2024

## **Final Development Plan / Major Modification Application**

### **Miami Township Standard Zoning Commission Process**

**Pre-Application Meeting** with the Staff of the Miami Township Planning & Zoning Department (Recommended). The Staff is under no obligation to provide a formal recommendation at the time of the pre-application meeting, and any formal staff recommendation will be made only upon submission and review of a completed application. No statement made by Staff is binding on either the Zoning Commission or the Board of Trustees.

**Submission of Completed Application.** All documents and plan drawings must be submitted at this time. (See Submission Requirements Sheet)

**Montgomery County Planning Commission Review.** Materials are forwarded to the county planning commission for review and formal recommendation if required or otherwise deemed necessary by Miami Township. You may contact the County at 225-4351 for the dates and times of their meetings. Materials may also be forwarded to other departments and outside agencies/organizations as required or deemed appropriate by Staff.

**Legal Notices are Prepared** and placed in the newspaper and/or mailed to residents as required by the Miami Township Zoning Resolution.

**Staff Report is Prepared** and submitted along with application materials to the Miami Township Zoning Commission.

### **Hearing by Zoning Commission**

- The case is placed on the agenda by the Staff. The chair of the Zoning Commission may modify the order in which cases are heard at his/her discretion.
- The Zoning Commission opens the case.
- All speakers should speak only to the Zoning Commission and the Chairman may establish a time limit on speakers. Upon request, the chair may authorize questions of the Staff.
- A staff report is presented by one of the members of the Planning & Zoning Department. This will include a reading of the Montgomery County Planning Commission recommendation, if such recommendation was required for the case.
- The applicants or their representative presents the case to the Zoning Commission.
- Proponents of the case are given an opportunity to speak.
- Opponents of the case are given an opportunity to speak.
- The Zoning Commission will close the public hearing and enter into deliberations on the case. Planned Development requests may require a review of the Findings of Fact standards of Article 31.
- The Zoning Commission will recommend to the Board of Trustees that the case be approved, denied, or approved with modifications or conditions.
- Once the Zoning Commission has taken final action; the case, along with the recommendation of the Zoning Commission, is forwarded to the Board of Trustees. Depending upon the request, legal notices must again be mailed and placed in the newspaper for the Trustee's hearing.

### **Hearing by Board of Trustees**

- The Staff places the case on the agenda. The President of the Board of Trustees may modify the order in which cases are heard at his/her discretion.
- The Board of Trustees opens the case.
- All speakers should speak only to the Board of Trustees and the President may establish a time limit on speakers. Upon request, the President may authorize direct questions of the Staff.
- A staff report is presented by one of the members of the Community Development Department. This will include a reading of the Montgomery County Planning Commission recommendation, if such recommendation was required for the case. The Zoning Commission recommendation will be read.
- The applicants or their representative presents the case to the Board of Trustees.
- Proponents and opponents (if any) of the case are given an opportunity to speak.

## Final Development Plan / Major Modification Application

- The Board of Trustees will close the public hearing and enter into deliberations on the case. Planned Development requests may require a review of the Findings of Fact standards of Article 31.
- The Board of Trustees will vote to approve, deny, or approve with modification the Zoning Commission recommendation. A unanimous vote of the Board of Trustees is required to overturn or modify the Zoning Commission recommendation.
- If the Board of Trustees ultimately approves the case, the change will become effective thirty (30) days from the date of approval. Final Development Plans and modifications to planned developments not involving a rezoning are effective immediately upon approval by the Board of Trustees.

### Information

Each applicant and property owner should review the latest comprehensive planning documents and zoning resolution available for the area proposed for rezoning or modification prior to submittal of an application.

The application, and any other relevant information, may be submitted to outside agencies and organizations, both public and private, that the Staff, Zoning Commission, or Board of Trustees desire to have review said materials. These may include, but are not limited to, the Ohio Department of Transportation, Montgomery County, local school districts, and local utilities. This review in no way removes the applicant's responsibility to ensure compliance with the rules and/or regulations of any of these outside agencies or organizations.

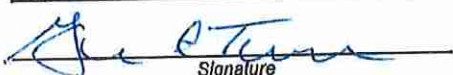


The staff of Miami Township may drive by the property and take photos of the property. Aerial photography of the site may also be utilized in reviewing an application.

All materials submitted as part of this application are public record and will be made available for review upon request of any interested party. Inaccurate or incomplete information provided with or within the application package may delay the processing of the application and/or delay any scheduled public hearings. The Zoning Commission and/or Board of Trustees may table the case due to missing or incomplete information.

Applicants are expected to attend all public hearings regarding the application, and a failure to appear could result in the postponement of action on the application, and final action will be left to the discretion of the Zoning Commission or Board of Trustees within the constraints of the Miami Township Zoning Resolution.

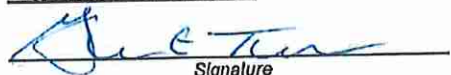


I/we the undersigned owners and applicants do hereby declare that I/we have read the information provided within this application packet and have initialed each page. I/we further understand that each request is unique and may require additional information.

#### Signature of Owners and Applicants

 Signature	 Terrence G. Slaybaugh Printed Name	 Date
_____ Signature	_____ Printed Name	_____ Date

I/we ( do  do not) authorize the staff, Zoning Commission, and Board of Trustees members to enter the property for the purpose of this case and to take photographs as necessary.

#### Signature of Owners

 Signature	 Terrence G. Slaybaugh Printed Name	 Date
_____ Signature	_____ Printed Name	_____ Date

# Exhibit A

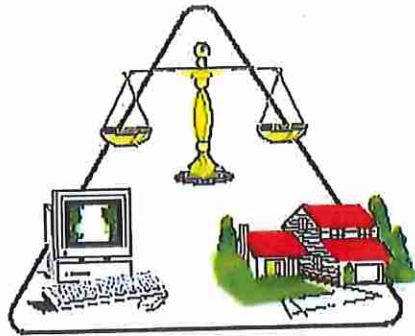
## Airport Planned Development: Area Map



Exhibit B

# Montgomery County

## Auditor



# Karl L. Keith

Historical Documents converted by

GIS Department

EXCEED CONVERSION DOCUMENTS (EX)

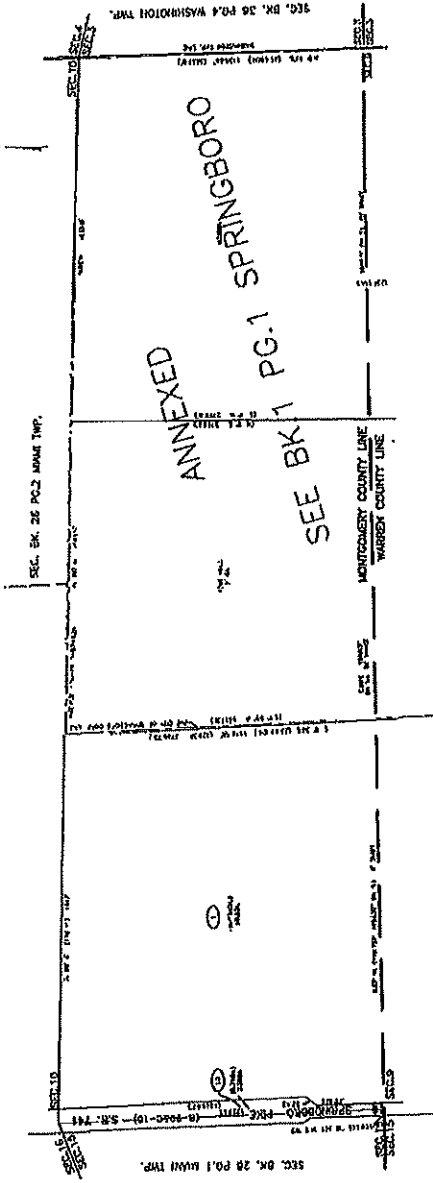
March 2008 History Map

**DISCLAIMER:**

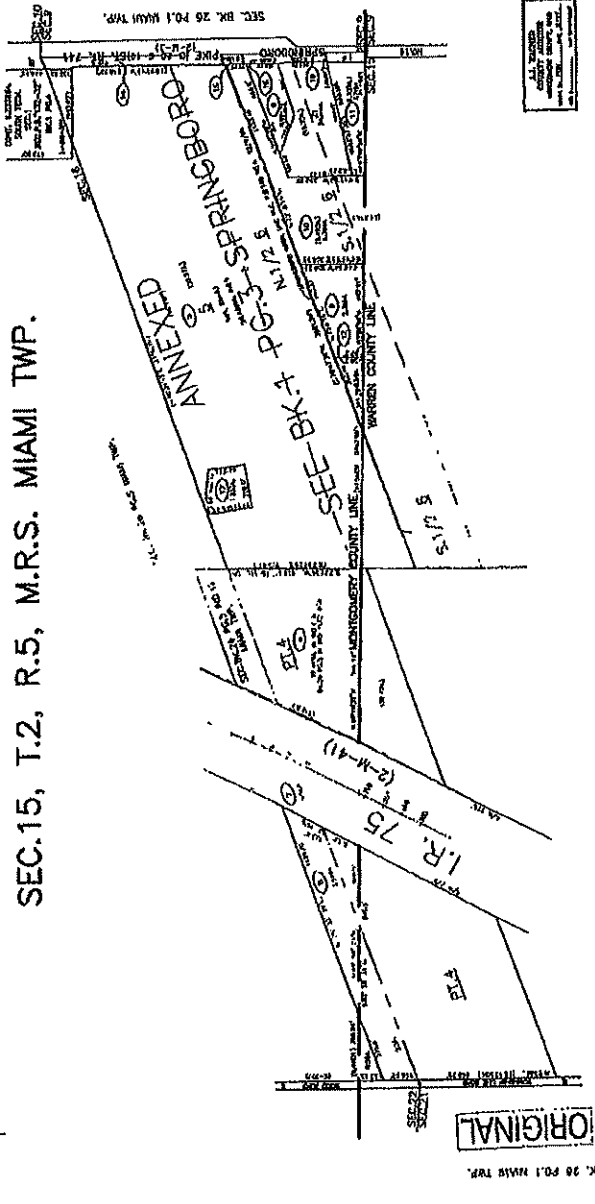
Documents are to be used as public general information and is provided strictly as a courtesy. No warranty as to the content, accuracy or completeness of any information provided herein.

SEC. 9, T. 2, R. 5, M.R.S. MIAMI TWP.

PAGE 1  
BOOK 26



SEC. 15, T. 2, R. 5, M.R.S. MIAMI TWP.

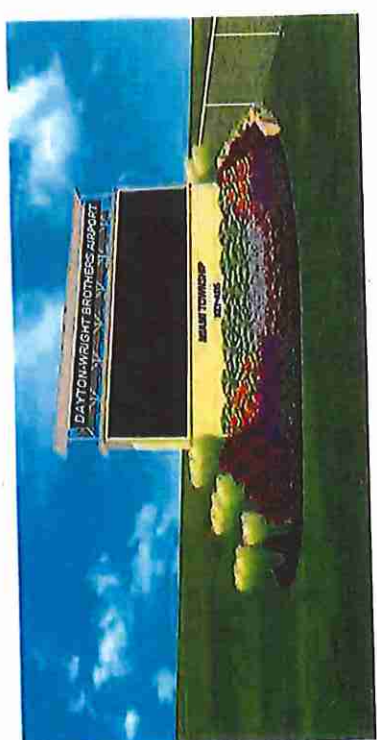
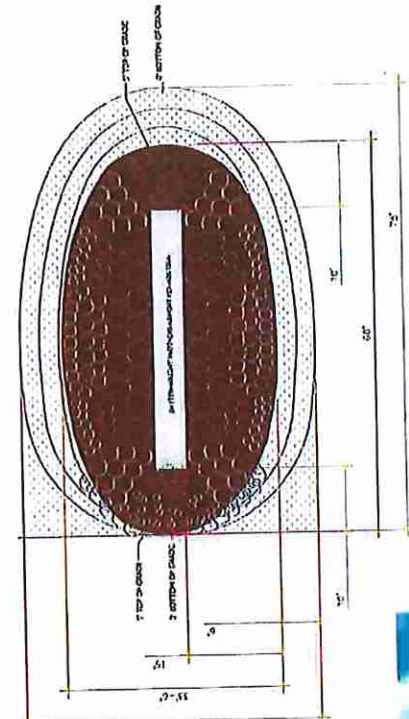
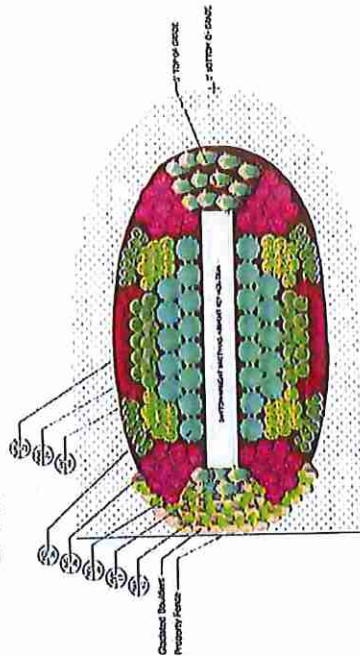






**Material List**

SYS.	DESCRIPTION	SIZE	QTY.
105	Enviroscape Claystone Silt Chemene Stone Sandstone	41	28
106	Jupiter's Gray Duff Silt Claystone	43	24
107	Enviroscape Claystone Yellow's Low Cement	42	24
108	Phantom's New York Heavy Field Sandstone	45	12
109	Phantom's Lake Duff Light Sandstone	42	26
110	Phantom's Lake Duff Silt Claystone	41	44
111	Phantom's Lake Duff Silt Claystone	41	44
112	Phantom's Lake Duff Silt Claystone	41	44
113	Phantom's Lake Duff Silt Claystone	41	44
114	Phantom's Lake Duff Silt Claystone	41	44
115	Phantom's Lake Duff Silt Claystone	41	44
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197	Phantom's Lake Duff Silt Claystone	41	44
198	Phantom's Lake Duff Silt Claystone	41	44
199	Phantom's Lake Duff Silt Claystone	41	44
200	Phantom's Lake Duff Silt Claystone	41	44



Dayton Wright Brothers Airport  
Key-Ads Sign  
Miami Township, OH

Site  
Revised/Drawn  
Date

Site  
Revised/Drawn  
Date

Site  
Revised/Drawn  
Date

\*This project is a copyright of the design firm and may not be reproduced or distributed without permission. All rights reserved.

# Exhibit D



## City of Dayton Department of Aviation

### Advertising Policy

This policy provides advertising and signage criteria for the James M. Cox Dayton International Airport and Dayton-Wright Brothers Airport (collectively, "Airport"). This policy does not apply to activities of the City of Dayton and its Department of Aviation, to identify, inform the public, promote airport facilities, services or tenants, or otherwise market the Airport. This policy does not apply to facility way-finding, informational or tenant identification signs.

Advertising is recognized as an essential part of airport concession, information and identity programs, and must be developed to be aesthetically consistent with the Airport's design and architecture without interfering with operational efficiencies or employee and passenger safety. A balance between airport advertising and other informational systems must be maintained in order to preserve visual continuity and avoid clutter and message overload.

Advertising is defined as any commercial message displayed through auditory or visual communication systems in any form of media. All signs and other types of advertising on Airport property must be consistent with these guidelines. Existing signs that do not meet the guidelines must be removed.

#### 1. General Rules

Signs and other advertisements on Airport property must comply with the following general rules:

- 1.1 All advertisements must comply with applicable safety standards.
- 1.2 Advertisements shall not contain obscene, pornographic or violent material or market tobacco, or illegal or prohibited substances.
- 1.3 Advertisements shall not contain content that demeans or disparages an individual or groups of individuals.
- 1.4 Advertisements shall not promote political issues or advocate for or against political candidates, political campaigns, ballot measures, or political parties or organizations.
- 1.5 Advertisements shall not promote or disparage any religion or religious issue.

- 1.6 Advertisements shall not advertise services in direct competition with the Department of Aviation's business objectives, and shall not contain material that is not in the best business interest of the Department of Aviation or air transportation.
- 1.7 Advertisements shall not be false, misleading or deceptive.
- 1.8 Advertisements shall not contain objectionable or confrontational material such that the advertisement would detract from the mission of the Department of Aviation to provide a comfortable, safe and pleasant passenger experience.
- 1.9 Advertisements may not contain flashing messages or be illuminated by strobe or laser lighting.
- 1.10 Advertisements shall not promote unlawful or illegal goods, services, or activities.
- 1.11 Advertisements shall not use the logo or designations of the City of Dayton or its Department of Aviation, or testimonials by current City or Department employees or elected officials unless the Director of Aviation, or his designee, has consented in writing to such use.

## **2. Terminal Buildings**

Within the Airport terminal building, all advertising in public and common use spaces that are designated for use by the Department of Aviation's in-terminal advertising concessionaire shall be carried out through the advertising program managed by that concessionaire, subject to this Policy. Advertising in public and common use spaces that are not designated for use by the Department of Aviation's in-terminal advertising concessionaire shall be allowed entirely at the discretion of and subject to the judgment of the Director of Aviation, or designee. Advertising in spaces exclusively or preferentially leased by tenants shall be restricted to only goods and services offered by the tenant.

Advertising shall not be placed in any location on the exterior of the terminal buildings, including the passenger loading bridges. With the approval of the Director of Aviation, signs bearing an airline trade name or logo may be placed on passenger loading bridges.

All advertisements proposed in the terminal buildings, no matter where or how placed, are subject to the consent and approval of the Director of Aviation, or designee, prior to installation.

## **3. Other Department of Aviation Buildings and Structures**

Advertising will not be allowed to be placed in any location on the exterior of or the grounds of any other building or structure on the Airport.

**4. Other Airport Property**

Advertising in shuttle bus waiting areas of public and employee parking facilities, parking garage, on Department of Aviation ground transportation shuttle buses, in areas designated by the Department of Aviation for display of banners, on automated public parking pay-stations, on electronic displays such as information kiosks, video monitors and pay-station machines, on the Internet website(s) maintained by the Department of Aviation, and in other areas as may be designated by the Department of Aviation from time to time, shall be allowed entirely at the discretion of and subject to the judgment of the Director of Aviation, or designee. All advertisements proposed, no matter where or how placed, are subject to the written consent and approval of the Director of Aviation, or designee, prior to installation.

**6. Temporary Advertising Signs**

Temporary signs that may be considered advertising in nature may be used by Department of Aviation and Airport tenant contractors during construction periods to identify projects, work sites, contractors and work in process as specified in Department of Aviation approved contract documents.

Other temporary signs that may be considered advertising in nature may be allowed subject to prior Director of Aviation, or designee, review and approval.

**7. General**

Notwithstanding any of the preceding, the Department of Aviation, through its Director of Aviation, or designee, reserves the right to refuse any advertisement in any form at any time in any location for any reason, whether or not stated.

This Policy is adopted this \_\_\_\_ day of \_\_\_\_\_, 2012 pursuant to R.C.G.O. § 37.01.

CITY OF DAYTON  
DEPARTMENT OF AVIATION

  
Director



## MJM/FDP APPLICATION

### MAJOR MODIFICATIONS OR FINAL DEVELOPMENT PLANS

#### The Application Fee

- Cash or check made out to "Miami Township"

#### Completed Application Form *(also signed Procedures and Information document)*

- Form must be signed by **ALL** owners of property proposed for rezoning or modification. This means **ALL** individuals listed on the recorded deed.
- Form must be notarized.
- Form must be typed or entered on computer.
- Only one copy of the application form is required.
- Any additional documents required as part of the preliminary plan approval.

#### Survey of the Tract *(Existing Conditions)*

- (2) Full-size (to scale) copies,
- (2) Two reduced size sets (either 11"x17" or 8.5"x11")
- (1) One electronic PDF copy shall be provided by the applicant.

A survey of the area to be rezoned or approved under a final development plan shall be prepared by a registered surveyor, engineer, or architect of the State of Ohio and be stamped or sealed with the endorsement of the person preparing the plans. The survey shall include the following:

- Changes necessary to the survey submitted with the preliminary plan. If no preliminary plan was filed, then a survey meeting the preliminary plan standards should be prepared.

#### Completed Plot Plan & Drawings *(Proposed Features)*

- (2) Full-size (to scale) copies,
- (2) Reduced size sets (either 11"x17" or 8.5"x11")
- (1) Electronic PDF copy shall be provided by the applicant.

- A plot plan of the area to be rezoned or approved under a final development plan shall be prepared by a registered surveyor, engineer, or architect of the State of Ohio and be stamped or sealed with the endorsement of the person preparing the plans. Landscaping should be shown on a separate sheet, if it would otherwise obscure necessary information on the plot plan and will have to be stamped by a registered landscape architect upon submission for a zoning certificate. The plot plan/drawings shall include the following:

- In the case of residential developments, the overall density proposed and the location of all proposed lots, dwellings units, etc. shall be shown on the plan and the total number of units listed on the plan.
- The location and arrangement of all proposed buildings, storage areas, refuse collection areas, fences, etc. Proposed use of each building should be shown on plan.
- The location and dimensions of all proposed and required setbacks for buildings and parking areas should be shown with a continuous line or similar marking.

#### COMMUNITY DEVELOPMENT

DIRECTOR CHRISTOPHERE SPYDER 2700 LYONS ROAD MIAMI TOWNSHIP, OHIO 45342  
planning@miamitownship.com phone (937) 433-3426 fax (937) 433-8709 www.miamitownship.com

## MAJOR MODIFICATIONS OR FINAL DEVELOPMENT PLANS

- Location of all proposed parking areas, loading areas, walks, drives and paved areas of any kind. Proposed traffic circulation pattern should also be indicated for all commercial projects.
- Location of all proposed open spaces, parks, playgrounds or other recreational facilities and areas.
- The location, quantity, species, and size of all proposed landscaping.
- The location of all existing trees or other vegetation to be preserved. Indicate construction limits or other areas that will be kept and marked as off limits to equipment or other work.
- The percentage and location of all impervious surface areas.
- The percentage of building coverage.
- A color rendering or elevation drawing of all proposed buildings.
- Location, size, and height of any proposed signs (indicate if a variance from the resolution is requested), building signage should be shown on elevation drawings.
- Location, height, type, and coverage area of all proposed exterior lighting.
- Location of all proposed storm water detention or retention facilities.
- Numerical Information, such as number of parking spaces, lot density, housing units, etc. should be shown in a table on the first page of drawings. Location and proposed dimension of any street landscaping buffers and stream or river buffers.
- Proposed front, rear, and side setbacks for all buildings and parking areas shall be indicated in a table and shown on the plan drawing.
- An indication by drawing of the stage or phase that the final development plan represents in relation to the overall preliminary plan.
- A title, date, scale, and north arrow must be provided on each drawing.
- The current plan version or revision date should also be clearly indicated on each plan sheet
- Any additional information desired by the applicant or requested by the Zoning Commission or Board of Trustees.

### Final File Copy Once Approved by Zoning Commission

(1 full size to scale set and 1 electronic PDF copy) must be submitted after approval is obtained. This plan must reflect any required conditions, such as buffers, building restrictions, covenants, etc., that are required clearly on the plan sheet. This plan will be kept in the file as the approved plan and all items agreed to and approved by the Zoning Commission and/or Board of Trustees must be built and/or regulated as shown and approved by the Board of Trustees.

*I the undersigned, have read and understand all the above information and have provided all the necessary materials, forms, and information:*

  
Applicant Signature

  
Date

### COMMUNITY DEVELOPMENT

DIRECTOR CHRISTOPHERE SNYDER 2700 LYONS ROAD MAMMOTOWNSHIP, OHIO 45342  
planning@miamitownship.com phone (937) 433-3426 fax (937) 433-6709 www.miamitownship.com



## **NOTICE OF PUBLIC HEARING**

Notice is hereby given that on **Tuesday, April 16, 2019 at 6:00 p.m.** or thereafter, at the Miami Township Government Center, 2700 Lyons Road, Miami Township, a public hearing will be held by the **Miami Township Zoning Commission** regarding a proposed major modification to the preliminary development standards, filed by **City of Dayton / Dayton-Wright Brothers Airport**, 101 West Third Street, Dayton, OH 45402. Zoning Case #434-18.

The applicant has filed a request for a major modification to the preliminary development standards for land generally known as the Dayton-Wright Brothers Airport located at 10550 Springboro Pike, Miami Township, OH, 45342. The property is approximately 321 acres consisting of parcels K45 02602 0015, 0023, 0010, 0059, 0011 and K45 02601 0001 and is zoned "PD-5" Planned Mixed Use district. The subject area is located at the southeast corner of Austin Boulevard and St. Rt. 741. The property owner is the City of Dayton, 101 West Third Street, Dayton, OH 45402.

Interested persons are requested to appear and voice their opinions regarding the proposed modifications.

At the conclusion of the public hearing, the applications and all pertinent records shall be forwarded to the **Miami Township Board of Trustees** for final public hearing at their next regular meeting on **Tuesday, April 23, 2019 at 6:00PM or thereafter.**

The application noted may be examined in the Miami Township Zoning Office, 2700 Lyons Road, Miami Township, from 9:00 a.m. to 3:00 p.m., Monday through Friday.

Kyle A. Hinkelman, AICP  
Deputy Director

### **COMMUNITY DEVELOPMENT**

**DIRECTOR** CHRISTOPHERE E. SNYDER **2700 LYONS ROAD** MIAMI TOWNSHIP, OHIO 45342  
planning@miamitownship.com phone (937) 433-3426 fax (937) 433-8709 www.miamitownship.com



## Notification of Landowners

Case # 434-18

Owner/Applicant(s): City of Dayton - Wright Brothers Airport  
101 West Third Street  
Dayton, Ohio 45402

K45 02601 0001  
CITY OF DAYTON  
MUNICIPAL BG  
DAYTON OH 45402

K45 02601 0011  
JUBILEE COMMUNITY CHURCH  
9953 CREEK LANDING WAY  
DAYTON OH 45458

K45 02602 0010  
CITY OF DAYTON  
MUNICIPAL BG  
DAYTON OH 45402

K45 02602 0015  
CITY OF DAYTON  
MUNICIPAL BG  
DAYTON OH 45402

K45 02602 0059  
CITY OF DAYTON OHIO  
PO BOX 22  
DAYTON OH 45401 0022

K45 23225 0023  
AMH 2014-3 BORROWER LLC  
30601 AGOURA RD STE 200  
AGOURA HILLS CA 91301

K45 23225 0026  
SALAZAR CAROL E  
2542 ROCKCASTLE CT  
MIAMISBURG OH 45342

K45 23225 0029  
BROCKMEYER KYLE J AND SARAH E  
2347 FEATHERSTON DR  
MIAMISBURG OH 45342

K45 02601 0006  
TITLELAWN LLC  
8202 OLD WOODS CT  
SPRINGBORO OH 45066

K45 02601 0021  
PETH NICK A  
P O BOX 580  
WAYNESVILLE OH 45068

K45 02602 0011  
DAYTON CITY OF  
3600 TERMINAL DR STE 300  
VANDALIA OH 45377

K45 02602 0023  
CITY OF DAYTON  
MUNICIPAL BG  
DAYTON OH 45402

K45 02602 0079  
BRD OF CTY COMM  
451 W THIRD ST  
DAYTON OH 45422

K45 23225 0024  
J C A  
2558 ROCKCASTLE CT  
MIAMISBURG OH 45342

K45 23225 0027  
MOORE JAMES A AND LISA MICHELLE  
2541 ROCKCASTLE CT  
MIAMISBURG OH 45342

K45 23225 0030  
HOSLER MATTHEW M TR AND MARLA K HOSLER TR  
2353 FEATHERSTON CT  
MIAMISBURG OH 45342

K45 02601 0010  
ASH I LLC  
P O BOX 1201  
DAYTON OH 45401

K45 02602 0003  
BD OF TRS OF MIAMI TWP  
2700 LYONS RD  
MIAMISBURG OH 45342 3720

K45 02602 0014  
RAY D KERSHNER  
5949 HOMEDALE ST  
WEST CARROLLTON OH 45449

K45 02602 0058  
CITY OF DAYTON  
101 W 3RD ST  
DAYTON OH 45402 1814

K45 23025 0001  
T AND D SMITH CO LTD  
8300 YANKEE ST  
CENTERVILLE OH 45458

K45 23225 0025  
BALSAMO MICHELLE B AND ANTHONY C  
2550 ROCKCASTLE CT  
MIAMISBURG OH 45342

K45 23225 0028  
AMH 2014-3 BORROWER LLC  
30601 AGOURA RD STE 200  
AGOURA HILLS CA 91301

K45 23225 0031  
FOGLE BENJAMIN S AND ASHLEY J  
10136 KEITHSHIRE CT  
MIAMISBURG OH 45342 2830

K45 23225 0032  
SCHULER DEAN M AND MARY L  
10144 KEITHSHIRE CT  
MIAMISBURG OH 45342

K45 23225 0035  
STRICKLAND SAUNYA J  
10168 KEITHSHIRE CT  
MIAMISBURG OH 45342

K45 23225 0038  
MOORE KHADDY D  
10192 KEITHSHIRE CT  
MIAMISBURG OH 45342

K45 23225 0043  
BOYKIN ERIC L  
10157 KEITHSHIRE CT  
MIAMISBURG OH 45342

K45 26612 0005  
NGUYEN KIM T AND JOHN T NGUYEN  
2145 DUNSHIRE CT  
MIAMISBURG OH 45342

K45 26612 0008  
WILLIAMS LEAH  
2138 DUNSHIRE CT  
MIAMISBURG OH 45342

K45100101 0002  
RUNYAN FARMS  
PO BOX 265  
LEBANON OH 45036 0265

K45100101 0011  
COFFMAN DEVELOPMENT CO.  
24 REMICK RD  
SPRINGBORO OH 45066

K45100104 0004  
SOUTH TECH PARTNERS LLC AN OHIO  
LIMITED LIABILITY COMPANY  
2080 BYERS RD  
MIAMISBURG OH 45342

K45100113 0004  
MILLAT INVESTMENTS LTD  
8968 LYTLE FERRY RD  
WAYNESVILLE OH 45068

K45200110 0017  
WORTHEN REGINALD  
30 SWENEY CT  
SPRINGBORO OH 45066

K45200110 0022  
BEYLAND SARAH

K45 23225 0033  
SULTONKHUJAEV BAND N YAZDANOVA  
10152 KEITHSHIRE CT  
MIAMISBURG OH 45342

K45 23225 0036  
ZHU JIANHONG AND JLIN  
10176 KEITHSHIRE CT  
MIAMISBURG OH 45342

K45 23225 0039  
PASUPULETI VIJAY AND SRILATHA  
10200 KEITHSHIRE CT  
MIAMISBURG OH 45342

K45 23225 0044  
KUSCHNERUS KONRAD AND ANNE  
2359 FEATHERSTON CT  
MIAMISBURG OH 45342

K45 26612 0006  
HALSALL DARNELL G  
2139 DUNSHIRE CT  
MIAMISBURG OH 45342

K45 26612 0009  
SPADY MICHAEL W  
2144 DUNSHIRE CT  
MIAMISBURG OH 45342

K45100101 0008  
COFFMAN DEVELOPMENT  
24 REMICK RD  
SPRINGBORO OH 45066

K45100102 0002  
SPRINGBORO CITY OF  
320 W CENTRAL AVE  
SPRINGBORO OH 45066

K45100107 0001  
HELVETIA LTD AND TEST C/O DAYTON SYSTEMS GROUP  
3003 S TECH BLVD  
MIAMISBURG OH 45342

K45200110 0015  
REID CHRISTINE A AND MICHAEL J  
310 MCDANIELS DR  
SPRINGBORO OH 45066

K45200110 0018  
CARLISLE EDWARD F AND TIFFANY A  
P O BOX 6006  
LAS VEGAS NV 88901 6006

K45200110 0023  
SCHMALHOFER JOSEPH E III

K45 23225 0034  
LADD SHERRY A AND SHERRY L LADD  
10160 KEITHSHIRE CT  
MIAMISBURG OH 45342

K45 23225 0037  
PERUMALCHETTIAR A KRISHNAR AND  
10960 SHALLOW CREEK CT  
DAYTON OH 45458

K45 23225 0042  
MANTIA DOMINICK J AND PATTY J  
10183 KEITHSHIRE CT  
MIAMISBURG OH 45342

K45 26612 0004  
SINGH GURMEET AND MANJEET KAUR  
2295 MIAMI VILLAGE DR STE 200  
MIAMISBURG OH 45342

K45 26612 0007  
KELLEY DVINCENT AND L GABBARD  
2133 DUNSHIRE CT  
MIAMISBURG OH 45342

K45 26612 0010  
HUMERICK CARRIE L  
2150 DUNSHIRE CT  
MIAMISBURG OH 45342

K45100101 0010  
DAYTON CITY OF  
PO BOX 22  
DAYTON OH 45401 0022

K45100102 0003  
SPRINGBORO LANDING ASSOC, LTD  
3601 RIGBY RD SUITE 310  
MIAMISBURG OH 45342

K45100111 0002  
F & N ENTERPRISES LLC  
3020 W TECH RD  
MIAMISBURG OH 45342

K45200110 0016  
WENTZEL BRENT TR  
20 SWENEY CT  
SPRINGBORO OH 45066

K45200110 0019  
UPTON GREGORY  
50 SWEENEY CT  
SPRINGBORO OH 45066

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CLAWSON KEVIN E AND KELLY B

71 SWEENEY CT STE 1D  
SPRINGBORO OH 45066

65 SWENEY CT  
SPRINGBORO OH 45066 0000

59 SWENEY CT  
SPRINGBORO OH 45066

K45200110 0025  
BROWN JON D  
53 SWEENEY CT  
SPRINGBORO OH 45066

K45200110 0026  
IYER MAHESH AND VIJAYATA SHINDY  
47 SWENEY CT  
SPRINGBORO OH 45066

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FORTMAN GREGORY J  
41 SWENEY CT  
SPRINGBORO OH 45066

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POWELL NICOLE  
35 SWEENEY CT  
SPRINGBORO OH 45066

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DELLINGER CHARLES R TR AND BEVERLY L  
5181 FISHER RD  
ATHENS OH 45701

