

**RESOLUTION #001-2018**

**RESOLUTION TO AUTHORIZE THE ACTING TOWNSHIP ADMINISTRATOR TO ENTER INTO A SERVICE AGREEMENT FOR ELEVATOR SERVICE FOR THE POLICE DEPARTMENT**

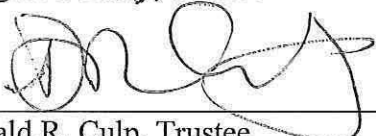
**Whereas,** the current agreement the Police Department has for elevator service is with Otis Elevator by annual contract and is up for renewal January 1, 2019 at an annual cost of \$2299.20; and

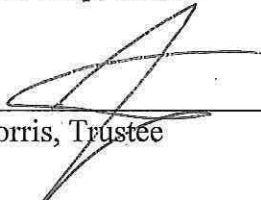
**Whereas,** Otis Elevator is offering a seven-year agreement at a reduced cost of \$2,161.24 per year including parts and labor; and

**Whereas,** the Police Department has researched various options for extended elevator service and Captain Johnson's recommendation is to enter into an eighty-four (84) month service agreement for extended elevator service at the annual rate of \$2,161.24 and the extended rate is exempt from any rate increase for the duration of the seven-year extension; and

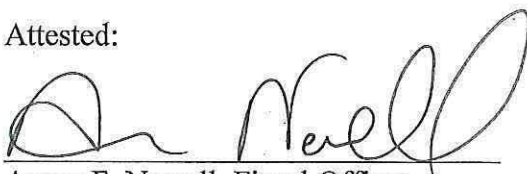
**Therefore Be It Resolved,** the Miami Township Board of Trustees authorizes the Acting Township Administrator to enter into an eighty-four (84) month service agreement with Otis Elevator for the Police Department at the annual rate of \$2,161.24 effective the following month after approval.

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

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

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

Attested:

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

Passed: January 9, 2018

RLH:sld

**RESOLUTION #002-2018**

**RESOLUTION TO AUTHORIZE PARTICIPATION IN THE ODOT  
COOPERATIVE PURCHASING PROGRAM**

**Whereas,** Section 5513.01 (B) of the Ohio Revised Code authorizes local government agencies to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, materials, supplies or other articles; and


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

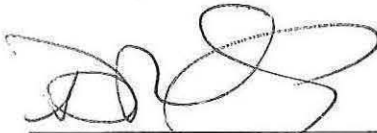
Section 1. The Public Works Director hereby requests authority, in the name of the Miami Township Board of Trustees, to participate in ODOT contracts for the purchase of machinery, materials, supplies or other articles the Department has entered into, pursuant to ORC Section 5513.01 (B).

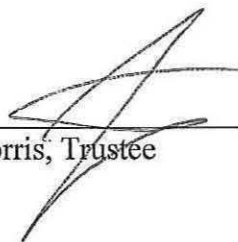
Section 2. The Public Works Director is hereby authorized to agree in the name of the Miami Township Board of Trustees to be bound by all terms and conditions as the Director of Transportation prescribes.

Section 3. The Public Works Director is hereby authorized to agree, in the name of the Miami Township Board of Trustees, to directly pay vendors, under each such contract of ODOT in which Miami Township participates, for items it receives pursuant to the contract.

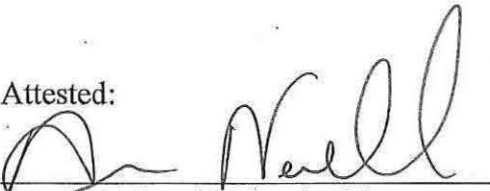
Section 4. The Miami Township Board of Trustees agrees to hold the Director of Transportation and the Ohio Department of Transportation harmless for any claim or dispute arising out of participation in a contract, pursuant to ORC Section 5513.01(B).

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

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

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

Attested:

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

Passed: January 09, 2018

RLH:bfe

## RESOLUTION #003-2018

### RESOLUTION TO AUTHORIZE PARTICIPATION IN THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM

**Whereas,** Ohio's Cooperative Purchasing Act provides the opportunity for townships to participate in contracts distributed by the state of Ohio, Department of Administrative Services, Office of Cooperative Purchasing for the purchase of supplies, services, equipment and materials; and


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

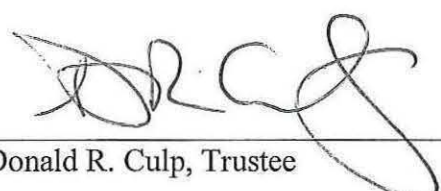
Section 1. That all Miami Township departments hereby request authority in the name of the Miami Township Board of Trustees to participate in state contracts which the Department of Administrative Services, Office of State Purchasing has entered into and the Office of Cooperative Purchasing has distributed for the purchase of supplies, services, equipment and materials pursuant to ORC 125.04.

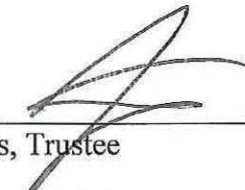
Section 2. That all Miami Township departments are hereby authorized to agree in the name of the Miami Township Board of Trustees to be bound by all terms and conditions as the Department of Administrative Services, Office of Cooperative Purchasing prescribes. Such terms and conditions may include a reasonable annual membership fee to cover the administrative costs which the Department of Administrative Services incurs as a result of the Miami Township Board of Trustees participation in the contract. Further, all Miami Township departments do hereby agree to be bound by all such terms and conditions and to not cause or assist in any way the misuse of such contracts or make contract disclosures to non-members of the Coop for the purpose of avoiding the requirements established by ORC 125.04.

Section 3. That all Miami Township departments are hereby authorized to agree in the name of the Miami Township Board of Trustees to directly pay vendors, under each such state contract in which it participates for items it receives pursuant to the contract, all Miami Township departments do hereby agree to directly pay vendors.

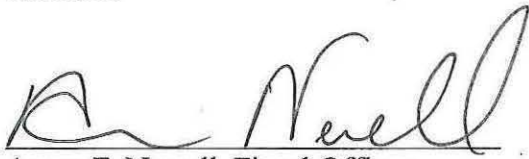
**SIGNATURE PAGE FOR RESOLUTION #003-2018 ONLY**

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

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

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

Attested:

  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer  
Passed: January 09, 2018  
RLH:bfe

## RESOLUTION #004-2018

### RESOLUTION TO ENTER INTO CONTRACT WITH ODOT FOR ROADWAY GRANT PROJECT - PID #10355- WASHINGTON CHURCH ROAD RESURFACING

**Whereas,** on October 13, 2015, Miami Township (herein referred as the Legislative Authority/ Local Public Agency or "LPA") enacted Resolution #117-2015, legislation proposing cooperation with the Director of Transportation for the described project:

1. Milling and resurfacing of a portion of Washington Church Road; and

**Whereas,** the LPA shall cooperate with the Director of Transportation in the above described project as follows: the Township agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid MVRPC funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation, and further, the Township shall be responsible for the maintenance of any curb ramps constructed by ODOT in compliance with the Americans with Disabilities Act; and

**Whereas,** the share of the cost of the LPA is now estimated in the amount of Forty-Eight Thousand Fifty-Six and 00/100 Dollars (\$48,056.00) but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

**Whereas,** the Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described roadway and has transmitted copies of the same to this legislative authority; and

**Whereas,** the LPA desires the Director of Transportation to proceed with the aforesaid roadway improvement; and


**Therefore be it Resolved,** the Miami Township Board of Trustees authorizes the following:

Section 1. That the estimated sum of Forty-Eight Thousand Fifty-Six and 00/100 Dollars (\$48,056.00) is hereby appropriated for the improvement described above and the Township Fiscal Officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement, and the Township hereby agrees to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.

