

Meeting Minutes of the Miami Township Board of Trustees
Regular Meeting
April 5, 2022

CALL TO ORDER

Trustee President Terry Posey, Jr. called the Miami Township Board of Trustees Regular meeting to order on Tuesday, April 5, 2022, at 6:00PM and led in the reciting of the Pledge of Allegiance. Attendance was as follows:

Elected Officials:		Present	Absent
Terry Posey, Jr.	Trustee President	X	
John Morris	Trustee Vice-President	X	
Don Culp	Trustee	X	
Aaron Newell	Fiscal Officer	X	
Township Staff:			
Ron Hess	Township Administrator	X	
Dan Mayberry	Public Works Director	X	
Clay McCord	Finance Director	X	
Chris Snyder	Assistant Township Administrator		X
Charles Stieglmeyer	Police Chief	X	
Alex Carlson	Deputy Director of Community Development	X	

RECOGNITION OF GUESTS

Mr. Posey, Jr. welcomed everyone and reminded those who wished to speak during the Public Comments portion of the meeting to please complete a speaker form located on the table outside the chamber.

RECOGNITION OF FIRST RESPONDER CASUALTIES

Chief Stieglmeyer read the First Responders Casualties for March 16 through April 5, 2022.

- **Deputy Sheriff Dominique Calata**, Pierce County Sheriff's Department, WA
- **Police Officer Lane Burns**, Bonne Terre Police Department, MO
- **Sergeant Barbara Majors Fenley**, Eastland County Sheriff's Office, TX
- **Firefighter Dustin Brandhorst**, Ebenezer Fire District, MO
- **Firefighter April Partridge**, Edgewater Park Volunteer Fire Department, OK
- **Trooper Martin Francis Mack, III**, Pennsylvania State Police, PA
- **Trooper Branden T. Sisca**, Pennsylvania State Police, PA
- **Police Officer Dan Rocha**, Everett Police Department, WA
- **Police Officer Dominic Francis**, Bluffton Police Department, OH
- **Police Officer Trey Marshall Sutton**, Henrico County Police Department, VA
- **Deputy Constable Jennifer Chavis**, Harris County Constable's Office - Precinct 7, TX

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

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CONSENT AGENDA

All matters under the Consent Agenda are considered by the Board of Trustees to be routine and will be enacted by one motion. Any Trustee may remove an item from the Consent Agenda by request, and a second is not required to remove an item. Removed items will be considered after the motion to approve the Consent Agenda.

- A. Meeting Minutes: March 15, 2022
- B. Purchase Orders through 2022000424
- C. Payables totaling \$310,785.44 consisting of:
 - Checks: #75698 - #75776, and
 - Electronic Transfers: EFT 2022000014 - EFT 2022000025
- D. Payroll # 06, Check Date: March 25, 2022, totaling \$210,765.20

Mr. Posey, Jr. motioned, and Mr. Morris seconded the motion to approve the Consent Agenda items.

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

NEW BUSINESS

Chief Stiegelmeier, Police Chief, presented the following items:

Motion for a liquor Permit for Frost Factory Austin Landing LLC

Chief Stiegelmeier stated this is a **new** request for a D-5J – Community Entertainment District Permit for Frost Factory Austin Landing LLC dba Frost Factory located at 3633 Rigby Road, Miami Township, Miamisburg, OH 45342. The D-5J Permit allows for sales of alcohol, like a regular D-5 permit, until 2:30AM for an applicant located within a Community Entertainment District.

Motion for a liquor Permit for HY Smokes Inc.

Chief Stiegelmeier stated this is a **new** request for a C2 Permit for HY Smokes, Inc. dba Miamisburg Smoke Shop located at 8106 Springboro Pike, Miami Township, Miamisburg, OH 45342. The C2 Permit allows for the sale of wine and mixed beverages in original sealed containers until

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Chief Stiegelmeier stated the Police Department had completed its check on the individuals involved with both applications and did not identify any reason to contest either request.