K45200110 0030  
POLEWSKI ROBERT KYLE AND LACEY  
23 SWENEY COURT  
SPRINGBORO OH 45066

K45200110 0031  
CROSLEY HILARY R  
17 SWEENEY CT  
SPRINGBORO OH 45066

K45200110 0032  
THOMA ADAM C AND STEPHANIE L  
11 SWEENEY CT  
SPRINGBORO OH 45066

K45200110 0033  
CERNUCAN JEREMIAH  
296 MCDANIELS LN  
SPRINGBORO OH 45066

K45200112 0007  
SETTLERS WALK HOME OWNERS ASSOC  
753 READING RD STE E  
MASON OH 45040

K45200112 0008  
YOUNG DOLORES ANGELA AND KERRY  
264 MCDANIELS LN  
SPRINGBORO OH 45066

K45200112 0009  
MCCONKEY SANDI M  
268 MCDANIELS LN  
SPRINGBORO OH 45066

K45200112 0010  
MATSON MATTHEW L  
272 MCDANIELS LN  
SPRINGBORO OH 45066

K45200112 0011  
TITUS ADAM C AND MEGAN  
276 MCDANIELS LN  
SPRINGBORO OH 45066

K45200112 0012  
HOWARD ADAM AND CASSANDRA  
280 MCDANIELS LN  
SPRINGBORO OH 45066

K45200112 0013  
WAGONER PATRICK S AND MARCIA A  
284 MCDANIELS LN  
SPRINGBORO OH 45066

K45200112 0014  
RODRIGUEZ JARRETT AND JOAN M  
288 MCDANIELS LN  
SPRINGBORO OH 45066

K45200112 0015  
SETTLERS WALK HOME OWNERS ASSOC  
753 READING RD STE E  
MASON OH 45040

K45200115 0035  
WOOD RANDALL L  
260 MCDANIELS LN  
SPRINGBORO OH 45066

K45200115 0036  
SCHMAHL KYLE AND DEBORAH  
256 MCDANIELS LANE  
SPRINGBORO OH 45066

K45200115 0037  
GOLDBERG BENJAMIN A AND LAUREN E  
252 MCDANIELS LN  
SPRINGBORO OH 45066

K45200115 0038  
MONTGOMERY JODY B AND SHERRI K  
248 MCDANIELS LN  
SPRINGBORO OH 45066

K45200115 0039  
DETOTO CRAIG V AND DANA L  
244 MCDANIELS LN  
SPRINGBORO OH 45066

K45200115 0040  
KARSLAKE THOMAS A AND AMY E  
240 MCDANIELS LN  
SPRINGBORO OH 45066

K45200115 0041  
FARRELL TRAVIS P AND SHELBY E WALKER  
1111 POLARIS PKWY  
COLUMBUS OH 43240

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STRAIN DOUGLAS E AND JANET L  
232 MCDANIELS LN  
SPRINGBORO OH 45066

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TINCHER DEREK L AND JULIE L  
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SPRINGBORO OH 45066

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ZST PROPERTIES LLC  
110 ASPEN WOODS DR  
SPRINGBORO OH 45066

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WRAY TRISA D  
220 MCDANIELS LN  
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K45200115 0046  
SHERWOOD STUART  
216 MCDANIEL LN  
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K45200115 0047  
PARKE JARROD R AND BRITTANY L GOODE  
212 MCDANIELS LN  
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K45200115 0050  
WARNER DEBORH L  
200 MCDANIELS LN  
SPRINGBORO OH 45066

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PARSON PAUL W AND ADAM RITA  
188 MCDANIEL LN  
SPRINGBORO OH 45066

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HOLIDAY JOHNATHAN T  
168 MCDANIELS LN  
SPRINGBORO OH 45066

K45200116 0029  
GESWEIN ANDREA M  
156 MCDANIELS LN  
SPRINGBORO OH 45066

K45200116 0032  
ZEIHER TIMOTHY T AND MARY K  
144 MCDANIELS LN  
SPRINGBORO OH 45066

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SHEPHERD ANDREW D  
120 MCDANIELS LN  
SPRINGBORO OH 45066

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MARTIN KEVIN R  
123 MCDANIELS LN  
SPRINGBORO OH 45066

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TOWLES TERENCE L  
750 SETTLERS WALK BLVD  
SPRINGBORO OH 45066

K45200118 0014  
POTTS STEPHANIE A  
1 CORELOGIC DR  
ROANOKE TX 76262

K45200118 0017  
ZASTROW JEFFREY J AND CHELSEA L  
50 KITTY HAWK DR  
SPRINGBORO OH 45066

K45200118 0020  
HAY JACQUELINE BROOKE  
20 KITTY HAWK DR  
SPRINGBORO OH 45066

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BONNER TODD MERRILL AND DEBRA LYNN  
208 MCDANIELS LANE  
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ROTH PAULA L  
196 MCDANIELS LN  
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HERBST DIANE S  
184 MCDANIELS LN  
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GILLUM LINDA S  
164 MCDANIELS LN  
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ULLERY SEAN  
152 MCDANIELS LN  
SPRINGBORO OH 45066 2914

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RODRIGUEZ ELIEL F AND MARY ISABELLE  
140 E MCDANIELS LN  
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SCOTT BRITNEY A  
111 MCDANIELS LN  
SPRINGBORO OH 45066 3216

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NAGY RONALD C JR  
129 MCDANIELS LN  
SPRINGBORO OH 45066

K45200118 0012  
BARRIER JAMES A  
770 SETTLERS BLVD  
SPRINGBORO OH 45066 2142

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SPRINGER WILLIAM AND ASHLEY  
45 KITTY HAWK DR  
SPRINGBORO OH 45066

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MORRIS EMILY D  
40 KITTY HAWK DR  
SPRINGBORO OH 45066 4834

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SCOTT BRANDON JTR  
240 STONE CHASE  
CAPE GIRARDEAU MO 63701

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TURNER SPENCER AND LINDSEY  
204 MCDANIELS LN  
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SMITH RONNIE G AND TERESA S  
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GOLDEN NANCY V  
172 MCDANIELS LN  
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TUCKER DENISE A  
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ASHRAF SHAHID AND NADIA  
148 MCDANIELS LN  
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CAMPBELL CHRISTOPHER R AND SARA L  
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BOWERS CORY JENNIFER  
117 MCDANIELS LN  
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BATTELLINE JOHN C AND JULIE C  
730 SETTLERS WALK BLVD  
SPRINGBORO OH 45066

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COLE CRISTOPHER L AND RANDALL L  
790 SETTLERS WALK BLVD  
SPRINGBORO OH 45066

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ANTISDEL BRIAN  
1 RIVER PARK DR  
DAYTON OH 45409

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LEIGH MICHAEL B  
30 KITTY HAWK  
SPRINGBORO OH 45066

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RATHORE RAKESH AND HEENABA  
795 SETTLERS WALK BLVD  
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EVANS EMILY S  
785 SETTLERS WALK BLVD  
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ECKMAN JOHN J  
50 MCDANIELS LN  
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ROEMER PATRICIA J  
10160 ORCHID RIDGE LN  
BONITA SPRINGS FL 34135

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LINEGANG ANDREW D AND BETHANY F  
18 WILBUR  
SPRINGBORO OH 45066

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HOLLENCAMP KERI N  
70 KITTY HAWK DR  
SPRINGBORO OH 45066 3426

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LOERKE HANNA AND DANIEL  
110 KITTY HAWK DR  
SPRINGBORO OH 45066

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OKAFOR PASCHAL C AND ISIUWA A U  
140 E MCDANIELS LN  
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BERNING GARY L AND PATRICIA S  
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18 MCCULLOUGH ST  
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PARRETT JOSHUA D AND TIFFANY E  
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THORNTON SHAUN L AND TERA Y JANUARY  
190 KITTY HAWK DR  
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OMMERT JEREMY AND SABRINA  
230 KITTY HAWK DR  
SPRINGBORO OH 45066

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HENDERSON CONSTRUCTION INC  
5757 STATE ROUTE 741  
SPRINGBORO OH 45066

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ADAMS WILLIAM AND AMANDA Z  
70 MCDANIELS LN  
SPRINGBORO OH 45066

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REVETTE SHERYL S  
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STATE LINE MS 39362

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BALL ALAN J  
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LOPEZ CARLOS  
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WHITE PATRICIA C  
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NGUYEN LAM AND KHANH  
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BLAIN TODD I AND ELINA A  
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ALLGEIER ANDREW AND AMY  
65 KITTY HAWK DR  
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CHALIVENDRA SAIKUMAR  
210 KITTY HAWK DR  
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DOMASK JAMES J  
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KONESWARAMPILLAI RAJANTHINI  
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HARTMAN BRYAN S  
90 MCDANIELS LN  
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MARKS DONALD R AND BARBARA LEE  
13 WILBUR LN  
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HILDEBOLT JOHN M AND ALEAH V  
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ALLEN MATTHEW R AND AMY L  
90 KITTY HAWK DR  
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KEMPE PETER JR AND MARILYN  
130 KITTY HAWK DR  
SPRINGBORO OH 45066

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TANDOH ENYONAM N  
3560 PENTAGON BLVD STE 301  
DAYTON OH 45431

K45200126 0012  
S J P  
10 MCCULLOUGH DR  
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MASTERS NICOLAS C AND CHARLOTTE M T  
15 MCCULLOUGH DR  
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TRAN TRANG AND DUNG M HUYNH  
170 KITTYHAWK DR  
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TIPTON CHRISTOPHER D AND SHANNON R  
220 KITTY HAWK DR  
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GRUSS ERIC D  
250 KITTY HAWK DR  
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ALTHOUSE SARENA  
260 E KITTY HAWK DR  
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MCKINNON AUDRA M AND JOHN W  
225 E KITTY HAWK LN  
SPRINGBORO OH 45066

K45200128 0014  
BILLMAN LAURA J AND KEVIN M  
3401 MORSE XING  
COLUMBUS OH 43219

K45200128 0038  
COFFMAN DEVELOPMENT  
24 REMICK RD  
SPRINGBORO OH 45066

O67 03605 0031  
BARNARD JACK P AND CARLYLE K  
10420 WASHINGTON CHURCH RD  
MIAMISBURG OH 45342

**WARREN COUNTY:**

4091370150  
DAVIS MATTHEW & STRONG MELISSA  
59 SWEENEY CT  
SPRINGBORO OH

4091000120  
CITY OF DAYTON OHIO  
DIV OF FACILITIES  
DAYTON OH

4091370120  
BLANKENBECLER JEFFREY  
77 SWEENEY CT  
SPRINGBORO OH

4091801010  
COFFMAN CONDOS LLC  
24 REMICK BLVD  
SPRINGBORO OH

4091800840  
WALKUP ANN H & WILLIAM J  
131 ABBEY DR  
SPRINGBORO OH

*Also sent to:*

Jeff Palmer, Clearcreek Twp  
Dan Boron, City of Springboro  
Ryan Lee, Washington Twp

K45200128 0009  
JOHNSON JAMIE C AND SHELLEY K  
245 N KITTYHAWK DR  
SPRINGBORO OH 45066

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OSMANOV RAVSHAN ET AL 3  
215 KITTY HAWK DR  
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K45200128 0036  
CRETER ROBERT T  
487 STANTON DR  
SPRINGBORO OH 45066

O67 03604 0001  
GLENNON FAMILY LTD  
P O BOX 750455  
DAYTON OH 45475 0455

O67 03605 0043  
PDJ AUSTIN FARM, LLC  
2520 DEEP HOLLOW LN  
DAYTON OH 45419 1305

4091000110  
COFFMAN DEVELOPMENT CO  
24 REMICK BLVD  
SPRINGBORO OH

4091370140  
SCHMALHOFER JOSEPH E III  
65 SWEENEY CT  
SPRINGBORO OH

4091370130  
VOISARD ANDREW J & KISTER AMY M  
71 SWEENEY CT  
SPRINGBORO OH

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COFFMAN CONDOS LLC  
24 REMICK BLVD  
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MAENLE SCOTT A AND TRACY A  
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WILLS ANTHONY J AND SONJA M  
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SPRINGBORO OH 45066

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ROTH ROBERT AND JAIME L  
18111 PRESTON RD  
DALLAS TX 75252

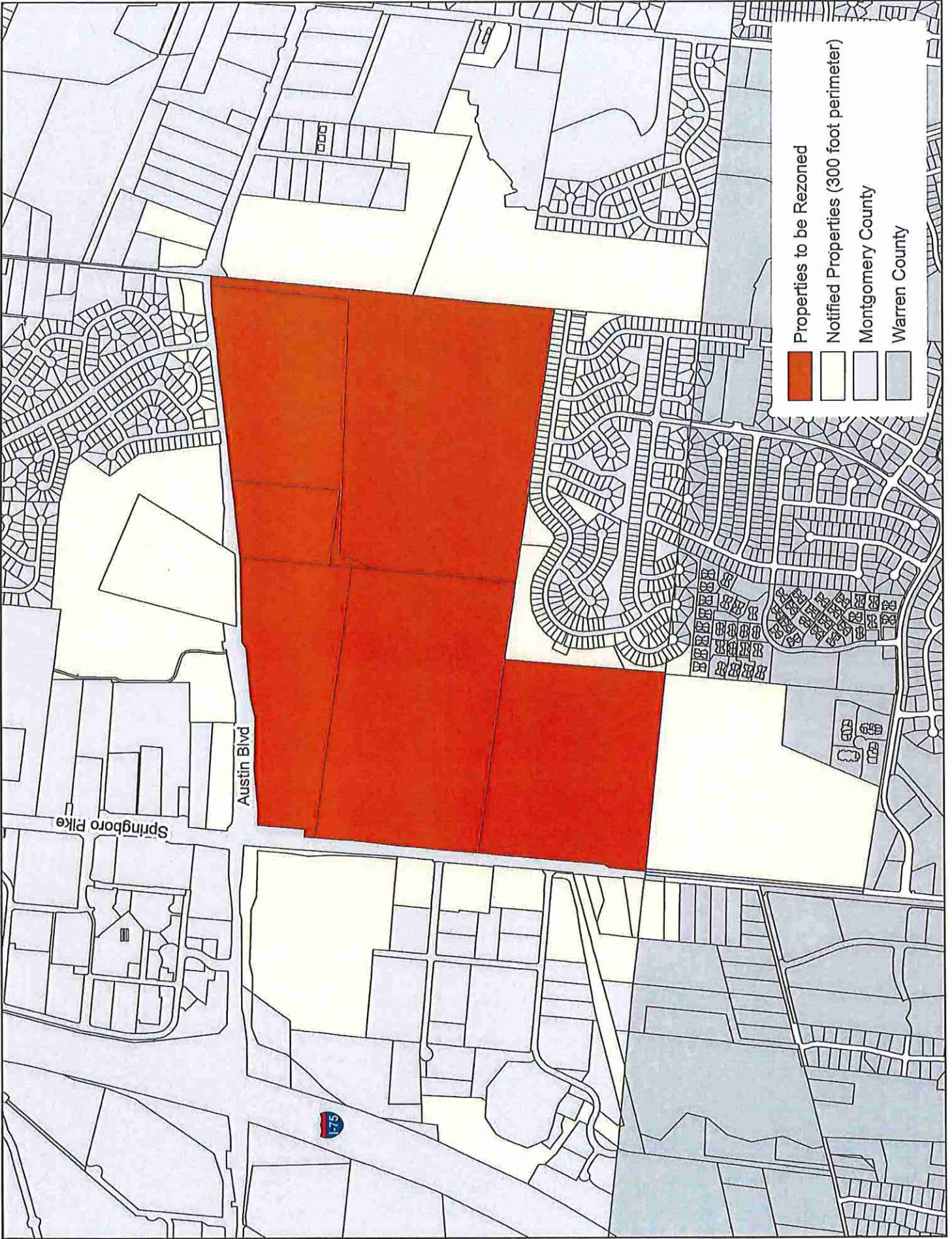
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AUSTIN WASHINGTON CHURCH LLC  
2475 ARBOR BLVD  
DAYTON OH 45439

4152760230  
JUBILEE COMMUNITY CHURCH  
9953 CREEK LANDING  
DAYTON OH

4091370110  
MURNAHAN MERLE & CHRISTY  
85 SWEENEY CT  
SPRINGBORO OH

4152760040  
IRWIN JOHN C ET AL  
9663 N SR 741  
MIAMISBURG OH

4091800870  
ZECHMAN FREDERICK A & LINDA L  
134 ABBEY DR  
SPRINGBORO OH



**RESOLUTION #019-2019**

**RESOLUTION TO ADOPT A TEXT AMENDMENT TO THE MIAMI  
TOWNSHIP ZONING RESOLUTION**

**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, April 23, 2019; and


**Whereas,** Zoning Case #435-19, filed by the Miami Township Zoning Commission, proposes amendment to Article 3 of the Miami Township Zoning Resolution; and


**Whereas,** the Zoning Commission has made a recommendation; and

**Whereas,** the Trustees reviewed said Zoning Case in a Public Hearing; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees approve the Text Amendment to the Miami Township Zoning Resolution under Zoning Case #435-19 and upholds the Zoning Commission recommendation.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:  
  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer  
Passed: April 23, 2019  
RLH:nsc



# Memorandum

**To:** Board of Trustees  
**From:** Kyle A. Hinkelman, Deputy Director  
**Date:** April 17, 2019  
**Re:** Zoning Case #435-19, a Text Amendment to Article 3 of the Miami Township Zoning Resolution

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**Case #:** ZC 435-19  
**Request:** Text Amendment to Article 3  
**Date of ZC Meeting:** April 16, 2019  
**ZC Recommendation / Vote:** Approval | 5-0

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Attached is the formal Zoning Commission recommendation for the case. The Commission recommended approval in a 5-0 vote.

The intent of this amendment is to modify the provisions of Article 3 governing enforcement and requirements for obtaining a zoning certificate under the Miami Township Zoning Resolution. The amendment intended to clarify what types of structures do not require a zoning certificate and the requirements on structures that are agriculturally exempt or considered agritourism.

Please contact me with any questions about the case.

## COMMUNITY DEVELOPMENT

**DIRECTOR** CHRISTOPHER E. SNYDER 2700 LYONS ROAD MIAMI TOWNSHIP, OHIO 45342  
planning@miamitownship.com phone (937) 433-3426 fax (937) 433-8709 www.miamitownship.com

**Zoning Commission Recommendation**  
**ZC 435-19 a Text Amendment to Article 3**

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Meeting Date: 04/16/2019  
Case Number: ZC 435-19  
Decision: Approved, 5-0

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**Recommendation as made by the Zoning Commission:**

The Zoning Commission recommends approval to the Board of Trustees of Zoning Case #435-19, a Text Amendment to Article 3 of the Miami Township Zoning Resolution.



# Memorandum

**To:** Zoning Commission  
**From:** Kyle A. Hinkelman  
**Date:** March 19, 2019  
**Re:** Article 3: Zoning Resolution Text Amendment

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Zoning Case #435-19 is a text amendment to Article 3 of the Miami Township Zoning Resolution. The proposed amendment addresses agricultural exemptions and standards for the regulation of agritourism operations based upon the definition and specific allowance for such regulations as authorized under the Ohio Revised Code.

**APPLICATION FOR TEXT AMENDMENT  
TO THE  
MIAMI TOWNSHIP ZONING RESOLUTION**

Case No. \_\_\_\_\_

Date Filed \_\_\_\_\_

Received by \_\_\_\_\_

APPLICANT: Miami Township Zoning Commission  
2700 Lyons Road  
Miamisburg, OH 45342

The intent of this amendment is to modify the provisions of Article 3 governing enforcement and requirements for obtaining a zoning certificate under the Miami Township Zoning Resolution. The amendment intended to clarify what types of structures do not require a zoning certificate and the requirements on structures that are agriculturally exempt or considered agritourism.

Amended

**ARTICLE 3 | ENFORCEMENT: PENALTIES AND FEES**

**SECTION 301 | ENFORCEMENT BY THE ZONING INSPECTOR**

There is hereby established the office of Township Zoning Inspector. It shall be the duty of the Zoning Inspector, as provided under Section 519.02 et seq. of the Revised Code of the State of Ohio, to enforce this Resolution in accordance with the administrative provisions of this Resolution. Any certificate or license, issued in conflict with the provisions of this Resolution, shall be null and void.

**SECTION 302 | ZONING CERTIFICATES**

Until a zoning certificate has been obtained from the Zoning Inspector:

- A. The construction, building, moving, enlargement, remodeling or reconstruction of any building or structure shall not be commenced, except as provided for below under Section 302 D. Movement of a structure shall include, but not be limited to, altering the location of a structure from one location on a property to another location on the same property.
- B. The improvement of land preliminary to any use of such land in a planned development district, including, but not limited to clearing, grading, and underground work shall not be commenced unless authorized as part of a preliminary or final development plan

for the area or a zoning certificate for such improvements has been issued. This is intended to permit for example, if authorized, grading and preparation of areas within a multi-stage planned development ahead of submission of a final development plan. The improvement of land in all other districts may be commenced prior to the issuance of a zoning certificate provided said improvements are limited to clearing and grading of a property and do not conflict with any other provisions of this resolution, including but not limited to landscaping and tree preservation requirements. Such improvements are done solely at the owner's risk that a zoning certificate may not be granted and such land may have to be restored.

C. Change of Use Zoning Certificate: A change in the use of land or structures shall not be commenced until a Zoning Certificate for the use has been issued. A change in use shall constitute any use which would alter the parking requirements for the site as provided by this Zoning Resolution or require a zoning map amendment or conditional use certificate to be permitted on the subject property. The purpose of this requirement is to ensure that adequate off-street parking is provided for the use proposed and that the use proposed is compatible with the permitted uses and other requirements for the district in which it is to be located.

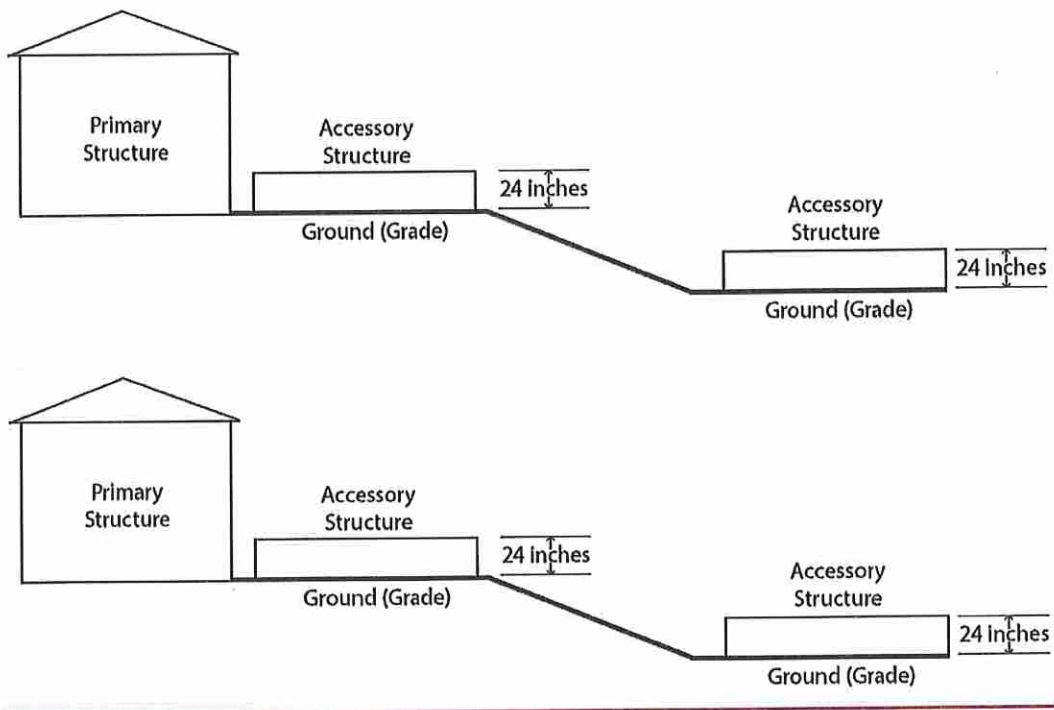
D. Structures and signage not requiring a Zoning Certificate. The following structures and signage shall meet the requirements of this Zoning Resolution, but shall not require issuance of a Zoning Certificate. The use of land, buildings or structures for temporary and accessory uses shall not be commenced without a zoning certificate, except as provided below and provided the total of all accessory structures permitted on a lot shall not exceed the applicable lot coverage requirements for the district in which they are located nor the rear yard occupancy standards of Article 38. Structures and signage remain subject to any applicable regulations of all governing authorities and other departments and may require permits from such authorities, such as, but not limited to building permits and right of way permits.

1. Up to one (1) detached domestic accessory utility building per the standards of Article 38 and one (1) piece of play equipment, such as a swing set and slide or similar equipment designed for use by children and being in compliance with the standards of Article 38 of this resolution and the standards of the district in which they are located and being one hundred (100) square feet or less in area and not greater than eleven (11) feet in height, measured to the roof peak or other highest element, and provided that any such structure or use is not permanently located by means of a footer and/or foundation, except this exemption shall not apply to:

- a. ~~swimming~~Swimming pools, including hot tubs and spas; and
- b. ~~fences~~Fences or walls; and
- c. ~~basketball~~Basketball poles located in a front yard

- Detached Accessory Structures, except swimming pools, that do not extend more than twenty-four (24) inches above grade and the surface of the ground beneath the structure at any point. In the case of decks and other structures, any railings are to be included in this height calculation. This is only intended to permit patios, low walls, low decks, landscaping elements, and similar structures. No such structures may be installed prior to the installation of a primary structure to which it is accessory.

*Permitted Extension Above Grade Figure*

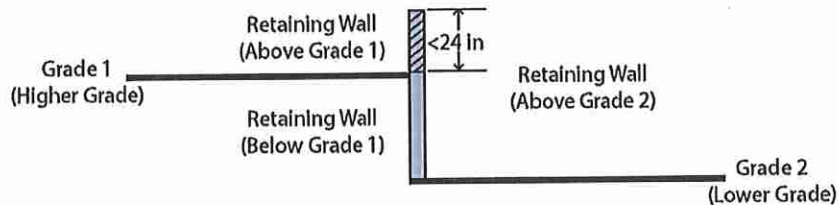


- Structures and equipment such as, mailbox posts, air conditioning units, electrical or other utility boxes associated with a public utility, and other similar structures ordinarily and customarily located or associated with the principle use permitted and located on the property. This provision does not include decks, fences, sheds, or other similar detached structures, unless otherwise noted under this Zoning Resolution. Each item shall be constructed to conform to dimensions ordinary and customary to serve the principle use permitted and located on the property and shall be subject to any right of way permit requirements of other departments or government entities responsible for the respective road way right of way. Back-up generators and similar equipment located within a planned development and designed for use by a commercial

business shall follow the applicable development standards of the planned development.

- Retaining walls, provided said walls do not extend more than twenty-four (24) inches above the grade of the land being retained immediately behind and adjacent to the wall on the upslope or higher-grade side. This section is meant to address visibility of the wall above the highest grade as it pertains to the wall and fence standards of this resolution. Retaining walls shall be constructed of commonly used materials for such purpose.

*Retaining Wall Above Grade Figure*



- Flag poles located within an Agricultural or Residential District or Residential Planned Development District designated for residential uses, provided no such pole exceeds the height restriction of the district in which it is located or twenty-five (25) feet if no height restriction otherwise exists for the zoning district and

provided no such pole is used as a sign display in violation of this Zoning Resolution-

6. Vending machines and other similar equipment, provided such equipment or outdoor sales are permitted in the district in which they are located and all other requirements listed for such equipment as an accessory use or structure are followed.
7. Solar panels, provided such panels are roof-mounted and do not extend more than two (2) feet above the slope of the roof and do not extend beyond the edges of the roof upon which they are located. This provision does not preclude other types of installations, but they shall require a zoning certificate and shall be in conformance with all other provisions of this resolution.
8. Satellite dish antennas one (1) meter (39.37 inches) or less in diameter per the definition found under Subsection 219.01. Any satellite dish antenna, however, shall be placed in an inconspicuous location and painted a color compatible with the colors of its surroundings.
9. Structures exempt from the standards of this resolution by the Ohio Revised Code and/or this resolution, including but not limited to: certain structures of public utilities, structures exempted under Article 40 for essential services, and certain agricultural structures per the provisions of the Ohio Revised Code.
10. Temporary and permanent signage listed as exempt from a zoning certificate requirement under Article 41.

**302.01 \_\_\_\_\_ APPLICATION FOR ZONING CERTIFICATE.**

\_\_\_\_\_ Each application for a zoning certificate shall follow the requirements as listed on the official Miami Township application form for the certificate being requested. If no requirements are listed, at a minimum a plan shall be provided showing the following unless the Community Development Director or his/her designee deems that compliance with these regulations can be verified without showing the full extent of the following upon the plan:

- A. The actual dimensions of the lot including easements.
- B. The location of all road right of ways.
- C. The exact size and location of all buildings existing on the lot.
- D. The proposed new construction, including construction drawings of the proposed structure adequate to verify compliance with this resolution.
- E. The existing and intended use of all parts of the land or buildings.

F. A north arrow.

G. Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Zoning Resolution.

**302.02** \_\_\_\_\_ **ISSUANCE OF ZONING CERTIFICATES.**

\_\_\_\_\_ Zoning certificates shall be issued or refusal thereof given within ten (10) working days after the date of acceptance of a completed application. Written notice of such refusal and reason thereof shall be given to the applicant.

**302.03** \_\_\_\_\_ **PERIOD OF VALIDITY.**

\_\_\_\_\_ A zoning certificate shall become null and void twelve (12) months after the date on which it is issued or six (6) months in the case of a Temporary Use unless within such twelve (12) month or six (6) month period construction, building, moving, remodeling or reconstruction of a building or structure is commenced or a use is commenced. A twelve (12) month completion requirement shall also pertain to landscaping for which a zoning certificate is issued in accordance with Section 45-A05. Upon expiration, no construction may commence until a new zoning certificate application has been applied for and approved with any required fee for the new certificate.

**SECTION 303 | VIOLATIONS - REMEDIES**

In case any building is or is proposed to be located erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Resolution or any amendments or supplements thereto; the Board of Township Trustees, the Township Zoning Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, enlargement, change, maintenance or use.

**SECTION 304 | VIOLATIONS AND PENALTIES**

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use, any building or land in violation of any regulation in or any provisions of this Resolution or any amendment or supplement thereto adopted by the Board of Township Trustees of Miami Township under Section 519.02 et seq. of the Revised Code of the State of Ohio. Any person, firm or corporation, violating any regulation in, or any provision of this Resolution, or any amendments or supplement thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred (500) dollars or as permitted under Section 519.99 of the Revised Code of the State of Ohio. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues, may be deemed a separate offense.

**SECTION 305 | FEES**

Any application under this Resolution for a zoning certificate or permit, Conditional Use

Certificate, sign permit, Planned Development, amendment, or filing of a notice of appeal shall be accompanied by such fee as shall be specified from time to time by resolution of the Board of Township Trustees. There shall be no fee, however, in the case of applications filed by the Board of Township Trustees or the Township Zoning Commission.

The fees shall be in addition to the regular building permit fees and any other fees which may be imposed under applicable resolutions of Montgomery County. The fees imposed by this Resolution are only intended to defer in part the costs involved in such applications such as publishing, and/or posting, and mailing the notices of the hearing or hearings. Such fees are not refundable regardless of the outcome of the application, with the exception of administrative appeals. The fee for an administrative appeal shall be fully refunded upon a determination by the Miami Township Board of Zoning Appeals that an order, notice of violation, or other determination by the Zoning Inspector should be reversed.

## **SECTION 306 | PROHIBITED USES**

The following uses are prohibited in all zoning districts:

- A. Medical marijuana as defined in the Ohio Revised Code Chapter 3796.
  - 1. The cultivation, processing and dispensing of medical marijuana are prohibited uses in all zoning districts.
  - 2. This prohibition shall not be applicable to the extent it limits any research related to marijuana conducted at a state university, academic medical center, or private research and development organization as a part of a research protocol approved by an institutional review board or equivalent entity.
  - 3. Nothing herein shall prohibit the legal personal use or legal possession of medical marijuana by individuals within the Township.
- B. Any use listed as prohibited or any use not listed within the district for which it is to be located or any use not fitting within the examples of uses listed and permitted within the district in which the use is to be located.

## **SECTION 307 | AGRICULTURAL EXEMPTION TO A ZONING CERTIFICATE**

~~A. In claiming an agricultural exemption, the following definitions as used in sections 519.02 to 519.25 of the Ohio Revised Code shall apply:~~

- ~~1. "agriculture" includes farming; ranching; aquaculture; algaculture meaning the farming of algae; apiculture and related apicultural activities; production of honey, beeswax, honeycomb, and other related products;~~

~~horticulture; viticulture, winemaking, and related activities; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.~~

~~2. "agritourism" means an agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in or enjoy that activity.~~

A. The Ohio Revised Code under Article 519.02 specifies the powers to regulate property within Miami Township to protect the public health and safety of the community.

B. The Ohio Revised Code under Article 519.21 specifies powers not conferred on a township zoning commission. This section under 519.21(C)(4) exempts agritourism but does allow for the regulation of the "size of structure used primarily for agritourism, size of parking areas that may be required, setback building lines for structures used primarily agritourism, egress or ingress where such regulation is necessary to protect public health and safety".

C. The Ohio Revised Code under Article 901.80 provides immunity from liability for agritourism providers if they meet certain regulations.

**D. Declaration of Intent – Agricultural Exemption**

~~B.1.~~ An applicant may submit a Declaration of Intent – Agricultural Exemption form in lieu of obtaining a zoning certificate for structures that will be used exclusively for agricultural or agritourism purposes. The structure being exempted will not be required to have a permit on file and no fee will be required.

~~C.2.~~ In association with the exemption form, an applicant will be required to provide a property site plan that clearly shows the location and size of the exempted structure for Township records.

**E. Agritourism.**

In the interest of the public health and safety, no agritourism operation shall be permitted unless the following conditions have been satisfied:

1. The agritourism operator shall provide evidence the farm under ORC 901.80 which the agritourism operation is proposed is ten (10) acres or more in area. If such farm is less than ten (10) acres, evidence shall be provided that such farm produces an average yearly gross income of at least twenty-five hundred dollars

(\$2,500) from agricultural production. Receipts showing the average yearly gross income must be provided.

2. The agritourism operator shall identify the educational, entertainment, historical, cultural and/or recreational relationship of the agritourism operation to the existing agricultural use of the property and the surrounding agricultural community in general.
3. The agritourism operator shall submit a floor plan of the structure to be used for agritourism activities and a site plan of the property illustrating all structures, setbacks from property lines for all structures and any existing or proposed well and / or on-site wastewater disposal system areas(s) on the property.
4. The agritourism operator shall submit evidence that the structure and/or building ingress and egress has been inspected by Montgomery County Building Regulations and Miami Valley Fire District and is not a public safety concern.
5. Due to the impact on neighboring properties and intensity of proposed uses all structures used for agritourism purposes must be setback 30' from the side property line and 50' from the front and rear property line the same as any primary structure within an agricultural district.
6. An agritourism operator is permitted one (1) sixteen (16) square foot entrance sign that is no taller than six feet tall, has a minimum six-inch stone-like or brick-like base, and is setback a minimum of fifteen (15) feet from the right-of-way. This is in addition to the signage explicitly listed under ORC 901.80(D).
7. The agritourism operator shall provide off-street parking shown on a submitted site plan.
  - a. If a building is being utilized for the agritourism operation the site plan must show a parking area that is equal to the number of parking spaces required under the assembly hall requirement for the building size under the Township Zoning Resolution (one (1) space per 50 square feet) times the average parking space size (162 square feet), plus 25% to cover the drive aisles and access. An example would be for a 5,000 square foot barn the requirement would be 20,250 square feet of parking area.