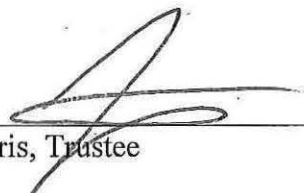
Section 2. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid roadway improvement.

Section 3. That the LPA enter into contract with the State, and that the Township Trustee President be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the describe project.

Section 4. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

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

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

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

Attested:

  
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Aaron F. Newell, Fiscal Officer

Passed: January 09, 2018.

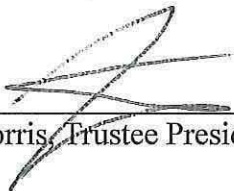
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**RESOLUTION #005-2018**

**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, 2019.

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

  
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Douglas J. Barry, Trustee Vice President

  
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Donald R. Culp, Trustee

Attested:

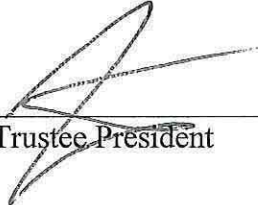
  
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Aaron F. Newell, Fiscal Officer  
Passed: January 23, 2018  
RLH:sld

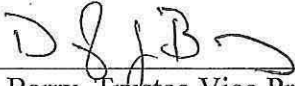
**RESOLUTION #006-2018**

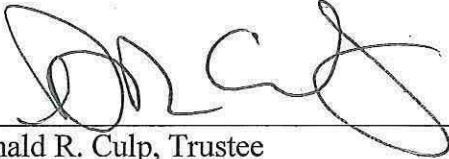
**RESOLUTION TO APPOINT TOWNSHIP REPRESENTATIVES TO  
THE MIAMI VALLEY REGIONAL PLANNING COMMISSION  
TECHNICAL ADVISORY COMMITTEE**

- 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, 2017; 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, 2019.

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

  
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Douglas J. Barry, Trustee Vice President

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

Attested:

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

Passed: January 23, 2018

RLH:sld

**RESOLUTION #007-2018**

**RESOLUTION TO APPOINT A TOWNSHIP REPRESENTATIVE  
TO THE EMERGENCY COMMUNICATIONS POLICY COMMITTEE  
(ECPC)**

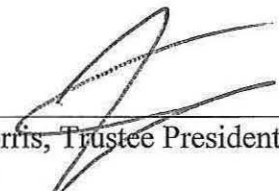
**Whereas,** the Miami Township Board of Trustees in 2009 executed an agreement with the Montgomery County Board of County Commissioners to provide emergency dispatch services to Miami Township in a Consolidated Emergency Communications Center as operated by the County Sheriff; and


**Whereas,** a permanent Emergency Communications Policy Committee was established to oversee this Consolidated Emergency Communications; and

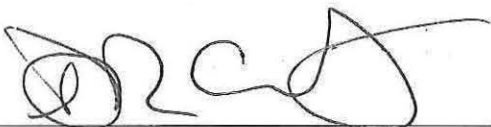
**Whereas,** there is a need to appoint a Miami Township Representative to the Emergency Communications Policy Committee; and

**Whereas,** John Morris has expressed a desire to serve on the Emergency Communications Policy Committee; and


**Therefore Be It Resolved,** the Miami Township Board of Trustees appoints John Morris to serve on the Emergency Communications Policy Committee effective immediately.

  
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John Morris, Trustee President

  
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Douglas J. Barry, Trustee Vice President

  
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Donald R. Culp, Trustee

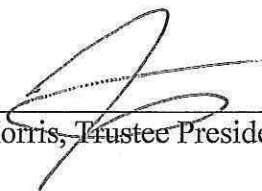
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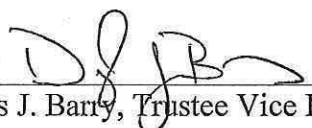
  
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Aaron F. Newell, Fiscal Officer  
Passed: January 23, 2018  
RLH:sld

**RESOLUTION #008-2018**

**RESOLUTION TO APPOINT TOWNSHIP REPRESENTATIVE  
TO THE HILLGROVE UNION CEMETERY BOARD OF TRUSTEES**


- Whereas,** the Miami Township Board of Trustees and the City Council for the City of Miamisburg have formed the Hillgrove Union Cemetery; and
- Whereas,** there is a need to appoint a Miami Township Representative to the Hillgrove Union Cemetery Board of Trustees to fill an unexpired term; and
- Whereas,** Donald Culp has expressed a desire to serve on the Hillgrove Union Cemetery Board of Trustees; and
- Therefore Be It Resolved,** the Miami Township Board of Trustees appoints Donald Culp to serve on the Hillgrove Union Cemetery Board of Trustees for the unexpired term ending on May 31, 2020.

  
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John Morris, Trustee President

  
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Douglas J. Barry, Trustee Vice President

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

Attested:

  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer  
Passed: January 23, 2018  
RLH:sld

**RESOLUTION #009-2018**

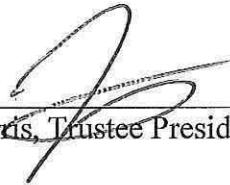
**RESOLUTION TO APPOINT A MIAMI TOWNSHIP COMMUNITY  
IMPROVEMENT CORPORATION BOARD MEMBER**


**Whereas,** the Miami Township Board of Trustees approved a Community Improvement Corporation (CIC), with Resolution #73-2006, on March 14, 2006; and

**Whereas,** under the approved Code of Regulation, Article 4, Section 3, the Miami Township Board of Trustees is responsible for approving members to the Miami Township Community Improvement Corporation; and

**Whereas,** John Morris has expressed a desire to serve on the Miami Township Community Improvement Corporation; and


**Therefore Be It Resolved,** the Miami Township Board of Trustees appoints John Morris to serve on the Miami Township Community Improvement Corporation effective immediately.

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

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

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

Attested:

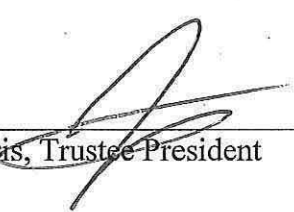
  
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Aaron F. Newell, Fiscal Officer  
Passed: January 23, 2018  
RLH:sld

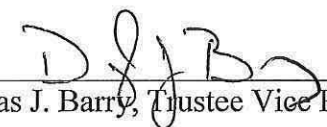
**RESOLUTION #010-2018**

**RESOLUTION TO APPOINT A MIAMI TOWNSHIP  
TAX INCENTIVE REVIEW COUNCIL MEMBER**

- Whereas,** the Tax Incentive Review Council (TIRC) was created to annually monitor compliance with the terms of Enterprise Zone statutes, pursuant to ORC Section 5709.61(A); and
- Whereas,** the TIRC must have two members representing the township, pursuant to ORC Section 5709.85(A)(2); and
- Whereas,** Gregory Rogers was appointed by Resolution #35-2014 to represent Miami Township on the TIRC; and
- Whereas,** it is the recommendation of the Board of Trustees to replace Gregory Rogers with the appointment of Acting Township Administrator Ronald Hess; and

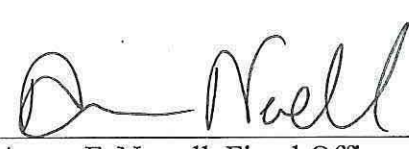
**Therefore Be It Resolved,** the Miami Township Board of Trustees appoints Ronald Hess to represent Miami Township on the TIRC, as required by contract, effective immediately.

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

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

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

Attested:

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

Passed: January 23, 2018

RLH:sld

**RESOLUTION #011-2018**

**RESOLUTION TO ADJUST THE PAY SCHEDULE**


**Whereas,** Miami Township is a growing community with a population of 29,131 and has a limited home rule form of government; and


**Whereas,** Miami Township's Community Development Department provides a variety of services; and

**Whereas,** it is desired to improve the consistency of services that Miami Township provides by adjusting the complement of full time personnel; and

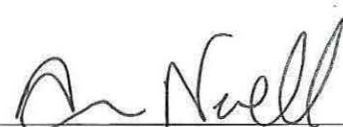
**Therefore Be It Resolved,** the Miami Township Board of Trustees hereby directs Acting Township Administrator Ronald L. Hess to take the necessary actions to have the Pay Schedule reflect the inclusion of a full time Administrative Assistant I position for Community Development at the current part time pay grade effective January 22, 2018.