Clay McCord, Finance Director, presented the following item:

Resolution 033-2022 to approve amendments to the appropriation of funds for 2022
Mr. McCord stated that the Community Development Department had requested two laptop computers to facilitate field operations and remote working situations. The two items were not included in the original appropriation for 2022 approved last December.

Mr. Posey, Jr. acknowledged Mr. Steve Stanley of the Montgomery County Transportation Improvement District. Mr. Stanley indicated he was attending the scheduled public hearing and would hold his comments until such time.

PUBLIC COMMENTS

Mr. Posey, Jr. opened the floor for public comments and reminded those who wish to speak that public comments are limited to three minutes and should not be related to the zoning cases being heard this evening as they will have their own comments period.

Name, address, and comments

- **Robert Jensen**, 6986 Rosecliff Place, expressed concern about speeding along Vienna Parkway and asked the Trustees for an update on traffic calming efforts.
- **Mike Madges**, 6868 Lorien Woods Drive, also expressed concerns about speeding along Vienna Parkway and wants more information about what traffic calming measures will be implemented.
- **Doug Wales**, 6953 Rosecliff Place, expressed concern about speeding along Vienna Parkway. Mr. Wales read an email exchange he had with Trustee Morris on or about March 10th
- **Peter Garland**, 2261 Vienna Parkway, expressed concern about the impact upcoming construction on Mad River Road will have on Vienna Parkway, specifically increased traffic and potential for more speeders. Mr. Garland requested the installation of two temporary four-way stops along Vienna Parkway, specifically at the intersections with Innsbruck Road and Rosecliff Place.

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CONSIDERATION OF RESOLUTIONS AND MOTIONS

Motion for a Liquor Permit for Frost Factory Austin Landing LLC dba Frost Factory

Mr. Posey, Jr. motioned, and Mr. Morris seconded the motion to **Approve** the motion for a D-5J Permit for Frost Factory Austin Landing LLC dba Frost Factory located at 3633 Rigby Road, Miami Township, Miamisburg, OH 45342.

Mr. Posey, Jr. called for any additional discussion. With none being brought forth, Mr. Newell called the roll and recorded the vote.

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

Motion for a Liquor Permit for HY Smokes Inc. dba Miamisburg Smoke Shop

Mr. Posey, Jr. motioned, and Mr. Morris seconded the motion to **Approve** the motion for a C-2 Permit for HY Smokes Inc. dba Miamisburg Smoke Shop located at 8106 Springboro Pike, Miami Township, Miamisburg, OH 45342.

Mr. Posey, Jr. called for any additional discussion. With none being brought forth, Mr. Newell called the roll and recorded the vote.

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

Resolution 033-2022

Mr. Morris motioned, and Mr. Posey, Jr. seconded the motion to approve Resolution 033-2022 to amend the appropriations for 2022, specifically to increase the Other Expenses appropriation by \$5,000 for the Community Development Department.

Mr. Posey, Jr. called for any additional discussion. With none being brought forth, Mr. Newell called the roll and recorded the vote.

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

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PUBLIC HEARINGS

Zoning Case 452-22

To adopt a zoning map modification under Zoning Case 452-22 concerning the adoption of a zoning map amendment from Planned Residential District (PD-1) and Planned Office District (PD-2) to a Special Purpose Planned Unit Development District (SP-PUD).

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

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

After describing the public hearing process, Mr. Posey, Jr. asked Deputy Director of Community Development, Alex Carlson if the legal requirements for the case had been met. Mr. Carlson replied affirmatively and stated that the applicant is requesting a portion of land be dedicated to Miami Township as a public roadway and right-of-way as part of proposed commercial and mixed office use development across State Route 741 from Austin Landing. Mr. Carlson reviewed the project being proposed and how it aligned with the Comprehensive Plan for the Township.