$(5,000 \text{ s.f. building} / 50 \text{ s.f.} \times 162 \text{ s.f.} \times 1.25 = 20,250 \text{ s.f.})$
  - b. If no building is being utilized for the agritourism operation the site plan must show a parking area that is equal to one space per 5,000 square feet of area being used for the agritourism operation times the average parking space size (162 square feet), plus 25% to cover the drive aisles and access. An example would be for a pumpkin patch that is 10 acres the requirement would be 17,642 square feet of parking area.

(10 x 43,560 s.f. / 5,000 s.f. x 162 s.f. x 1.25 = 17,642 s.f.)

- c. If both a building and land, or any combination of multiple barns or parts of a property are being used for the agritourism operation the site plan must show the combination of a. and b. above being met for all portions of the property being used for agritourism.
  - d. The minimum parking area shall be a quarter of an acre (14,520 square feet) and where calculations end up with a fraction they shall always be rounded up.
- F. The agritourism operator shall provide ingress and egress in a manner necessary to protect public safety as determined by the Montgomery County Engineer's Office (MCEO). A letter must be submitted that the ingress and egress have been reviewed by the MCEO and such access is deemed not to be a public safety issue.

**RESOLUTION #020-2019**

**RESOLUTION TO ADOPT A TEXT AMENDMENT TO THE MIAMI  
TOWNSHIP ZONING RESOLUTION**

**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, April 23, 2019; and

**Whereas,** Zoning Case #436-19, filed by the Miami Township Zoning Commission, proposes amendment to Article 38 of the Miami Township Zoning Resolution; and

**Whereas,** the Zoning Commission has made a recommendation; and

**Whereas,** the Trustees reviewed said Zoning Case in a Public Hearing; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees approve the Text Amendment to the Miami Township Zoning Resolution under Zoning Case #436-19 and upholds the Zoning Commission recommendation.



\_\_\_\_\_  
Douglas J. Barry, Trustee President

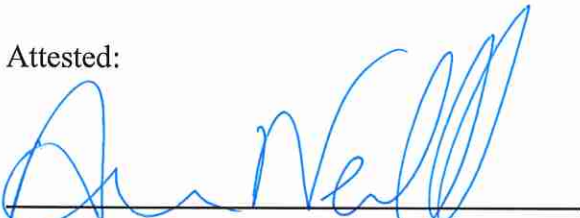


\_\_\_\_\_  
John Morris, Trustee Vice President



\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:



\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: April 23, 2019

RLH:nsc



# Memorandum

**To:** Board of Trustees  
**From:** Kyle A. Hinkelman, Deputy Director  
**Date:** April 17, 2019  
**Re:** Zoning Case #436-19, a Text Amendment to Article 38

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**Case #:** ZC 436-19  
**Request:** Text Amendment – Article 38  
**Date of ZC Meeting:** April 16, 2019  
**ZC Recommendation / Vote:** Approval | 5-0

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Attached is the formal Zoning Commission recommendation for the case. The Commission recommended approval in a 5-0 vote.

The intent of this amendment is to update the layout and structure of Article 38, modify the standards for accessory uses and structures, as well as modify and establish standards for outdoor sales, temporary uses and structures. The current text of Article 38 is to be deleted and replaced in its entirety by this amendment.

This modification is a complete replacement for Article 38. This is due to several sections moving into the Article and the consolidation of sections within the current Article.

This Article now covers Home Occupations, which were previously covered by only our definitions section. The proposed language does not permit residential properties to be utilized for business uses. It does make it clear that this prohibition does not cover agricultural uses permitted under the ORC.

## COMMUNITY DEVELOPMENT

**DIRECTOR** CHRISTOPHER E. SNYDER 2700 LYONS ROAD MIAMI TOWNSHIP, OHIO 45342  
planning@miamitownship.com phone (937) 433-3426 fax (937) 433-8709 www.miamitownship.com

The proposed regulation also changes the way the Township will consider setbacks for an accessory structure. We have incorporated diagrams to show what areas are permitted for accessory structures and what areas are not. We have also expanded the permitted locations to include obstructed side yards that do not have a direct view from the front lot line.

This Article now covers fences. Previously our code covered fences within Article 39, Section 3909. The language from Article 39, Section 3909 has been moved to this Article for consistency.

The proposed regulations now limit the number of outdoor kiosks and exchange areas. This language permits three machines (with a maximum of 20 square feet each) on a commercial lot. These include ice storage machines, propane tank exchanges, and DVD rental machines.

The proposed regulations also now permit Beekeeping within the Township.

The final modification pertains to how the Township regulates Temporary Uses and Structures within residential and commercial properties. Section 38.07 (residential) and Section 38.08 (commercial) are now organized to have regulations for each use category.

Please contact me with any questions about the case.

**Zoning Commission Recommendation**  
**ZC 436-19 a Text Amendment to Article 38**

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Meeting Date: 04/16/2019  
Case Number: ZC 436-19  
Decision: Approved, 5-0

---

**Recommendation as made by the Zoning Commission:**

The Zoning Commission recommends approval to the Board of Trustees of Zoning Case #436-19, a Text Amendment to Article 38 of the Miami Township Zoning Resolution.

**APPLICATION FOR TEXT AMENDMENT  
TO THE  
MIAMI TOWNSHIP ZONING RESOLUTION**

Case No. ZC 436-19

Date Filed: March 19, 2019

Received by: K. Hinkelman

APPLICANT: Miami Township Zoning Commission  
2700 Lyons Road  
Miamisburg, OH 45342

The intent of this amendment is to update the layout and structure of Article 38, modify the standards for accessory uses and structures, as well as modify and establish standards for outdoor sales, temporary uses and structures. The current text of Article 38 is to be deleted and replaced in its entirety by this amendment.

DRAFT

## **ARTICLE 38 | ACCESSORY & TEMPORARY USES**

### **SECTION 38.01 | PURPOSE**

- A. This section authorizes the establishment of accessory uses that are incidental, related and customarily subordinate to principal permitted uses. For the purpose of this section, the term accessory use shall be used in conjunction with accessory structure or may be used in placement thereof.
- B. Accessory uses and structures may be detached or attached to the primary structure. An example of an attached accessory structure is a deck. When determining if an accessory structure is an attached accessory structure or a dwelling addition the following shall be considered:
1. A dwelling addition shall be integrated visually, structurally and architecturally with the principal structure, has an attached roof with similar design to the principal structure, permits access between the principal structure and the addition either internally or under the roof, and/or shares a common wall with the principal structure or is connected to the principal structure by an enclosed space.
  2. An attached accessory structure shall be an unenclosed space that may have solid walls no greater than 18 inches in height around its entire exterior. It may have a fence or railings that are not opaque up to 48 inches. It shall not be screened, walled, or provided with glass from floor to ceiling, where the enclosed interior space is completely separated from the outside.

### **SECTION 38.02 | FINDINGS**

In adopting these regulations, the Miami Township Board of Trustees finds that:

- A. It is necessary to set back accessory uses from residential property lines in order to provide adequate space to ensure weeds and other nuisance vegetation can be adequately controlled and that drainage flow between and along property lines is not impeded in order to protect the public health and safety.
- B. It is necessary to limit the height and extent of accessory uses to ensure that adjoining property owners are not unduly deprived of access to sunlight and air circulation to their property.
- C. Accessory uses are to be subordinate in size and appearance to principal permitted structures and therefore should be restricted in size, height and location in order to maintain the integrity of the permitted uses within the various districts and protect property values and the general public welfare.

- D. Some accessory uses and their associated activities, while permissible for limited durations, would create an undue impact on neighboring properties if permitted on a permanent basis due either to the size, scope, or general location of such activities.

### **SECTION 38.03 | GENERAL PROVISIONS**

Accessory uses or structures shall be permitted provided:

- A. The structure or use is incidental to and customarily found in connection with a principal structure or use permitted in the district in which it is located.
- B. It is subordinate to and serves the principal structure or use.
- C. It is subordinate in area, extent, or purpose to the principal structure.
- D. It is located on the same parcel as the principal structure or use for which it serves.
- E. An owner applies for and receives a zoning certificate, unless exempted or not required by this resolution.
- F. An accessory use or structure shall not be established unless a principal use has first been established on a site in conformance with the applicable provisions of the zoning resolution.
- G. No detached accessory building or structure shall contain facilities used for dwelling purposes. This does not preclude use of a guest house per the standards of Article 38.
- H. **Home Occupations.**
  - 1. Except as provided below, no accessory building or structure shall be used to operate a business, store equipment or supplies used for a business, or be a location where employees meet or park, in any standard agricultural district, residential district, or recorded residential subdivision.
  - 2. It is not intended for residential properties to be used for business. As it relates to home occupations a business is defined under ORC 5701.08, "includes all enterprises, except agriculture, conducted for gain, profit, or income and extends to personal service occupations."
  - 3. The above is true except for:
    - a. Accessory structures approved as part of a final development plan within a planned development for an associated business use in a mixed-use development.

- b. Business lawfully established in an agricultural district and used in support of the agricultural use of the property or a business approved as a permitted or conditional use in an agricultural or residential district, or other lawfully existing legal non-conforming use, subject to the standards for legal non-conforming uses.

## **SECTION 38.04 | PERMITTED AND PROHIBITED ACCESSORY USES AND STRUCTURES BY DISTRICT**

The following accessory uses, as denoted by a square "■" mark, are permitted as indicated in Table 38.04(A), subject to the general standards and any use specific standards as outlined herein. Planned Development Districts and Austin Center Districts shall default to the following groups unless otherwise defined within the adopted planned development standards:

A. For the purpose of this table the following are grouped together:

- Agricultural and Residential:
  - "A", "R-1" through "R-9", "PD-1" and Residential "PD-5"
- Office:
  - "O-1", "O-2", "RO", "PD-2"
- Business:
  - "B-1" through "B-4", "AC-1" through "AC-5", "PD-3", and non-residential "PD-5"
- Industrial:
  - "I-1" through "I-3", "AP", "PD-4"
- Park:
  - "PS-1" through "PS-3"

**TABLE 38.04(A) – Permitted Accessory Uses and Structures by District**

Use	Ag/Residential	Office	Business	Industrial	Park
Arbors	■				■
Automatic Teller Machine (ATM)			■		
Barbeque Equipment /Grills	■				
Beekeeping	■				■
Birdhouse	■				■
Carport - Private	■				
Deck	■	■	■	■	■
Donation Collection Containers			■	■	
Exterior Dumpster	■	■	■	■	■
Electric Kiosk			■		
Fences	■	■	■	■	■
Firewood	■				
Flag Poles	■	■	■	■	■
Garage/Storage/Utility Building - Private	■	■	■	■	
Guest House (without kitchen facilities)	■				
Hedges	■	■	■	■	■
Ice Storage Machine			■		
Lawn & Garden Equipment	■				
Lawn Furniture	■				■
Play Equipment	■				■
Playhouse	■				■
Propane Heating Fuel Tanks	■	■	■	■	
Propane Storage/Exchange Areas			■		
Satellite Dish - 1 antenna per Article 2, Section 219.01	■	■	■	■	
Solar Panels/Solar Energy Systems	■	■	■	■	■
Statuary	■	■			■
Storage Structure	■	■	■	■	■
Storm Shelters	■	■	■	■	■
Swimming Pool/Hot Tub	■		■		■

Trash Containers	■	■	■	■	■
Tree House	■				
Trellis	■	■	■	■	■
Vending Machines			■		■
Walls (taller than 24 inches)	■	■	■	■	■

**B. PROHIBITED ACCESSORY USES WITHIN THE AGRICULTURAL, RESIDENTIAL, OFFICE, "F", "NR", ALL "PD", ALL "PS" AND WELLHEAD OPERATION DISTRICTS**

1. No commercial vehicle with a gross vehicle weight rated in excess of 10,000 pounds, based on manufacturer's federal identification decal or serial number, or any commercial vehicle more than seven (7) feet in height, may be parked on any residential lot, except for commercial vehicles making service calls or vehicles being used to move personal goods to or from a subject property. Commercial vehicles used for agriculture are exempt from this requirement when located in the "A" Agriculture District.
2. Open storage of, but not limited to: junk, refuse, miscellaneous discarded items, inoperative items, inoperative or unlicensed motor vehicles and recreational equipment not displaying current valid license tags, or auto parts and accessories, or inoperative appliances.
3. The keeping of livestock, poultry or other fowl, except for commonly accepted household pets, i.e. canines, felines, and bird species housed within the principle structure and excluding chickens and roosters, on lots of one (1) Acre or less. This subsection shall not apply in the "A" Agricultural District.
4. For purposes of this chapter, shipping, portable storage or cargo containers, railroad cars, and bus bodies are not considered accessory uses or structures for use in residentially zoned or residentially developed properties. Only permanent sheds and storage buildings designed for residential use and constructed for the primary purpose of serving as a permanent residential storage building are permitted to be utilized for accessory storage buildings on residentially zoned or used properties.

## SECTION 38.05 | STANDARDS

### A. LOCATION REQUIREMENT:

#### 1. Residential and Agricultural Zoned Properties.

Accessory structures shall meet the following location restrictions, unless specifically exempted under the exception's clause of this Article.

##### a. Interior Lot.

Accessory structures shall be located within the rear yard or in a side yard that is obstructed from direct view from the front lot line by a primary structure provided the accessory structure is placed at least six (6) feet from any lot line as shown in the figures below. Accessory structures located in the viable portion of a side yard as shown below must not extend past the side wall of the principle structure.

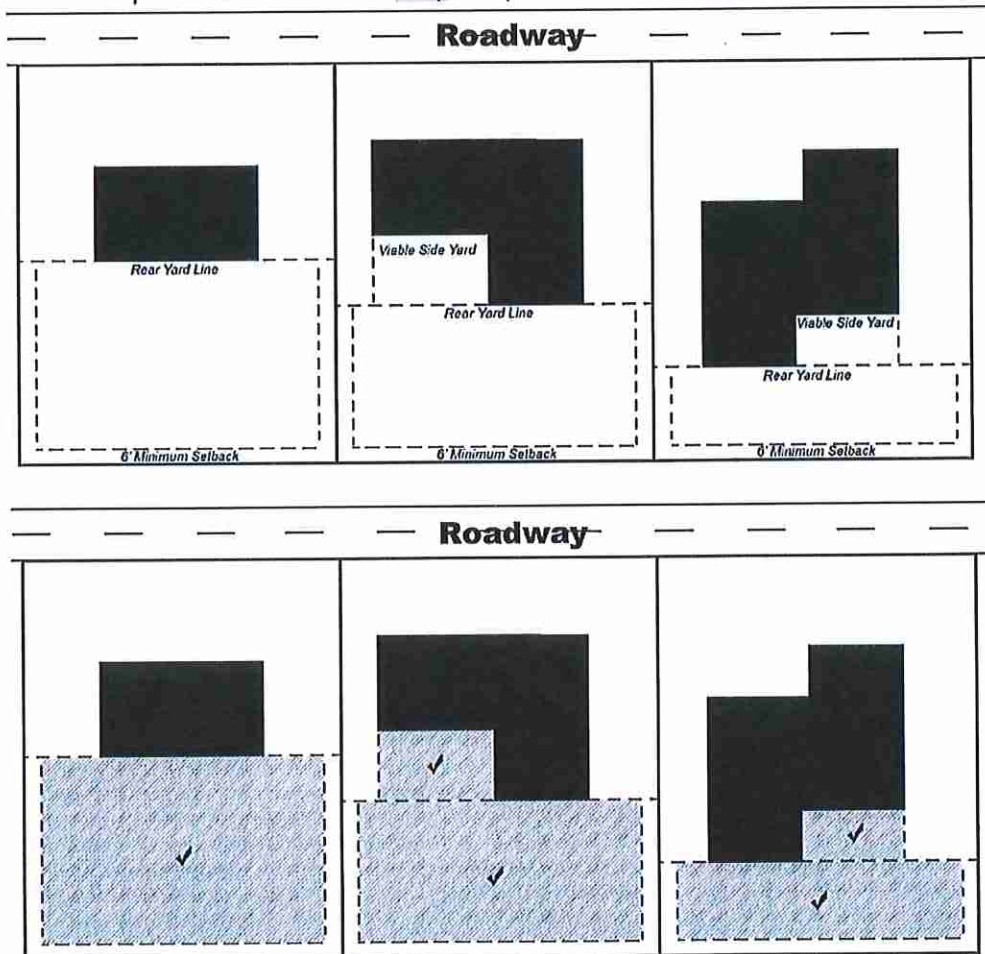


Figure 38.05(A)

 = Viable Location for Accessory Structure

**b. Corner Lot.**

Where a lot has frontages on two roadways that intersect, accessory structures shall be placed at least six (6) feet from any lot line and shall be located within one or several of the following:

- 1.) The rear yard of either roadway one or roadway two. This shall permit the property owner to choose to consider either roadway, but not both, as the primary frontage and the subsequent rear yard shall be permitted to have accessory structures. If existing accessory structures are on the property, the location of these structures shall determine which rear yard is permitted. Removal of all accessory structures shall again permit the property owner to choose which rear yard they would like designated as the permissible yard area.
- 2.) A side yard that is obstructed from direct view from the front lot line by a primary structure.

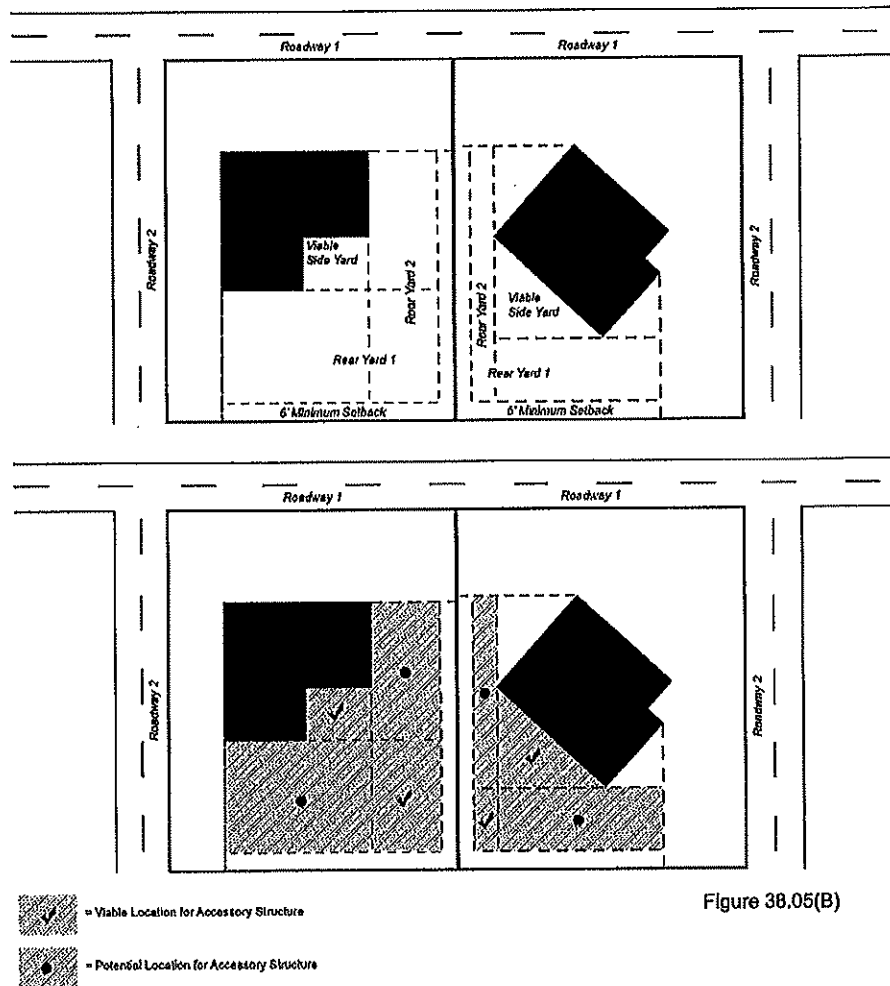
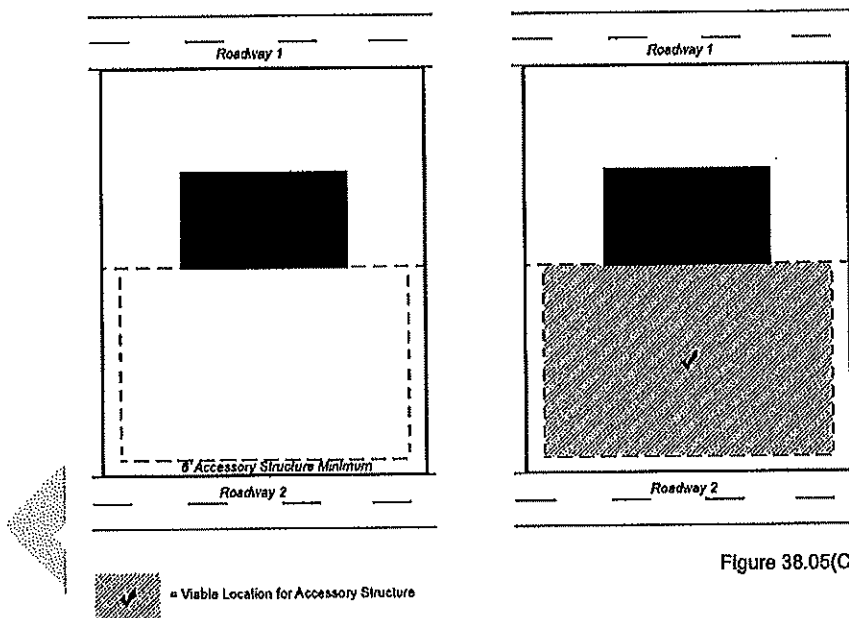


Figure 38.05(B)

c. **Double Frontage Lot.**

Accessory structures shall be placed at least six (6) feet from any lot line and shall be located only within:

- 1.) The rear yard; or
- 2.) A side yard that is obstructed from direct view from the front lot line by a primary structure; and
- 3.) The front lot line shall be determined by the address or by the Community Development Director or his/her designee where no address is present but shall be generally consistent with the lots on either side of the subject building.



2. **Commercial, Industrial, Park or Office Zoned Properties.**

Accessory structures shall meet the following location restrictions, unless specifically exempted under the exception or specific use clauses of this Article.

a. **Interior Lot.**

Accessory structures shall be located within the rear yard or in a side yard provided the accessory structure is placed at least six (6) feet from any lot line.

b. **Corner Lot.**

Where a lot has frontages on two roadways that intersect, accessory structures shall be placed at least six (6) feet from any lot line and shall be located in the rear or side yards.

**c. Double Frontage Lot.**

Accessory structures shall be placed at least six (6) feet from any lot line and shall be located only within:

- 1.) The rear or side yard; or
- 2.) The front lot line shall be determined by the address or by the Community Development Director or his/her designee where no address is present but shall be generally consistent with the lots on either side of the subject building.

**B. MAXIMUM REAR YARD COVERAGE**

All accessory structures shall not occupy more than a total of thirty-five (35) percent of the area of the required portion of the rear yard.

**C. MAXIMUM HEIGHT**

A detached accessory structure or structures shall not exceed twenty-five (25) feet in height or the height of the principal building, whichever is the least.

**D. EXCEPTIONS**

1. An accessory structure may be located between a primary structure and a front or side lot line as specifically denoted under the use specific standards of this Article. An attached accessory structure must meet all development standards of the zoning district in which it is located.
2. Retaining walls, mail boxes, and other similar items as ordinarily and customarily found within the front yard of a residential structure in Miami Township. This provision shall not permit placement of items specifically denoted to be stored or constructed in a side or rear yard.
3. Accessory sport fields incidental to a permitted school use, such as practice fields, ball fields, goal posts, bleachers, etc. Stadiums, storage buildings, and other large accessory structures shall either be located in a rear yard or follow the standards for permitted uses for the district in which they are located, provided such structures can meet the required front yard setback for the district in which they are located.
4. One (1) standard, regulation size or smaller basketball pole, hoop and backboard, not to exceed seventeen (17) feet in total height to top of the backboard, may be located in a front yard provided it is located immediately

adjacent to and oriented to be used within a paved driveway and is located at least ten (10) feet from the road right of way line.

5. Customary metal trash dumpsters located within a business, office, or industrial district, when fully screened with a fully opaque fence or wall on three sides with a fully opaque gate may be located within a front or side yard area of a business but shall not encroach within a required landscape buffer.
6. One (1) flag pole, provided no such pole exceeds twenty-five (25) feet in height, measured from the lowest adjoining grade for the pole or the lowest adjoining grade for the building to which it is mounted to the top of the pole, when located in an Agricultural or Residential District or the maximum height of the district in which it is located if located in a non-residential district and such pole is setback a minimum of ten (10) feet from the road right of way line and any adjoining property line. Flag poles attached or mounted on buildings shall be limited to these same height limitations.
7. Temporary tents per Subsection 38.07 or 38.08 below.
8. Temporary tents within an Agricultural District for non-commercial purposes only. A minimum twenty-five (25) foot setback from all road rights of way and ten (10) foot setback from all adjacent property lines shall be maintained.
9. In residential districts, one (1) small domestic utility building shall be allowed a setback of not less than three (3) feet from the side or rear lot lines, provided that:
  - a. The floor area of any such building is one-hundred (100) square feet or less.
  - b. The building in combination with other accessory buildings on the property does not occupy more than thirty-five (35) percent of the required portion of the rear yard as described in Subsection 38.05(C).
  - c. The height of any such building does not exceed eleven (11) feet, measured at the roof peak.
  - d. Any such building shall primarily serve as additional storage space, with no utilities being extended to it for interior lighting, heating, or sanitary sewer purposes.
  - e. Any such building shall not serve as a workshop or for a home occupation.

- f. Any such building shall be located in the rear yard.

**E. USE SPECIFIC STANDARDS**

In addition to the other standards of this resolution the following use specific standards shall be followed:

**1. Automatic Teller Machines (ATM)**

- a. Must be incorporated into a Drive-Thru facility of a Financial Institution; or
- b. Freestanding ATM's are permitted within the front yard of a commercial property. They shall be required to meet the general standards for a free-standing primary structure except for the yard requirements.

**2. Donation/Collection Containers for Paper, Clothes, Videos, Movies, and other similar materials**

- a. No permit will be granted unless the lot on which the container will be placed also contains at least one operating business in a permitted principle building.
- b. No more than two (2) such boxes or containers shall be located on any individual parcel.
- c. Such containers shall not block or impede access to required parking or driveways.
- d. Such collection containers shall not be located within a required parking stall such that locating the collection box would reduce the available site parking below the minimum required for the principle use on the site nor within a required landscape area or parking setback.
- e. Such containers shall at all times have an operable lid and shall be monitored by the property owner to ensure that items are not placed outside of the container and that all lids are closed.
- f. Except in the case where the principle use on the site is a business that is principally based upon the collection and resale of donated items, such collection containers shall be located behind a line extending parallel with the front wall of the principal building and on corner lots shall not be located between the principal building and a roadway.
- g. Signage on any such container shall be limited to one sign that is two square feet of signage per linear foot of width of the largest dimension of the container with a maximum of ten (10) square feet.

3. **Outdoor Kiosk and Exchange Areas.**

Commercial uses are permitted to have a total of three (3) of the following on their property. They may have three (3) of the same category, or one (1) of multiple categories, but shall not have more than three (3) total. Each machine shall not occupy more than twenty (20) square feet of area and such machines shall be placed immediately adjacent to and against a wall of the principle building.

- a. **Electronic Kiosks.** Electronic kiosks include storage lockers and any other information kiosk that has a screen and is intended for interaction with the general public.
- b. **Ice Storage Machine.** Storage machines for bags of ice for resale or ice for use by residents of a hotel or motel.
- c. **Propane Storage/Exchange Areas.** Storage and exchange equipment for sale of small portable propane containers for use in residential style grills and similar equipment.
- d. **Vending Machines, including those vending candy, drinks, movies, toys, and other similar items.** Exterior location prohibited except when exterior to a principal building or use.

4. **Guest House (without kitchen facilities)** or rooms for guests in an accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the principal building, and not as rental units or for permanent occupancy.

5. **Residential open storage** (in Agriculture and Residential zoned districts) of the following items in locations as designated, and subject to the condition that all specific storage locations shall be maintained free from weeds, overgrowth, and debris. All items may be stored within a carport or covered patio if such storage is located adjacent to the wall or walls of such carport and/or covered patio:

- a. **Lawn and patio furniture and lawn and garden equipment** when in usable condition and kept in good repair, if stored in a reasonably condensed and centralized area located in the rear yard;
- b. **Customary trash containers** when in usable condition with securely fitted lids, if stored upright against the building's rear or side wall and screened from view from a public roadway or stored within the rear yard in an area well screened from surrounding properties.

- c. **Metal "dumpster" trash containers** of the type and size customarily found in conjunction with permitted two family, multi-family and office uses, if well screened from surrounding single family residential properties and when located a minimum of six (6) feet away from the adjoining property lines of all abutting single-family residential lots.
    - d. **Firewood and other solid heating fuels** when stacked or piled in a reasonably compact and orderly fashion within the side or rear yard, except for a side yard toward a road on a corner lot, and when intended for use in the present or upcoming heating season (Such storage shall be subject to all applicable fire regulations).
    - e. **Liquid and Gas Heating Fuel Containers** when under use and kept in good repair, if stored to the rear or side of a building, or in the rear yard in an area well screened from surrounding properties (Such storage shall be subject to all applicable fire regulations).
6. **Propane or Heating Fuel Tanks**, for use by the principal building to heat or provide cooking fuel for a legal principal use and shall not be used to provide fuel for sale. Such tanks shall be located to the side or rear of the principal building to minimize visibility from a public right way.
7. **Commercial Outdoor Storage** (in Office and Business zoned districts) if permitted by district in which it is to be located and provided such area is in compliance with the following regulations:
  - a. Outdoor storage of any kind shall be prohibited on lots where a building does not have tenants or on vacant lots without buildings. Outdoor storage is permitted in a multi-tenant building that has tenants if the outdoor storage is related to the current tenants in the multi-tenant building.
  - b. Outdoor storage may be permitted provided that the storage areas are located in the side or rear yard;
  - c. Storage of any goods or materials shall not exceed six (6) feet in height;
  - d. All outdoor storage areas shall be screened from view of the public right-of-way by a six (6) foot fence in conformance with Subsection 11. Fences, Walls, and Hedges below. Screening shall not be required if the outdoor storage area is located out of view from any public right-of-way.
8. **Solar Panels, Solar Energy Systems.** Roof-mounted solar panels and solar energy systems shall be located in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the

roof, provide ventilation opportunities, and provide emergency egress from the roof.

- a. For buildings with pitched roofs, solar collectors shall be located in a manner that provides a minimum of one (1) three (3) feet wide clear access pathway from the eave to the ridge on each roof slope where solar energy systems are located as well as one (1) three (3) feet wide smoke ventilation buffer along the ridge.
  - b. Residential rooftops that are flat shall have a minimum three (3) feet wide clear perimeter and commercial buildings that are flat shall have a minimum four (4) feet wide clear perimeter between a solar energy system and the roofline, as well as a three (3) feet wide clear perimeter around roof-mounted equipment such as HVAC units.
  - c. Solar energy systems directly fronting on a public right-of-way shall not have a highest finished pitch steeper than the roof pitch on which the system is mounted and shall be no higher than twelve (12) inches above the roof surface. All other systems shall not extend more than three (3) feet above the slope or surface of the roof at any point. No roof mounted system shall extend beyond the edges of the roof upon which they are located.
  - d. Ground mounted panels shall comply with the setback standards for accessory storage buildings but shall not exceed twenty (20) feet in height or the height of the principle structure, whichever is less, when oriented at maximum tilt and shall not be angled in such a way as to cause direct glare into the windows of any adjoining property or onto any public or private roadway.
  - e. For purposes of calculating ground coverage area of ground mounted panels, the equivalent ground surface area covered by the panel(s) at minimum tilt shall be utilized.
9. **Swimming pool, bath house, hot tub, and other recreational facilities** designed for the use of the occupants of residential dwellings and their guests, provided that the swimming pool or hot tub, or the entire property on which the pool or hot tub is located, is walled or fenced to prevent uncontrolled access by children. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition with a gate and lock and may be the extension of the side walls of the swimming pool or hot tub. In lieu of a fence or wall, a lockable barrier may be mounted on top of the pool or hot tub structure, with a maximum vertical clearance of four (4) inches between the top of the pool or hot tub structure and the bottom of the barrier.

- 10. Trash Dumpsters and storage or collection areas.** Such areas shall be located towards the rear or side of the principal building and shall be screened on three sides by a wall or fence enclosure with an opaque gate on the fourth side.
- 11. Fences, Walls, and Hedges.** A fence, wall, hedge, or shrubbery may be erected, placed, maintained or grown along a lot line in all districts or adjacent thereto to a height not exceeding six (6) feet above the ground level for a fence or wall, except in an Industrial District such fence or wall shall not exceed a height of eight (8) feet and may contain an additional two (2) feet of barbed wire or razor wire, such that total fence or wall height shall not exceed ten (10) feet.
- a. No such fence, wall, hedge, or shrubbery which is located in a front or corner side yard setback shall exceed a height of three and one-half feet and shall be subject to the traffic visibility requirement of Article 37, Section 3703, for a corner lot.
  - b. Each span of any fence or wall shall be uniformly constructed of any commonly used fencing materials, such as: masonry, wood, chain link, wrought iron or wire, "span" being defined as any portion of a fence or wall without corners. Barbed wire, razor wire or electrified fences are prohibited on residential lots of one (1) Acre or less except in the "A" Agricultural District. Fences or walls must be constructed and maintained according to commonly accepted practices.
  - c. A zoning certificate shall be required prior to the erection of all fences or walls seventeen (17) feet in length or longer, or any fence or wall that encloses any portion of a property or is intended to complete an enclosure. All fences and walls, however, must meet all other provisions of this section.
  - d. On double-frontage lots (i.e., those with both front and rear yards on a road right-of-way) not on a corner, a fence or wall may be built to a height not exceeding six (6) feet, provided any such fence or wall is at least five (5) feet from the road right-of-way line to the rear of the residence.

**12. Beekeeping.**

- a. For the purpose of beekeeping, the following definitions shall be used:
  - i. Apiary means the assembly of one (1) or more hives or colonies of honey bees at a single location.