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

  
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Douglas J. Barry, Trustee Vice President

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

Attested:

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

Passed: January 23, 2018

RLH:bfe

**RESOLUTION #012-2018**

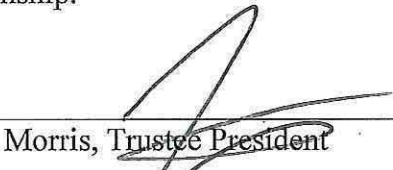
**RESOLUTION TO AUTHORIZE THE ACTING TOWNSHIP ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS TO SECURE AN AGREEMENT WITH MONTGOMERY COUNTY RECORDS COMMISSION AND MICROFILMING BOARD**


**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

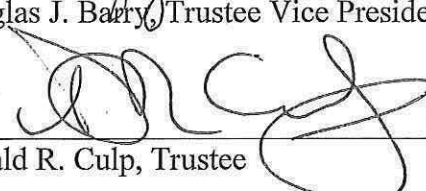
**Whereas,** Miami Township is authorized by the Ohio Revised Code to secure an agreement, if the amount is under the statutory bidding requirement; and

**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 Acting 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, 2018 through December 31, 2018 as outlined in the agreement on file with Miami Township.

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

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

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

Attested:

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

Passed: January 23, 2018

RLH:bfe

**RESOLUTION #013-2018**


**RESOLUTION TO INITIATE APPLICATION FOR A ZONING MAP  
AMENDMENT**

**Whereas,** the Miami Township Board of Trustees own certain land zoned PD-5 Planned Mixed-Use District under Zoning Case #161-85 and located at 2673 Austin Boulevard; and

**Whereas,** Miami Township desires to rezone the portion of property currently under Zoning Case #161-85 that is owned by Miami Township from the current PD-5 Planned Mixed-Use District into a new PD-5 Planned Mixed-Use District; and

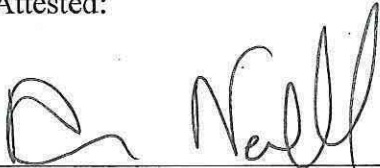
**Therefore Be It Resolved,** the Miami Township Board of Trustees hereby directs Acting Township Administrator Ronald L. Hess to file an application for a Zoning Map Amendment, on behalf of the Board of Trustees, for the lands located at 2673 Austin Boulevard.

  
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John Morris, Trustee President

  
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Douglas J. Barry, Trustee Vice President

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

Attested:

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

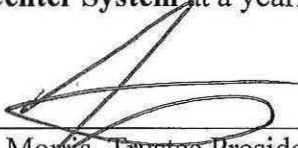
Passed: January 23, 2018


RLH:bfe

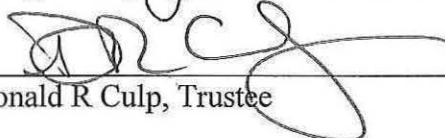
**RESOLUTION #014-2018**

**RESOLUTION TO AUTHORIZE THE ACTING TOWNSHIP ADMINISTRATOR TO ENTER INTO AN AGREEMENT AND EXECUTE THE NECESSARY DOCUMENTS WITH LEXIS NEXIS FOR THE ACCURINT VIRTUAL CRIME SYSTEM**

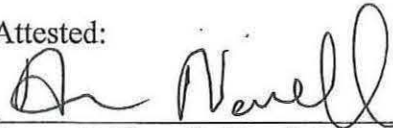
- Whereas,** Miami Township is located in the southern part of Montgomery County and is adjacent to the majority of the cities that comprise the Tactical Crime Suppression Unit (TCSU); and
- Whereas,** the Police Department works closely with those respective police departments to protect life and property, prevent crime and reduce the fear of crime for citizens of the area; and
- Whereas,** the Police Department has been invited to participate with the TCSU agencies on a virtual crime system called Accurint, from Lexis-Nexis, a Miami Township based company; and
- Whereas,** Miami Township Police Department is in need of one system to provide a policing platform that links public records in a cross-jurisdictional data exchange; and
- Whereas,** the Police Department current uses the Accurint system in a limited form; and
- Therefore Be It Resolved,** the Miami Township Board of Trustees authorizes the Acting Township Administrator to enter into an agreement with **Lexis Nexis for the Accurint Virtual Crime Center System** at a yearly cost not to exceed \$8,516.00.

  
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John Morris, Trustee President

  
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Douglas J. Barry, Trustee Vice President

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

Attested:

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

Passed: February 13, 2018

RLH:nsc

## RESOLUTION #015-2018

### RESOLUTION TO AUTHORIZE THE ACTING TOWNSHIP ADMINISTRATOR TO ENTER INTO A SALES AGREEMENT WITH PRECISE DIGITAL

- Whereas,** Miami Township has begun renovation/security construction on the Miami Township Police Department facilities; and
- Whereas,** the Criminal Investigations Section (CIS) of the Miami Township Police Department is relocating for security purposes, which includes a new and improved interview room, as well as a second interview room in the prisoner processing area; and
- Whereas,** the existing interview room audio/video recording system is malfunctioning, obsolete, and inadequate for current police department needs; and
- Whereas,** the Miami Township Police Department has researched and determined the specific requirements for an effective audio/video recording system for the interview rooms, and received competitive bids for three possible recording systems. **Precise Digital** best met the specifications, costs, and implementation requirements; and
- Therefore Be It Resolved,** the Miami Township Board of Trustees authorizes the Acting Township Administrator to execute the necessary documents to secure the purchase of one *Invidea SRX* digital audio/video recording system from **Precise Digital** for the cost of **\$12,624.20** (including system equipment, installation, and one year warranty and support) with an additional cost of **\$1,000** annually for service and support after one year.

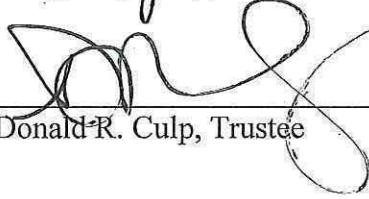
**SIGNATURE PAGE ONLY FOR RESOLUTION #015-2018**



John Morris, Trustee President

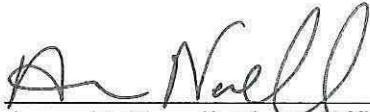


Douglas J. Barry, Trustee Vice President



Donald R. Culp, Trustee

Attested:



Aaron F. Newell, Fiscal Officer

Passed: February 27, 2017

RLH:nsc

**RESOLUTION #016-2018**

**RESOLUTION TO COMMIT THE TOWNSHIP TO THE  
MONTGOMERY COUNTY ENGINEER'S ASPHALT RESURFACING  
AND ROADWAY PAVEMENT MARKING PROGRAM**

**Whereas,** Miami Township requests the Board of County Commissioners approve assistance through the Partnership Pool Program for improving and maintaining township roadways; and

**Whereas,** the township roadways to be included in the county asphalt overlay contract are:

Byers Road (North of Lyons Road intersection to Corporation Line)  
Kingsridge Drive (SR 725 to Washington Park Drive)  
Spring Valley Pike (East of SR 741 intersection)

**Whereas,** various township roadways are to be included in the county pavement marking contract; and

**Whereas,** the estimated cost of all work is \$90,000.00; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees authorizes participation in the county contracts and authorizes the county engineer and/or his agents to come upon township roadways for the purposes herein stated and upon completion of this purpose to bill the township all actual costs incurred.