The Miami Township Zoning Commission recommended in a 5 – 0 vote the approval of the requested changes with one stipulation. Specifically that a maintenance agreement delineating maintenance responsibilities for all land, pavement, landscaping, structures and appurtenances, either above or below grade, within the proposed right of way, between the development and any current or proposed public authority to which the right of way is proposed to be transferred to, shall be provided for consideration and attachment as a required condition of approval of any final development plan for the project, with such changes as the Board of Trustees may require.

Jose Castrejon, Vice President Landscape Architecture & Planning at McGill Smith Punshon 3700 Park 42 Drive Cincinnati OH 45241, thanked the Trustees for the opportunity to present the project and the staff for their assistance navigating the review and approval process. Mr. Castrejon reviewed the preliminary project plans and acknowledged more detailed and coordinated plans would be needed to receive final approval.

Mr. Morris asked if the project was purely speculative or are some businesses had committed. Mr. Castrejon deferred to Mr. George Flynn.

The applicant, George Flynn, Flynn Property Group 9437 Kemper Grove Lane Loveland, OH 45140 thanked the staffs of Miami Township, the Montgomery County Transportation Improvement District, the Ohio Department of Transportation, the Miami Valley Fire District for their assistance

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in preparing the project proposal to meet existing requirements. Mr. Flynn shared his plans for the project noting the three of the parcels are under Letters of Intent or contract. Mr. Flynn noted that the project is compatible with the area, brings additional amenities to the community, and improves traffic and safety for the adjacent neighbors including connection to Austin Landing.

Mr. Flynn asked for additional clarity on the maintenance agreement requirements and if the property owners to the south of his project would be included in that responsibility.

Mr. Steve Stanley 451 W. Third St. Dayton, OH 45422 spoke in favor of the project on behalf of the Montgomery County Transportation Improvement District (MCTID). Mr. Stanley provided a brief history of the development adjacent to the intersections of Austin Boulevard, I-75 and State Route 741, specifically two access points on the east side of State Route 741 north of Austin Boulevard. The level of planning and dedication to resolving safety and access concerns on the east side of SR741 is higher than he has encountered since ODOT first charged the TID with improving those conditions as part of the Austin interchange improvements.

Mr. Posey, Jr. opened the floor for Proponents of the case to step forward and speak, however no one came forward to speak.

Mr. Posey, Jr. then opened the floor for Opponents of the case to step forward and speak, however no one came forward to speak.

At this time, the Board of Trustees is required under Article 31, Section 3104 of the Miami Township Zoning Resolution to make a specific Findings of Fact based upon the particular evidence presented at this hearing.

Mr. Newell read each standard and called the roll to determine the finding of each Trustee on the following standards:

Section 3104 A: The site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development, or the proposed development standards where only the proposed uses and development standards are to be adopted and provides for pedestrian accessibility and connectivity throughout the design.

Mr. Posey, Jr. – true

Mr. Morris – true

Mr. Culp – true

Section 3104 B: The proposed development and or development standards adequately address issues related to compatibility with adjacent uses, environmental issues, and overall design compatibility, including lighting and landscaping and do so in a manner that improves upon what would or could be achieved under the non-PD zoning standards.

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Mr. Posey, Jr. – true
 Mr. Morris – true
 Mr. Culp – true

Section 3104 C: The proposed development and or development standards are intended to produce a superior design and construction than what would normally occur under the non-PD zoning standards and will not cause an undue burden on public services and facilities including, but not limited to, fire and police protection;

Mr. Posey, Jr. – true
 Mr. Morris – true
 Mr. Culp – true

Section 3104 D: The proposal is in accordance with the goals and policies of the Comprehensive Plan.