- ii. Beekeeper means a person who keeps honey bees in hive(s) which meet state approved requirements.
  - iii. Beekeeping equipment means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
  - iv. Colony means the entire honey bee family or social unit living together including the queen, workers and drones.
  - v. Flyway barrier means fencing, dense hedging or a combination of the two (2), which provides a shield or protective barrier from the direction in which the honey bees fly when approaching or leaving a hive.
  - vi. Hive means a frame or structure used or employed as a domicile for honey bees which meet state approved requirements.
  - vii. Honey Bee means the common domestic honey bee, limited to the *Apis mellifera* species, specifically excluding the African honey bee, *Apis mellifera scutellata* or Africanized honey bee, or any hybrid thereof.
- b. Permitted only in all single-family residential and agricultural districts or multi-family districts containing only a detached single-family residence.
  - c. The lot on which the bees are kept must have a minimum lot area of one-half (0.5) acre and only one principle residence per lot.
  - d. The number of hives is limited to no more than four (4) hives and no hive shall exceed twenty (20) cubic feet in volume.
  - e. Hives shall be located at least twenty (25) feet from all lot lines and shall be provided with a flight path barrier consisting of a solid fence, wall, or dense evergreen hedge at least six (6) feet in height, shall be placed along the side of the beehive that contains the entrance to the hive, and shall be located within five (5) feet of the hive and shall extend at least two (2) feet on either side of the hive.
  - f. A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating on nearby properties.
  - g. All colonies must be registered with the Montgomery County Agricultural Extension Agent.

- h. The maintenance of each colony shall be maintained in movable frames, have adequate space to prevent overcrowding and swarming, and shall be requeened following any swarming or aggressive behavior.
- i. No apiary, hive or colony shall be permitted which has been abandoned by the hive or the owner.

13. Any other structure or use customarily found in conjunction with and required for full utilization and enjoyment of the principal use, and which meets the definition of accessory use in Subsection 201.01.

## **SECTION 38.07 | RESIDENTIAL TEMPORARY USES AND STRUCTURES**

The Community Development Director, or his/her designee, may, upon proper application, issue a Zoning Certificate for any of the temporary accessory uses and structures within a residential district as listed below.

### **A. General Provisions**

Unless otherwise permitted within Article 38 as part of a permitted event, no temporary use or structure shall be permitted for longer than a total of fourteen (14) days per calendar year. These may be grouped into no more than four (4) events within a calendar year.

### **B. Application**

A Zoning Certificate shall be obtained for a temporary use or structure that includes the dates of the event on which the temporary use or structure will occur and must include the set-up and removal periods.

### **C. Zoning Certificate Requirement and Exemption.**

A Zoning Certificate shall be required for all temporary structures and uses except the following:

1. Temporary tents placed in the rear yard, for use one (1) day for an outdoor party or event and provided such tent is setup and removed within two (2) days of the event.
  - a. Such use shall not exceed three (3) times per calendar year. The use shall be limited to non-commercial event purposes in which no merchandise is displayed for sale and no sales occur, the event is not open to the general public, and no charge or other fee is required for admission to the event.
  - b. The purpose of this section is to permit temporary tents for an event for the occupants of the principal building, such as a graduation party, birthday party, retirement party, employee recognition event and other similar functions.

2. Garage sales, per the standards of Subsection 38.07(E)(4) below.

**D. Permitted Temporary Uses and Structures**

1. Residential dwelling units for use as a model or display home within a residential plat, situated on a lot for which a preliminary plat has been approved by the Montgomery County Planning Commission, and provided such unit(s) conform to all requirements for residential uses for the district in which it is located, and no change of title occurs.
2. Garage sales (including patio, basement, yard or block sales) may be held from 8:00 A.M. to sundown.
  - a. No sale may extend for more than three consecutive days (or portion thereof). No subsequent sale may occur on the same premises unless at least three (3) days shall have passed from the end of the previous sale.
  - b. No more than two (2) garage sales per dwelling unit may be held on any such zoning lot in any calendar year.
  - c. No person conducting a garage sale under the provisions of this article shall sell or offer for sale any food or beverage for consumption on the premises. Food or beverage may be provided for such consumption at no cost to the consumer, but only if a permit is obtained in advance from the Combined Health District.
  - d. No fee or other charge shall be imposed upon members of the public attending any such sale.
  - e. Signage shall be permitted to the extent permitted for temporary signage for the district in which the sale is held, per the terms of Article 41.
  - f. Balloons, streamers, special lighting, noise making devices or other similar advertising displays, or notices shall not be used to call attention to the garage sale.
  - g. Estate auctions and moving sales shall be permitted not more than one (1) week per calendar year, provided that such estate auction is made necessary for settling the estate of the resident, or provided that such moving sale is made necessary when a resident is moving away from that lot to another dwelling.

3. Temporary Storage or Disposal Containers also commonly referred to as PODS, provided:
  - a. Such containers are located solely upon a designated paved hard surface outside of the public right of way.
  - b. The containers are removed at the expiration of the temporary zoning certificate which may authorize the placement of a container for a maximum of thirty (30) days, one (1) time per calendar year. A longer period of time may be approved by the Community Development Director and or his/her designee for a container to be located in conjunction with an active construction or remodeling project, or in conjunction with the restoration of a property following fire, flood or other similar damage.
  - c. The containers are not attached to a foundation or otherwise considered a permanent structure which would be considered a principle or accessory use and subject to the standards of the applicable zoning district.
  - d. Such containers shall be used solely for storage incidental to the permitted principal use located on the same lot.

### **SECTION 38.08 | COMMERCIAL TEMPORARY USES, EVENTS, AND STRUCTURES**

The Community Development Director, or his/her designee, may, upon proper application, issue a Zoning Certificate on a commercial property for temporary events, accessory uses, and structures as listed below.

#### **A. General Provisions**

Unless otherwise permitted within Article 38 as part of a permitted event, no temporary use or structure shall be permitted for longer than a total of fourteen (14) days per calendar year unless otherwise exempted below. These may be divided into no more than four (4) events within a calendar year.

#### **B. Application**

A Zoning Certificate shall be obtained for a temporary use or structure that includes the dates of the event on which the temporary use or structure will occur and must include the set-up and removal periods. A site plan that includes all tents, event locations, and parking is required.

#### **C. Zoning Certificate Requirement and Exemption.**

A Zoning Certificate shall be required for all temporary structures and uses except the following:

1. **Temporary Tents** placed in the rear yard, for use one (1) day for an outdoor party or event and provided such tent is setup and removed within two (2) days of the event.
  - a. Such use shall not exceed three (3) times per calendar year. The use shall be limited to non-commercial event purposes in which no merchandise is displayed for sale and no sales occur, the event is not open to the general public, and no charge or other fee is required for admission to the event.
  - b. The purpose of this section is to permit temporary tents for an event for the occupants of the principal building, such as a graduation party, birthday party, retirement party, employee recognition event and other similar functions.
2. **Temporary Sidewalk Merchandise Displays**, occurring only within the "B-2", "B-3" or "B-4" Business Districts, occurring during regular business hours (8:00AM until 8:00 PM) involving small stands or racks of items moved from within the store to the walkway adjacent to the main entrance of the establishment selling the items and which are returned within the store by the close of business each day.
  - a. Such stands shall not occupy more than twenty-five (25) square feet of space and shall not obstruct pedestrian traffic along the walkway, nor hinder the ability of people to enter or exit the establishment, nor be in front of an adjoining establishment.
  - b. No sales shall occur outside of the establishment and no point of sale operations shall be set up outside of the establishment.
3. **Mobile Offices** for use as office structures on construction sites, provided that such structures shall be located on the lot within the same development project on which construction takes place and shall be removed within fourteen (14) days of the completion of construction or upon the receipt of the certificate of occupancy from the Montgomery County Building Regulations Department, whichever is sooner.
  - a. No such structure shall be permitted as or outfitted to serve as a habitation or living space.
  - b. No such structure shall be located within six (6) feet of an adjoining property line unless the adjoining property line is within and part of the same planned development and both owners have consented to such office being located closer than six (6) feet to the adjoining line.

#### **D. Permitted Temporary Uses and Structures**

**1. Special Outdoor Events**

Automobile shows, carnivals, circus, festivals, food truck rally's, or such similar events may be permitted one (1) time per calendar year within the "B-3" and "B-4" Business Districts or within a commercial area of a Planned Development as approved through a minor modification for a one-time event and subject to the following stipulations, unless otherwise approved by a final development plan within a planned development:

- a. Special Events will take place on a parcel of no less than three (3) acres in size. No portion of the event shall take place within fifteen (15) feet of a public road right-of-way or private road.
- b. No portion of the event shall take place within fifty (50) feet of an adjoining property not included as part of the special event use.
- c. No parking of vehicles or equipment from the event or from spectators attending the event may be parked within twenty-five (25) feet of an adjoining property not included within the application for a zoning certificate. Parking is only permitted within existing paved parking lots and no vehicles or equipment should be parked within landscape areas or rights of way.
- d. The event may not last for more than fourteen (14) days, including setup and removal time, past the date indicated in the application for the start of event setup and regardless of whether the event runs for the full fourteen (14) consecutive days.
- e. The special event may not begin prior to 8:00 a.m. and the event must end by 11:00 p.m.
- f. Lights may be left on until 12:00 am (midnight) to clean-up after the event. Clean-up must be finished within three (3) days of the end of the event.
- g. Applicants must show proof they will have emergency responders and ample security at the event. The Miami Township Police and Miami Valley Fire District will NOT be the sole provider of emergency and security services for the event, without written consent from the Miami Township Police Department and Miami Valley Fire District. Prior to the issuance of a zoning certificate the applicant must get emergency and security approval from the Miami Township Police Department and Miami Valley Fire District.

- h. A Zoning Certificate for the event shall be an inclusive approval of all tents and associated temporary uses accessory to the event as shown on a submitted site plan.
2. **Outdoor Sales, Display, and Storage Areas.**  
Seasonal outdoor sales, quarterly sales events, or similar outdoor displays may be permitted as below.
- a. Outdoor sales, display, and storage areas shall not be located in any required setback, parking and circulation area, right-of-way, or required landscape or buffer area.
  - b. Such sales, display, and storage areas shall be prohibited if they will create any safety hazard for pedestrians. A minimum pathway in areas used for outdoor displays, sales, and storage shall be provided to allow for the flow of pedestrian traffic outside of designated vehicular traffic drives. Such pathways shall have a minimum clearance width of five (5) feet, or the width required to meet the minimum standards of the Americans with Disabilities Act, Montgomery County Building Regulations Department, whichever is greater.
  - c. Where screening or security fencing is provided or required, decorative cast iron aluminum, wood material, or materials used in the principal building shall be used for the fencing. Other materials may be permitted with the administrative approval of the Zoning Commission.
  - d. Chain link fencing, barbed wire fencing, and other wire mesh fencing shall be permitted only where the fencing is not visible from any public right-of-way.
  - e. All outdoor sales, display, and storage areas shall be maintained free of garbage and other debris.
  - f. Outdoor sales, display, and storage areas shall be limited to five (5) percent of the gross floor area of the principal structure with a maximum area of 2,500 square feet.
3. **Temporary Storage or Disposal Containers** also commonly referred to as PODS, provided:
- a. Such containers are located solely upon a designated paved hard surface outside of the public right of way.
  - b. The containers are removed at the expiration of the temporary zoning certificate which may authorize the placement of a container for a maximum of thirty (30) days, one (1) time per calendar year. A longer

period of time may be approved by the Community Development Director and or his/her designee for a container to be located in conjunction with an active construction or remodeling project, or in conjunction with the restoration of a property following fire, flood or other similar damage.

- c. The containers are not attached to a foundation or otherwise considered a permanent structure which would be considered a principle or accessory use and subject to the standards of the applicable zoning district.
- d. Such containers shall be used solely for storage incidental to the permitted principal use located on the same lot.

DRAFT

**RESOLUTION #021-2019**

**RESOLUTION TO ADOPT A TEXT AMENDMENT TO THE MIAMI TOWNSHIP ZONING RESOLUTION**

**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, April 23, 2019; and

**Whereas,** Zoning Case #437-19, filed by the Miami Township Zoning Commission, proposes amendment to Article 6 of the Miami Township Zoning Resolution; and

**Whereas,** the Zoning Commission has made a recommendation; and

**Whereas,** the Trustees reviewed said Zoning Case in a Public Hearing; and

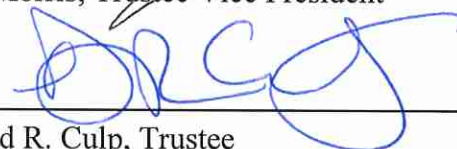
**Therefore Be It Resolved,** the Miami Township Board of Trustees approve the Text Amendment to the Miami Township Zoning Resolution under Zoning Case #437-19 and upholds the Zoning Commission recommendation.



\_\_\_\_\_  
Douglas J. Barry, Trustee President

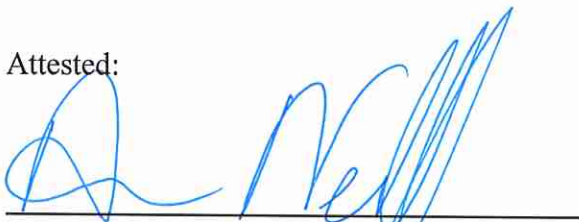


\_\_\_\_\_  
John Morris, Trustee Vice President



\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:



\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: April 23, 2019

RLH:nsc



# Memorandum

**To:** Board of Trustees  
**From:** Kyle A. Hinkelman, Deputy Director  
**Date:** April 17, 2019  
**Re:** Zoning Case #437-19, a Text Amendment to Article 6

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**Case #:** ZC 437-19  
**Request:** Text Amendment – Article 6  
**Date of ZC Meeting:** April 16, 2019  
**ZC Recommendation / Vote:** Approval | 5-0

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Attached is the formal Zoning Commission recommendation for the case. The Commission recommended approval in a 5-0 vote.

The intent of this amendment is to modify the provisions of Article 6 requiring the submission of a zoning map amendment or text amendment to the County Planning Commission for review and recommendation. Due to changes to the Ohio Revised Code under HB 500, there is no longer a requirement to get this recommendation from the Planning Commission for Home Rule Townships.

Please contact me with any questions about the case.

## COMMUNITY DEVELOPMENT

**DIRECTOR** CHRISTOPHER E. SNYDER 2700 LYONS ROAD MIAMI TOWNSHIP, OHIO 45342  
planning@miamitownship.com phone (937) 433-3426 fax (937) 433-8709 www.miamitownship.com

**Zoning Commission Recommendation**  
**ZC 437-19 a Text Amendment to Article 6**

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Meeting Date: 04/16/2019  
Case Number: ZC 437-19  
Decision: Approved, 5-0

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**Recommendation as made by the Zoning Commission:**

The Zoning Commission recommends approval to the Board of Trustees of Zoning Case #437-19, a Text Amendment to Article 6 of the Miami Township Zoning Resolution.

**APPLICATION FOR TEXT AMENDMENT  
TO THE  
MIAMI TOWNSHIP ZONING RESOLUTION**

Case No. \_\_\_\_\_

Date Filed \_\_\_\_\_

Received by \_\_\_\_\_

APPLICANT: Miami Township Zoning Commission  
2700 Lyons Road  
Miamisburg, OH 45342

The intent of this amendment is to modify the provisions of Article 6 requiring the submission of a zoning map amendment or text amendment to the County Planning Commission for review and recommendation. Due to changes to the Ohio Revised Code under HB 500, there is no longer a requirement to get this recommendation from the Planning Commission for Home Rule Townships.

Amended

**ARTICLE 6 | TOWNSHIP ZONING COMMISSION**

**SECTION 601 | TOWNSHIP ZONING COMMISSION.**

**601.01 ORGANIZATION.**

The Board of Township Trustees of Miami Township, proceeding under Section 519.01 to 519.99 inclusive of the Revised Code of the State of Ohio, shall create and establish a Township Zoning Commission. The Commission shall be composed of five (5) members who reside in the unincorporated area of the Township included within this zoning plan to be appointed by the Board of Township Trustees. The Board of Township Trustees may appoint town alternate members to the Township Zoning Commission, for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Township Zoning Commission, according to procedures prescribed by resolution by the Board of Township Trustees. An alternate member shall meet the same appointment criteria

as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. The terms of the members shall be of such length and so arranged that the term of one member will expire each year.

**601.02 REMOVAL.**

Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission shall be removable in accordance with Section 519.04 of the Revised Code of the State of Ohio.

**SECTION 602 | DISTRICT CHANGES AND RESOLUTION AMENDMENTS.**

Amendments or supplements to the Zoning Resolution shall be effected as provided by Section 519.02 et. seq., of the Revised Code of the State of Ohio.

**602.01 PROCEDURE FOR DISTRICT CHANGES.**

Applications for amendments to the zoning plan shall be filed in accordance with the filing procedures adopted by the Miami Township Zoning Commission adapted from Chapter 519.12 of the Revised Code of the State of Ohio and summarized as follows:

An amendment, supplement, reclassification, or change may be initiated by motion of the Township Zoning Commission, by passage of a resolution by the Board of Township Trustees, or by the filing of a verified application by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Township Zoning Commission.

Once the application is filed and fees are paid, the Township Zoning Commission shall set a date for a public hearing which shall not be less than twenty (20) nor more than forty (40) days from the filing date. Notice of the hearing shall be given in a newspaper of general circulation in the Township at least ten (10) days before the hearing date.

If the proposed amendment or supplement requests rezoning or redistricting of ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearings shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property situated within three hundred (300) feet of the proposed area, including all properties within and contiguous to and directly across the street from the area proposed to be rezoned or redistricted. The failure of delivery of such notice shall not invalidate any such district amendment, change or supplement.

~~Within five (5) days after the adoption of such motion or the certification of such resolution, or the filing of such application, the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining, to the County Planning Commission. The County Planning Commission shall make recommendations regarding each request to the Township Zoning Commission for consideration at its public hearing.~~

~~A similar submittal shall be made After the adoption of such motion or the certification of such resolution, or the filing of such application, the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining, to District 7 of the Ohio Department of Transportation if the area proposed to be changed or affected is within 500 feet of the centerline of a state highway, as per Chapter 5511.01 of the Revised Code of the State of Ohio.~~

The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation to the Board of Township Trustees.

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for public hearing on the proposal, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of the hearing shall be given in a newspaper of general circulation in the Township at least ten (10) days before the hearing date.

Within twenty (20) days after such public hearing the Board of Township Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. The Board of Township Trustees may by majority vote, deny or modify the Zoning Commission recommendation.

Such amendment or supplement adopted by the Board of Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement thereto, is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

**602.02**

**WRITTEN NOTIFICATION.**

Two (2) copies of a provided application form shall be filed with the Township Zoning Commission at their public office.

**A. Description of Change.**

The application shall include the following statements:

1. A description or statement of the present and proposed provisions of this Zoning Resolution or the boundaries of the zoning district map.
2. A description sufficient to identify the property, including a reference of the volume and page of the last recorded deed.
3. The proposed use of the property.
4. A statement of the necessity or desirability of the proposed use to the neighborhood or community.
5. A statement of the relationship of the proposed use to adjacent property and land use.
6. A list of owners of property within three hundred (300) feet from such area to be rezoned, such list to be in accordance with the Montgomery County Auditor's current tax list.
7. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the Township Zoning Commission or Township Trustees.

**B. Plot Plan.**

The application shall be accompanied by eight (8) copies of the plot plan, prepared by a registered Engineer, Architect or Surveyor of the State of Ohio, drawn to an appropriate scale, clearly showing the following:

1. The boundaries and dimensions of the lot.

2. The approximate size and location of existing and proposed structures on the land to be rezoned, if desired by applicant.
3. The proposed use of all parts of the lot and structures, including accessways, walks, off-street parking and loading spaces, and landscaping, if desired by applicant.

### **SECTION 603 | GENERAL DEVELOPMENT PLAN REVIEW.**

Operating under Section 519.171 of the Ohio Revised Code the Zoning Commission shall, as authorized by the Miami Township Board of Trustees and the standards set forth under Article 27 and Article 45-A, review plans for general development or landscaping upon receipt of a verified application by one or more of the property owners of land within the area proposed for development under the procedures of Article 27 or Article 45-A.

The Zoning Commission shall set a date for review of the application after all fees have been paid that shall be not less than ten (10) days nor more than forty (40) days from the filing date.

A letter notifying the owners of record of the meeting date, time, and nature of the request, for property listed on the application for general development plan review or landscaping plan review, shall be sent at least seven (7) days prior to the meeting date.


**RESOLUTION #022-2019**

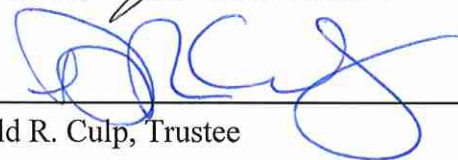
**RESOLUTION TO ADOPT A TEXT AMENDMENT TO THE MIAMI  
TOWNSHIP ZONING RESOLUTION**

- Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, April 23, 2019; and
- Whereas,** Zoning Case #438-19, filed by the Miami Township Zoning Commission, proposes amendment to Article 39 of the Miami Township Zoning Resolution; and
- Whereas,** the Zoning Commission has made a recommendation; and
- Whereas,** the Trustees reviewed said Zoning Case in a Public Hearing; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees approve the Text Amendment to the Miami Township Zoning Resolution under Zoning Case #438-19 and upholds the Zoning Commission recommendation.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:  
  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer  
Passed: April 23, 2019  
RLH:nsc



# Memorandum

**To:** Board of Trustees  
**From:** Kyle A. Hinkelman, Deputy Director  
**Date:** April 17, 2019  
**Re:** Zoning Case #438-19, a Text Amendment to Article 39

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**Case #:** ZC 438-19  
**Request:** Text Amendment – Article 39  
**Date of ZC Meeting:** April 16, 2019  
**ZC Recommendation / Vote:** Approval | 5-0

---

Attached is the formal Zoning Commission recommendation for the case. The Commission recommended approval in a 5-0 vote.

The intent of this amendment is to modify the provisions of Article 39 pertaining to Exceptions, Modification, and Interpretations particularly Section 3909 which covers fences. The provisions of Section 3909 have been moved to Article 38 and are no longer necessary in this section.

Please contact me with any questions about the case.

## COMMUNITY DEVELOPMENT

**DIRECTOR** CHRISTOPHERE E. SNYDER 2700 LYONS ROAD MIAMI TOWNSHIP, OHIO 45342  
planning@miamitownship.com phone (937) 433-3426 fax (937) 433-8709 www.miamitownship.com

**Zoning Commission Recommendation**  
**ZC 438-19 a Text Amendment to Article 39**

---

Meeting Date: 04/16/2019  
Case Number: ZC 438-19  
Decision: Approved, 5-0

---

**Recommendation as made by the Zoning Commission:**

The Zoning Commission recommends approval to the Board of Trustees of Zoning Case #438-19, a Text Amendment to Article 39 of the Miami Township Zoning Resolution.

**APPLICATION FOR TEXT AMENDMENT  
TO THE  
MIAMI TOWNSHIP ZONING RESOLUTION**

Case No. \_\_\_\_\_

Date Filed \_\_\_\_\_

Received by \_\_\_\_\_

APPLICANT: Miami Township Zoning Commission  
2700 Lyons Road  
Miamisburg, OH 45342

The intent of this amendment is to modify the provisions of Article 39 pertaining to Exceptions, Modification, and Interpretations particularly Section 3909 which covers fences. The provisions of Section 3909 have been moved to Article 38 and are no longer necessary in this section.

Amended

**ARTICLE 39 | EXCEPTIONS, MODIFICATIONS, AND INTERPRETATIONS**

**SECTION 3901 | APPLICATION.**

The requirements and regulations specified hereinbefore in this Zoning Resolution shall be subject to the following exceptions, modifications and interpretations.

**SECTION 3902 | HEIGHT LIMITS.**

Height limitations stipulated elsewhere in this Zoning Resolution shall not apply:

- A. To barns, silos or other farm buildings or structures on farms, provided these are not less than fifty (50) feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, masts and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building.
- B. To places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that these are located on the first floor of such buildings and may provide that for each three (3) feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
- C. To bulkheads, elevator penthouses, water tanks, monitors, scenery lofts, towers, and monuments; to fire towers, hose towers, cooling towers, machinery, grain elevators, elevator shafts, gas holders or other structures where equipment requires a greater

height for safety reasons; or where the manufacturing process requires a greater height; provided, however, that, all such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five (25) percent of the area of the lot and shall be distant not less than twenty-five (25) feet in all parts from every lot line.

### **SECTION 3903 | AREA REQUIREMENTS WITHOUT UTILITIES.**

In any district, where neither a public water supply nor public sanitary sewer is accessible, the otherwise specified lot area and frontage requirements, if less than the following, shall be - lot area: twenty thousand (20,000) square feet; lot frontage at building line: two hundred fifty (250) feet; provided, however, that where a public water supply system is accessible and will be installed, these requirements shall be fifteen thousand (15,000) feet, and one hundred (100) feet respectively.

### **SECTION 3904 | CORNER LOTS.**

- A. The area of a corner lot shall be twenty (20) percent greater than the minimum area required for an interior lot.
- B. When the principal building is located with its greatest depth on the long side of a corner lot, the required rear yard may be reduced to a minimum of twenty (20) percent of the average lot depth; but in no case shall the shortest distance, measured horizontally between any part of a building, and the rear lot line, be less than twenty (20) feet.

### **SECTION 3905 | FRONT YARD EXCEPTIONS AND MODIFICATIONS.**

- A. In Residential Districts "A" through "R-7" inclusive, where the average depth of at least two (2) existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Zoning Resolution, the required depth of the front yard on such lot shall be modified. In such case, this shall not be less than the average depth of said existing front yards, or the average depth of existing front yards of the two (2) lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on any lot shall be at least ten (10) feet including all projections not required to be more than fifty (50) feet.
- B. In any Residential District where the natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along said line, of such a degree of percent of slope that it is not practicable to provide a driveway with a grade of twelve (12) percent or less to a private garage conforming to the requirements of this Zoning Resolution, such garage may be located within such front yard, but not in any case closer than ten (10) feet to the street lines.
- C. All lots in Residential Districts "A" through "R-7," inclusive, fronting on major thoroughfares shall have a front yard depth of not less than thirty-five (35) feet measured from the street right-of-way line.

### **SECTION 3906 | DOUBLE FRONTAGE LOTS.**

Buildings on lots having frontage on two (2) nonintersecting streets need not have a rear yard if an equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided, however, on both streets.

### **SECTION 3907 | SIDE YARD EXCEPTIONS OR MODIFICATIONS.**

- A. Side yard widths may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such case the average width of the side yard shall not be less than the otherwise required least width; provided, however, that such side yard shall not be narrower at any point than one-half (1/2) the otherwise required least width, or narrower than six (6) feet in any zoning district other than the "R-9" Residential District.
- B. A side yard along the side street lot line of a corner lot, which lot abuts in the rear, either directly or across an alley, the side lot line of another in a Residential District, shall have a width of not less than one-half (1/2) the required depth of the front yard on such other lot fronting the side street.

### **SECTION 3908 | PROJECTIONS INTO REQUIRED YARDS.**

Architectural features may project into required yards or into courts as follows:

- A. Into any required front or side yard adjoining a side street:
  - 1. Cornices, canopies, eaves, or other architectural features may project a distance not to exceed two (2) feet, six (6) inches.
  - 2. Fire escapes may project a distance not to exceed four (4) feet, six (6) inches.
  - 3. An open stair and necessary landing may project a distance not to exceed six (6) feet.
  - 4. A front porch may project into a front yard a distance not to exceed six (6) feet, provided it is open on three (3) sides, except for railing or banisters.
  - 5. Bay windows, balconies, or chimneys may project into a yard a distance not to exceed (5) feet; provided, however, that the aggregate width of such projections shall not exceed one-third (1/3) of the length of the wall upon which they are located.
- B. Subject to the limitations in the preceding subsections, the above named features may project into any required side yard adjoining an interior side lot line, a distance not to exceed one-fifth (1/5) of the required least width of such side yard, but not exceeding three (3) feet in any case.
- C. Subject to the limitation in paragraph A, the features named therein may project into any

required rear yards or into any required outer court the same distance they are permitted to project into a front yard.

## **SECTION 3909 | FENCES, WALLS, AND HEDGES.**

All references shall refer to the Fences, Walls, and Hedges standards of Article 38.

~~A fence, wall, hedge, or shrubbery may be erected, placed, maintained or grown along a lot line in all districts or adjacent thereto to a height not exceeding six (6) feet above the ground level for fence or wall or eight (8) feet if located in an I-1, I-2, I-3, and AP district may contain an additional two (2) feet of barbed wire or razor wire, such that total fence or wall height shall not exceed ten (10) feet. No such fence, wall, hedge, or shrubbery which is located in a required front or corner side yard shall exceed a height of three and one half (3-1/2) feet and shall be subject to the traffic visibility requirement of Article 3703 for a corner lot. Fences, walls, hedges or shrubbery shall be subject to the following provisions:~~

- ~~A. Each span of any fence or wall shall be uniformly constructed of any commonly used fencing materials, such as: masonry, wood, chain link, wrought iron or wire, "span" being defined as any portion of a fence or wall without corners. Barbed wire, razor wire or electrified fences are prohibited on residential lots of one (1) Acre or less except in the "A" Agricultural District. Fences or walls must be constructed and maintained according to commonly accepted practices.~~
- ~~B. Any hedge or shrubbery shall be grown of commonly propagated nursery stock, and shall be properly pruned and maintained.~~
- ~~C. A zoning certificate shall be required prior to the erection of all fences or walls seventeen (17) feet in length or longer, or any fence or wall that encloses any portion of a property or is intended to complete an enclosure. All fences and walls, however, must meet all other provisions of this section.~~
- ~~D. On double frontage lots (i.e., those with both front and rear yards on a road right of way) not on a corner, a fence or wall may be built to a height not exceeding six (6) feet, provided any such fence or wall is at least five (5) feet from the road right of way line to the rear of the residence.~~

**RESOLUTION #023-2019**


**RESOLUTION TO APPOINT A TOWNSHIP ADMINISTRATOR**

- Whereas,** Miami Township has a need for a township administrator; and
- Whereas,** Ronald Hess was appointed as acting township administrator on November 12, 2018; and
- Whereas,** the Board of Trustees is recommending Ronald Hess be appointed to the township administrator position; and

**Therefore, Be It Resolved,** the Board of Trustees authorizes the following:

1. The appointment of Ronald Hess to the position of township administrator; and
2. All prior service time be credited for purposes of calculating benefits; and
3. The starting annual salary shall be \$135,000; and
4. The appointed position shall commence on May 14, 2019.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer

Passed: May 14, 2019

RLH:sld

**RESOLUTION #024-2019**

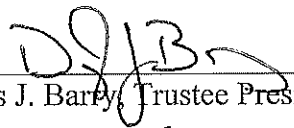
**RESOLUTION TO APPOINT A TOWNSHIP CHIEF OF POLICE**

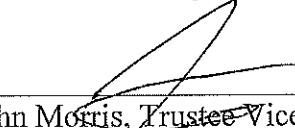
**Whereas,** there is a need for a police chief; and

**Whereas,** Charles R. Stieglmeyer has been serving as captain for the department since September of 2018; and

**Whereas,** the acting township administrator has made his recommendation; and

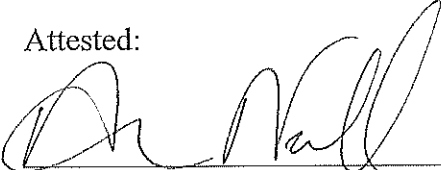
**Therefore Be It Resolved,** the Miami Township Board of Trustees appoints Charles R. Stieglmeyer to the position of police chief.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: May 14, 2019

RLH:nsc

**RESOLUTION #025-2019**

**RESOLUTION TO SELL PROPERTY TO A RETIRING EMPLOYEE**

**Whereas,** Chief Ronald Hess has been hired as the administrator for Miami Township effective May 14, 2019; and

**Whereas,** Chief Ronald Hess is retiring his commission as chief of police at the end of business on May 14, 2019; and

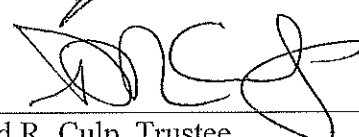
**Whereas,** Chief Hess has requested permission to purchase his Glock service weapon, serial number [REDACTED] for \$100.00; and

**Whereas,** the Board of Trustees has considered his request for the purchase of his service weapon for \$100.00; and

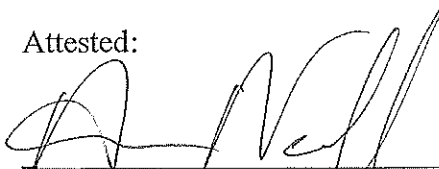
**Therefore Be It Resolved,** the Miami Township Board of Trustees authorizes the sale of a Glock service weapon with serial number BEYC775 to Chief Ronald Hess for the amount of \$100.00, and the sale is effective immediately.

  
\_\_\_\_\_  
Douglas J. Babby, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer

Passed: May 14, 2019

RLH:nsc

**RESOLUTION #026-2019**

**RESOLUTION TO DECLARE SURPLUS PROPERTY AND  
AUTHORIZE THE SALE OF SAID PROPERTY**

**Whereas,** the Ohio Revised Code Section 505.10 establishes procedures by which Miami Township can sell, trade-in, or dispose of township-owned articles; and

**Whereas,** regulations are being followed in accordance with the Ohio Revised Code; and

**Whereas,** Miami Township Police Department has items attached as Exhibit A which are no longer needed, broken and/or worn out and beyond useful purpose; and

**Whereas,** Miami Township Public Works Department has a number of items, attached as Exhibit B, which are no longer needed, broken, and/or worn out and beyond useful purpose; and

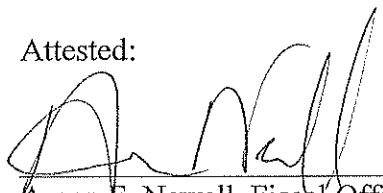
**Therefore Be It Resolved,** in accordance with the Ohio Revised Code Section 505.10, the Miami Township Board of Trustees declares the attached items list as exhibits A and B as surplus property to be disposed of or sold and removed from the respective department's inventory.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: May 14, 2019

RLH:nsc

## RESOLUTION #027-2019

### RESOLUTION TO AUTHORIZE THE SUBMITTAL OF A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM APPLICATION FOR TOWNSHIP ROADS AND TO AUTHORIZE THE ACTING TOWNSHIP ADMINISTRATOR TO ACCEPT A PROGRAM AWARD

**WHEREAS,** the Community Development Block Grant (CDBG) Program provides funding for eligible activities including removal of architectural barriers to the handicapped; and

**WHEREAS,** Miami Township desires to submit an application seeking grant funds from the CDBG Program administered by Montgomery County for the removal and installation of ADA compliant roadway intersection curb ramps within several township subdivisions (the "project"); and

**WHEREAS,** Miami Township has the authority to apply for and to administer the amounts received from this program, and this project meets at least one of the national objectives to primarily benefit low and moderate-income persons; and

**THEREFORE, BE IT RESOLVED,** by the Board of Trustees of Miami Township, Montgomery County, Ohio, that:

Section 1. Authorization for Execution and Delivery of the CDBG Application. The Board of Trustees of the township hereby authorizes and directs the acting township administrator, to execute and deliver for and on behalf of the township a CDBG application substantially in the form presently on file with the township, with such changes thereto as may be approved by the township official executing the CDBG Application, the execution of which shall be prima facie evidence of such township official's approval of the form of such application.