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

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

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

Attested:

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

Passed: February 27, 2018

RLH:nsc

**RESOLUTION #017-2018**

**RESOLUTION TO AUTHORIZE THE ACTING  
TOWNSHIP ADMINISTRATOR TO EXECUTE AN AGREEMENT FOR  
PAVEMENT MAINTENANCE SERVICES**

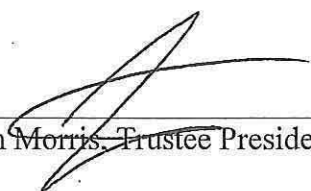
**Whereas,** there is a need for pavement maintenance services to designated township roadways; and

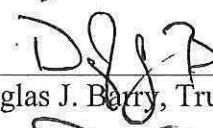
**Whereas,** a competitive bid process was conducted to solicit sealed bids for pavement maintenance services; and

**Whereas,** Strawser Construction, Inc., was the lowest and best bidder for the pavement maintenance services contract; and

**Whereas,** references have been checked for Strawser Construction, Inc., with all recommendations being favorable; and

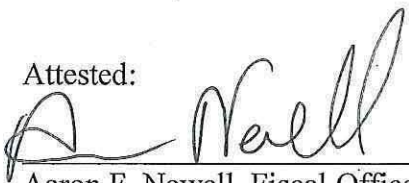
**Therefore Be It Resolved,** the Miami Township Board of Trustees authorizes the Acting Township Administrator to enter into a contract with Strawser Construction, Inc., 1392 Dublin Road, Columbus, Ohio, 43215, for Microsurfacing Type II, at a cost of \$2.92 per square yard and for SAMI Type I at a cost of \$3.58 per square yard, and to execute all the necessary documents to secure pavement maintenance services.

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

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

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

Attested:

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

Passed: February 27, 2018

RLH:nsc

**RESOLUTION #018-2018**

**RESOLUTION TO ADOPT A ZONING MAP AMENDMENT AND  
PRELIMINARY DEVELOPMENT PLAN FOR THE MIAMI  
TOWNSHIP – AIRPORT NORTH PLANNED DEVELOPMENT UNDER  
ZONING CASE #426-18, FOR LANDS ZONED “PD-5”, PLANNED  
MIXED-USE DISTRICT**

**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, February 27, 2018; and


**Whereas,** Zoning Case #426-18, filed by Miami Township Board of Trustees, proposes a change of zoning district from the Villages of Miami-South “PD-5” Planned Mixed-Use District to the Miami Township – Airport North “PD-5” Planned Mixed-Use District and adoption of a preliminary development plan and text and for lands zoned “PD-5”, Planned Mixed-Use District; and

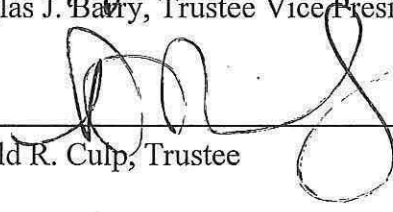
**Whereas,** the Trustees reviewed said Zoning Case in a Public Hearing; and

**Whereas,** the Trustees have made certain Findings of Fact based upon the evidence presented; and

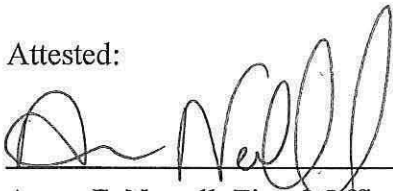
**Therefore Be It Resolved,** the Miami Township Board of Trustees approve the Zoning Map Amendment and Preliminary Development Plan under Zoning Case #426-18 and uphold the Zoning Commission recommendation.

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

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

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

Attested:

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

Passed: February 27, 2018

RLH:nsc

**RESOLUTION #019-2018**

**RESOLUTION TO ADOPT A FINAL DEVELOPMENT PLAN FOR  
AUSTIN LANDING – AREA 5 – PHASE 1 UNDER ZONING CASE #222-  
88, FOR LANDS ZONED “PD-5”, PLANNED MIXED-USE DISTRICT**

**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, February 27, 2018; and

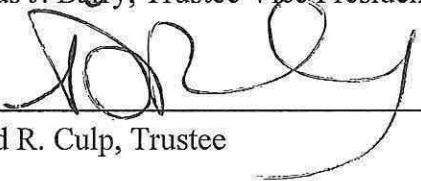
**Whereas,** Zoning Case #222-88, filed by Innovation Pointe I, proposes adoption of a final development plan for Austin Landing – Area 5 – Phase 1 and for lands zoned “PD-5”, Planned Mixed-Use District; and

**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 #222-88 and  
uphold the Zoning Commission recommendation.

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

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

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

Attested:

  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer

Passed: February 27, 2018

RLH:nsc

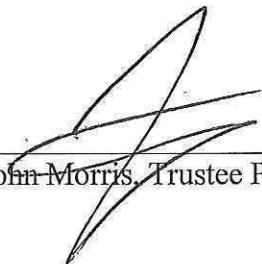
## RESOLUTION #020-2018

### RESOLUTION TO AUTHORIZE THE ACTING TOWNSHIP ADMINISTRATOR TO ENTER INTO A JOINT CONSTRUCTION AGREEMENT WITH THE CITY OF WEST CARROLLTON FOR PAVEMENT MARKINGS ALONG STUDENT STREET

- Whereas,** the City of West Carrollton (City), with the cooperation of Miami Township, Montgomery County (Township), desires to undertake the pavement marking retracing of Student Street; and
- Whereas,** portions of Student Street lie within the boundaries of the City and within the boundaries of the Township; and
- Whereas,** it is the desire of both the City and the Township that this pavement marking retracing project be undertaken in a coordinated manner to reduce overall construction costs; and
- Whereas,** the City shall be designated as the Lead Agency to contract with the lowest and best bidder as identified from a joint bid solicitation performed by the Miami Valley Communications Council (MVCC) for pavement marking retracing work in accordance with approved plans and specifications, and said solicitation to be made in accordance with applicable law; and
- Whereas,** the Township's estimated construction cost is \$1,743.55 for work completed within its boundaries; and
- Whereas,** the City shall be reimbursed by the Township for actual construction costs for work completed within Township boundaries based on contract unit prices, as-built quantities, and change orders as approved by the Township; and


**Therefore Be It Resolved,** the Miami Township Board of Trustees authorizes the Acting Township Administrator to sign the joint construction agreement between the City and Township for the pavement marking retracing of Student Street.

**SIGNATURE PAGE FOR RESOLUTION #020-2018 ONLY**



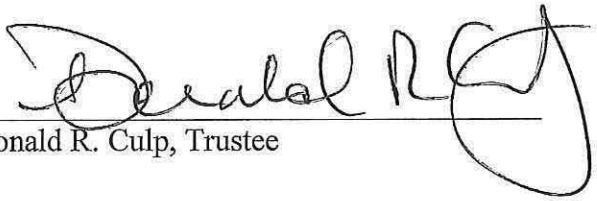
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John Morris, Trustee President



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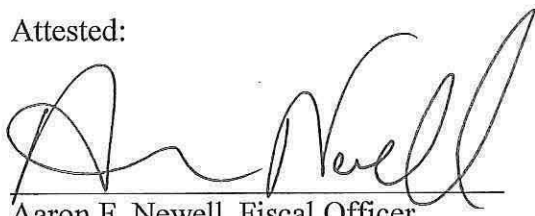
Douglas J. Barry, Trustee Vice President



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Donald R. Culp, Trustee

Attested:



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Aaron F. Newell, Fiscal Officer

Passed: March 13, 2018

RLH:bfe



## WEST CARROLLTON

### AGREEMENT

This agreement is entered into between the City of West Carrollton, Ohio (City) with its offices located at 300 E. Central Avenue, West Carrollton, Ohio 45449 and Miami Township, Montgomery County, Ohio (Township) with its offices at 2700 Lyons Road, Miamisburg, Ohio 45342.