Mr. Posey, Jr. – true
 Mr. Morris – true
 Mr. Culp – true

Section 3104 E: If the project is proposed to contain non-residential uses, the conditions imposed mitigate any potential significant impacts associated with the proposal, including maintaining a minimum fifty (50) foot distance from a retail, office or other non-industrial business structure or one hundred (100) foot distance from a manufacturing structure to a residential building outside of the Planned Development District with a minimum thirty (30) foot property line setback for a retail, office or other non-industrial business use and fifty (50) foot property line setback for a manufacturing use along any property lines adjacent to a residentially zoned property.

Mr. Posey, Jr. – true
 Mr. Morris – true
 Mr. Culp – true

Mr. Posey, Jr. motioned, and Mr. Morris seconded the motion to close public hearing for Zoning Case 452-22 and find that **ALL OF** the required standards have been met by the evidence presented during this public hearing.

With no further discussion brought forth, Mr. Newell called for a vote.

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

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Mr. Posey, Jr. motioned, and Mr. Morris seconded the motion to approve Resolution 034-2022 to **APPROVE** a major modification to a final development plan for Zoning Case 452-22 and **UPHOLD** the Zoning Commission recommendation.

With no further discussion brought forth, Mr. Newell called for a vote.

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

Subsequent to the closing of the public hearing and the vote by the Trustees on the Zoning Commission recommendation, Mr. Flynn also noted that he needed additional information about the maintenance agreement stipulation. Mr. Morris stated that staff will be able to work with the developer to determine the full scope of the agreement.

Zoning Case 453-22

To adopt a zoning map modification under Zoning Case 453-22 concerning the adoption of a zoning map amendment from Business District (B-4) to a Special Purpose Planned Unit Development District (SP-PUD).

Mr. Posey, Jr. motioned, and Mr. Morris seconded the motion to open public hearing for Zoning Case 453-22 as described above.

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

After describing the public hearing process, Mr. Posey, Jr. asked Deputy Director of Community Development, Alex Carlson if the legal requirements for the case had been met. Mr. Carlson replied affirmatively and stated that the applicant seeks to redevelop the Hawthorn Suites property into studio and one-bedroom apartments.

Mr. Carlson briefed the Trustees on the project objectives and reviewed how this proposed project aligns with the Miami Township Comprehensive Plan. Mr. Carlson noted that the Miami Township Zoning Commission recommended, in a 5 – 0 vote, the approval of the requested changes with the following stipulations:

1. The development will utilize a market rate housing model only;

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2. The existing pole sign will be removed from the property and future signage will conform with Article 41;
3. All units within the development will be advertised and leased as no greater than one-bedroom units.

Mr. Carlson also noted that Kettering Health which occupies an adjacent property had requested additional fencing because some of the units are closer to the Kettering parking areas than the on-site parking as proposed.

Mr. Culp asked Chief Stiegelmeier about police activity/calls at the current property, and the Chief responded that the department does receive a number of calls to the hotel.

A representative of the applicant, Mr. Brett Tanimoto, Chief Investment Officer, Vivo Investment Group, 373 La Perle Lane Costa Mesa, CA 92627 was present and provided an overview of the applicant and its efforts to redevelop distressed hotel properties in various communities across the country. Mr. Tanimoto highlighted projects in South Bend and Winston-Salem and noted that his firm recently purchased a Hawthorn Suites property in Dublin, OH. He also noted that the hotel properties located near the subject property were in favor of the proposal to redevelop the facility into studio and one-bedroom rental units.

Mr. Posey, Jr. opened the floor for Proponents of the case to step forward and speak, however no one came forward to speak.

Mr. Posey, Jr. then opened the floor for Opponents of the case to step forward and speak.

- **Peter Garland**, 2261 Vienna Parkway, came forward to ask the Trustees to consider to where will the current occupants of the hotel disperse once the hotel is closed and redeveloped.

At this time, the Board of Trustees is required under Article 31, Section 3104 of the Miami Township Zoning Resolution to make a specific Findings of Fact based upon the particular evidence presented at this hearing.