Section 2. Authorization to Accept a Program Award. Miami Township hereby understands and agrees that participation in the CDBG Program will require compliance with program guidelines and assurances and further authorizes the acting township administrator to prepare, file, provide information, and submit documents as necessary to accept and administer awarded funds to provide for the completion of the project; and


Section 3. Open Meeting Requirements Compliance. This Board of Trustees determines that all formal actions of this Board of Trustees concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board of

Trustees, and that all deliberations of this Board of Trustees and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.


Section 4. Effective Date. This resolution shall take effect immediately upon its adoption.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer

Passed: May 14, 2019

RLH:nsc



FY 2019 MONTGOMERY COUNTY COMMUNITY DEVELOPMENT PROGRAMS

Please complete all questions on application. You may include up to five (5) pages of attachments, including maps, pictures, support letters, etc.

APPLICANT INFORMATION

Organization Name: Miami Township

Address (include city & zip): 2700 Lyons Road, Miamisburg, OH 45342

Contact Person: Daniel Mayberry

Phone and/Email: 937-866-4661 / dmayberry@miamitownship.com

Current CDBG-funded Projects and Project Status: Grant approved project for ADA accessibility at Community Parks Phase I. Competitive quotes obtained and work is being completed soon by local contractor. Grant approved project for ADA Curb Ramp Phase I replacements. Montgomery County Engineer's Office bid the work through the annual pavement resurfacing project and has awarded the contract.

PROPOSED PROJECT INFORMATION

Project Title: Neighborhood Sidewalk ADA Curb Ramp Program- Phase II

Street Address/Intersection (Infrastructure): Various (see attached maps)

Census Tract: 05103, 05105, 050101, 05104 Block Group: 2,3,4 & 5 : 1&2 : 2 : 1

Target Area Name (If applicable):

National Objective Benefit Low/Moderate Income [checked] Eliminate Blight [ ]

Completion Date: August 1, 2020

Priority Ranking: 1 of 2 New Project [ ] Continuation Project [checked]

Total Project Cost \$ \$45,000.00

Total CDBG dollars requested \$ \$33,000.00

Total dollar value of other resources \$ \$12,000.00

PROJECT SUMMARY

This phased project continues the replacement of existing deficient curb ramps to ADA compliant ramps in several neighborhoods throughout Miami Township. The project meets CDBG National Objective to serve primarily low to moderate income clientele.

Signature: [Handwritten Signature] Title: Acting Township Administrator

## II. PROJECT DESCRIPTION (1 page maximum)

*Briefly describe your project.*

Miami Township has been in the process of replacing curbs ramps throughout the Township for several years. We have identified 97 curb ramps in 2019 that are in need of modification to bring them fully into compliance with ADA requirements. This phased project proposes to accelerate the replacement of these ramps to provide more immediate relief to those with disabilities and to remove barriers to access within these neighborhoods. These ramps contain a variety of deficiencies that need to be corrected to bring the ramps into compliance with the ADA requirements. The project meets the National Objective of serving a low to moderate income clientele as an ADA project.

The Township has replaced 27 ramps since 2016 at a cost of \$47,082. This project will replace a number of the ramps in the following neighborhoods:

Heritage Glen-  
5 Curb Ramps: Total Estimated Cost \$8,000

Miami Village-  
56 Curb Ramps: Total Estimated Cost \$95,000

Singing Hills-  
13 Curb Ramps: Total Estimated Cost \$25,000

Spring Valley-  
2 Curb Ramps: Total Estimated Cost \$4,000

Vienna Park-  
21 Curb Ramps: Total Estimated Cost \$24,000

*Clearly define how this project benefits low and moderate-income persons or eliminates a blighted structure(s) in your community.*

The project primarily benefits those with disabilities that make navigating the transitions between sidewalks and streets more difficult. The individuals served by these improvements are in a low to moderate income cohort. A large portion of the project area is also within a low to moderate income census designation as defined by the 2016 ACS Block Group Data, including the Vienna Park, Singing Hills, Spring Valley, and a portion of the Heritage Glen neighborhood.

## III. PROJECT GOALS (1 page maximum)

*What will your project achieve?*

The project will remove barriers to access for those with disabilities and improve the quality of life for our residents by making it easier to navigate our streets and sidewalks. This project will help us to achieve a more uniform level of access throughout the urbanized portion of the township.

The project will correct a wide range of ADA deficiencies related to the curb ramp locations in the project area. These deficiencies range from missing or incomplete detection zone pads to vertical elevation issues and inefficient widths. Examples of these deficiencies are shown in the photos on Exhibit B.

*How many persons or households will benefit? How did you determine this number? Census data, surveys, local information, etc. must be provided.*

Miami Township's unincorporated population is 29,131 and the combined population with the incorporated portion is 50,735 according to the 2010 Census.

The project area encompasses census tract block groups containing 7,813 housing units and 16,130 people according to the 2016 ACS Block Group Data from census.gov.

**IV. IMPLEMENTATION SCHEDULE (1 page maximum)**

How will the work be completed? The implementation schedule should include estimated time tables for completing significant tasks leading to accomplishment of project goals, and it should present a reasonable scope of activities that can be accomplished within the time allotted for the project and within the resources of the applicant. The implementation schedule will be included in the Delegation of Activities Agreement as Appendix A

You may use an excel spreadsheet in lieu of this page of the application.


Task	Projected Completion Date	Notes
Environmental Review	November- December 2019	Completed by County (MCEO)
Project Engineering (if necessary)	January 2020	Independent Firm or MCEO
Bidding Process/Procurement	February 2020	Competitively Bid- MCEO
Construction/Demolition	April 2020-July 2020	Bid Award Contractor- MCEO
Project Closeout	August 1, 2020	

**V. PROJECT BUDGET**

This budget must include the applicant's financial commitment, including the total project cost, the portion charged to CDBG funding, and the portion committed by other funding sources. This includes in-kind contributions and volunteer labor. It should not include amounts for administration. **Indicate alternative plans if partial funding is awarded for this project:**

BUDGET CATEGORIES	TOTAL PROJECT COST	CDBG FUNDING	OTHER COMMITTED SOURCES OF FUNDS	
			AMOUNT	SOURCE(S)
a) Project Management	\$750.00	\$0.00	\$750.00	Township Inspector (In-Kind Contribution)
b) Professional Services (Engineering)	\$0.00	\$0.00	\$0.00	Included in Montgomery County Engineer's Program.
c) Construction	\$44,250.00	\$33,000.00	\$11,250.00	R&B Property Tax, Gas Tax, Permissive Tax, License Tax Funds
d) Property Acquisition				
e) Relocation Expenses				
f) Environmental				
g) Other (specify)				
TOTAL PROJECT	\$45,000.00	\$33,000.00	\$12,000.00	

Authorization:

  
 \_\_\_\_\_  
 Authorized Signature for Project

5.15.2019  
 \_\_\_\_\_  
 Date

Acting Township Administrator  
 \_\_\_\_\_  
 Title

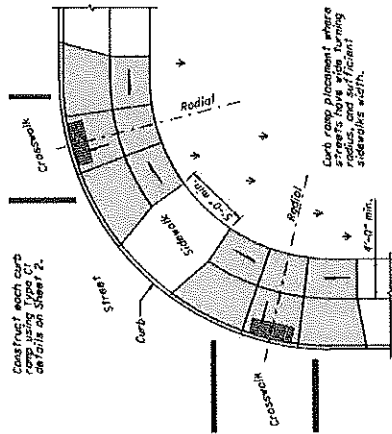
**EXHIBIT B**  
**Site Photos**



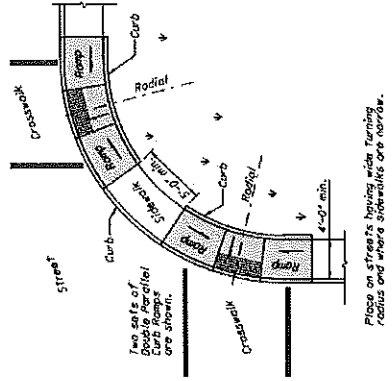
Photos depict examples of poor conditions in the project areas- numerous ADA compliant deficiencies. Disabled individuals would not be able to safely traverse the intersection or would have extreme difficulty due to the following existing conditions:

- Non-compliant cross slope grades, exceeding 2%
- Vertical surface discontinuities and non-compliant ramp widths
- Misplaced curb ramp alignments and lengths
- Absent landing areas and insufficient turning spaces

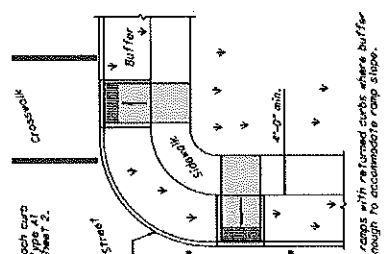
THIS DRAWING REPLACES BP-7.1 DATED 10-15-10.



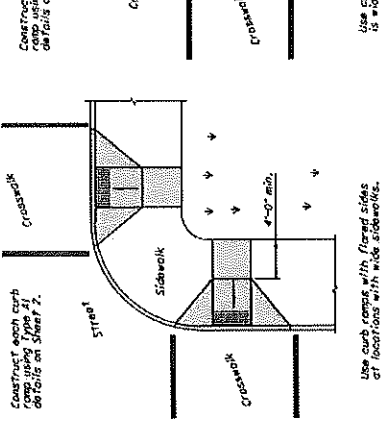
COMBINATION CURB RAMP



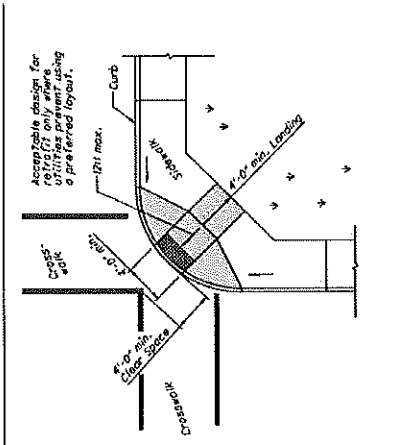
PARALLEL CURB RAMP



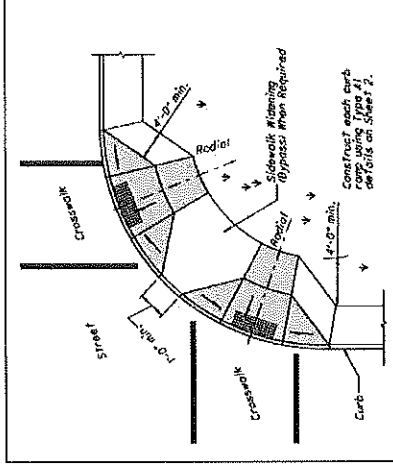
PERPENDICULAR CURB RAMP



PREFERRED CONSTRUCTION PLACEMENT



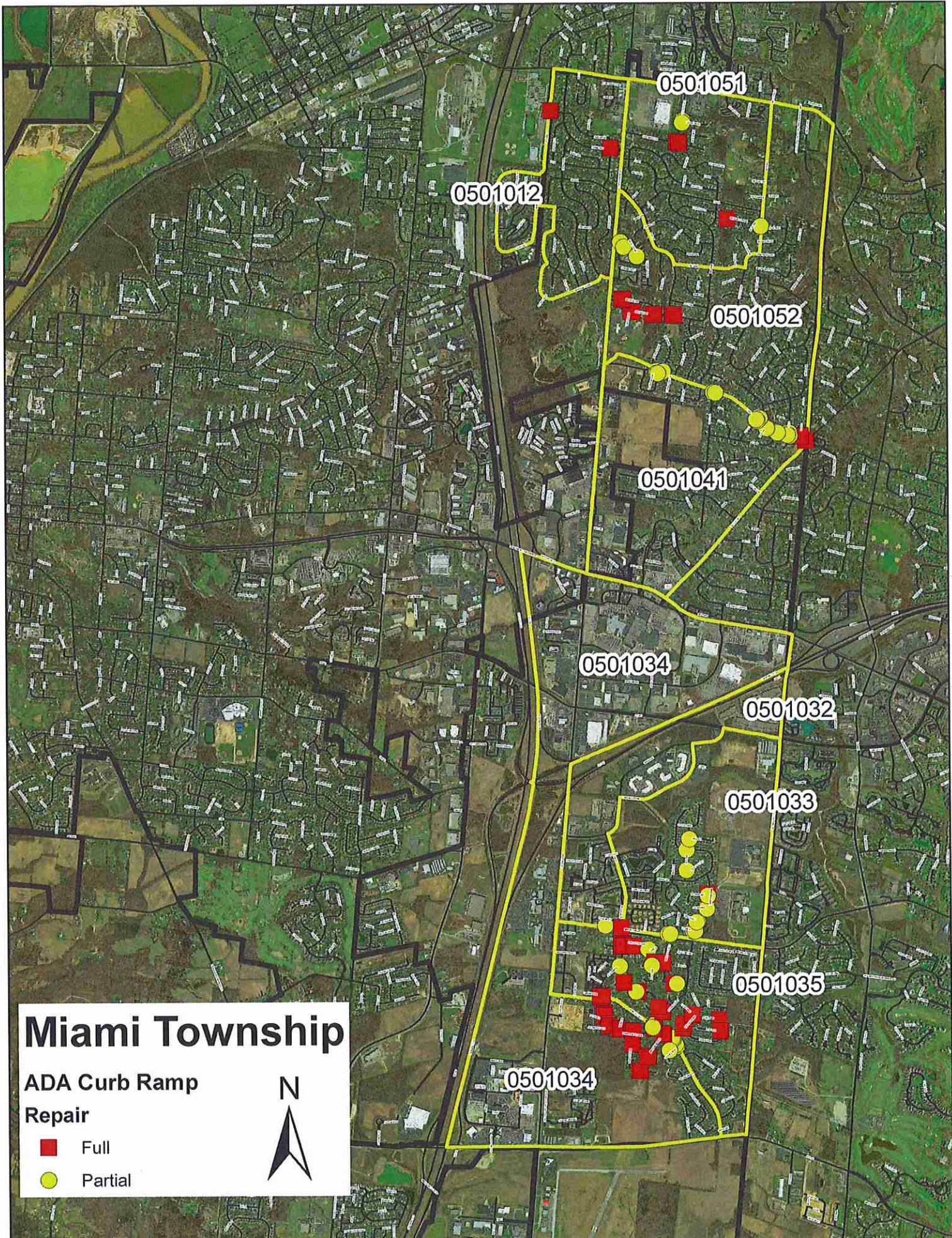
DIAGONAL RAMP (Type D)



ACCEPTABLE CONSTRUCTION PLACEMENT

**NOTES**

GENERAL: This drawing shows curb ramp types, details and placement examples for curb ramp construction, including the installation of detectable warnings. Curb ramp types are shown on Sheet 2 and include Perpendicular, Parallel, and Combined Types as specified to be constructed in the locations shown on the project plans. Curb ramps added to an existing intersection or walk should be individually detailed on the project plans to ensure that the design is appropriate for site conditions and all these ramps are constructed in accordance with the approved plans of the Engineer. DIMENSIONS: Measure and pay for the ramp area within the sloped limits of this drawing as shown. This includes the cost of any curb or curb and gutter, detectable warning, bonding areas and any additional materials, installation, grading, forming, and finishing required within the sloped area. WORK BEYOND THE SLOPED/LANDING AREA IS PAID FOR AS CURB (609) and walk (608). Removal of existing curb, walk for existing curb ramps are paid under Item 202. For at-grade crossing locations where only detectable warnings are required in order to achieve ADA compliance, measure and pay for the slope of the curb (the slope shall require removal of existing pavement (Item 209) to the nearest joint, or if no joint exists, a minimum of 4 feet.



0501012

0501051

0501052

0501041

0501034

0501032

0501033

0501035

0501034



**Miami Township**  
ADA Curb Ramp  
Repair  
● Full  
● Partial

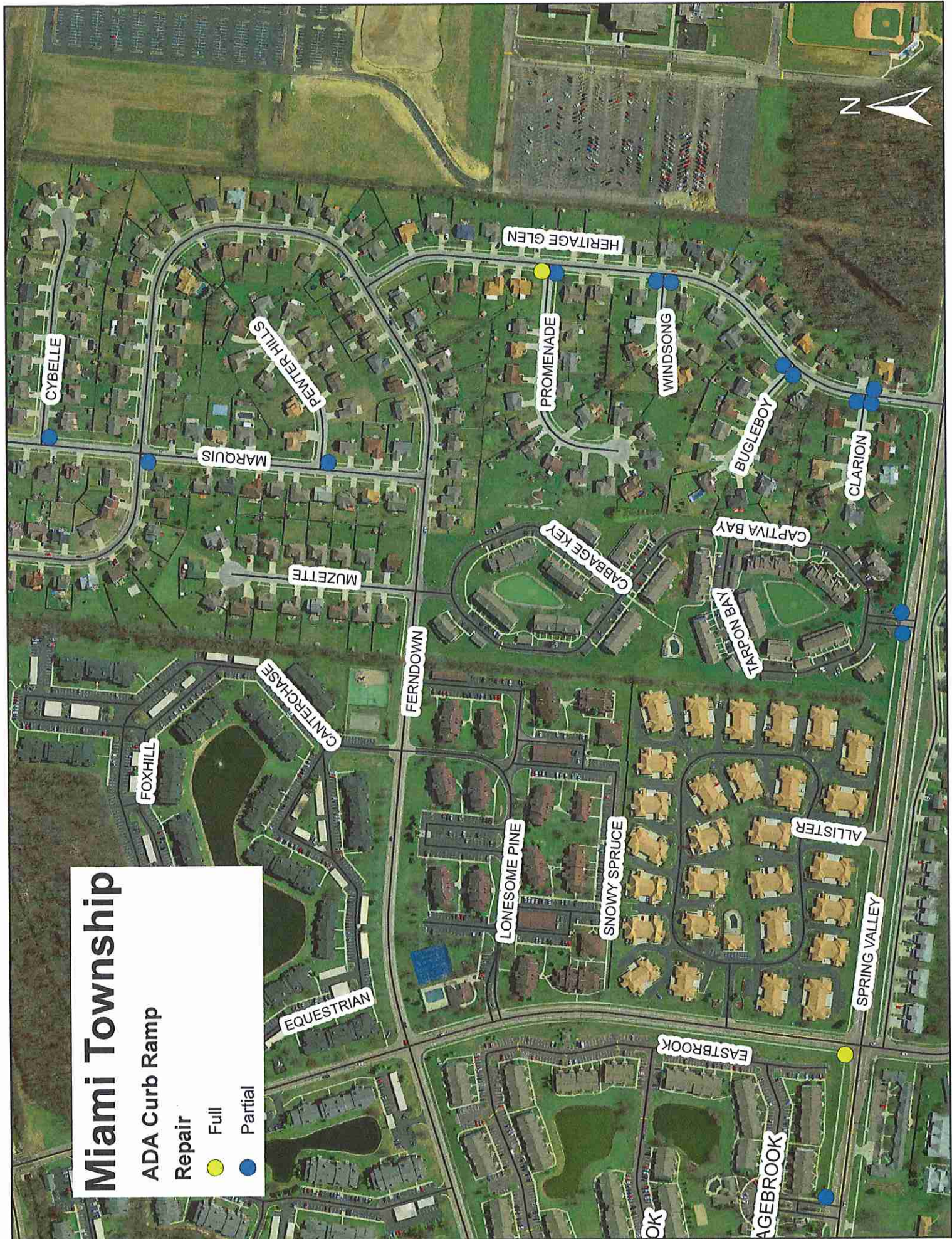
# Miami Township

ADA Curb Ramp

Repair

● Full

● Partial



## RESOLUTION #028-2019

### RESOLUTION TO AUTHORIZE THE SUBMITTAL OF A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM APPLICATION FOR TOWNSHIP PARKS AND TO AUTHORIZE THE ACTING TOWNSHIP ADMINISTRATOR TO ACCEPT A PROGRAM AWARD

**WHEREAS,** the Community Development Block Grant (CDBG) Program provides funding for eligible activities including removal of architectural barriers to the handicapped; and

**WHEREAS,** Miami Township desires to submit an application seeking grant funds from the CDBG Program administered by Montgomery County for the installation of ADA compliant walks connecting parking areas with park facilities at Crains Run Park in Miami Township (the “project”); and

**WHEREAS,** Miami Township has the authority to apply for and to administer the amounts received from this program, and this project meets at least one of the national objectives to primarily benefit low and moderate-income persons; and

**THEREFORE, BE IT RESOLVED,** by the Board of Trustees of Miami Township, Montgomery County, Ohio, that:

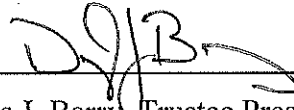
Section 1. Authorization for Execution and Delivery of the CDBG Application. The Board of Trustees of the township hereby authorizes and directs the acting township administrator, to execute and deliver for and on behalf of the township a CDBG application substantially in the form presently on file with the township, with such changes thereto as may be approved by the township official executing the CDBG Application, the execution of which shall be prima facie evidence of such township official’s approval of the form of such application.

Section 2. Authorization to Accept a Program Award. Miami Township hereby understands and agrees that participation in the CDBG Program will require compliance with program guidelines and assurances and further authorizes the acting township administrator to prepare, file, provide information, and submit documents as necessary to accept and administer awarded funds to provide for the completion of the project; and

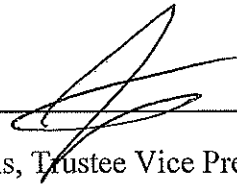
Section 3. Open Meeting Requirements Compliance. This Board of Trustees determines that all formal actions of this Board of Trustees concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board of

Trustees, and that all deliberations of this Board of Trustees and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. Effective Date. This resolution shall take effect immediately upon its adoption.



\_\_\_\_\_  
Douglas J. Barry, Trustee President

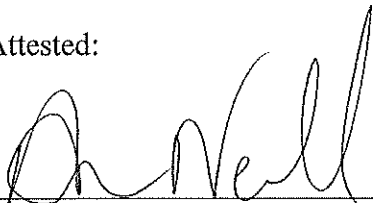


\_\_\_\_\_  
John Morris, Trustee Vice President



\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:



\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: May 14, 2019

RLH:nsc



FY 2019 MONTGOMERY COUNTY
COMMUNITY DEVELOPMENT PROGRAMS

Please complete all questions on application. You may include up to five (5) pages of attachments, including maps, pictures, support letters, etc.

APPLICANT INFORMATION

Organization Name: Miami Township

Address (include city & zip): 2700 Lyons Road, Miamisburg, OH 45342

Contact Person: Daniel Mayberry

Phone and/Email: (937)866-4661/ dmayberry@miamitownship.com

Current CDBG-funded Projects and Project Status: Grant approved project for ADA accessibility at Community Parks Phase I. Competitive quotes obtained and work is being completed soon by local contractor. Grant approved project for ADA Curb Ramp Phase I replacements. Montgomery County Engineer's Office bid the work through the annual pavement resurfacing project and has awarded the contract.

PROPOSED PROJECT INFORMATION

Project Title: Community Parks Accessibility Enhancements- Phase II

Street Address/Intersection (Infrastructure): 10741 Dayton Cincinnati Pike

Census Tract: 050105 Block Group: 2

Target Area Name (If applicable):

National Objective Benefit Low/Moderate Income [checked] Eliminate Blight [ ]

Completion Date: August 1, 2020

Priority Ranking: 2 of 2 New Project [ ] Continuation Project [checked]

Total Project Cost \$ 16,418.00

Total CDBG dollars requested \$ 12,040.00

Total dollar value of other resources \$ 4,378.00

PROJECT SUMMARY

This phased park accessibility project includes the construction of 475 linear feet of 5 ft wide asphalt walk path at Crains Run Park, connecting parking areas with 2 shelters and a playground area. The project's first phase is being completed in 2019 for Layer Park through a previously funded CDBG Grant award.

Signature: [Handwritten Signature] Title: Acting Township Administrator

## **II. PROJECT DESCRIPTION (1 page maximum)**

*Briefly describe your project.*

Located at the very southern end of Miami Township, this 34-acre park borders the Great Miami River. The Route 25/Great Miami River Recreation Trail's southernmost section runs through the park as it follows the banks of the river. Two thirds of the park is heavily wooded with hiking trails winding throughout the woods, the remainder of the park is green space. One shelter house with picnic table seating for 40 people overlooks the park's four-acre pond.

A second shelter was construction at the southern end of the park and provides a scenic view of the river, seating for 70 people and running water. In keeping with the nature theme of this park, there is no electricity or permanent restrooms available to visitors. Portable restrooms are located at the north and south ends of the park. Two paved parking lots provide a total of 50 parking spaces. Adjoining the park proper, just across the road at the south end of the park, is a restored canal lock that was built in 1829 as part of the Miami-Erie Canal system. Known as Sunfish Lock, it was restored by Miami Township in 1990.

This project will install ADA compliant walkways from parking areas to 2 shelters at opposite ends of the park and a playground area at the central section of Crains Run Park. Approximately 475 feet of 5-foot-wide asphalt walkway is proposed for construction to address the ADA needs of the park.

Exhibit A shows the project location map for Crains Run Park. Exhibit A-2 shows the project design plan for Crains Run Park noting the location of the new walkways relative to the two parking areas, shelter houses and playground equipment.

*Clearly define how this project benefits low and moderate-income persons or eliminates a blighted structure(s) in your community.*

The project will provide ADA accessibility to a shelter and playground from the parking area at a heavily utilized township park. The project meets the National Objective of serving low to moderate income clientele as an ADA project. The project is in the southwest portion of Miami Township in Montgomery County. The project is within census tract 050502 and adjacent to tract 050600 within Montgomery County, containing a combined 2,757 households, of which 52% of the households are low to moderate income. (Source: ACS, 2017 Census Data)

Approximately a quarter of the official park reservations each year occur at Crains Run Park, typically 50 reservations per year. The shelters are also utilized weekly by the community without official approval through the Township's reservation process. Crains Run Park tends to be more heavily utilized than other Township parks given its location in relation to the Great Miami River Recreational Trail and ample parking provided for recreational enthusiasts utilizing one of the most popular trail systems in Montgomery and Warren counties. Trail patrons use the south shelter area as a resting place, while enjoying the scenic view of the river and surrounding landscape. Children enjoy the nearby play equipment, but must navigate through an open grassy area to reach the play site. The ADA enhancements to the park amenities will serve those with disabilities and special needs of all ages. The improvements will create greater access to this group of individuals who might not otherwise be able to enjoy and utilize the facilities at this park.

## **III. PROJECT GOALS (1 page maximum)**

*What will your project achieve?*

The project will provide access to those with disabilities to more fully enjoy and utilize the park facilities. Access to the playground will allow children, parents, and grandparents with disabilities to more easily participate in

activities at the playground or supervise children at the playground. The park facilities are regularly reserved by families throughout the community. ADA accessibility has been a concern and request by residents.

The Project will further our goal of creating greater accessibility to parks and trails as identified in the Miami Township Comprehensive Plan.

*How many persons or households will benefit? How did you determine this number? Census data, surveys, local information, etc. must be provided.*

Miami Township’s unincorporated population is 29,131 and the combined population with the incorporated portion is 50,735 according to the 2010 US Census. As previously stated, thousands of visitors from neighboring communities will also benefit from the park improvements.

Crains Run Park is a larger township park that serves primarily moderate to low income households and resides in a census tract where 52% of households are classified as at or below a moderate-income level. Many park visitors come from area towns to access the Great Miami River Recreational Trail, located along the park’s western border. As an ADA enhancement project, the Crains Run Park portion of the project is primarily intended to serve a moderate to low income population. The project is within census tract 050502 and adjacent to tract 050600 within Montgomery County, containing a combined 2,757 households, of which 52% of the households are low to moderate income. (Source: ACS, 2017 Census Data)

**IV. IMPLEMENTATION SCHEDULE (1 page maximum)**

How will the work be completed? The implementation schedule should include estimated time tables for completing significant tasks leading to accomplishment of project goals, and it should present a reasonable scope of activities that can be accomplished within the time allotted for the project and within the resources of the applicant. The implementation schedule will be included in the Delegation of Activities Agreement as Appendix A.

You may use an excel spreadsheet in lieu of this page of the application.

<b>Task</b>	<b>Projected Completion Date</b>	<b>Notes</b>
Environmental Review (if nec.)	November- December 2019	Completed by Mont. County
Project Engineering (if necessary)	February 2020	Independent Contractor
Selecting Contractor	March 2020	Competitive Cost Estimates
Construction/Demolition	April 2020- August 2020	Low & Best Estimate Contractor
Project Closeout	August 1, 2020	

**V. PROJECT BUDGET**

This budget must include the applicant's financial commitment, including the total project cost, the portion charged to CDBG funding, and the portion committed by other funding sources. This includes in-kind contributions and volunteer labor. It should not include amounts for administration. **Indicate alternative plans if partial funding is awarded for this project:**

BUDGET CATEGORIES	TOTAL PROJECT COST	CDBG FUNDING	OTHER COMMITTED SOURCES OF FUNDS	
			AMOUNT	SOURCE(S)
a) Project Management	\$365.00	\$0.00	\$365.00	Township Inspector In Kind
b) Professional Services (Engineering)	\$0.00	\$0.00	\$0.00	
c) Construction	\$16,053.00	\$12,040.00	\$4,013.00	General Fund
d) Property Acquisition				
e) Relocation Expenses				
f) Environmental				
g) Other (specify)				
<b>TOTAL PROJECT</b>	<b>\$16,418.00</b>	<b>\$12,040.00</b>	<b>\$4,378.00</b>	

Authorization: \_\_\_\_\_

Authorized Signature for Project

Date

Acting Township Administrator

Title



5-15-2019



**Legend**  
Crains Run Nature Park  
PARK ENTRANCES

**Project Location**  
Exhibit A



3,000 ft

Google Earth  
© 2016 Google

# Exhibit A-2



# Exhibit A-2



E-1 Shelter

Proposed 5' Wide Asphalt Path

E-2 Picnic Table

E-3 Picnic Table

E-4 Napoli Utility



Dayton Cincinnati Pike

# Crains Run Park- Photos



MIAMI TWP.  
 CRAINS RUN PARK

NORTHWEST CONSULTANTS, INC.  
 OPINION OF PROBABLE COST  
 CRAINS RUN PARK - WALK CONNECTIVITY PROJECT

4/9/2019

ITEM	ITEM EXTENSION	DESCRIPTIONS	TOTAL QUANT.	UNIT	UNIT PRICE	TOTAL COST
		<b>HARDSCAPE</b>				
202	-	BOLLARD REMOVED	1	EACH	\$75.00	\$75
203	10000	EXCAVATION	67	CU YD	\$22.10	\$1,481
304	20000	6" AGGREGATE BASE	45	CU YD	\$76.50	\$3,443
441	50000	3" ASPHALT CONCRETE SURFACE COURSE, TYPE 1, (448), PG64-22	23	CU YD	\$314.00	\$7,222
659	10000	SEEDING AND MULCHING	516	SQ YD	\$4.60	\$2,374
			TOTAL COST=			\$14,594
			CONTINGENCY (10%)=			\$1,459
			CONSTRUCTION ESTIMATE=			\$16,053

PROJECT ESTIMATED COST CERTIFICATION

I, hereby, certify that the project estimated cost listed here is realistic based on the level of detail currently available for this project. In evidence, whereof, I set my signature and seal as of this date.

Robert Rusnak  
 Robert R. Rusnak  
 Ohio Engineer's License No. E-82256

4/9/19  
 Date



**RESOLUTION #029-2019**

**RESOLUTION TO ADOPT A FEE SCHEDULE  
FOR COMMUNITY DEVELOPMENT**

**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, May 14, 2019; and

**Whereas,** the Miami Township zoning resolution, under Article 3 Section 305, directs fees to be charged to defer, in part, the cost of holding hearings and reviewing applications filed with the Community Development Department; and

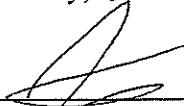
**Whereas,** a review has been completed and presented to the trustees to revise the fee schedule for the Community Development Department to add temporary use permits and general use permits as separate categories and to clarify the requirement to get a permit for lot splits; and

**Whereas,** the trustees have reviewed the proposed fee schedule in a public meeting; and

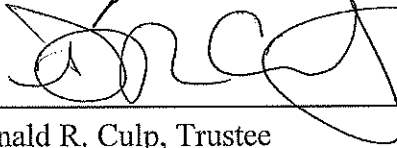
**Therefore Be It Resolved,** the Miami Township Board of Trustees adopts the attached fee schedule for the Community Development Department, effective immediately.



\_\_\_\_\_  
Douglas J. Barry, Trustee President

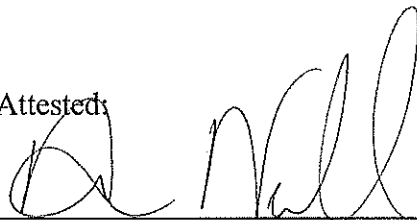


\_\_\_\_\_  
John Morris, Trustee Vice President



\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:



\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: May 14, 2019

RLH:nsc

**RESOLUTION #030-2019**

**RESOLUTION TO ENTER INTO A CONTRACT  
FOR HEALTH INSURANCE**

**Whereas,** the Board of Trustees, has given consideration to the health insurance renewal information given to each of them; and

**Whereas,** due to the township's experience and the health insurance environment as a whole, the acting township administrator is recommending the Anthem Renewal Proposal, effective July 1, 2019, with an overall rate increase of 0.00%; and

**Whereas,** the following tables show the two plans selected, Anthem's Blue Access 11.0 HSA Option E2 Rx-T8 and Option 1 Rx-T8:

	Option E2 Embedded	Option 1 Non-Embedded
Employee	\$474.58	\$469.53
Employee/ Spouse	\$1,378.59	\$1,363.90
Employee/ Child(ren)	\$778.01	\$769.70
Family	\$1,448.76	\$1,433.31

**Whereas,** non-union employee contribution rates will be 10% of the premium for this health plan year; and

**Whereas,** union employee contributions rates for premiums are based on union contracts; and


**Therefore Be It Resolved,** the Miami Township Board of Trustees accepts the recommendation; and

**Lastly Be It Resolved,** the Miami Township Board of Trustees authorizes the acting township administrator to enter into a contract with Anthem to institute the above insurance plan for the 7/1/2019 through 6/30/2020 plan year.