#### WITNESSETH:

*WHEREAS*, the City of West Carrollton (City), with the cooperation of Miami Township, Montgomery County (Township), desires to undertake the pavement marking retracing of Student Street (Project); and

*WHEREAS*, portions of Student Street lie within the boundaries of the City and within the boundaries of the Township; and

*WHEREAS*, it is the desire of both the City and the Township that this pavement marking retracing project be undertaken in a coordinated manner to reduce overall construction costs.

*NOW, THEREFORE*, for valuable consideration, the receipt of which is hereby acknowledged, and for the mutual covenants set forth below, the parties agree as follows:

1. The City will be the lead agency in managing the project and performing the field inspection for the pavement marking retracing of Student Street.
2. The pavement marking retracing will be performed in accordance with Ohio Department of Transportation Item 644, Thermoplastic Pavement Marking.
3. The City will award the Project to the lowest and best bidder (Contractor) as identified from a joint bid solicitation performed by the Miami Valley Communications Council (MVCC). The Township consents and agrees that it will allow and cooperate with the City and the Contractor to make the improvements in the Township's jurisdiction as set forth in the Plans and Specifications for the Project.
4. The Township will have final approval over any changes made to the Plans and Specifications for the portion within the Township boundaries made during the course of the work. The Township agrees that final decisions regarding changes will not be unreasonably withheld or delayed.

5. The portion of the Project within the Township's boundaries is estimated at \$1,743.55. The City will pay the contractor invoices for actual quantities installed within the Township, including approved changes. The City will then invoice the Township for these actual costs and the Township will pay the invoice within thirty (30) days of receipt.
6. Each party (Indemnifying Party) shall indemnify, defend and hold harmless the other (Indemnified Party) from all claims arising out of the death or bodily injury or damage, loss, or destruction of tangible property, to the extent the claim was caused by the negligent or intentional acts or omissions of the Indemnifying Party, its employees, or agents.
7. The parties agree the effective date of this Agreement shall be the date it is signed by the last party to sign below.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives.

Signed and acknowledged in the presence of:

CITY OF WEST CARROLLTON, OHIO

By: Brad Townsend 3/15/18  
 Brad Townsend Date  
 City Manager

Carie Cottongin  
 Witness  
CARIE COTTONGIN  
 Print name of Witness

MIAMI TOWNSHIP, MONTGOMERY COUNTY, OHIO

By: Ron Hess 3-19-2018  
 Ron Hess Date  
 Acting Township Administrator

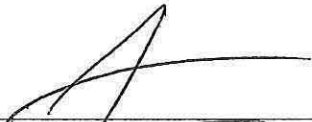
C. Clay McCord 3/19/18  
 Witness  
C. CLAY MCCORD  
 Print name of Witness


**RESOLUTION #021-2018**

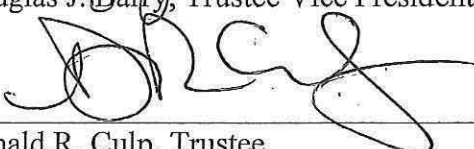
**RESOLUTION TO REQUEST THE MONTGOMERY COUNTY AUDITOR  
TO CERTIFY THE TOTAL CURRENT TAX VALUATION IN  
ANTICIPATION OF A 3.50 MILL REPLACEMENT LEVY FOR THE  
FIRE DEPARTMENT**

- Whereas,** the Miami Township Board of Trustees provides an efficient and effective fire and EMS service to the residents paid for through a tax levy; and
- Whereas,** the residents wish to continue this service; and
- Whereas,** this tax levy is necessary to replace the existing tax levy in excess of the ten mill limitation in the amount of 3.50 mills as provided for in the ORC 5705.19 (I); and
- Whereas,** the ORC 5705.03 (B), requires the Township to request the County Auditor to certify a total current tax valuation of the subdivision and the revenue generated by a specified number of mills; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees, in compliance with the Ohio Revised Code 5705.03 (B), requests the Montgomery County Auditor to certify the current total tax valuation of the unincorporated portion of Miami Township and the total revenue a five (5) year 3.50 mill replacement levy would generate for the fire department, as provided for under ORC 5705.19 (I), if approved in the November 2018 general election to renew the existing 3.50 mill police levy expiring on December 31, 2018.

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

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

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

Attested:

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


Passed: March 13, 2018


**RESOLUTION #022-2018**

**RESOLUTION TO REQUEST THE MONTGOMERY COUNTY AUDITOR  
TO CERTIFY THE TOTAL CURRENT TAX VALUATION IN  
ANTICIPATION OF A 3.50 MILL RENEWAL LEVY FOR THE FIRE  
DEPARTMENT**

- Whereas,** the Miami Township Board of Trustees provides an efficient and effective fire and EMS service to the residents paid for through a tax levy; and
- Whereas,** the residents wish to continue this service; and
- Whereas,** this tax levy is necessary to renew the existing tax levy in excess of the ten mill limitation in the amount of 3.50 mills as provided for in the ORC 5705.19 (I); and
- Whereas,** the ORC 5705.03 (B), requires the Township to request the County Auditor to certify a total current tax valuation of the subdivision and the revenue generated by a specified number of mills; and


**Therefore Be It Resolved,** the Miami Township Board of Trustees, in compliance with the Ohio Revised Code 5705.03 (B), requests the Montgomery County Auditor to certify the current total tax valuation of the unincorporated portion of Miami Township and the total revenue a five (5) year 3.50 mill renewal levy would generate for the fire department, as provided for under ORC 5705.19 (I), if approved in the November 2018 general election to renew the existing 3.50 mill police levy expiring on December 31, 2018.

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

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

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

Attested:

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


Passed: March 13, 2018


**RESOLUTION #023-2018**

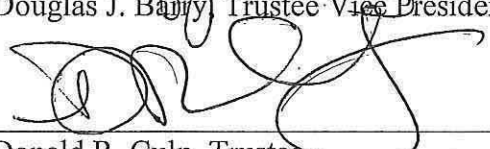
**RESOLUTION TO REQUEST THE MONTGOMERY COUNTY AUDITOR  
TO CERTIFY THE TOTAL CURRENT TAX VALUATION IN  
ANTICIPATION OF A 5.25 MILL REPLACEMENT LEVY FOR THE  
POLICE DEPARTMENT**

- Whereas,** the Miami Township Board of Trustees provides an efficient and effective police service to the residents paid for through a tax levy; and
- Whereas,** the residents wish to continue this service; and
- Whereas,** this tax levy is necessary to replace the existing tax levy in excess of the ten mill limitation in the amount of 5.25 mills as provided for in the ORC 5705.19 (J); and
- Whereas,** the ORC 5705.03 (B), requires the Township to request the County Auditor to certify a total current tax valuation of the subdivision and the revenue generated by a specified number of mills; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees, in compliance with the Ohio Revised Code 5705.03 (B), requests the Montgomery County Auditor to certify the current total tax valuation of the unincorporated portion of Miami Township and the total revenue a five (5) year 5.25 mill replacement levy would generate for the Police Department, as provided for under ORC 5705.19 (J), if approved in the November 2018 general election to renew the existing 5.25 mill police levy expiring on December 31, 2018.