Mr. Newell read each standard and called the roll to determine the finding of each Trustee on the following standards:

Section 3104 A: The site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development, or the proposed development standards where only the proposed uses and development standards are to be adopted and provides for pedestrian accessibility and connectivity throughout the design.

Mr. Posey, Jr. – true

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Mr. Morris – true
Mr. Culp – true

Section 3104 B: The proposed development and or development standards adequately address issues related to compatibility with adjacent uses, environmental issues, and overall design compatibility, including lighting and landscaping and do so in a manner that improves upon what would or could be achieved under the non-PD zoning standards.

Mr. Posey, Jr. – true
Mr. Morris – true
Mr. Culp – true

Section 3104 C: The proposed development and or development standards are intended to produce a superior design and construction than what would normally occur under the non-PD zoning standards and will not cause an undue burden on public services and facilities including, but not limited to, fire and police protection;

Mr. Posey, Jr. – true
Mr. Morris – true
Mr. Culp – true

Section 3104 D: The proposal is in accordance with the goals and policies of the Comprehensive Plan.

Mr. Posey, Jr. – true
Mr. Morris – true
Mr. Culp – true

Section 3104 E: If the project is proposed to contain non-residential uses, the conditions imposed mitigate any potential significant impacts associated with the proposal, including maintaining a minimum fifty (50) foot distance from a retail, office or other non-industrial business structure or one hundred (100) foot distance from a manufacturing structure to a residential building outside of the Planned Development District with a minimum thirty (30) foot property line setback for a retail, office or other non-industrial business use and fifty (50) foot property line setback for a manufacturing use along any property lines adjacent to a residentially zoned property.

Mr. Posey, Jr. – true
Mr. Morris – true
Mr. Culp – true

Mr. Posey, Jr. motioned, and Mr. Morris seconded the motion to close public hearing for Zoning Case 453-22 and find that **ALL OF** the required standards have been met by the evidence presented during this public hearing.

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

Mr. Posey, Jr. motioned, and Mr. Morris seconded the motion to approve Resolution 035-2022 to **APPROVE** a major modification to a final development plan for Zoning Case 453-22 and **UPHOLD** the Zoning Commission recommendation.

Mr. Morris commented that he shared Mr. Culp’s concern about the frequent calls to the property. He also noted that he shares Mr. Garland’s concern about where the people currently living at the property may go, but that this project would eliminate one of those options and create positive change for the community.

With no further discussion brought forth, Mr. Newell called for a vote.

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

DEPARTMENT HEAD COMMENTS

Police Chief Stiegelmeier thanked the residents for showing up and voicing their concerns and stated that the Miami Township Police Department has heard and is responding to the concerns about excessive speeding along Vienna Parkway. He noted that the board and department has installed monitoring equipment that is gathering accurate data so that the Trustees can make a fact-based informed decision to invest taxpayer funds appropriately. He also noted that maintaining a fulltime officer along Vienna Parkway was not feasible.

Finance Director McCord informed the board that as plans for the America Recuse Plan (ARP) funds are developed the Trustees will be presented with multiple appropriation amendments.

COMMENTS FROM THE BOARD

John Morris thanked the residents for coming out to share their concerns. and stated that he thought the four-way stop sign is a great idea. He stated that he supports traffic calming investments where needed throughout the township.

Terry Posey, Jr. noted that he appreciated the feedback from the residents this evening.

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WORK SESSION

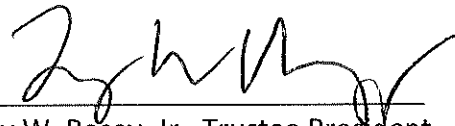
None scheduled.

EXECUTIVE SESSION

None scheduled.

ADJOURNMENT

Mr. Posey Jr. adjourned the meeting at 7:15PM.



Terry W. Posey, Jr., Trustee President

Attested:



Aaron Newell, Fiscal Officer

April 19, 2022