SIGNATURE PAGE FOR RESOLUTION #030-2019 ONLY



\_\_\_\_\_  
Douglas, J Barry, Trustee President

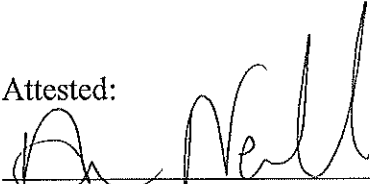


\_\_\_\_\_  
John Morris, Trustee Vice President



\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:



\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: May 14, 2019

RLH:pdb

## RESOLUTION #031-2019

**A RESOLUTION TO AUTHORIZE MIAMI TOWNSHIP, MONTGOMERY COUNTY, OHIO (THE "TOWNSHIP") TO ISSUE BONDS IN THE AMOUNT OF NOT TO EXCEED \$5,600,000 FOR THE PURPOSE OF REFUNDING ITS MIAMI TOWNSHIP (MONTGOMERY COUNTY) VARIOUS PURPOSE LIMITED TAX GENERAL OBLIGATION (BUILD AMERICA) BONDS, TAXABLE SERIES 2010B (INCLUDING \$7,750,000 RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS), DATED APRIL 29, 2010 AND ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$8,550,000; TO APPROVE A PRELIMINARY OFFICIAL STATEMENT; TO AUTHORIZE THE PREPARATION, USE AND EXECUTION OF AN OFFICIAL STATEMENT; AND TO APPROVE AND AUTHORIZE THE EXECUTION AND DELIVERY OF A CERTIFICATE OF FISCAL OFFICER, A BOND PURCHASE AGREEMENT, A CONTINUING DISCLOSURE CERTIFICATE, A BOND REGISTRAR AGREEMENT, IF NECESSARY, AS ESCROW DEPOSIT AGREEMENT, AND OTHER RELATED MATTERS IN CONNECTION THEREWITH**

**WHEREAS,** pursuant to Resolution Nos. 49-2010 and 50-2010 duly passed by the Board of Township Trustees (the "Board") on April 13, 2010, the Township issued its Various Purpose Limited Tax General Obligation (Build America) Bonds, Taxable Series 2010B (Including \$7,750,000 Recovery Zone Economic Development Bonds) dated April 29, 2010 and issued in the original principal amount of \$8,550,000 (the "Prior Bonds") for the purpose of paying the costs of construction of a Township public works facility and a Township fire station, together with all related appurtenances thereto (collectively, the "Project"); and

**WHEREAS,** in view of currently lower interest rates, the Board has determined that it is advisable and in the best interest of the Township to issue Bonds, as defined herein, to redeem the refund the Prior Bonds maturing on December 1, 2025 and December 1, 2030 (collectively, the "Refunded Bonds"); and

**WHEREAS,** the Fiscal Officer of the Board (the "Fiscal Officer") has certified to this Board that the estimated life of the improvements (calculated in accordance with Ohio Revised Code Section 133.20) which are financed with the proceeds of the Bonds, hereinafter referred to, exceeds five years and the maximum maturity of the bonds is at least ten (10) years; and

**THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF THE MIAMI TOWNSHIP, MONTGOMERY COUNTY, OHIO:**

Section 1. It is hereby declared necessary to issue bonds of the Township in the principal sum of not to exceed Five Million, Six Hundred Thousand Dollars (\$5,600,000) or such lesser amount as shall be determined by the Fiscal Officer and certified to this Board, which bonds shall be designated as "Miami Township, Montgomery County, Ohio Refunding Limited Tax General Obligation Bonds, Series 2019B (Tax-Exempt)," or as otherwise

designated by the Fiscal Officer (the “Bonds”), for the purpose described in the title of this Resolution. The Fiscal Officer is hereby directed and authorize to provide notice for the redemption of the Refunded Bonds as set forth therein.

It is hereby determined that, for purposes of issuance and sale, it is in the best interest of the Township to combine the Bonds with other limited tax general obligation bonds of the Township pursuant to Section 133.30 of the Ohio Revised Code, authorized by a separate resolution of this Board adopted on March 26, 2019. The Bonds may be issued in one or more series and will be jointly referred to herein as the “Combined Bonds”. The Combined Bonds shall be designated “Miami Township (Montgomery County, Ohio), Various Purpose Refunding Limited Tax General Obligation Bonds, Series 2019”, or as otherwise determined by the Fiscal Officer in the Certificate of Award. As used in this resolution, the term “Bonds” shall also mean the Combined Bonds, where appropriate.

Section 2. The Bonds shall be issued as fully registered bonds in book entry form only, in such denominations as shall be determined by the Fiscal Officer, but not exceeding the principal amount of Bonds maturing on any one date; shall be numbered consecutively from R-1 upward, as determined by the Fiscal Officer; shall be dated the date determined by the Fiscal Officer and set forth in the Certificate of Fiscal Officer provided for in Section 3 below.

Section 3. The Fiscal Officer is hereby authorized and directed to execute on behalf of the Township, and to forward to the Auditor of Montgomery County, Ohio, a Certificate of Fiscal Officer Relating to Terms of Bonds (the “Certificate of Fiscal Officer”) setting forth the aggregate principal amount of the Bonds and the final terms of the Bonds, which aggregate principal amount and terms, subject to the limitations set forth in this Resolution, shall be as determined by the Fiscal Officer. The Certificate of Fiscal Officer shall indicate the dated date for the Bonds, the dates on which interest on the Bonds is to be paid (the “Interest Payment Dates”), the purchase price for the Bonds (which shall be not less than 97% of the face value thereof), the maturity schedule for the Bonds, the interest rates for the Bonds (provided that the true interest cost for all of the Bonds shall not exceed five and one-half per centum (5.50%) per annum), the optional and mandatory redemption provisions, if any, and such other terms not inconsistent with this Resolution as the Fiscal Officer shall deem appropriate in his discretion on behalf of this Board.

Section 4. The Bonds shall be issued with interest payable semiannually on each Interest Payment Date until the principal sum is paid or provision has been duly made therefor in such proportions as shall be set forth in the Certificate of Fiscal Officer provided hereof. Interest shall be calculated on the basis of a 360-day year of twelve 30-day months unless otherwise determined by the Fiscal Officer. The Bonds shall be in the denominations of \$5,000 or any integral multiple thereof.

Section 5.

The Bonds shall be subject to optional and mandatory redemption prior to stated maturity as provided in the Certificate of Fiscal Officer. If optional redemption of the Bonds at a redemption price exceeding 100% is to take place on any date on which a mandatory redemption of the Bonds of the same maturity will take place, the Bonds to be redeemed by optional redemption shall be selected by the Bond Registrar (as defined herein below) prior to the selection of the Bonds to be redeemed at par on the same date.

When partial redemption is authorized, the Bond Registrar shall select a Bond or portion thereof by lot within a maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Bond so selected shall be in the amount of \$5,000 or any integral multiple thereof unless otherwise determined by the Fiscal Officer.

The notice of the call for redemption of a Bond shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bond or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. From and after the specified redemption date interest on the Current Interest Bond (or portions thereof) called for redemption shall cease to accrue. Such notice shall be sent by first class mail at least 30 days prior to the redemption date to each registered holder of the Bond to be redeemed at the address shown in the Bond Register (as defined hereinbelow) on the 15th day preceding the date of mailing. Failure to receive such notice of any defect therein shall not affect the validity of the proceedings for the redemption of any Bond.

Section 6.

The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Resolution, and the Bonds shall be executed by at least two members of the Board and by the Fiscal Officer in their official capacities, provided that any or all of their signatures may be a facsimile. No Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Resolution unless and until a certificate of authentication, as printed on the Bond, is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued and delivered under this Resolution and is entitled to the security and benefit of this Resolution. The certificate of authentication may be signed by any officer or officers of the Bond Registrar or by such other person acting as an agent of the Bond Registrar as shall be approved by the Fiscal Officer on behalf of the Township. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Bonds.

Section 7.

The principal of and interest on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Bonds shall be payable upon presentation and

surrender of the Bonds at the principal office of the Bond Registrar. Each Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register at the address appearing therein.

Any interest on any Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each Bondholder, at such Bondholder's address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section, each Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

Section 8. The Fiscal Officer is hereby authorized and directed to serve as authenticating agent, bond registrar, transfer agent, and paying agent for the Bonds or to execute on behalf of the Board a Bond Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Fiscal Officer and Hilltop Securities, Inc., or such other purchaser as stated in the Certificate of Fiscal Officer (the "Original Purchaser"), pursuant to which such bank or financial institution shall agree to serve as authenticating agent, bond registrar, transfer agent, and paying agent (collectively, the "Bond Registrar") for the Bonds. If at any time the Bond Registrar shall be unable or unwilling to serve as such, or the Fiscal Officer in such officer's discretion shall determine that it would be in the best interest of the Township for such functions to be performed by another party, the Fiscal Officer may, and is hereby authorized and directed to, enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar hereunder. Each such successor Bond Registrar shall

promptly advise all bondholders of the change in identity and new address of the Bond Registrar. So long as any of the Bonds remain outstanding, the Township shall cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions hereof, the person in whose name any Bond shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Bond shall be made only to or upon the order of that person. Neither the Township nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Bond, upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Bonds of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Township and the Bond Registrar shall not be required to transfer or exchange (i) any Bond during a period beginning at the opening of business fifteen (15) days before the day of mailing of a notice of redemption of Bonds, and ending at the close of business on the day of such mailing, or (ii) any Bonds selected for redemption, in whole or in part; following the date of such mailing.

In all cases in which Bonds are exchanged or transferred hereunder, the Township shall cause to be executed and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Resolution. The exchange or transfer shall be without charge to the owner; except that the Township and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Township or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Bonds. All Bonds issued upon any transfer or

exchange shall be the valid obligations of the Township, evidencing the same debt, and entitled to the same benefits under this Resolution, as the Bonds surrendered upon that transfer or exchange.

Section 9.

For purposes of this Resolution, the following terms shall have the following meanings:

“Book entry form” or “book entry system” means a form or system under which (i) the beneficial right to payment of principal of and interest on the Bonds may be transferred only through a book entry and (ii) physical Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Bonds “immobilized” in the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Bonds.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Bonds, and to effect transfers of Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

All or any portion of the Bonds may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Resolution: (i) there shall be a single Bond of each maturity; (ii) those Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Township. Bond service charges on Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Bonds as provided in this Resolution.

The Bond Registrar may, with the approval of the Township, enter into an agreement with the beneficial owner or registered owner of any Bond in the custody of a Depository providing for making all payments to that owner of principal and interest on that Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Resolution, without prior presentation or

surrender of the Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Township. That payment in any event shall be made to the person who is the registered owner of that Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar shall furnish a copy of each of those agreements, certified to be correct by the Bond Registrar, to other paying agents for Bonds and to the Township. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Resolution.

If requested, the Fiscal Officer, or any other officer of this Board is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Township, a letter agreement among the Township, the Bond Registrar and the Depository. Trust Company, as depository, to be delivered in connection with the issuance of the Bonds to the Depository for use in a book entry system in substantially the form submitted to the Board.

If any Depository determines not to continue to act as the Depository for the Bonds for use in a book entry system, the Township and the Bond Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository under this Resolution. If the Township and the Bond Registrar do not or are unable to do so, the Township and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Bonds from the Depository and authenticate and deliver bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Bonds), if the event is not the result of action or inaction by the Township or the Bond Registrar, of those persons requesting such issuance.

Section 10. There shall be and is hereby levied annually on all the taxable property in the Township, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 11. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the

Bonds when and as the same falls due. Notwithstanding the foregoing, if the Township determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Township shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 12. The Bonds shall be sold at private sale to the Original Purchaser at the purchase price, both as set forth in the Certificate of Fiscal Officer, plus interest accrued, if any, to the date of delivery of the Bonds. The Fiscal Officer is authorized and directed to execute on behalf of the Board a Bond Purchase Agreement with the Original Purchaser, setting forth the conditions under which the Bonds are to be sold and delivered, which agreement shall be in such form, not inconsistent with the terms of this Resolution, as the Fiscal Officer shall determine.

The proceeds from the sale of the Bonds, except the premium and accrued interest thereon, shall be used for the purpose aforesaid and for no other purpose. Any accrued interest received from such sale shall be transferred to the Bond Retirement Fund to be applied to the payment of the principal of and interest on the Bonds, or other obligations of the Township, as permitted by law. Any premium from the sale of the Bonds shall be deposited into the fund or funds specified in the Certificate of Fiscal Officer and shall be used for the proper purposes of such fund or funds.

Section 13. The Fiscal officer is hereby authorized, and directed if deemed necessary, to execute and deliver an "Escrow Deposit Agreement" or similar agreement (the "Escrow Deposit Agreement") with such banking association selected by the Fiscal officer to serve as Escrow Trustee (the "Escrow Trustee"), pursuant to which the Escrow Trustee shall: (i) maintain a trust fund for the proceeds of any Bonds deposited with the Escrow Trustee for the defeasance of the Refunded Bonds, in accordance with the terms of the Escrow Deposit Agreement; and (ii) if appropriate, be appointed and serve as the co-paying agent for the Prior Bonds. The Escrow Deposit Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Resolution as shall be approved by the officer executing the same. The approval of the Escrow Deposit Agreement shall be conclusively evidenced by the execution thereof by the Fiscal Officer.

Section 14. The Board hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Bonds is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Bonds so that the Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Board further covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Bonds are issued, so that they will not

constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The Fiscal Officer, or any other officer of this Board, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Board with respect to the Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Fiscal Officer, which action shall be in writing and signed by the Fiscal Officer, or any other officer of the Board, on behalf of the Board; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Township, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds; and (c) to give an appropriate certificate on behalf of the Board, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Board pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Board regarding compliance by the Board with Sections 141 through 150 of the Code and the Regulations.

The Fiscal Officer shall keep and maintain adequate records pertaining to investment of all proceeds of the Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Township to comply with any federal law or regulation now or hereafter having applicability to the Bonds which limits the amount of bond proceeds which may be invested on an unrestricted yield or requires the Township to rebate arbitrage profits to the United States Department of the Treasury. The Fiscal Officer is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Bonds requires any such reports or rebates.

Section 15. The distribution of an Official Statement or similar offering document of the Township, in preliminary and final form, relating to the original issuance of the Bonds is hereby authorized, and the Trustees of the Board and the Fiscal Officer are hereby authorized to negotiate and prepare and at least two of the Trustees of the Board and the Fiscal Officer is hereby authorized to execute, on behalf of the Township and in their official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Bonds, and they are authorized to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering

the Bonds as they deem necessary or appropriate to protect the interests of the Township. The Trustees of the Board and the Fiscal Officer are each authorized to execute and deliver, on behalf of the Township and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

Section 16. For the benefit of the owners and beneficial owners from time to time of the Bonds, the Township agrees, as the only obligated person with respect to the Bonds under Rule 15c2-12 prescribed by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, audited financial statements and notices, in such manner, as may be required for purposes of the Rule.

The Continuing Disclosure Certificate in the form on file with this Board is approved. The Fiscal Officer is authorized and directed to complete, sign and deliver, in the name and on behalf of the Township, the Continuing Disclosure Certificate with such changes that are not inconsistent with this Resolution, are not materially adverse to the Township, and are approved by the Fiscal Officer, all of which shall be conclusively evidence by the signing of the Continuing Disclosure Certificate by the Fiscal Officer.

The Fiscal Officer is further authorized and directed to establish procedures in order to ensure compliance by the Township with the Continuing Disclosure Certificate, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Fiscal Officer shall consult with and obtain legal advice from, as appropriate, the Township's general counsel and bond or other qualified independent special counsel selected by the Township. The Fiscal Officer, acting in the name and on behalf of the Township, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the Township of the Continuing Disclosure Certificate shall be subject to the annual appropriation of any funds that may be necessary to perform it.

Section 17. If, in the judgment of the Fiscal Officer, it is in the best interest of and financially advantageous to the Township to (i) obtain or update a rating on the Bonds by one or more nationally-recognized rating agencies, or (ii) purchase a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, the Fiscal Officer is hereby authorized to take such steps necessary to obtain such rating or policy of insurance, except to the extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Fiscal Officer has taken such actions, those actions are hereby ratified and confirmed.

Section 18. The law firm of Frost Brown Todd LLC is hereby appointed to serve as bond counsel to the Township in connection with the issuance of the Bonds.

Section 19. The Fiscal Officer or any two Trustees, acting alone or together, are further authorized and directed to execute the any certifications, financing statements, assignments, agreements, terminations, and security instruments, and to take such further actions as are necessary or appropriate to implement the transactions contemplated in this Resolution and to consummate the transactions contemplated in this Resolution. All actions heretofore taken by the officers and officials of the Authority and of this Board in connection with the refunding of the Refunded Bonds are hereby ratified and approved.

Section 20. The officer having charge of the minutes of the Board and any other officers of the Board, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Bonds and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Board relating to the power and authority of the Township to issue the Bonds and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Fiscal Officer and a no-litigation certificate of at least two of the Trustees of the Board and the Fiscal Officer, and such certified copies and certificates shall be deemed representations of the Township as to the facts stated therein.

Section 21. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make them legal, valid and binding obligations of the Township have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the Township are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Bonds.

Section 22. It is hereby found and determined that all formal actions of the Board concerning and relating to the passage of this Resolution were taken in an open meeting of the Board, and that all deliberations of the Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

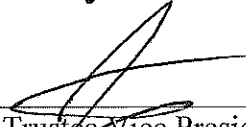
Section 23. The Fiscal Officer is hereby directed to forward a certified copy of this Resolution and a copy of the Certificate of Fiscal Officer, as soon as each is available, to the Auditor of Montgomery County, Ohio.

Section 24. This Resolution shall be in full force and effect immediately upon its passage. Each section of this resolution and each subdivision or paragraph of any section

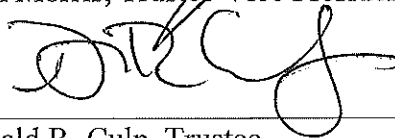
hereof and each sentence of a paragraph hereof is hereby declared to be independent and the finding or holding of any section or any subdivision, paragraph or sentence hereof to be invalid or void shall not be deemed or held to affect the validity of any other section, subdivision, paragraph or sentence of this resolution.



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Douglas, J Barry, Trustee President

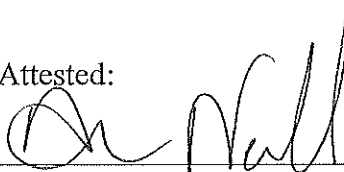


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John Morris, Trustee Vice President



\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:



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Aaron F. Newell, Fiscal Officer

Passed: May 14, 2019

RLH:nsc

## RESOLUTION #032-2019

### RESOLUTION TO AUTHORIZE THE EXECUTION AND DELIVERY OF AN AMENDMENT TO THE PHASE II ADDENDUM TO THE 2016 PROJECTS MANAGEMENT AND FINANCING AGREEMENT BETWEEN MIAMI TOWNSHIP AND THE MONTGOMERY COUNTY TRANSPORTATION IMPROVEMENT DISTRICT IN CONNECTION WITH THE DEVELOPMENT AND JOINT FINANCING OF TRANSPORTATION PROJECTS WITHIN MIAMI TOWNSHIP

**WHEREAS**, Miami Township, Ohio (the "Township") and the Montgomery County Transportation Improvement District (the "District") jointly desire to develop certain roadway enhancement projects within the Township to improve public safety and general public welfare and to encourage public and private development in the Township and to enhance the viability of development within the Township generally; and

**WHEREAS**, the Township and the District previously entered into a Project Financing and Development Agreement dated December 30, 2011 (the "Prior Agreement"), which provided for the construction and development of streets, highways, interchanges, and other transportation improvements, within the meaning of Section 755.20 of Am. Sub. H.B. No. 153 of the 129th General Assembly; and

**WHEREAS**, by action of Resolution #018-2016 and #035-2018 the Board authorized an agreement with the District to provide the design, engineering and construction on a turnkey basis of certain new pedestrian access improvements on Lyons Road between Byers Road and State Route 741 and on the west side of State Route 741 between Lyons Road and Kingsridge Drive in connection with the Lyons Road Pedestrian Access Project; and

**WHEREAS**, the Board desires to expand the scope of the Lyons Road Pedestrian Access Project to include the repaving of approximately 2,300 feet of Byers Road between Lyons Road and Technical Drive adjacent to the existing Lyons Road Pedestrian Access Project; and

**WHEREAS**, the contractor for the Lyons Road Pedestrian Access Project, RB Jergens, is currently onsite and expansion of the scope at this time will avoid future mobilization expenses and allow financing of the expanded scope through the State Infrastructure Bank (SIB); and

**THEREFORE, BE IT RESOLVED,** by the Board of Trustees of Miami Township, Montgomery County, Ohio:

Section 1.     Determinations of the Board. The Board of Trustees of the Township, having theretofore reviewed the form of the Amendment to the Lyons Road Project Phase II Addendum to the 2016 Miami Township Pedestrian Access Projects Management and Financing Agreement, now determines that it is a proper public purpose and in the best interests of the Township to enter into the Amendment.

Section 2.     Authorization for Execution and Delivery of the Amendments to the Project Development Agreement SIB Financing Documents. The Board of Trustees of the Township hereby authorizes and directs the Township Administrator, pending confirmation of a revised cost share arrangement with Montgomery County, to execute and deliver for and on behalf of the Township the Amendment to the Lyons Road Project Phase II Addendum and any documents required to increase the scope of the SIB loan agreement and promissory note, in an amount not to exceed two-hundred thousand (\$200,000) dollars, substantially in the form presently on file with the Township, with such changes thereto as may be approved by the Township Administrator executing the Amendment to the Lyons Road Project Phase II Addendum, the execution of which shall be prima facie evidence of such Township official's approval of the form of such Agreement. The Township Administrator is hereby directed to obtain and deliver to the Fiscal Officer for retention in the official records of the Township a fully executed counterpart of the Amendment to the Lyons Road Project Phase II Addendum.

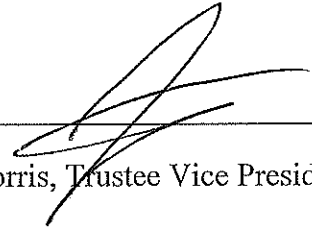
Section 3.     Open Meeting Requirements Compliance. This Board of Trustees determines that all formal actions of this Board of Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board of Trustees, and that all deliberations of this Board of Trustees and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4.     Effective Date. This Resolution shall take effect immediately upon its adoption.

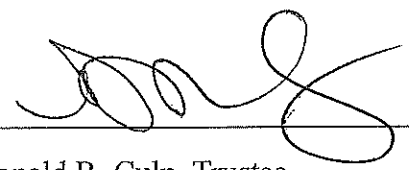
SIGNATURE PAGE FOR RESOLUTION #032-2019 ONLY



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Douglas J. Barry, Trustee President

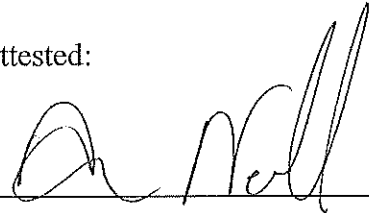


\_\_\_\_\_  
John Morris, Trustee Vice President



\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:



\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer  
Passed: May 14, 2019  
RLH:nsc

## RESOLUTION #033-2019

### A RESOLUTION TO AMEND RESOLUTION #014-2019 AND APPROVE OTHER RELATED MATTERS IN CONNECTION THEREWITH

**WHEREAS**, pursuant to Resolution No. 014-2019 duly passed by the Board of Township Trustees (the "Board") on March 26, 2019 (the "Previous Resolution"), the Township authorized the issuance of its Miami Township, Montgomery County, Ohio Refunding Limited Tax General Obligation Bonds, Series 2019 (Tax-Exempt)," in the maximum principal amount of Three Million, Four Hundred Thousand Dollars (\$3,400,000) (the "Bonds") for the purpose of refunding the Montgomery County Transportation Improvement District (Ohio) (the "TID") Transportation Improvement Special Obligation Bonds, Series 2008A (Kingsridge Drive Project) dated September 4, 2008 and issued in the original principal amount of \$4,885,000 (the "TID Bonds"), the proceeds of which were used to purchase the Township's Limited Tax General Obligation Transportation Improvement Bonds, Series 2008 (Kingsridge Road Improvement Bonds) dated September 4, 2008 and issued in the original principal amount of \$4,885,000 (the "Township Bonds"), which Township Bonds were issued for the purpose of paying the costs of construction and acquisition of improvements to Kingsridge Drive, Lyons Ridge Drive at Lyons Road, Route 725, The Ring Road at the Dayton Mall, Southwind Drive, including but not limited to the addition of new lanes on such roads as needed, relocation of Lyons Ridge Drive, new grading, constructing storm sewer, storm water improvements, burial of utility lines, gas, electric and communications service facilities, street lighting and signs, sidewalks, bikeways and landscaping, traffic signs and signalization, overhead wiring, and including design and other related costs, and acquiring real estate, together with all related appurtenance thereto; and

**WHEREAS**, this Board desires to amend the Previous Resolution to allow for the Bonds to be combined with other limited tax general obligation bonds of the Township; and

**THEREFORE, BE IT RESOLVED**, by the Board of Trustees of Miami Township, Montgomery County, Ohio:

Section 1. It is hereby determined that, for purposes of issuance and sale, it is in the best interest of the Township to combine the Bonds with other limited tax general obligation bonds of the Township pursuant to Section 133.30 of the Ohio Revised Code, authorized by a separate resolution adopted on the date hereof. The Bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds". The Combined Bonds shall be designated "Miami Township (Montgomery county, Ohio), Various Purpose Refunding Limited Tax General Obligation Bonds, Series 2019", or as otherwise determined by the Fiscal Officer in the Certificate of Award. As used in the Previous Resolution, the term "Bonds" shall also mean the Combined Bonds, where appropriate. Unless otherwise

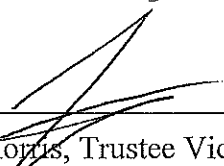
amended by this Resolution, the Previous Resolution shall remain in full force and effect.

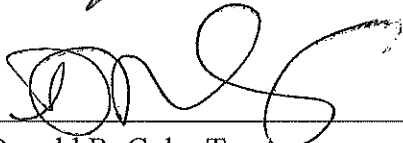
Section 2. It is hereby found and determined that all formal actions of the Board concerning and relating to the passage of this Resolution were taken in an open meeting of the Board, and that all deliberations of the Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

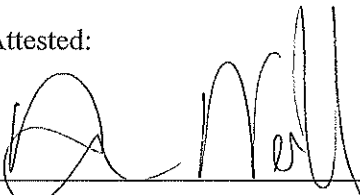
Section 3. The Fiscal Officer is hereby directed to forward a certified copy of this Resolution and a copy of the Certificate of Fiscal Officer, as soon as each is available, to the Auditor of Montgomery County, Ohio.

Section 4. This Resolution shall be in full force and effect immediately upon its passage. Each section of this resolution and each subdivision or paragraph of any section hereof and each sentence of a paragraph hereof is hereby declared to be independent and the finding or holding of any section or any subdivision, paragraph or sentence hereof to be invalid or void shall not be deemed or held to affect the validity of any other section, subdivision, paragraph or sentence of this resolution.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:  
  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer  
Passed: May 14, 2019  
RLH:nsc

RECEIPT OF COUNTY AUDITOR FOR  
LEGISLATION PROVIDING  
FOR THE ISSUANCE OF  
GENERAL OBLIGATION BONDS

I, Karl L. Keith, the duly appointed, qualified, and acting County Auditor in and for Montgomery County, Ohio hereby certify that a certified copy of the Resolution #014-2019 duly passed by the Board of Township Trustees of Miami Township, Montgomery County, Ohio on March 26, 2019 providing for the issuance of general obligation bonds designated Miami Township, Montgomery County, Ohio Refunding Limited Tax General Obligation Bonds, Series 2019 (Tax-Exempt), in the amount of not to exceed \$3,400,000, and a copy of the Certificate of Fiscal Officer relating to terms of bonds was filed in this office on \_\_\_\_\_, 2019.

WITNESS my hand and official seal at Dayton, Ohio this \_\_\_ day of \_\_\_\_\_, 2019.

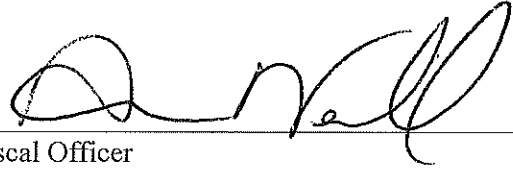
[SEAL]

---

County Auditor  
Montgomery County, Ohio

CERTIFICATE

The undersigned, Fiscal Officer of the Board of Township Trustees of the Miami Township, Montgomery County, Ohio hereby certifies that the foregoing is a true copy of Resolution #033-2019 duly passed by the Board of Township Trustees of said Township on May 14, 2019 and that a true copy thereof was certified to the Auditor of Montgomery County, Ohio, on \_\_\_\_\_, 2019.



---

Fiscal Officer  
Board of Township Trustees  
Miami Township  
Montgomery County, Ohio

**RESOLUTION #034-2019**

**RESOLUTION TO ACCEPT THE CHIEF OF POLICE'S  
RECOMMENDATION FOR DISCIPLINARY ACTION UPON A  
FULL TIME POLICE DEPARTMENT EMPLOYEE**

**Whereas,** An Executive Session by the Miami Township Board of Trustees was held on May 20, 2019. The Police Department, through the Police Chief, brought a recommendation for a disciplinary action against an employee, Douglas W. Hesler; and

**Whereas,** the charges consist of the following violations:

- 1) Special Order 15-02 (Workplace Recording)
- 2) General Order 26.11. (Code of Conduct 5.25)
- 3) General Order 1.2.10 (Core Values – Honor); and

**Whereas,** the collective Bargaining agreement between the Miami Township Board of Trustees and the Fraternal Order of Police of Ohio, Inc. (Ohio Labor Council, Inc.) states in Article 7, Section 3 that suspensions of more than seven (7) work days and discharges of employees require approval by the Board of Trustees after recommendation by the Chief of Police; and

**Whereas,** the Board of Trustees agrees with the recommendation of the Chief of Police that Douglas W. Hesler violated the above-mentioned policies; and

**Therefore, Be It Resolved,** the Board of Trustees has chosen to discipline Douglas W. Hesler through Resolution #034-2019; and

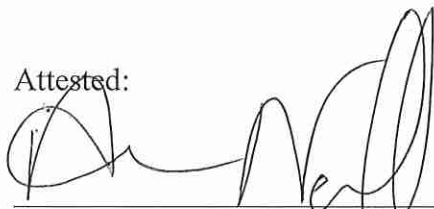
**Be It Further Resolved,** the Board of Trustees has chosen to administer the following disciplinary penalty: TERMINATION, effective immediately.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: May 20, 2019

RLH:sld

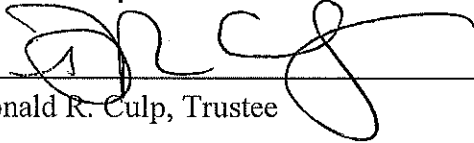
**RESOLUTION #035-2019**

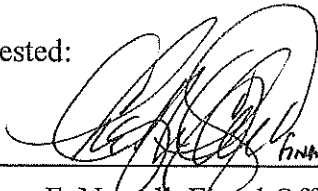
**RESOLUTION TO ADOPT A MAJOR MODIFICATION TO THE  
PRELIMINARY DEVELOPMENT PLAN AND DEVELOPMENT  
STANDARDS FOR THE VIENNA CENTER PLANNED  
DEVELOPMENT UNDER ZONING CASE #271-94 AND FOR LANDS  
ZONED "PD-3", PLANNED BUSINESS DISTRICT**

- Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, May 28, 2019; and
- Whereas,** Zoning Case #271-94, filed by the Miami Township CIC, proposes a modification to the preliminary development plan and development standards for the Vienna Center Planned Development; and
- Whereas,** the Trustees reviewed said Zoning Case in a Public Hearing; and
- Therefore Be It Resolved,** the Miami Township Board of Trustees APPROVES the Major Modification to the Preliminary Development Plan and Development Standards under Zoning Case #271-94 and UPHOLDS the Zoning Commission recommendation.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:   
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer  
Passed: May 28, 2019  
RLH:nsc

**RESOLUTION #036-2019**


**RESOLUTION TO ADOPT A MAJOR MODIFICATION TO THE PRELIMINARY DEVELOPMENT PLAN FOR THE EXCHANGE AT SPRING VALLEY PLANNED DEVELOPMENT UNDER ZONING CASE #374-05 AND FOR LANDS ZONED "PD-5", PLANNED MIXED-USE DISTRICT**

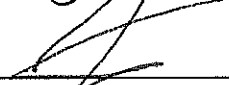
**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, May 28, 2019; and

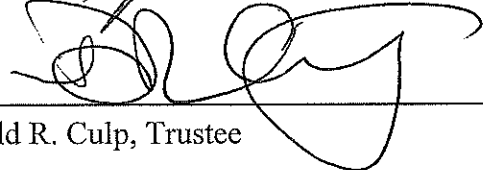
**Whereas,** Zoning Case #374-05, filed by the 741 Developers, LTD, proposes a modification to the preliminary development plan for the Exchange at Spring Valley Planned Development; and

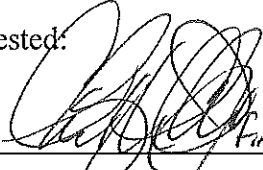
**Whereas,** the Trustees reviewed said Zoning Case in a Public Hearing; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees APPROVES the Major Modification to the Preliminary Development Plan under Zoning Case #374-05 and UPHOLDS the Zoning Commission recommendation.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:   
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer  
Passed: May 28, 2019  
RLH:nsc

**RESOLUTION #037-2019**

**RESOLUTION TO ADOPT A MAJOR MODIFICATION TO THE  
FINAL DEVELOPMENT PLAN FOR THE NEWMARK CENTER  
PLANNED DEVELOPMENT UNDER ZONING CASE #160-85 AND  
FOR LANDS ZONED "PD-5", PLANNED MIXED-USE DISTRICT**

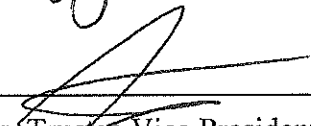
**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, May 28, 2019; and

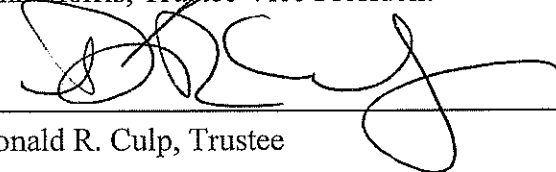
**Whereas,** Zoning Case #160-85, filed by the AZZAPNC, LLC, proposes a modification to the final development plan for the Newmark Center Planned Development; and

**Whereas,** the Trustees reviewed said Zoning Case in a Public Hearing; and

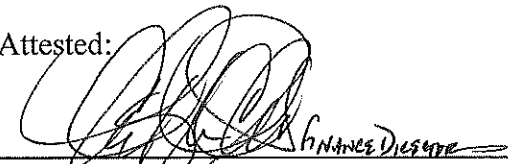
**Therefore Be It Resolved,** the Miami Township Board of Trustees APPROVES the Major Modification to the Final Development Plan under Zoning Case #160-85 and UPHOLDS the Zoning Commission recommendation.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_  
FINANCE DESK

Aaron F. Newell, Fiscal Officer

Passed: May 28, 2019

RLH:nsc

**RESOLUTION #038-2019**

**RESOLUTION TO AUTHORIZE SALARY ADJUSTMENTS FOR  
NON-UNION EMPLOYEES**

**Whereas,** each year the Board of Trustees reviews the Pay Schedule for full-time and part-time, regular, non-union personnel; and

**Whereas,** the Board of Trustees may consider salary adjustments for these employees to ensure employee retention and parity with union personnel; and

**Therefore, Be It Resolved,** the Miami Township Board of Trustees approves for all non-union, full-time and part-time employees of the township as of June 10, 2019, a two and one-half percent (2.5%) adjustment, effective with Pay Period #11; and

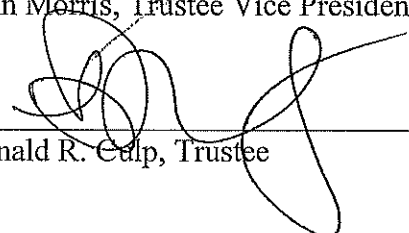
**Be It Further Resolved,** the Miami Township Board of Trustees directs the Acting Township Administrator and Finance Director to make the respective changes to the Pay Schedule, adjusting respective position ranges to ensure continued parity and labor market wage competitiveness.



