

Meeting Minutes of the Miami Township Board of Trustees  
Regular Meeting  
January 3, 2023

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**CALL TO ORDER**

Trustee President Terry Posey, Jr. called the Miami Township Board of Trustees Regular meeting to order on Tuesday, January 3, 2023, at 6:05PM and led in the reciting of the Pledge of Allegiance. Attendance was as follows:

<b>Elected Officials:</b>		Present	Absent
Terry Posey, Jr.	Trustee President	X	
John Morris	Trustee Vice-President	X	
Don Culp	Trustee	X	
<b>Township Staff:</b>			
Chris Snyder	Township Administrator	X	
Alex Carlson	Community Development Director	X	
Clay McCord	Finance Director	X	
John Schweickart	Public Works Director	X	
Charles Stieglmeyer	Police Chief	X	
Penny Bogner	Assistant Finance Director	X	

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**RECOGNITION OF FIRST RESPONDER CASUALTIES**

Chief Stieglmeyer read the First Responders Casualties for December 21, 2022 – January 2, 2023.

- **Deputy Sheriff Corey D. McElroy**, *Garrett County Sheriff's Office, MD*
- **K9 Jack**, *Los Angeles County Sheriff's Department, CA*
- **Corporal Ray Hamilton**, *Okaloosa County Sheriff's Office, FL*
- **Deputy Sheriff Isaiah Cordero**, *Riverside County Sheriff's Department, CA*

In recognition of these individuals, Trustee Posey Jr. asked everyone to join him in a moment of silence.

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**RECOGNITION OF GUESTS**

Trustee Posey, Jr. stated there were no guests or presentation.

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**BOARD OF TRUSTEES – APPOINTMENT OF FISCAL OFFICER**

- Trustee President Terry Posey, Jr. presented the following:
  - **Resolution #001-2023** to appoint a Fiscal Officer and consideration of vote.

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Trustee Morris motioned, and Trustee Posey, Jr. seconded the motion to approve Resolution 001-2023 to appoint Gregory Clingerman, Fiscal Officer for Miami Township.

Trustee Posey, Jr. called for any additional discussion. Trustee Posey, Jr. stated that all candidates brought something significant, and he encouraged them to continue participating in the Township and he looks forward to seeing them at future meetings. Mr. McCord called the roll and recorded the vote.

	Yes	No	Abstain
Trustee Posey, Jr.	X		
Trustee Morris	X		
Trustee Culp			X

Assistant Finance Director Penny Bogner swore in Mr. Clingerman as the new Fiscal Officer.

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**ELECTION OF OFFICERS**

Trustee Posey, Jr. opened the floor to accept nominations for the position of President for the Board of Trustees for Miami Township for 2022. Trustee Posey, Jr. nominated Trustee Morris for Trustee President.

Trustee Posey, Jr. motioned, and Trustee Morris seconded the motion to appoint Trustee Morris as the new Trustee President. With no discussion Mr. McCord called the roll and recorded the vote.

	Yes	No	Abstain
Trustee Posey, Jr.	X		
Trustee Morris	X		
Trustee Culp			X

Trustee Morris nominated Trustee Posey, Jr. for the position of Vice-President for the Board of Trustees for Miami Township for 2022.

Trustee Morris motioned, and Trustee Posey, Jr. seconded the motion to appoint Trustee Posey, Jr. as the new Trustee Vice-President. With no discussion Mr. McCord called the roll and recorded the vote.

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	Yes	No	Abstain
Trustee Posey, Jr.	X		
Trustee Morris	X		
Trustee Culp			X

**NEW BUSINESS**

- Police Chief Charles Stiegelmeier presented the following:
  - **Resolution 002-2023** to approve a three (3) year collective bargaining agreement with the Ohio Patrolmen’s Benevolent Association.

Trustee Morris stated there was a prior Executive Session to discuss this agreement.

**PUBLIC COMMENTS**

Trustee Morris opened the floor for public comments and reminded those who wish to speak that the public comment period is an opportunity for the public to address the Board rather than dialogue.