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

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

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

Attested:

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


Passed: March 13, 2018


**RESOLUTION #024-2018**


**RESOLUTION TO REQUEST THE MONTGOMERY COUNTY AUDITOR  
TO CERTIFY THE TOTAL CURRENT TAX VALUATION IN  
ANTICIPATION OF A 5.25 MILL RENEWAL LEVY FOR THE POLICE  
DEPARTMENT**

- Whereas,** the Miami Township Board of Trustees provides an efficient and effective police service to the residents paid for through a tax levy; and
- Whereas,** the residents wish to continue this service; and
- Whereas,** this tax levy is necessary to renew the existing tax levy in excess of the ten mill limitation in the amount of 5.25 mills as provided for in the ORC 5705.19 (J); and
- Whereas,** the ORC 5705.03 (B), requires the Township to request the County Auditor to certify a total current tax valuation of the subdivision and the revenue generated by a specified number of mills; and


**Therefore Be It Resolved,** the Miami Township Board of Trustees, in compliance with the Ohio Revised Code 5705.03 (B), requests the Montgomery County Auditor to certify the current total tax valuation of the unincorporated portion of Miami Township and the total revenue a five (5) year 5.25 mill renewal levy would generate for the Police Department, as provided for under ORC 5705.19 (J), if approved in the November 2018 general election to renew the existing 5.25 mill police levy expiring on December 31, 2018.

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

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

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

Attested:

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

Passed: March 13, 2018

**RESOLUTION #025-2018**

**RESOLUTION TO DECLARE MISCELLANEOUS TECHNOLOGY-RELATED ITEMS AND 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

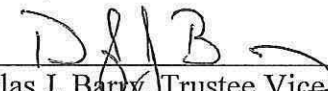
**Whereas,** regulations are being followed in accordance with the Ohio Revised Code, Section 505.10; and

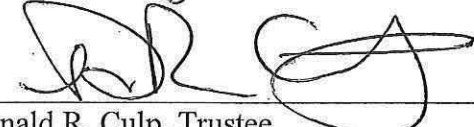
**Whereas,** Miami Township Administration has three vehicles attached as Exhibit A which are no longer needed, broken and/or worn out and beyond useful purpose; and

**Whereas,** Miami Township Information Technology Department has several technology related items, attached as Exhibit B, which are no longer needed, broken, and/or worn out and beyond useful purpose; and

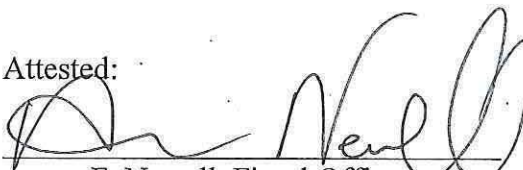
**Therefore Be It Resolved,** in accordance with the Ohio Revised Code, Section 505.10, the Miami Township Board of Trustees declares the attached lists as Exhibits A and B of surplus property to be disposed of, sold or traded-in and removed from the respective department's inventory.

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

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

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

Attested:

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

Passed: March 27, 2018

RLH:nsc

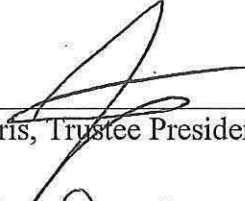
**RESOLUTION #026-2018**

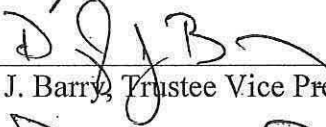
**RESOLUTION TO AUTHORIZE THE ACTING TOWNSHIP ADMINISTRATOR TO ENTER INTO A LEASE AGREEMENT FOR A POSTAGE METER MACHINE FOR THE POLICE DEPARTMENT**

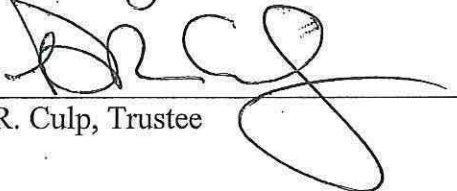
**Whereas,** the current lease agreement the Police Department has on a postage meter machine with Pitney Bowes will expire on June 30, 2018. Therefore, there is a need to enter into a new lease agreement for a postage meter machine; and

**Whereas,** the Police Department has researched options for leasing a new postage meter machine and Captain Johnson has made a recommendation to enter into a forty-eight (48) month lease agreement for a new postage meter machine with improved technology and maintenance coverage at a cost of \$54.24 per month with Pitney Bowes; and

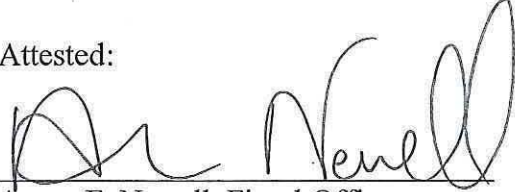
**Therefore Be It Resolved,** the Miami Township Board of Trustees authorizes the Acting Township Administrator to execute the necessary documents to enter into a forty eight (48) month lease agreement with Pitney Bowes for a postage meter machine for the Police Department at the rate of \$54.24 per month, effective July 1, 2018.

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

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

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

Attested:

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

Passed: March 27, 2018

RLH:nsc

**RESOLUTION #027-2018**

**RESOLUTION TO ADJUST WAGE SCHEDULES WITHIN THE  
PUBLIC WORKS DEPARTMENT**

**Whereas,** Miami Township is a growing community with a population of 29,131 and has enacted a limited home rule form of government; and

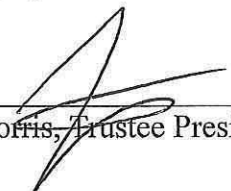
**Whereas,** in keeping with the organizational directives, a comprehensive industry level position study was conducted of neighboring cities and townships; and


**Whereas,** in order for the Public Works Department to recruit, engage, retain, and promote exceptional talent, it is necessary to adjust the pay structure of the following positions: department Supervisor, department Foreman, Mechanic, Administrative Technician and Road Worker I & II; and

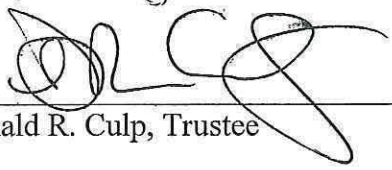
**Whereas,** the following Township positions were below the local area's salary average by the following percentages: Supervisor-10.96%, Foreman-7.26%, Mechanic-6.42%, Road Worker I-2.51% and Road Worker II-1.86%; and

**Whereas,** this action of adjusting pay schedules shall not increase the department's authorized full-time workforce in the Public Works Department; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees hereby authorizes the salary range for exempt Supervisors to be adjusted to \$58,826.40- \$80,600.00, for the hourly range of the Foreman position to be adjusted to \$21.43- \$30.80, for the hourly range of Mechanic to be adjusted to \$19.38- \$27.60, for the hourly Road Worker II range to be adjusted to \$19.00- \$26.50 and to adjust the wage schedule only to a 10 step format for the positions of Administrative Technician and Road Worker I, effective May 1, 2018.

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

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

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

Attested:

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

Passed: March 27, 2018

RLH:bfe

**RESOLUTION #028-2018**

**RESOLUTION TO CREATE THE POSITION OF FACILITIES  
MANAGER AND AUTHORIZE THE RE-CLASSIFICATION OF A  
PUBLIC WORKS EMPLOYEE**

**Whereas,** the Board of Trustees is the authority for creating authorized positions within Miami Township's compliment of personnel; and


**Whereas,** based on the outcome of a comprehensive position assessment, there is a need to create one (1) full-time Facilities Manager position in the Public Works Department to serve as the department's representative; and


**Whereas,** a job description and accompanying pay schedule for the newly created position has been created by the Public Works Director and reviewed and approved by the Acting Township Administrator; and

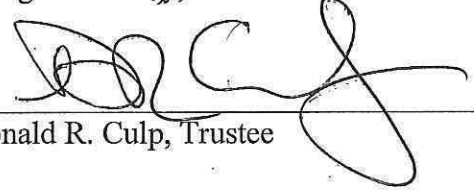
**Whereas,** Mel King, has been working for the department since August 19, 1996 and is recommended to be re-classified to the salary exempt position of Facilities Manager; and

**Whereas,** this action shall not increase the department's workforce in the Public Works Department; and

**Therefore Be It Resolved,** the Board of Trustees authorizes the creation of one (1) full-time Facilities Manager position including the associated pay schedule and authorizes the re-classification of Mel King to the position, at a yearly salary of \$57,408.00, effective May 1, 2018.