\_\_\_\_\_  
Douglas J. Barry, Trustee President



\_\_\_\_\_  
John Morris, Trustee Vice President



\_\_\_\_\_  
Donald R. Culp, Trustee

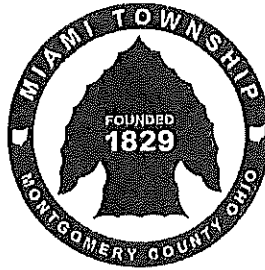
Attested:



\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: June 11, 2019

RLH:cm



June 6, 2019

To: Miami Township Elected Officials

From: Clay McCord, Finance Director  
Ron Hess, Township Administrator

**Subject: Pay Range Adjustments – Non-Union Employees**

During the preparation of the annual appropriations budget, the department heads consider the need and impact of any salary increases for their non-union staff. An anticipated increase is included, if feasible, within the draft appropriation budget submitted for approval.

The effective date for pay range adjustments was moved to May 1<sup>st</sup> in 2017, so that first-half real estate tax collections could be used to help validate the revenue projections in the budget. In 2018, the pay range adjustment recommendation was delayed due to timing changes in the medical insurance renewal process. As a result, the recommendation included a retroactive effective date to the beginning of Pay Period #11 (closest to May 1<sup>st</sup>). Linking the effective date to the Pay Period streamlines payroll processing and eliminates the handling of multiple pay rates within a single pay period.

The appropriation budget for this year included a 2% salary increase for the non-union employees and a 15% increase in healthcare costs for all employees. Collections are in line with expectations from the county auditor. Medical insurance premiums will not increase for the next policy year, resulting in approximately \$54,000 of avoided costs built into the original budget.

After reviewing the first-half apportionment and the medical insurance renewal, we are recommending a two and one-half percent (2.5%) pay-range adjustment for non-union employees. The incremental cost of the additional half-percent is \$14,514.

We are also recommending that the effective date for these adjustments be Sunday, April 28, 2019, the beginning of Pay Period #11, for all non-union, full-time and part-time employees of the township on June 11, 2019. The bond refunding efforts were a competing priority for 2019, but this is not expected to be an annual event, so moving forward, the Finance Department will be able to present salary adjustment proposals in April, as originally envisioned.

**FINANCE**

FINANCE DIRECTOR CLAY McCORD 2700 LYONS ROAD MIAMI TOWNSHIP, OHIO 45342  
finance@miamitownship.com phone (937) 433-9969 fax (937) 433-8709 www.miamitownship.com

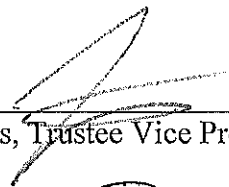
## RESOLUTION #039-2019

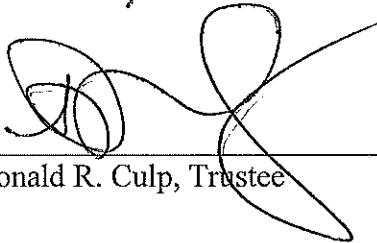
### RESOLUTION TO AUTHORIZE THE FUNDING OF EMPLOYER HEALTH SAVINGS ACCOUNT (HSA) CONTRIBUTIONS

- Whereas,** the Miami Township Board of Trustees has, for the plan year of July 1, 2019 through June 30, 2020, agreed to fund HSA contributions for eligible employees and elected officials who participate in the Township's high deductible health plan; and
- Whereas,** the Board of Trustees has agreed to fund employees and elected officials a maximum contribution of \$2,000 for the Employee Only Plan Level and \$4,000 for the following Plan Levels: Employee + Spouse, Employee Plus Child(ren), and Employee Plus Family; and
- Whereas,** the Board of Trustees has agreed that any employee (new or current), who joins the insurance within the plan year will receive a prorated front load contribution for the plan they enroll in and that amount will be \$166.67 per remaining month for the Employee Only Plan Level and \$333.33 per remaining month for the following Plan Levels: Employee + Spouse, Employee Plus Child(ren), and Employee plus Family; and
- Whereas,** the Board of Trustees has agreed that if it is known prior to the contribution of funds, that an employee will be leaving employment before the end of the policy year, that employee will receive a prorated portion based on the potential date of termination or retirement, and if the date of termination or retirement changes, the remaining contribution will be prorated accordingly; and
- Whereas,** the HSA Employer Contributions, up to the maximum contribution allowed by the HSA in a calendar year, will be split into no less than two payments, with the first payment to be made by July 15, 2019, and the remaining contribution will be made no later than January 31, 2020; and
- Whereas,** if an employee has need for the remaining contribution before the scheduled payment date, he/she must come before the Township Administrator to ask for the remaining contribution to be deposited earlier than the scheduled payment; and
- Whereas,** the Employer HSA Contribution is not an entitlement of any eligible non-union employee, union employee, or elected official, and is a benefit only for this plan year and the Township reserves the right to change whether or not it funds HSA dollars and how they may be deposited or earned; and

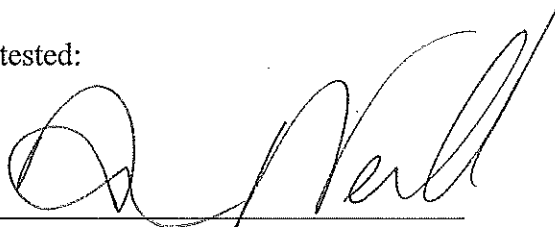
**Therefore Be It Resolved,** the Miami Township Board of Trustees has considered and supports the funding of HSA contributions as outlined above and directs the Finance Department to proceed as necessary to ensure the HSA contributions are addressed appropriately.

  
\_\_\_\_\_  
Douglas J. Bandy, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer

Passed: June 11, 2019

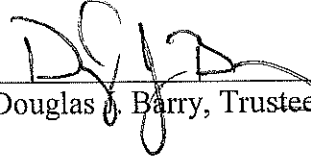
RLH:ccm

## RESOLUTION #040-2019

### RESOLUTION TO ADOPT THE 2019 MONTGOMERY COUNTY NATURAL HAZARD MITIGATION PLAN

- Whereas,** there currently exists between Miami Township, Ohio and the Board of Commissioners of Montgomery County, Ohio, an agreement that the County, through its Office of Emergency Management, shall provide emergency management for the Township in conjunction with a countywide coordinated program; and
- Whereas,** through this countywide coordinated program, the Montgomery County Office of Emergency Management has developed the 2019 Montgomery County Natural Hazard Mitigation Plan that includes all hazards to which Montgomery County and its municipalities are susceptible as per Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and
- Whereas,** goals, objectives and strategies to mitigate against the hazards that have been identified in the County, including Miami Township, have been developed; and
- Whereas,** mitigation measures for the Township and surrounding areas have been analyzed and prioritized; and
- Whereas,** Montgomery County stakeholders have reviewed the 2019 Montgomery County Natural Hazard Mitigation Plan; and
- Therefore Be It Resolved,** the Miami Township Board of Trustees adopts and plans to implement the actions prescribed in the 2019 Montgomery County Natural Hazard Mitigation Plan and this resolution is effective immediately upon signing.

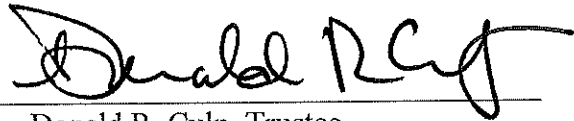
**SIGNATURE PAGE ONLY FOR #040-2019**



Douglas J. Barry, Trustee President

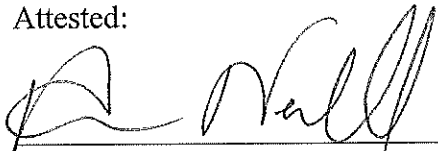
absent

John Morris, Trustee Vice President



Donald R. Culp, Trustee

Attested:



Aaron F. Newell, Fiscal Officer

Passed: July 9, 2019

RLH:nsc

**RESOLUTION #041-2019**

**RESOLUTION TO AUTHORIZE THE TOWNSHIP ADMINISTRATOR  
TO ENTER INTO AN AGREEMENT TO MAINTAIN WASHINGTON  
CHURCH ROAD BETWEEN MIAMI TOWNSHIP, OHIO AND  
WASHINGTON TOWNSHIP, OHIO**

**Whereas,** Washington Church Road constitutes the boundary line between Miami Township, Ohio (hereinafter Miami) and Washington Township, Ohio (hereinafter Washington) from the intersection of Austin Boulevard to the termination of Washington Church Road at I-675; and

**Whereas,** Ohio Revised Code Section §5579.03 provides that, if a road is established as part of the line or boundary between two adjoining townships, the Board of Trustees of the adjoining townships are to apportion responsibility for such road between the townships, as justice and equity require; and

**Whereas,** Miami and Washington jointly desire to enter into a certain Agreement for the Roadway Maintenance for Washington Church Road, a copy of which is attached hereto as exhibit A.

**Therefore Be It Resolved,** by the Board of Trustees of Miami Township, Montgomery Co., Ohio:

Section 1. Determinations of the Board. The Board of Trustees of the township, having theretofore reviewed the form of the Agreement for the Roadway Maintenance for Washington Church Road, now determines that it is a proper public purpose and in the best interests of the township to enter into the Agreement.

Section 2. Agreement for the Roadway Maintenance of Washington Church Road. The Board of Trustees of the township hereby authorizes and directs the Township Administrator to execute and deliver for and on behalf of the township the Agreement, with such changes thereto as may be approved by the Township Administrator, the execution of which shall be prima facie evidence of such township officials' approval of the form of such agreement. The Township Administrator is hereby directed to obtain and deliver to the Fiscal Officer for retention in the official records of the township a fully executed counterpart of the Agreement for Roadway Maintenance of Washington Church Road.

Section 3. Open Meeting Requirements Compliance. This Board of Trustees determines that all formal actions of this Board of Trustees concerning and relating to the adoption of this resolution were adopted and an open meeting of this Board of Trustees, and that all deliberations of this Board of Trustees that resulted in such formal action were meetings open to the public, and compliance with all legal requirements including section 121.22 of the ORC.

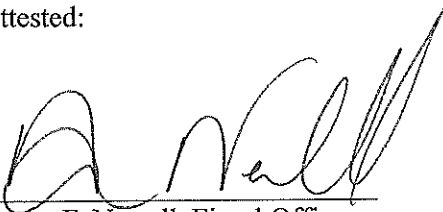
Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer  
Passed July 9, 2019  
RLH:nsc


**RESOLUTION #042-2019**

**RESOLUTION FOR THE PURCHASE OF  
ROCK SALT FOR THE 2019-2020 WINTER SEASON**

**Whereas,** requests for bids have been made for Miami Township through the Southwest Ohio Purchasers for Government (SWOP4G) to purchase rock salt for the winter of 2019/2020; and

**Whereas,** Miami Township received a total of four (4) bids and a low bid from Compass Minerals America Inc., at a reserve of 3,500 tons of rock salt; and

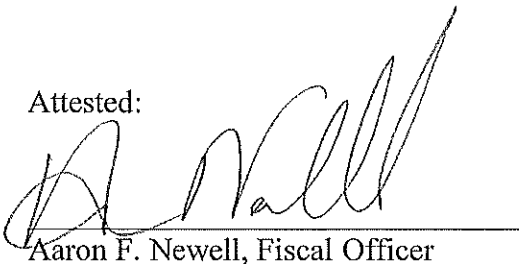
**Therefore Be It Resolved,** that the Miami Township Board of Trustees accepts the low bid for rock salt from Compass Minerals at \$86.42 per ton dumped at the Miami Township Public Works facility, 10891 Wood Road, and authorizes the Township Administrator to sign all necessary documentation to purchase rock salt from Compass Minerals.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: July 9, 2019

RLH:nsc

RESOLUTION #043-2019

RESOLUTION TO ADOPT A FINAL DEVELOPMENT PLAN FOR  
THE AIRPORT PLANNED DEVELOPMENT UNDER ZONING CASE  
#434-18, FOR LANDS ZONED "PD-5", PLANNED MIXED-USE  
DISTRICT

Whereas, the Miami Township Board of Trustees met in a regular session on Tuesday, July 9, 2019; and

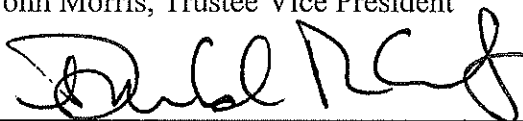
Whereas, Zoning Case #434-18, filed by Nick Keyes, Jr., proposes a final development plan for the Airport Planned Development, "PD-5" Planned Mixed-Use District; and

Whereas, the Trustees reviewed said Zoning Case in a Public Hearing; and

Therefore Be It Resolved, the Miami Township Board of Trustees approve  
the Final Development Plan under Zoning Case #434-18 and  
uphold the Zoning Commission recommendation.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

absent  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: July 9, 2019

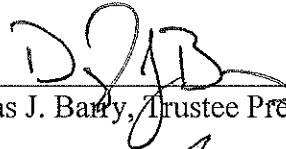
RLH:nsc

**RESOLUTION #044-2019**

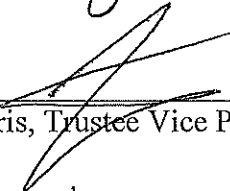
**RESOLUTION TO APPOINT MIAMI CROSSING  
JOINT ECONOMIC DEVELOPMENT DISTRICT BOARD MEMBER**

- Whereas,** the Miami Township Board of Trustees approved a Joint Economic Development District (JEDD) with Resolution #94-2009; and
- Whereas,** under the approved contract the Miami Township Board of Trustees is responsible for appointing members to the Miami Crossing Joint Economic Development District; and
- Whereas,** Chris Snyder was appointed to represent the township on the Miami Crossing JEDD Board pursuant to ORC Section 715.78 (A)(1)(c) and has served two (2) consecutive terms which will expire on August 13, 2019; and
- Whereas,** it is the recommendation of the Township Administrator to appoint Kyle Hinkelman to represent the township on the Miami Crossing JEDD Board; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees appoints Kyle Hinkelman to represent the township on the Miami Crossing JEDD Board, as required by contract, effective August 14, 2019.



\_\_\_\_\_  
Douglas J. Barry, Trustee President

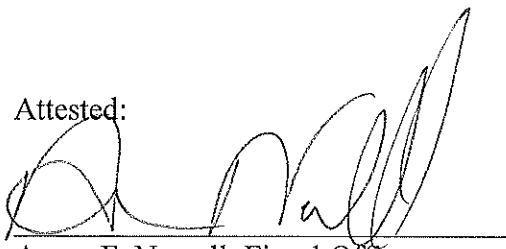


\_\_\_\_\_  
John Morris, Trustee Vice President

absent

\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:



\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: July 23, 2019

RLH:sld

RESOLUTION # 045-2019

RESOLUTION TO ADOPT A FINAL DEVELOPMENT PLAN FOR  
THE EXCHANGE AT SPRING VALLEY PLANNED DEVELOPMENT  
UNDER ZONING CASE #374-05 AND FOR LANDS ZONED "PD-5",  
PLANNED MIXED-USE DISTRICT

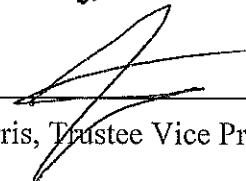
Whereas, the Miami Township Board of Trustees met in a regular session on Tuesday, July 23, 2019; and

Whereas, Zoning Case #374-05, filed by the Roosters Real Estate, LLC, proposes a final development plan for the Exchange at Spring Valley Planned Development; and

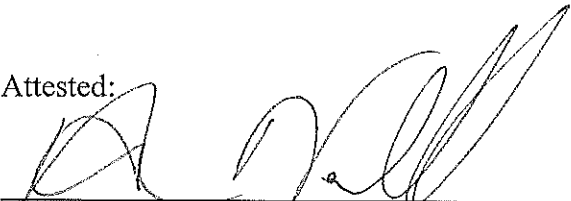
Whereas, the Trustees reviewed said Zoning Case in a Public Hearing; and

Therefore Be It Resolved, the Miami Township Board of Trustees approve  
the Final Development Plan under Zoning Case #374-05 and  
uphold the Zoning Commission recommendation.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

absent  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:  
  
\_\_\_\_\_

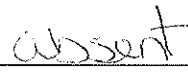
Aaron F. Newell, Fiscal Officer  
Passed: July 23, 2019  
RLH:nsc

**RESOLUTION #046-2019**

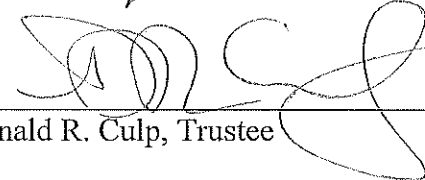
**RESOLUTION TO REAPPOINT AN AUSTIN CENTER JOINT ECONOMIC DEVELOPMENT DISTRICT BOARD MEMBER**

- Whereas,** the Miami Township Board of Trustees approved an Austin Center Joint Economic Development District (JEDD) with Resolution #100-2009; and
- Whereas,** under the approved contract, the Miami Township Board of Trustees is responsible for appointing a member to represent the township on the Austin Center JEDD Board pursuant to ORC Section 715.72 (P) (1); and
- Whereas,** Chris Snyder was appointed, with Resolution #75-2017 on November 14, 2017 to represent Miami Township on the Austin Center JEDD Board; and
- Whereas,** it is the recommendation of the Township Administrator to reappoint Chris Snyder to represent the township on the Austin Center JEDD Board for a second term; and

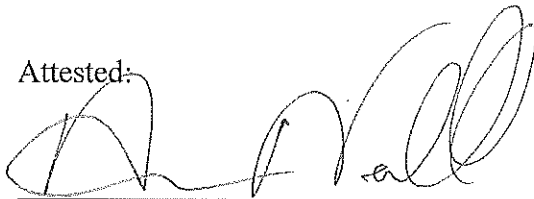
**Therefore Be It Resolved,** the Miami Township Board of Trustees reappoints Chris Snyder to represent Miami Township on the Austin Center JEDD Board for a second term, as required by contract, effective August 31, 2019.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer

Passed: August 13, 2019

RLH:sld

**RESOLUTION #047-2019**

**RESOLUTION TO APPROVE AN AMENDED APPROPRIATION OF FUNDS FOR 2019**

**Whereas,** the annual appropriations for 2019 are to provide for expenditures during fiscal year ending December 31, 2019; and

**Whereas,** the Police Department identified capital equipment needed to adequately equip the School Resource Officers; and

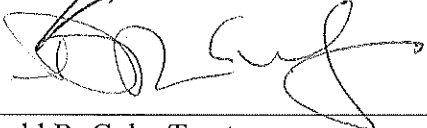
**Whereas,** it is necessary to amend the appropriation of funds for Miami Township; and

**Therefore, Be It Resolved,** the Miami Township Board of Trustees approves an additional \$100,000 to the Police Fund - Other appropriation and authorizes the Finance Director to communicate the amended appropriation to the Montgomery County Auditor.

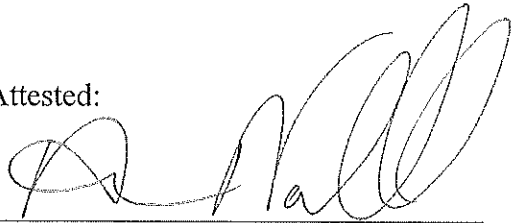
*absent*

\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: August 13, 2019

RLH:nsc

**RESOLUTION #048-2019**

**RESOLUTION TO APPROVE A TRANSFER OF FUNDS FROM THE POLICE STABILIZATION FUND (#299) TO THE POLICE FUND (#209)**

**Whereas,** the Police Department has added School Resource Officers at Miamisburg Middle School and Dayton Christian School, and


**Whereas,** the Police Department has identified capital equipment needed to adequately equip the School Resource Officers; and

**Whereas,** it is necessary to transfer funds from the Police Budget Stabilization Fund (#299) to the Police Fund (#209); and

**Therefore Be It Resolved,** the Miami Township Board of Trustees approves the transfer of \$100,000 from the Police Budget Stabilization Fund (#299) to the Police Fund (#209).

*absent*

\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:



\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: August 13, 2019

RLH:nsc

**RESOLUTION #049-2019**

**RESOLUTION TO ADOPT A FINAL DEVELOPMENT PLAN FOR  
THE VIENNA CENTER PLANNED DEVELOPMENT UNDER ZONING  
CASE #271-94, FOR LANDS ZONED "PD-3", PLANNED BUSINESS  
DISTRICT**

**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, August 13, 2019; and

**Whereas,** Zoning Case #271-94, filed by the Trilogy Real Estate Montgomery II, LLC, proposes a final development plan for the Vienna Center Planned Development, "PD-3" Planned Business District; and

**Whereas,** the Trustees reviewed said Zoning Case in a Public Hearing; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees approve  
the Final Development Plan under Zoning Case #271-94 and  
uphold the Zoning Commission recommendation.

absent  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

[Signature]  
\_\_\_\_\_  
John Morris, Trustee Vice President

[Signature]  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:  
[Signature]

Aaron F. Newell, Fiscal Officer  
Passed: August 13, 2019  
RLH:nsc

**RESOLUTION # 050-2019**

**RESOLUTION TO AUTHORIZE THE COSTS AND EXPENSES OF A  
LIGHTING DISTRICT TO BE ASSESSED AS PROVIDED FOR UNDER  
THE OHIO REVISED CODE CHAPTER 515**

**Whereas,** The Austin Landing Lighting District consists of the following parcels:

K45 02606 0091  
K45 02605 0065  
K45 02605 0084  
K45 02605 0090  
K45 02605 0091  
K45 02605 0093  
K45 02605 0094  
K45 50715 0094  
K45 02605 0097  
K45 02605 0101  
K45 02605 0103  
K45 02605 0108  
K45 02605 0109  
K45 02605 0110  
K45 02605 0111  
K45 02605 0116  
K45 02605 0122  
K45 02605 0125  
K45 02605 0126  
K45 02605 0127  
K45 02605 0129  
K45 02605 0130  
K45 02605 0131  
K45 02605 0132  
K45 02605 0133  
K45 02605 0134  
K45 02605 0135  
K45 02605 0136  
K45 02605 0137  
K45 02605 0138  
K45 02605 0140  
K45 02605 0141  
K45 02605 0142  
K45 02605 0144

**Whereas,** Light Source AL, Ltd., is under contract to provide, infrastructure, power and maintenance for the Austin Landing Lighting District; and

**Whereas,** the Austin Landing Lighting District has added lights to the existing contract per the agreement; and

**Whereas,** the Austin Landing Lighting District has been contracted; and


**Therefore Be It Resolved,** the Miami Township Board of Trustees, Miami Township, Montgomery County, State of Ohio:


“that in order to pay for the costs and expenses of furnishing and maintaining the street lights for said unincorporated district under said contract, and the proceedings in relation thereof, there is hereby levied and specially assessed on benefit basis, against the following lots and each of them in said contract, the amount as noted per parcel below:

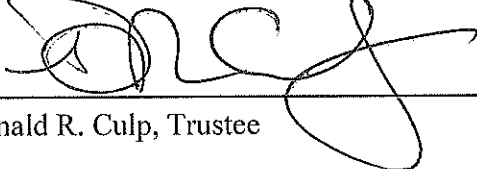
K45 02606 0091	\$ 255.10
K45 02605 0065	\$ 33,777.27
K45 02605 0084	\$ 2,375.54
K45 02605 0090	\$ 10,900.61
K45 02605 0091	\$ 17,273.21
K45 02605 0093	\$ 6,794.68
K45 02605 0094	\$ 8,585.06
K45 50715 0094	\$ 16,478.60
K45 02605 0097	\$ 12,858.95
K45 02605 0101	\$ 24,426.02
K45 02605 0103	\$ 32,558.95
K45 02605 0108	\$ 19,224.98
K45 02605 0109	\$ 7,980.01
K45 02605 0110	\$ 1,636.87
K45 02605 0111	\$ 1,301.59
K45 02605 0116	\$ 13,570.85
K45 02605 0122	\$ 1,552.26
K45 02605 0125	\$ 7,400.03
K45 02605 0126	\$ 6,190.87
K45 02605 0127	\$ 4,781.18
K45 02605 0129	\$ 4,810.94
K45 02605 0130	\$ 9,683.93
K45 02605 0131	\$ 1,333.87
K45 02605 0132	\$ 1,072.54
K45 02605 0133	\$ 2,534.25

K45 02605 0134	\$ 3,011.46
K45 02605 0135	\$ 1,616.50
K45 02605 0136	\$ 2,583.77
K45 02605 0137	\$ 827.52
K45 02605 0138	\$ 807.46
K45 02605 0140	\$ 1,241.44
K45 02605 0141	\$ 2,456.23
K45 02605 0142	\$ 3,522.52
K45 02605 0144	\$ 4,073.35
K45 02605 0145	\$ 3,203.85
K45 02605 0146	\$ 16,699.81

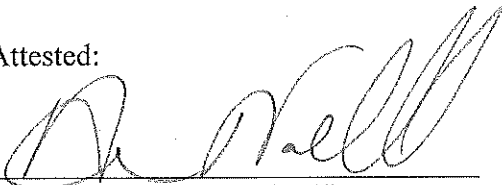
subject to the contracted agreement.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_  
Aaron J. Newell, Fiscal Officer  
Passed: August 27, 2019

**RESOLUTION #051-2019**

**RESOLUTION TO AUTHORIZE THE TOWNSHIP ADMINISTRATOR  
TO ENTER INTO AN AGREEMENT WITH MONTGOMERY COUNTY  
INTERGOVERNMENTAL WASTE SERVICES**

**Whereas,** the Montgomery County Solid Waste District has completed its updates to the previous 1985 Waste Delivery and Disposal Agreement; and

**Whereas,** the Plan furthers the public interest; and

**Whereas,** Miami Township desires to approve the revised Montgomery County Intergovernmental Waste Services Agreement, copy appended hereto as Exhibit A, and authorize the Township Administrator to sign same on behalf of Miami Township; and

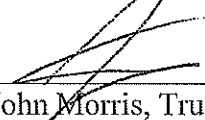
**Therefore Be It Resolved,** by the Board of Township Trustees of Miami Township, Montgomery County, Ohio, that:

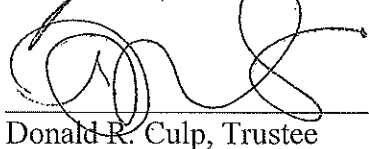
Section 1. The Township Administrator is authorized to take such actions, or to cause such actions to be taken, on behalf of the Board, including signing agreements or other instruments contemplated by this Resolution, or deemed necessary or appropriate by the Board, in order to accomplish the purposes of this Resolution.

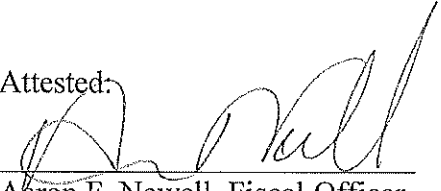
Section 2. This Board finds and determines that all formal actions of this Board and any of its committees concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board or its committees and that all deliberations of this Board and any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 3. Upon adoption, this Resolution shall take effect immediately.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:  
  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer  
Passed: September 10, 2019  
RLH:sld


**RESOLUTION #052-2019**

**RESOLUTION TO APPOINT MIAMI TOWNSHIP-DAYTON JOINT  
ECONOMIC DEVELOPMENT DISTRICT BOARD MEMBER**

- Whereas,** the Miami Township Board of Trustees approved a Joint Economic Development District (JEDD) with Resolution #135-2005; and
- Whereas,** under the approved contract the Miami Township Board of Trustees is responsible for appointing a member to the Miami Township-Dayton Joint Economic Development District; and
- Whereas,** Chris Snyder was appointed on March 26, 2013 to represent Miami Township on the Miami Township-Dayton JEDD Board pursuant to ORC Section 715.72 (P) (1) (b) and has served two consecutive terms which will expire on September 12, 2019; and
- Whereas,** it is the recommendation of the Township Administrator to appoint Ronald Hess to represent the township on the Miami Township-Dayton JEDD Board; and
- Therefore Be It Resolved,** the Miami Township Board of Trustees appoints Ronald Hess to represent Miami Township on the Miami Township-Dayton JEDD Board, as required by contract, effective September 13, 2019.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: September 10, 2019

RLH:sld

**RESOLUTION #053-2019**

**RESOLUTION TO ACCEPT THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZE THE NECESSARY TAX LEVIES AND CERTIFY THEM TO THE COUNTY AUDITOR**

**Whereas,** the Board of Trustees of Miami Township, in accordance with the provisions of law, has previously adopted Tax Rates for the next succeeding fiscal year commencing January 1, 2020; and

**Whereas,** the Budget Commission of Montgomery County, Ohio, has certified its action thereon to this Board, together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Board, and what part thereof is without, and what part within, the ten mill tax limitation; and

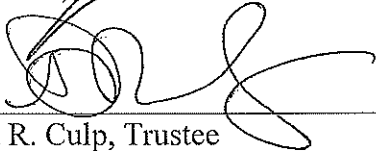
**Therefore Be It Resolved,** by the Board of Trustees of Miami Township, Montgomery County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and

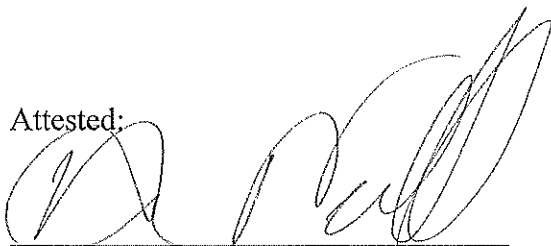
**Be It Further Resolved,** that there be and is hereby levied on the tax duplicate of said Township, the rate of each tax necessary to be levied within and without the ten mill limitation, as listed on the attached documents; and

**Be It Further Resolved,** the Fiscal Officer of this Board be and is hereby directed to certify a copy of this Resolution to the County Auditor of Montgomery County.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:  
  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer  
Passed: September 10, 2019  
RLH/ccm

**RESOLUTION #054-2019**

**RESOLUTION TO ADOPT A ZONING MAP AMENDMENT FROM "O-1" ARCHITECTURALLY PRESERVED OFFICE DISTRICT TO "PD-5" PLANNED MIXED-USE DISTRICT FOR THE MAD RIVER CORNER RETAIL PLANNED DEVELOPMENT UNDER ZONING CASE #439-19 AND ADOPTION OF A PRELIMINARY DEVELOPMENT PLAN AND DEVELOPMENT STANDARDS**

**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, September 10, 2019; and

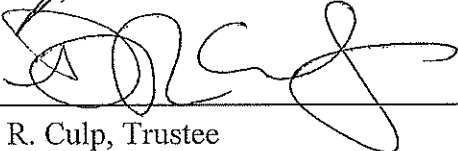
**Whereas,** Zoning Case #439-19, filed by Thomas English Retail Real Estate, proposes a rezoning from the "O-1" Architecturally Preserved Office District to the "PD-5" Planned Mixed-Use District for the Mad River Corner Retail Planned Development and adoption of a preliminary development plan and development standards; and

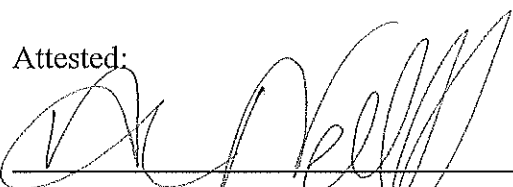
**Whereas,** the Trustees reviewed said Zoning Case in a Public Hearing; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees approves the Zoning Map Amendment and Preliminary Development Plan under Zoning Case #439-19 and upholds the Zoning Commission recommendation.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:  
  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer  
Passed: September 10, 2019  
RLH:nsc

RESOLUTION # 055-2019

**RESOLUTION TO ADOPT A FINAL DEVELOPMENT PLAN FOR  
THE AIRPORT PLANNED DEVELOPMENT UNDER ZONING CASE  
#434-18, FOR LANDS ZONED "PD-5", PLANNED MIXED-USE  
DISTRICT**

**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, September 24, 2019; and

**Whereas,** Zoning Case #434-18, filed by William J. Leff, proposes a final development plan for the Airport Planned Development, "PD-5" Planned Mixed-Use District; and

**Whereas,** the Trustees reviewed said Zoning Case in a Public Hearing; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees approve  
the Final Development Plan under Zoning Case #434-18 and  
uphold the Zoning Commission recommendation.

absent  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

[Signature]  
\_\_\_\_\_  
John Morris, Trustee Vice President

[Signature]  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:  
[Signature]

Aaron F. Newell, Fiscal Officer  
Passed: September 24, 2019

**RESOLUTION # 056-2019**

**RESOLUTION TO ADOPT A FINAL DEVELOPMENT PLAN FOR  
THE MAD RIVER CORNER RETAIL PLANNED DEVELOPMENT  
UNDER ZONING CASE #439-19 AND FOR LANDS ZONED "PD-5"  
PLANNED MIXED-USE**

**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, September 24, 2019; and

**Whereas,** Zoning Case #439-19, filed by Thomas English Retail Real Estate, proposes a final development plan for the Mad River Corner Retail Planned Development; and

**Whereas,** the Trustees reviewed said Zoning Case in a Public Hearing; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees approves  
the Final Development Plan under Zoning Case #439-19 and  
upholds the Zoning Commission recommendation.

absent  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

[Signature]  
\_\_\_\_\_  
John Morris, Trustee Vice-President

[Signature]  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:  
[Signature]  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer  
Passed: September 24, 2019

## RESOLUTION #057-2019

### RESOLUTION TO ADOPT A FINAL DEVELOPMENT PLAN FOR THE VIENNA CENTER PLANNED DEVELOPMENT UNDER ZONING CASE #271-94, FOR LANDS ZONED "PD-3", PLANNED BUSINESS DISTRICT

**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, September 24, 2019; and

**Whereas,** Zoning Case #271-94, filed by the Miami Township Community Improvement Corporation proposes a final development plan for the Vienna Center Planned Development, "PD-3" Planned Business District; and

**Whereas,** the Trustees reviewed said Zoning Case in a Public Hearing; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees **APPROVE** the Final Development Plan under Zoning Case #271-94 and **MODIFY** the Zoning Commission recommendation as follows:

1. The roadway and landscape design may be modified by Staff to accommodate any changes required by the Ohio Department of Transportation or Montgomery County Engineer's Office or to provide for coordination with the Lot 3A retaining wall.
2. Not open until Mad River Road is open to Alex Bell.
3. Within 6 months but not at least 30 days following the completion of Vienna Parkway and the opening of the road to the traveling public, a traffic analysis will be performed to collect the post construction traffic volume and speed data for comparison against the pre-construction data that was previously reported in the Vienna Parkway Traffic calming study performed by LJB.
4. The township evaluates methods to restrict commercial truck traffic who may use Vienna Parkway as a through roadway.