**Pam Snowden, 5696 Cobblegate Dr., still has concerns about Meijer self-governing efforts. Ms. Snowden also has concerns about the future noise when the current noise is still a problem. Ms. Snowden thanked Public Works for clearing the roads during the storm.**

**CONSIDERATION OF RESOLUTIONS AND MOTIONS**

**Resolution 002-2023**

Trustee Morris motioned, and Trustee Posey, Jr. seconded the motion to approve Resolution 002-2023 to approve a three (3) year collective bargaining agreement with the Ohio Patrolmen’s Benevolent Association.

Trustee Morris called for any additional discussion. With none being brought forth, Mr. McCord called the roll and recorded the vote.

	Yes	No	Abstain	Absent
Trustee Morris	X			
Trustee Posey, Jr.	X			
Trustee Culp	X			

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**PUBLIC HEARINGS**

**Zoning Case 452-22**

To discuss resolution #003-2023, a resolution to adopt a Planned Development Regulation Amendment to the Austin East Planned Development, under Zoning Case #452-22, concerning the lands zoned "SP-PUD", Special Purpose Planned Unit Development District.

Trustee Morris motioned, and Trustee Posey, Jr. seconded the motion to open the public hearing for Zoning Case #452-22 as described above.

	Yes	No	Abstain	Absent
Trustee Morris	X			
Trustee Posey, Jr.	X			
Trustee Culp	X			

After describing the public hearing process, Trustee Morris asked Community Development Director Carlson if the legal requirements for the case had been met. Mr. Carlson responded affirmatively and stated that the Zoning Commission recommended denial in a 3-1 vote.

The Zoning Commission stated concerns with the additional traffic and impact of a gas station for the surrounding residential communities, as well as the loss of a use with the potential of creating a walkable destination for residents of the apartments that neighbor the development. The Zoning Commission felt that the addition of a gas station pushed the development into an entirely "auto-oriented" development and removed any walkable use.

The Zoning Commission also stated concerns with the orientation of both the gas station and the car wash relative to neighboring apartments. The concern with the gas station is that traffic flow would be positioned directly at the apartments as they enter and exit the pumps. Fencing and trees could help screen vehicular light but would have to be extraordinary to shield upper-level apartments from the headlights and canopy lights. The concern with the car wash is that previously the vacuum cleaners typically associated with a car wash would have been entirely screened by the car wash building between the apartments. The wash is now oriented so that the vacuums (on either side of the vertically oriented building) would not be screened by a building and would be directly exposed to the apartments.

The original proposal suggested a blend of uses that would serve drivers along State Route 741 and uses that could reliably serve the residents that surround the development who could enjoy walking to a nearby restaurant or shop. The Zoning Commission felt that the remaining uses lacked any walkability for the apartment residents.

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Trustee Morris asked if this plan would require the Kroger gas station to be relocated. Mr. Carlson stated that it would, but the Township has not had any communication with Kroger to date.

Trustee Posey, Jr asked, if denied, can Kroger reapply. Mr. Carlson stated that Kroger can reapply at any time.

**Applicant George Flynn, Flynn Property Group, 9378 Kemper Grove Ln., Loveland 45140 is present.** Mr. Flynn stated that staff reached out to Kroger but was unable to have a discussion prior to the meeting. In response to concerns over walkability and car lights, Mr. Flynn stated that the plan was created for walkability between the two developments, and they could turn the carwash so the vacuums would be shielded.

**Ann McBride, Kroger Zoning Consultant, 5721 Dragon Way, Cincinnati 45227.** Ms. McBride stated that due to limited parking and a tight fit at the gas station, Kroger would like to move the gas station to the other development property to allow for more space and better accessibility.

Trustee Posey, Jr. inquired about the orientation of the gas station in regard to the Flats at Austin Landing to which Ms. McBride stated that they could buffer with landscaping.

Trustee Culp stated that the Kroger lot has never been full, was designed to be a tight fit and supports the zoning boards decisions.

Trustee Morris opened the floor for Proponents of the case to step forward and speak.  
No one came forward to speak

Trustee Morris then opened the floor for Opponents of the case to step forward and speak.  
No one came forward to speak

Trustee Morris motioned, and Trustee Posey, Jr. seconded the motion to close the public hearing for Zoning Case #452-22, a Planned Development Regulation Amendment to the Austin East Planned Development.