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

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

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

Attested:

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

Passed: March 27, 2018

RLH:bfe

## RESOLUTION #030-2018

### RESOLUTION TO AUTHORIZE THE ACTING TOWNSHIP ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT

- Whereas,** Miami Township owns certain land at 2673 Austin Boulevard currently part of Parcel Identification No. K45 02602 0003; and
- Whereas,** the Humane Society of Greater Dayton desires to purchase approximately 3.86 acres of said real estate and acquire an access easement to said parcel; and
- Whereas,** the Board of Trustees desires to lease the existing building at 2673 Austin Boulevard from the Humane Society of Greater Dayton for a period of up to 270 days following the closing on the property sale; and

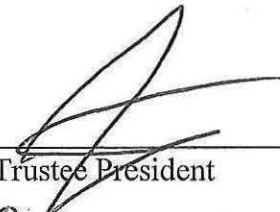
**Therefore Be It Resolved,** the Miami Township Board of Trustees:

Section 1. The Board hereby authorizes and directs the Acting Township Administrator, to execute and deliver for and on behalf of the Township a Lease Agreement substantially in the form presently on file with the Township and attached hereto, with such changes thereto as may be approved by 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 and in an amount not to exceed one (\$1) dollar.

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 #030-2018**



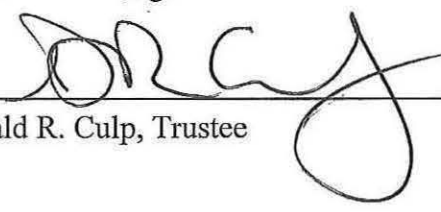
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John Morris, Trustee President



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Douglas J. Barry, Trustee Vice President



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Donald R. Culp, Trustee

Attested:



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Aaron F. Newell, Fiscal Officer

Passed: March 27, 2018

RLH:nsc

**RESOLUTION #031-2018**

**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 20, 2018 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, and to continue the agreement with Brixey & Meyer, Inc./Eagles Real Estate Group LLC.

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

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

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

Attested:

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

Passed: March 27, 2018

RLH:sld

**RESOLUTION #032-2018**

**RESOLUTION TO APPROVE AN AMENDED APPROPRIATION OF PERMISSIVE MOTOR VEHICLE TAX FUNDS FOR 2018**

**Whereas,** the Public Works Road Department is responsible for clearing township roadways during winter weather; and

**Whereas,** the Public Works Director has determined that additional road salt supplies are needed to ensure that township roadways are adequately maintained for the remainder of the current winter weather season; and


**Whereas,** the Finance Director has reviewed the Permissive Motor Vehicle Fund and determined that sufficient reserves are available for the purchase of road salt; and

**Whereas,** it is necessary to amend the appropriation of funds from the Permissive Motor Vehicle Fund for the purchase of additional road salt supplies for Miami Township; and

**Therefore, Be It Resolved,** the Board of Trustees of Miami Township, Montgomery County, Ohio, do hereby appropriate an additional \$30,000 from the Permissive Motor Vehicle Tax Fund for the purchase of road salt.

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

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

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

Attested:

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

Passed: March 27, 2018

RLH:bfe

**RESOLUTION #033-2018**

**RESOLUTION TO AUTHORIZE THE ACTING TOWNSHIP ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE FORD CREDIT MUNICIPAL LEASING PROGRAM**

**Whereas,** the Miami Township Police Department has a fleet of 14 marked patrol vehicles; and

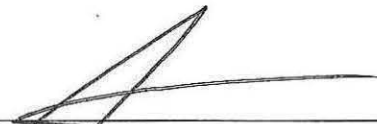
**Whereas,** the Miami Township Police Department has several vehicles with over 100,000 mileage and/or are in a constant state of repair; and

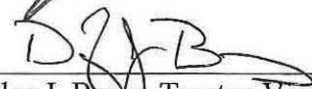
**Whereas,** the Miami Township Police Department needs to replace four of these vehicles; and

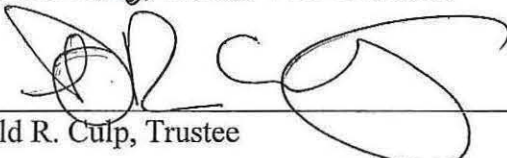
**Whereas,** Ford Credit has a Municipal Leasing Program to replace these vehicles; and

**Whereas,** the Chief of Police is recommending that the township enter into an agreement with the Ford Municipal Leasing Program to purchase four (4) 2018 Ford SUV PI (Explorers); and

**Therefore Be It Resolved,** the Miami Township Board of Trustees authorizes the acting township administrator to enter into an agreement with Ford Credit for the purchase of four (4) 2018 Ford SUV PI (Explorers) to include up fitting not to exceed \$165,000.

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

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

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

Attested:

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

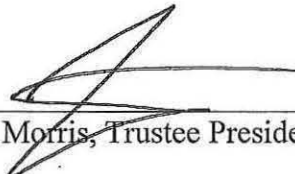
Passed: April 10, 2018

RLH:bfe

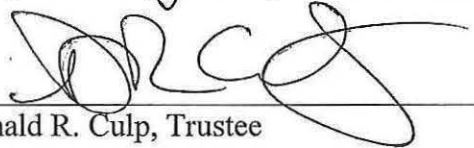
**RESOLUTION #034-2018**

**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, Section 505.10; and
- Whereas,** Miami Township Police Department has four vehicles attached as Exhibit A 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 Exhibit A as surplus property to be disposed of, sold or traded-in and removed from the respective department's inventory.

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

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

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

Attested:

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

Passed: April 10, 2018

RLH:bfe

## RESOLUTION #035-2018

### RESOLUTION TO AUTHORIZE THE EXECUTION AND DELIVERY OF A 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 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

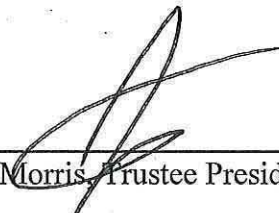
**THEREFORE, BE IT RESOLVED,** the Miami Township Board of Trustees authorizes the following:

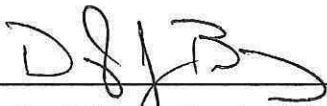
Section 1. Determinations of the Board. The Board of Trustees of the Township, having theretofore reviewed the form of the Lyons Road Project Phase II Addendum to the 2016 Miami Township Pedestrian Access Projects Management and Financing Agreement, now determines that it is a proper public purpose and in the best interests of the Township to enter into the Phase II Agreement.

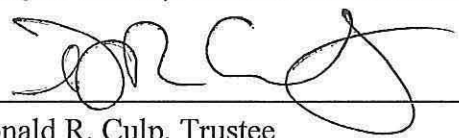
Section 2.    Authorization for Execution and Delivery of the Project Development Agreement. The Board of Trustees of the Township hereby authorizes and directs the Acting Township Administrator, to execute and deliver for and on behalf of the Township the Lyons Road Project Phase II Addendum substantially in the form presently on file with the Township, with such changes thereto as may be approved by the Acting Township Administrator executing 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 Acting 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 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.