SIGNATURE PAGE ONLY FOR #057-2019

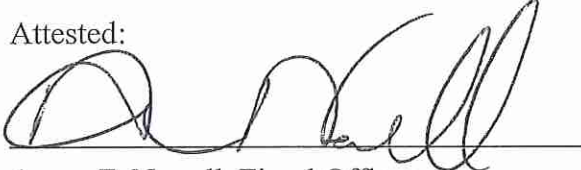
ABSENT

\_\_\_\_\_  
Douglas J. Barry, Trustee President

\_\_\_\_\_  
John Morris, Trustee Vice President

\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer  
Passed: September 24, 2019

**RESOLUTION #058-2019**

**RESOLUTION TO DECLARE CERTAIN TOWNSHIP ARTICLES AS SURPLUS PROPERTY AND AUTHORIZE THE SALE OR DISPOSAL OF SAID PROPERTY**

- Whereas,** the Ohio Revised Code, Section 505.10, establishes procedures by which the Township can sell, trade-in or dispose of Township owned articles; and
- Whereas,** regulations are being followed in accordance with the Ohio Revised Code; and
- Whereas,** the Public Works Department has a list of articles which are no longer needed, broken and/or worn out and beyond useful purpose; and

**Therefore Be It Resolved,** in accordance with the Ohio Revised Code, Section 505.10, the Miami Township Board of Trustees declares the attached list of articles as surplus property to be disposed of, sold, or traded-in and removed from the Public Works Department inventories.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:



Aaron F. Newell, Fiscal Officer

Passed: October 8, 2019

RLH:nsc

**RESOLUTION # 059-2019**

**RESOLUTION TO ADOPT A TEXT AMENDMENT TO THE MIAMI  
TOWNSHIP ZONING RESOLUTION**

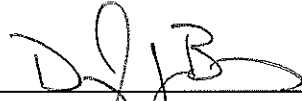
**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, October 8, 2019; and

**Whereas,** Zoning Case #440-19, filed by the Miami Township Zoning Commission, proposes amendment to Article 7 of the Miami Township Zoning Resolution; and


**Whereas,** the Zoning Commission has made a recommendation; and

**Whereas,** the Trustees reviewed said Zoning Case in a Public Hearing; and

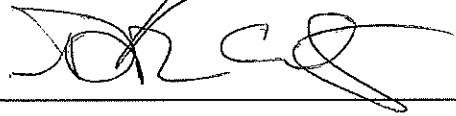
**Therefore Be It Resolved,** the Miami Township Board of Trustees approve the Text Amendment to the Miami Township Zoning Resolution under Zoning Case #440-19 and uphold the Zoning Commission recommendation.



\_\_\_\_\_  
Douglas J. Barry, Trustee President



\_\_\_\_\_  
John Morris, Trustee Vice President



\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:



\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: October 8, 2019

RLH:nsc

**RESOLUTION # 060-2019**

**RESOLUTION TO ADOPT A TEXT AMENDMENT TO THE MIAMI TOWNSHIP ZONING RESOLUTION**

**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, October 8, 2019; and

**Whereas,** Zoning Case #441-19, filed by the Miami Township Zoning Commission, proposes amendment to Articles 5, 31, 32, 32-A, 33, 34, 35, and 35-A of the Miami Township Zoning Resolution; and

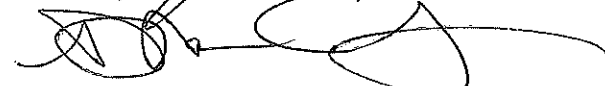
**Whereas,** the Zoning Commission has made a recommendation; and

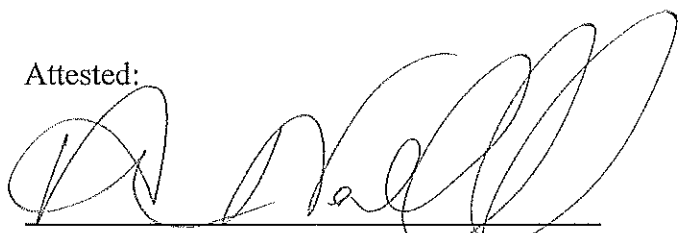
**Whereas,** the Trustees reviewed said Zoning Case in a Public Hearing; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees approve the Text Amendment to the Miami Township Zoning Resolution under Zoning Case #441-19 and uphold the Zoning Commission recommendation.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:  
  
\_\_\_\_\_  
Aaron F Newell, Fiscal Officer  
Passed: October 8, 2019  
RLH:nsc

**RESOLUTION #061-2019**

**RESOLUTION TO AMEND RESOLUTION #71-99 TO CREATE A  
PARKING VIOLATIONS BUREAU AND CREATE THE POSITIONS  
OF VIOLATIONS CLERK AND HEARING EXAMINER**

**Whereas,** on June 2, 1999, the Miamisburg Municipal Court approved the request of the Miami Township Board of Trustees to create a Parking Violations Bureau; and

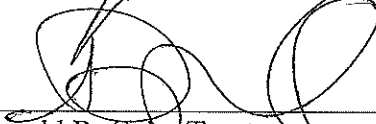
**Whereas,** on June 16, 1999, the Miami Township Board of Trustees adopted noncriminal offense parking violations by passage of resolution # 71-99; and

**Whereas,** The Miami Township Board of Trustees finds that, in order to protect the public health, safety and welfare, it is necessary to amend the regulations governing non-criminal parking violations; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees, pursuant to Ohio Revised Code Sections 505.17 and Ohio Revised Code Chapter 4521, hereby amends Resolution #71-99 and adopts the attached noncriminal parking infraction violations, which shall not be considered a criminal offense and for which no person shall be arrested for a violation.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer

Passed: October 22, 2019

RLH:nsc

**RESOLUTION #062-2019**

**RESOLUTION TO AUTHORIZE AN AGREEMENT BETWEEN THE CITY OF DAYTON AND THE MIAMI TOWNSHIP BOARD OF TRUSTEES TO ALLOW THE MIAMI TOWNSHIP POLICE DEPARTMENT TO PARTICIPATE IN THE OVI COUNTYWIDE TASK FORCE FOR 2019/2020**


**Whereas,** the City of Dayton (Lead Agency) and the Miami Township Board of Trustees desire to enter into an agreement to allow the Miami Township Police Department to participate in the OVI Countywide Task Force and receive reimbursement for overtime hours worked plus benefits; and

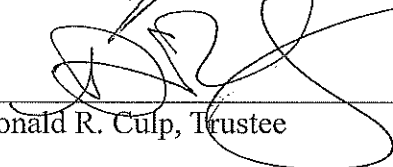
**Whereas,** Miami Township is authorized by the Ohio Revised Code to enter into contractual agreements with other governmental agencies for the purpose of creating task force solutions to community problems and receiving reimbursement from grants for actual expenses incurred while participating in the task force; and

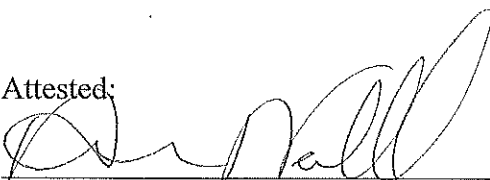
**Whereas,** the Chief of Police is satisfied that participation in the OVI Countywide Task Force is in the best interest of the Miami Township Police Department and the citizens of Miami Township and Montgomery County; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees approve entering into an agreement with the City of Dayton (Lead Agency) that will allow the Miami Township Police Department to participate in the OVI Countywide Task Force effective October 22, 2019 for 2019/2020 (Agreement attached.)

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:  
  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer  
Passed: October 22, 2019  
RLH:nsc

**RESOLUTION #063-2019**

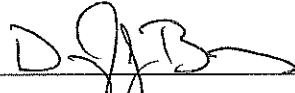
**RESOLUTION TO AUTHORIZE THE TOWNSHIP ADMINISTRATOR TO EXECUTE A FIRST AMENDMENT TO A LETTER OF INTENT CONTEMPLATING THE CONVEYANCE OF REAL ESTATE TO THE MIAMI TOWNSHIP COMMUNITY IMPROVEMENT CORPORATION FOR ITS SUBSEQUENT SALE TO DILLIN, LLC**

- Whereas,** Miami Township owns certain land identified as Parcel Identification No. K45 02605 0015, K45 02605 0015, and K45 02605 0064; and
- Whereas,** Miami Township and Dillin, LLC entered into a Letter of Intent to purchase approximately 41 +/- acres of said real estate dated April 19, 2019; and
- Whereas,** Miami Township and Dillin, LLC desire to enter into a First Amendment to the LOI; and
- Whereas,** the Board of Trustees has reviewed said request and determined it to be in the public interest to enter into a First Amendment; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees:

- Section 1.** The Board hereby authorizes and directs the Township Administrator to execute and deliver for and on behalf of the Township, a First Amendment to a Letter of Intent substantially in the form presently on file with the Township and attached hereto, with such changes thereto as may be approved by the Law Director of the Township and the Township Administrator executing the Agreement, the execution of which shall be prima facie evidence of such Township official's approval of the form of such Agreement.
- Section 2.** The Board finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution, and that all deliberations of this Board that resulted in those formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.
- Section 3.** This Resolution shall take effect immediately upon its adoption.

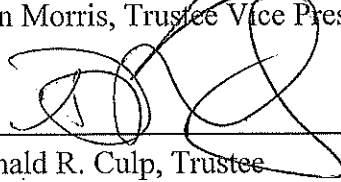
**SIGNATURE PAGE ONLY FOR RESOLUTION #063-2019**



\_\_\_\_\_  
Douglas J. Barry, Trustee President

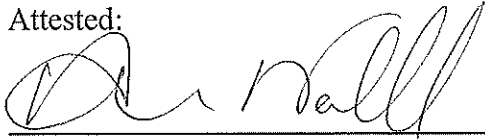


\_\_\_\_\_  
John Morris, Trustee Vice President



\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:



\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: October 22, 2019

RLH:nsc

**RESOLUTION #064-2019**

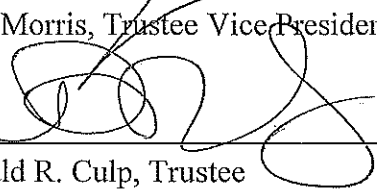
**RESOLUTION TO AUTHORIZE THE TOWNSHIP'S PARTICIPATION  
IN AN ED/GE APPLICATION**

- Whereas,** the Miami Township Board of Trustees has determined that a need exists to assist in attracting a potential tenant to reactivate an existing production facility located in Miami Township and Montgomery County at 8821 Washington Church Road, generating new jobs for Montgomery County; and
- Whereas,** the existing facility is currently underutilized, and the prospect is in a period of rapid growth potential and seeking to expand its current operations; and
- Whereas,** the prospect provides the opportunity to bring new, highly skilled jobs to Montgomery County; and
- Whereas,** there is a need for assistance with infrastructure improvements in support of the reactivation of the manufacturing capabilities of the facility; and
- Whereas,** the Montgomery County ED/GE program has been identified as an appropriate source of grant monies to pay a portion of infrastructure expenses; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees authorizes the Township Administrator to submit an ED/GE application for the fall 2019 ED/GE funding cycle for Project VOLTA.

  
\_\_\_\_\_  
Douglas J. Barty, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer

Passed: October 22, 2019

RLH:nsc

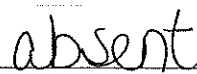
**RESOLUTION #065-2019**

**RESOLUTION OF CONCURRENCE WITH DAYTON CITY  
COMMISSION APPOINTMENT TO THE MIAMI TOWNSHIP-DAYTON  
JOINT ECONOMIC DEVELOPMENT DISTRICT (JEDD)**


- Whereas,** the City of Dayton and the Township of Miami, entered into a Joint Economic Development District (JEDD) contract on July 12, 2005; and
- Whereas,** the Joint Economic Development District Board is made up of five members; and
- Whereas,** Miami Township is required, by contract, to concur with appointees by the Dayton City Commission; and
- Whereas,** the Dayton City Commission appointed Mike Cross to fill the unexpired term of Terrence Slaybaugh representing the businesses in the District of the Miami Township-Dayton JEDD Board with a term ending September 20, 2020; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees concurs with the Dayton City Commission's appointment of Mike Cross to the Miami Township-Dayton Joint Economic Development District.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

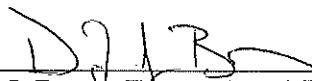
Attested:  
  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer  
Passed: November 12, 2019  
RLH:emp

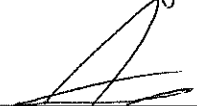
**RESOLUTION #066-2019**

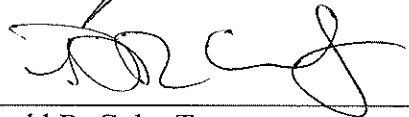
**RESOLUTION TO AUTHORIZE THE TOWNSHIP ADMINISTRATOR TO ENTER INTO A RENTAL SERVICE AGREEMENT WITH CINTAS**

- Whereas,** Miami Township has a need for uniform, towel and floor mat rental services; and
- Whereas,** Cintas is both experienced and qualified to provide this rental service, which includes pickup, cleaning and delivery of floor mats, shop towels and uniforms, on a weekly basis; and
- Whereas,** the rental agreement pricing structure for Miami Township will be through the Omnia Partners (US Communities) Public Sector Contract R-BB-19002; and
- Whereas,** the agreement shall be in effect for 36 consecutive months, from the date of approval; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees authorizes the Township Administrator to enter into an agreement with Cintas for uniform, towels and floor mat rental services, effective immediately.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: November 26, 2019

RLH:nsc

**RESOLUTION #067-2019**

**RESOLUTION TO APPROVE AN AMENDED APPROPRIATION OF FUNDS FOR 2019**

**Whereas,** the annual appropriations for 2019 are to provide for expenditures during fiscal year ending December 31, 2019; and

**Whereas,** the Miami Township Community Development Corporation contributed \$300,000 to the Road and Bridge Fund (Fund #204); and

**Whereas,** the Public Works Department has identified capital improvement and equipment needs; and

**Whereas,** it is necessary to amend the appropriation of funds for Miami Township.


**Therefore, Be It Resolved,** the Miami Township Board of Trustees appropriates an additional \$300,000 for the Road and Bridge Fund and authorizes the Finance Director to communicate the amended appropriation to the Montgomery County Auditor.



\_\_\_\_\_  
Douglas J. Barry, Trustee President



\_\_\_\_\_  
John Morris, Trustee Vice President



\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:



\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: November 26, 2019


RLH:nsc


**RESOLUTION #068-2019**

**RESOLUTION TO APPOINT TOWNSHIP REPRESENTATIVES TO THE  
MIAMI VALLEY REGIONAL PLANNING COMMISSION BOARD OF  
DIRECTORS**

- Whereas,** Miami Township is a member of the Miami Valley Regional Planning Commission (MVRPC); and
- Whereas,** there is a need to appoint Miami Township representatives to the MVRPC Board of Directors; and
- Whereas,** John Morris and Ronald Hess have expressed a desire to serve as township representatives on the MVRPC Board of Directors; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees appoints John Morris to serve as the primary representative and Ronald Hess to serve as the alternate representative to the MVRPC Board of Directors with terms ending on December 31, 2021.

  
\_\_\_\_\_  
John Morris, Trustee President

  
\_\_\_\_\_  
Douglas J. Barry, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: December 10, 2019


RLH:emp


**RESOLUTION #069-2019**

**RESOLUTION TO APPOINT TOWNSHIP REPRESENTATIVES TO  
THE MIAMI VALLEY REGIONAL PLANNING COMMISSION  
TECHNICAL ADVISORY COMMITTEE**

- Whereas,** Miami Township is a member of the Miami Valley Regional Planning Commission (MVRPC); and
- Whereas,** there is a need to reappoint Miami Township representatives to the MVRPC Technical Advisory Committee; and
- Whereas,** Christopher E. Snyder and Daniel Mayberry currently serve as township representatives on the MVRPC Technical Advisory Committee with terms of office ending on December 31, 2019; and
- Whereas,** Christopher E. Snyder and Daniel Mayberry have expressed a desire to continue to serve as township representatives on the MVRPC Technical Advisory Committee; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees appoints Christopher E. Snyder to serve as the primary representative and Daniel Mayberry to serve as the alternate representative to the MVRPC Technical Advisory Committee with terms ending on December 31, 2021.

  
\_\_\_\_\_  
John Morris, Trustee President

  
\_\_\_\_\_  
Douglas J. Barry, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: December 10, 2019

RLH:emp


**RESOLUTION #070-2019**


**RESOLUTION TO APPOINT A  
ZONING COMMISSION REGULAR MEMBER**

- Whereas,** the Zoning Commission is made up of five regular members and two alternate members; and
- Whereas,** Cynthia Griffin's term of office expires December 31, 2022; and
- Whereas,** Cynthia Griffin has requested to resign from the Zoning Commission after serving the community for over twenty years, leaving a vacancy on the Commission; and
- Whereas,** Amy Jauch has served on the Miami Township Zoning Commission as an alternate member since 2019 and has expressed interest in the Zoning Commission vacancy; and

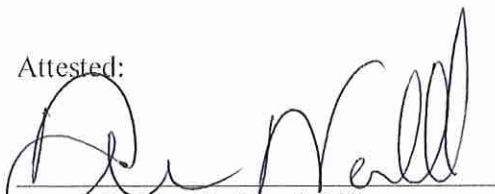
**Therefore Be It Resolved,** the Miami Township Board of Trustees appoints Amy Jauch to serve on the Zoning Commission to complete a term that ends on December 31, 2022.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: December 10, 2019

**RESOLUTION #071-2019**

**RESOLUTION TO REAPPOINT A  
ZONING COMMISSION REGULAR MEMBER**

**Whereas,** the Zoning Commission is made up of five regular members and two alternates; and

**Whereas,** John Barber's term of office expires December 31, 2019; and

**Whereas,** Mr. Barber has expressed a desire to continue to serve on the commission; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees reappoints John Barber to serve on the Zoning Commission for a term of five (5) years ending on December 31, 2024.



\_\_\_\_\_  
Douglas J. Barry, Trustee President

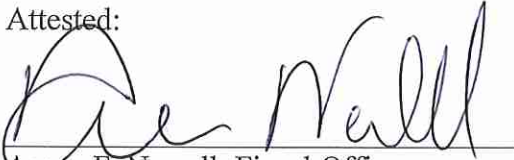


\_\_\_\_\_  
John Morris, Trustee Vice President



\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:



\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: December 10, 2019

**RESOLUTION #072-2019**

**RESOLUTION TO REAPPOINT A  
BOARD OF ZONING APPEALS MEMBER**

**Whereas,** the Board of Zoning Appeals is made up of five regular members and two alternates; and

**Whereas,** Fred Sinder's term of office expires December 31, 2019; and

**Whereas,** Mr. Sinder has expressed a desire to continue to serve on the Board; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees reappoints Fred Sinder to serve on the Board of Zoning Appeals for a term of five (5) years ending on December 31, 2024.



\_\_\_\_\_  
Douglas J. Barry, Trustee President




\_\_\_\_\_  
John Morris, Trustee Vice President



\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:



\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: December 10, 2019

**RESOLUTION #073-2019**

**RESOLUTION TO APPOINT A  
ZONING COMMISSION ALTERNATE MEMBER**

**Whereas,** the Zoning Commission is made up of five regular members and two alternates; and


**Whereas,** Currently an alternate position on the Zoning Commission is vacant; and


**Whereas,** John Michael Gomez has requested to serve as one of the alternate members on the Zoning Commission and has provided resume to the Board for consideration; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees appoints John Michael Gomez to serve on the Zoning Commission as the first alternate member for a term of one (1) year ending on December 31, 2020, pending completion of a background check.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:  
  
\_\_\_\_\_  
Aaron J. Newell, Fiscal Officer  
Passed: December 10, 2019

**RESOLUTION #074-2019**

**RESOLUTION TO APPOINT A  
ZONING COMMISSION ALTERNATE MEMBER**


**Whereas,** the Zoning Commission is made up of five regular members and two alternates; and


**Whereas,** Currently an alternate position on the Zoning Commission is vacant; and

**Whereas,** Tommy Davis Lewis has requested to serve as one of the alternate members on the Zoning Commission and has provided resume to the Board for consideration; and


**Therefore Be It Resolved,** the Miami Township Board of Trustees appoints Tommy Davis Lewis to serve on the Zoning Commission as the second alternate member for a term of one (1) year ending on December 31, 2020, pending completion of a background check.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_  
Aaron J. Newell, Fiscal Officer  
Passed: December 10, 2019

**RESOLUTION #075-2019**

**RESOLUTION TO REAPPOINT A  
BOARD OF ZONING APPEALS ALTERNATE MEMBER**


**Whereas,** the Board of Zoning Appeals is made up of five regular members and one alternate; and


**Whereas,** As the alternate member, Glen Zink's term of office expires December 31, 2019; and

**Whereas,** Mr. Zink has expressed a desire to continue to serve on the commission; and

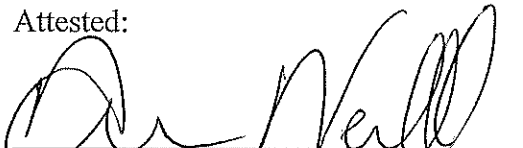
**Therefore Be It Resolved,** the Miami Township Board of Trustees reappoints Glenn Zink to serve on the Board of Zoning Appeals as an alternate member for a term of one (1) year ending on December 31, 2020.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_  
Aaron J. Newell, Fiscal Officer

Passed: December 10, 2019

## RESOLUTION #076-2019

### RESOLUTION TO APPROVE THE ACCEPTANCE OF PAYMENTS BY FINANCIAL TRANSACTION DEVICES FOR TOWNSHIP EXPENSES

- Whereas,** The Miami Township Board of Trustees has determined the acceptance from the public of payment for Township expenses by financial transaction will contribute to the health, safety, and welfare of Miami Township residents; and
- Whereas,** Townships have the ability to authorize the acceptance of payments by financial transaction devices for Township Expenses per R.C.503.55; and
- Whereas,** This includes a credit card, debit card, charge card, prepaid or stored value card or automated clearinghouse network credit, debit, or e-check entry; and

#### **THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF MIAMI TOWNSHIP, STATE OF OHIO:**

- Section 1: The Board does hereby authorize the acceptance of payments by "financial transaction devices," as defined in R.C.503.55(A)(1), for Township expenses in the exercise of their discretion set forth in this Resolution, pursuant to R.C.503.55.
- Section 2: The Board does hereby authorize the following Miami Township Departments, to accept payments by financial transaction devices, if they so choose: Administrative, Community Development, and Finance Departments.
- Section 3: The Board does hereby authorize any expense considered to be a "township expense" under R.C.503.55 including, but not limited to fees, costs, assessments, fines, penalties, payments, or any other expense a person owes or otherwise pays to a township to be paid by means of a financial transaction device.
- Section 4: The Board does hereby authorize the following types of financial transaction devices to be accepted, upon the condition that an agreement setting forth the terms and conditions for payment using such financial transaction device is entered into with the issuing financial institution: MasterCard, Visa, American Express, or Discover Card (Credit or Debit cards); and electronic checks.

- Section 5: This Resolution expressly recognizes that each Township Department shall be free to establish which financial transaction devices the Department will honor and that the acceptance of financial transaction devices need not be uniform among different types of Township expenses.
- Section 6: The Board does hereby authorize a surcharge or convenience fee to be charged for use of a financial transaction device. The amount authorized as a surcharge or convenience fee shall be determined by the Board after selection of a financial institution to facilitate the Township's financial transaction devices program.
- Section 7: Township Departments accepting payment by financial transaction devices shall comply with the requirements of R.C.503.55 regarding notice to customers. Uniform application of surcharge or convenience fees among different types of Township expenses is not required.
- Section 8: The Board does hereby designate the Fiscal Officer as administrative agent to solicit proposals, within the guidelines established by the Board in this Resolution and in compliance with the procedures provided by R.C. 503.55, to make recommendations about those proposals to the Board, and to assist all Township Departments in implementing the Township's financial transaction devices program.
- Section 9: The Board does hereby instruct its Fiscal Officer to send a copy of this Resolution to each Township Department identified in this Resolution as a department which may accept payment by financial transaction device.
- Section 10: The Board thereby further notifies such Department that each Township Department which intends to accept payments by financial transaction device shall provide written notification to the Board of the Department's intent to implement this Resolution.
- Section 11: The Board hereby dispenses with the requirement that this Resolution be read on two separate days, pursuant to R.C. 504.10, and authorizes the adoption of this Resolution upon its first reading.
- Section 12: That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code.
- Section 13: This resolution shall take effect at the earliest period allowed by law.

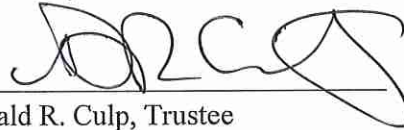
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\_\_\_\_\_  
Douglas J. Barry, Trustee President

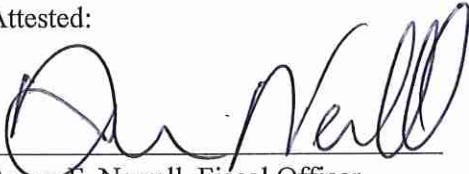


\_\_\_\_\_  
John Morris, Trustee Vice President



\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:



\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: 10 December 2019

RLH: bms

## RESOLUTION #077-2019

### RESOLUTION TO ESTABLISH RESERVE BALANCE ACCOUNTS AUTHORIZED BY REVISED CODE SECTIONS 5705.13 and 5705.132

**Whereas,** Ohio Revised Code Sections 5705.13 and 5705.132 allows jurisdictions to establish reserve balance accounts, special revenue funds for deferred benefits payments, and capital reserve funds that can help local entities facilitate financial risk management efforts against cyclical changes in revenue and expenses; and

**Whereas,** Miami Township wishes to establish adequate reserves to mitigate financial risk and achieve long-term goals;

**Whereas,** Miami Township has maintained budget stabilization funds for many years as part of its financial risk management efforts; and

**Whereas,** Miami Township needs to re-establish these funds consistent with current Revised Code requirements;

**Therefore, Be It Resolved,** the Board of Trustees of Miami Township, Montgomery County, Ohio, authorizes the following actions effective immediately:

Section 1: Transfer the balances in the following funds back to the originating parent fund as follows: Fund #191 to the General Fund (#101); Fund #290 to the Fire Fund (#210); Fund #294 to the Road & Bridge Fund (#204); Fund #299 to the Police Fund (#209); and

Section 2: Establish the following Budget Stabilization Funds as authorized and in accordance with Revised Code 5705.13(A): Fund #191 – Budget Stabilization Fund-General; Fund #294 – Budget Stabilization Fund-Road & Bridge; Fund #299 – Budget Stabilization Fund-Police; and Fund #290 Budget Stabilization-Fire; and

Section 3: Transfer the balances into the new Budget Stabilization Funds as follows: no more than \$136,228 from Fund #101 – General Fund to Fund #191 – Budget Stabilization Fund-General; no more than \$79,073 from Fund #204 – Road & Bridge Fund to Fund #294 – Budget Stabilization Fund-Road & Bridge; no more than \$305,512 from Fund #209 – Police Fund to Fund #299 – Budget Stabilization Fund-Police; and no more than \$209,124 from the Fund #210 Fire Fund to Fund #290 – Budget Stabilization Fund-Fire; and

Section 3: Establish the following Deferred Benefits reserve funds as authorized by and in accordance with Revised Code 5705.13(B); Fund #351 – Deferred Benefits

Fund-General; Fund #354 – Deferred Benefits Fund-Road & Bridge; Fund #359 – Deferred Benefits Fund-Police; and Fund #360 – Deferred Benefits-Fire; and

Section 4: Transfer \$325,000 from Fund #210 – Fire Fund to Fund #360 – Deferred Benefits Fund-Fire; and

Section 5: Establish the following Capital Projects reserve funds as authorized by and in accordance with Revised Code 5705.13(C): Fund #301 – Capital Projects Fund-General; #304 – Capital Projects Fund-Road & Bridge; Fund #309 – Capital Projects Fund-Police; and Fund #310 – Capital Projects Fund-Fire; and

Section 6: Transfer no more than \$1,575,862 from Fund #101 – General Fund to Fund #301 – Capital Projects Fund-General; no more than \$683,064 from Fund #204 – Road & Bridge Fund to Fund #304 – Capital Projects Fund-Road & Bridge; and no more than \$368,811 from the Fire Fund (#210) to the Capital Projects Fund-Fire; and

Section 7: Establish the following Service Interruption Reserve Funds as authorized by and in accordance with Revised Code 5705.132: Fund #391 – Service Interruption Reserve Fund-General; Fund #394 – Service Reserve Fund-Road & Bridge; and Fund #399 – Service Interruption Reserve Fund-Police for potential mandatory employer pension contributions resulting from service interruption requests for actively deployed township employees; and

Section 8: Transfer \$88,566 from the General Fund (#101) to Fund #391 – Service Interruption Reserve Fund-General to reflect potential employer contribution for township employees currently deployed and eligible for service interruption contributions.

  
\_\_\_\_\_  
Douglas J. Barty, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: December 10, 2019

**RESOLUTION #078-2019**

**RESOLUTION TO AUTHORIZE CONTINUED OPERATIONS  
IN CALENDAR YEAR 2020**

**Whereas,** the day-to-day operations of the Township government functioned well in 2019 with dedicated and conscientious employees whose purpose was to provide the best possible services to the residents, businesses, and visitors in Miami Township; and

**Whereas,** all departments - Administration, Community Development, Compliance, Finance, Police, and Public Works are functioning in a responsive, organized and efficient manner under the direction of the Township Administrator and the Department Heads;

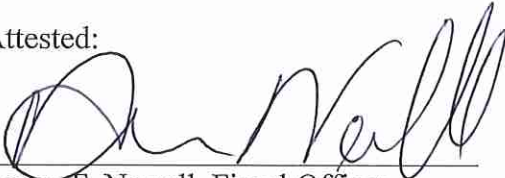
**Therefore, Be It Resolved,** the Board of Trustees of Miami Township, Montgomery County, Ohio, authorizes continued operations for all departments to operate under the enacted management program for calendar year 2020.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer

Passed: December 10, 2019

**RESOLUTION #079-2019**

**RESOLUTION TO REQUEST TAX ADVANCES FROM THE  
MONTGOMERY COUNTY AUDITOR IN FISCAL YEAR 2020**

**Whereas,** the Ohio Revised Code allows advancement of payments on taxes; and

**Whereas,** the tax bills will soon be sent out in Montgomery County; and

**Whereas,** Township residents will begin making payments upon receipt of these bills.

**Therefore, Be It Resolved,** the Miami Township Board of Trustees requests the Montgomery County Auditor pay monthly advances to Miami Township of collected taxes during 2019; and

**Be It Further Resolved,** the Miami Township Board of Trustees authorizes the Finance Director to complete the necessary paperwork.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:



Aaron F. Newell, Fiscal Officer

Passed: December 10, 2019

**RESOLUTION # 080-2019**

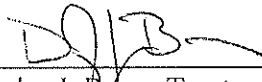
**RESOLUTION TO ADOPT A ZONING MAP AMENDMENT FROM "F" FLOOD PLAIN DISTRICT TO "R-3" SINGLE-FAMILY RESIDENTIAL DISTRICT UNDER ZONING CASE #442-19**

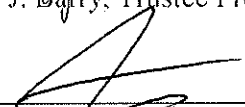
**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, December 10, 2019; and

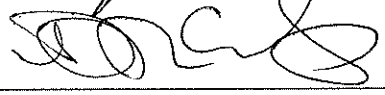
**Whereas,** Zoning Case #442-19, filed by John Wayne Powell, proposes a rezoning from the "F" Flood Plain District to the "R-3" Single Family Residential District; and

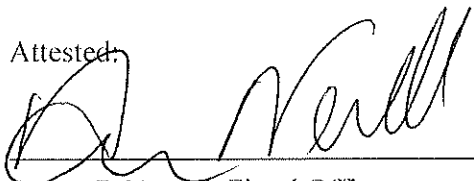
**Whereas,** the Trustees reviewed said Zoning Case in a Public Hearing; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees approve the Zoning Map Amendment under Zoning Case #442-19 and uphold the Zoning Commission recommendation.

  
\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:  
  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer  
Passed: December 10, 2019

**RESOLUTION #081-2019**

**RESOLUTION TO APPROVE AN AMENDED APPROPRIATION OF FUNDS FOR 2019**

**Whereas,** the annual appropriations for 2019 are to provide for expenditures for the fiscal year ending December 31, 2019; and

**Whereas,** it is necessary to amend the appropriation of funds for Miami Township; and

**Therefore Be It Resolved,** the Board of Trustees of Miami Township, Montgomery County, Ohio, amends the annual appropriations for 2019 and forwards the attached update to the Montgomery County Auditor.

\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer

Passed: December 17, 2019

RLH:bms

**RESOLUTION #082-2019**

**RESOLUTION TO APPROVE AN APPROPRIATION OF FUNDS FOR 2020**

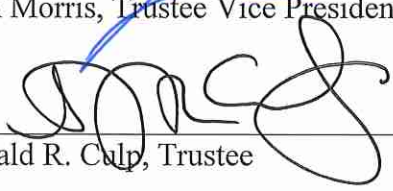
**Whereas,** the annual appropriations for 2020 are to provide for expenditures for the fiscal year ending December 31, 2020; and

**Whereas,** it is necessary to approve an appropriation of funds for Miami Township; and

**Therefore Be It Resolved,** the Board of Trustees of Miami Township, Montgomery County, Ohio, approves the annual appropriations for 2020 and forwards the attached copy to the Montgomery County Auditor.

\_\_\_\_\_  
Douglas J. Barry, Trustee President

  
\_\_\_\_\_  
John Morris, Trustee Vice President

  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer

Passed: December 17, 2019

RLH:bms