	Yes	No	Abstain	Absent
Trustee Morris	X			
Trustee Posey, Jr.	X			
Trustee Culp	X			

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Trustee Morris motioned, and Trustee Culp seconded the motion to approve Resolution 003-2023, to **deny** Zoning Case #452-22 and **uphold** the Zoning Commission recommendation.

Trustee Morris echoed Trustee Culp's comments and does not feel this would be in the best interest of Miami Township residents.

	Yes	No	Abstain	Absent
Trustee Morris	X			
Trustee Posey, Jr.	X			
Trustee Culp	X			

**Zoning Case 417-14**

To discuss resolution #004-2023, a resolution to adopt a final plan for Dunkin within the Austin Park Planned Development, under Zoning Case #417-14, concerning lands zoned "PD-5", Planned Mixed-Use Development District.

Trustee Morris motioned, and Trustee Posey, Jr. seconded the motion to open the public hearing for Zoning Case #417-14 as described above.

	Yes	No	Abstain	Absent
Trustee Morris	X			
Trustee Posey, Jr.	X			
Trustee Culp	X			

After describing the public hearing process, Trustee Morris asked Community Development Director Carlson if the legal requirements for the case had been met. Mr. Carlson replied affirmatively and stated that the Zoning Commission recommended approval in a 4 to 0 vote with the following two stipulations.

1. Plans for the sidewalk connection to SR 741 may be modified based on any comments from the Ohio Department of Transportation.

The applicant had submitted traffic impact study materials to ODOT at the beginning of the zoning process. The study has not been completed with final recommendations, however initial feedback from ODOT indicated that no major exterior roadway modifications will be necessary. The Zoning Commission recommended that interior site modifications should be able to be made and approved as part of the administrative zoning certificate review.

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2. Plans may be modified based on any comments from the Montgomery County Engineer’s Office.

In review of final details related to access to the site from Alex-Bell Road, the MCEO may make recommendations for the location of entry drives to the Dunkin site. Should the MCEO recommend minor adjustments to the location, the Zoning Commission recommends that staff be permitted to approve in the Zoning Certificate approval process.

**Applicant Kara Burkhart, 5335 Far Hills Ave., Kettering 45429, on behalf of The Gilligan Company is present.** Ms. Burkhart stated that they have worked with staff to create a plan they feel is presentable and in a good location. They hope to start construction in the Spring and open in the Fall of 2023.

Trustee Posey, Jr. opened the floor for Proponents of the case to step forward and speak.  
No one came forward to speak

Trustee Posey, Jr. then opened the floor for Opponents of the case to step forward and speak.  
No one came forward to speak

Trustee Morris motioned, and Trustee Posey, Jr. seconded the motion to close the public hearing for Zoning Case #417-14, a final plan for Dunkin within the Austin Park Planned Development.

	Yes	No	Abstain	Absent
Trustee Morris	X			
Trustee Posey, Jr.	X			
Trustee Culp	X			

Trustee Morris motioned, and Trustee Posey, Jr. seconded the motion to approve Resolution 004-2023, to **approve** Zoning Case #417-14 and **uphold** the Zoning Commission recommendation.

	Yes	No	Abstain	Absent
Trustee Morris	X			
Trustee Posey, Jr.	X			
Trustee Culp	X			

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**Zoning Case 457-22**

To discuss resolution 005-2023, a resolution to adopt a final Development Plan for Jiffy Lube within the Meijer Planned Development, under Zoning Case #457-22, for lands zoned “SP-PUD”, Special Purpose Planned Unit Development District.

Trustee Morris motioned, and Trustee Posey, Jr. seconded the motion to open the public hearing for Zoning Case #457-22 as described above.

	Yes	No	Abstain	Absent
Trustee Morris	X			
Trustee Posey, Jr.	X			
Trustee Culp	X			

After describing the public hearing process, Trustee Morris asked Community Development Director Carlson if the legal requirements for the case had been met. Mr. Carlson replied affirmatively and stated that the Zoning Commission recommended approval in a 4 to 0 vote with the following stipulations.

1. All site features, landscaping, parking, lighting, etc., approved under Meijer Final Development surrounding the Jiffy Lube site must be installed in conjunction with the Jiffy Lube development.

The Zoning Commission is recommending that in addition to site features within the Jiffy Lube lot, the features on the Meijer site adjacent to Jiffy Lube should be installed.

2. Plans for the sidewalk connection to SR 741 must be modified based on comments from the Ohio Department of Transportation.

The applicant has submitted plans to ODOT for review. Part of the plan includes sidewalk connections to State Route 741. ODOT has stated that a right-of-way permit will be required for installation. In the case that minor adjustments are recommended by ODOT, the Zoning Commission recommends that Staff be permitted to review the changes as part of the Zoning Certificate process.

3. Applicant must provide updated building elevations that meet Article 7.

The applicant stated that the EIFS shown on the building elevations will be updated to be stamped EIFS with a brick appearance. This would meet the intention and minimum standards of Article 7.



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4. Provide updated site plan to identify which light poles match up with detail drawings. All light poles must comply with Article 7, Section 7.07.

The light poles on the plans were mislabeled relative to the lighting pole detail drawings provided. The Zoning Commission requested that an updated plan be provided.

5. All signage must comply with Article 41, Section 4106 of the Miami Township Zoning Resolution.

The Jiffy Lube plan set currently shows signage on the building that exceeds the permitted level of signage. As part of the Zoning Certificate process, staff will review signage to ensure the requirements of Article 41 are met.

**Applicant Brian Smallwood, Woolpert Engineers, 4454 Idea Center Blvd., Beavercreek is present.** Mr. Smallwood stated that Mr. Carlson has done a great job and that he is here to answer any questions.

Trustee Posey, Jr. opened the floor for Proponents of the case to step forward and speak.

Joann Adair, 5691 Cobblegate Dr., Dayton 45449 stated that these are nice improvements. She also stated that she is not opposed to the plan but is concerned about the potential added noise and traffic. She also asked what will happen to the property if the business leaves. Mr. Carlson stated that the owner of the property would be responsible for the upkeep.

Trustee Posey, Jr. then opened the floor for Opponents of the case to step forward and speak.  
No one came forward to speak

Trustee Morris motioned, and Trustee Posey, Jr. seconded the motion to close the public hearing for Zoning Case #457-22, a final Development Plan for Jiffy Lube within the Meijer Planned Development.

	Yes	No	Abstain	Absent
Trustee Morris	X			
Trustee Posey, Jr.	X			
Trustee Culp	X			

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Trustee Morris motioned, and Trustee Posey, Jr. seconded the motion to approve Resolution 005-2023 to **approve** Zoning Case #457-22 and **uphold** the Zoning Commission recommendation.

	Yes	No	Abstain	Absent
Trustee Morris	X			
Trustee Posey, Jr.	X			
Trustee Culp	X			

**DEPARTMENT HEAD COMMENTS**

Finance Director Clay McCord reminded the Board that the Township received feedback from the County Auditor regarding potential options on the Police levy. Chief Stiegelmeier, Mr. McCord and Mr. Snyder will move forward with recommendations at the January 17<sup>th</sup> meeting.

**COMMENTS FROM THE BOARD**

Trustee John Morris welcomed newly appointed Fiscal Officer Mr. Clingerman and stated that he looks forward to working with him.

**EXECUTIVE SESSION**

Trustee Morris motioned, and Trustee Posey, Jr. seconded the motion at 6:57PM to go into Executive Session for the purpose of:

- A. Conferences with an attorney for the public body concerning disputes involving public body that are the subject of pending or imminent court action, in accordance with ORC 121.22 (G)(3).

	Yes	No	Abstain	Absent
Trustee Morris	X			
Trustee Posey, Jr.	X			
Trustee Culp	X			

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**RETURN TO REGULAR SESSION**

Trustee Morris motioned, and Trustee Posey, Jr. seconded the motion at 7:54PM to leave Executive Session and return to Regular Session.

	Yes	No	Abstain	Absent
Trustee Morris	X			
Trustee Posey, Jr.	X			
Trustee Culp	X			

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**ADJOURNMENT**

Trustee Morris adjourned the meeting at 7:54PM.

  
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Trustee President John Morris

Attested:

  
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Fiscal Officer Greg Clingerman  
January 17, 2023