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

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

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

Attested:  
  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer  
Passed: April 10, 2018  
RLH:bfe

## RESOLUTION #036-2018

### RESOLUTION TO AUTHORIZE THE EXECUTION AND DELIVERY OF AN AMENDED LPA FEDERAL LOCAL-LET PROJECT AGREEMENT FOR THE MOT-LYONS ROAD TRANSPORTATION PROJECT WITHIN MIAMI TOWNSHIP

**Whereas,** Miami Township, Ohio (the "Township") has obtained an allocation of Federal funding through the Congestion Mitigation and Air Quality Improvement program to complete the MOT-Lyons Road transportation project; and

**Whereas,** in order to utilize the allocated funds through the Federal Highway Administration designated agency, the Ohio Department of Transportation (ODOT), the Township must enter into an agreement with ODOT setting forth the requirements associated with the Federal funds, the LPA Federal LOCAL-LET Project Agreement (hereinafter referred to as the "LPA Agreement"); and

**Whereas,** ODOT has notified Miami Township of the need to amend the LPA Agreement previously authorized and executed under Resolution #019-2016 and subsequently amended under Resolution #033-2017; and

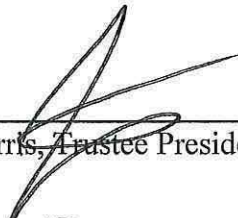
**Therefore Be It Resolved,** by the Board of Trustees of Miami Township, Montgomery County, Ohio, that:


Section 1. Determinations of the Board. The Board of Trustees of the Township, having theretofore reviewed the form of the amended LPA Agreement, now determines that it is a proper public purpose and in the best interests of the Township to enter into the amended LPA Agreement.


Section 2. Authorization for Execution and Delivery of the amended LPA Agreement. 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 the amended LPA Agreement substantially in the form presently on file with the Township, with such changes thereto as may be approved by the Township official executing the amended LPA Agreement, the execution of which shall be prima facie evidence of such Township official's approval of the form of such Agreement. The Acting 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 amended LPA Agreement.

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.

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

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

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

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

Aaron F. Newell, Fiscal Officer  
Passed: April 10, 2018  
RLH:bfe

## RESOLUTION #037-2018

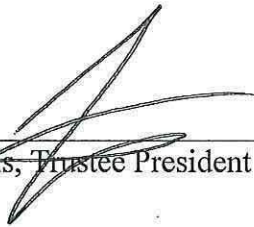
### RESOLUTION TO AUTHORIZE THE ACTING TOWNSHIP ADMINISTRATOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING

- Whereas,** Zengel Construction Company (ZCC) owns certain land under Parcel Identification No. K45 02402 0005; and
- Whereas,** ZCC desires to transfer said real estate to Miami Township; and
- Whereas,** the Board of Trustees has reviewed said request and has an interest, pending completion of due diligence activities, in acquiring the proposed real estate; and

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

- Section 1. 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 Memorandum of Understanding substantially in the form presently on file with the Township and attached hereto, with such changes thereto as may be approved by 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 of Trustees of the Township, 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 FOR RESOLUTION #037-2018 ONLY**



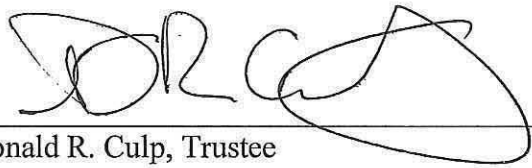
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John Morris, Trustee President



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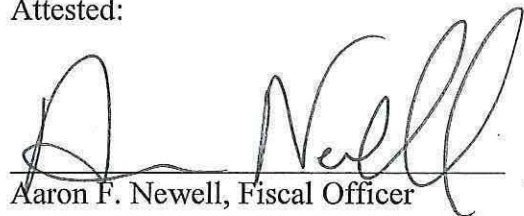
Douglas J. Barry, Trustee Vice President



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Donald R. Culp, Trustee

Attested:



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Aaron F. Newell, Fiscal Officer

Passed: April 10, 2018

RLH:bfe

**RESOLUTION # 038-2018**

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

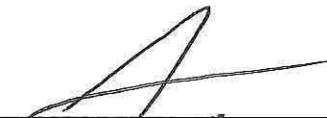
**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, April 10, 2018; and

**Whereas,** Zoning Case #427-18, filed by the Miami Township Zoning Commission, proposes amendment to Article 4, "Board of Zoning Appeals" of the Miami Township Zoning Resolution; and

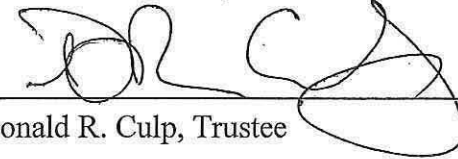
**Whereas,** the Zoning Commission has made a recommendation; and

**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 #427-18 and uphold the Zoning Commission recommendation.

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

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

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

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

Aaron F. Newell, Fiscal Officer  
Passed: April 10, 2018  
RLH:nsc

**RESOLUTION # 039-2018**

**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 10, 2018; and


**Whereas,** Zoning Case #428-18, filed by the Miami Township Zoning Commission, proposes amendment to Article 51, "Telecommunication Towers" of the Miami Township Zoning Resolution; and

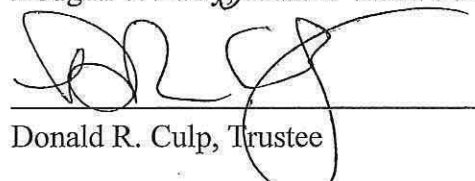
**Whereas,** the Zoning Commission has made a recommendation; and

**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 #428-18 and uphold the Zoning Commission recommendation.

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

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

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

Attested:

  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer

Passed: April 10, 2018

RLH:nsc

## RESOLUTION #040-2018

### RESOLUTION TO AUTHORIZE THE EXECUTION AND DELIVERY OF A TRAFFIC SIGNAL AGREEMENT FOR AUSTIN LANDING

**WHEREAS,** a need for a traffic signal exists to efficiently control the ingress and egress of traffic at the intersection of Landing Way and Liverpool Lane; and

**WHEREAS,** the developer of Austin Landing, Innovation Pointe I Ltd (the "Company"), is required to install, operate and maintain said traffic signal under Zoning Case #222-88 at the Company's sole cost and expense; and


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


Section 1. Determinations of the Board. The Board of Trustees of the Township, having theretofore reviewed the form of the Austin Landing Traffic Signal Agreement (the "Agreement"), now determines that it is a proper public purpose and in the best interests of the Township to enter into the Agreement.


Section 2. Authorization for Execution and Delivery of the Agreement. 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 the Agreement substantially in the form presently on file with the Township, with such changes thereto as may be approved by the Township official executing the Agreement, the execution of which shall be prima facie evidence of such Township official's approval of the form of such Agreement. The Acting 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.

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.

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

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

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

Attested:

  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer

Passed: April 24, 2018

RLH:bfe

## RESOLUTION #041-2018

### RESOLUTION TO AUTHORIZE THE ACTING TOWNSHIP ADMINISTRATOR TO EXECUTE A LEASE AND MAINTENANCE AGREEMENT WITH WOODHULL FOR THE LEASE AND MAINTENANCE OF A COPIER

- Whereas,** the current lease agreement for the Administration copier was reviewed and it was determined that overage charges were unreasonable; and
- Whereas,** Miami Township staff requested to modify the existing contract to accommodate more prints and to reduce the overage charges; and
- Whereas,** Woodhull has presented a new agreement that increases the number of prints permitted to reduce the quarterly overage charges; and
- Whereas,** the Miami Township Administration desires to enter into a lease and maintenance agreement with Woodhull, LLC for the lease and maintenance of a copier; and
- Whereas,** Miami Township is authorized by the Ohio Revised Code to lease equipment and secure a maintenance agreement if the amount is under the statutory bidding requirements; and
- Whereas,** The Acting Township Administrator is recommending a 48-month lease and maintenance agreement at a monthly lease rate of \$774, which includes 5,500 pages per month for black and white copies, with overages billed annually at 0.0089 per B&W page, and 4,800 color pages per month, with overages billed annually at 0.059 per color page, with Woodhull, LLC for a new Ricoh MP C4504ex; and
- Therefore Be It Resolved,** the Miami Township Board of Trustees authorizes the Acting Township Administrator to execute the necessary agreement to secure a 48-month lease and maintenance agreement with Woodhull, LLC.

**SIGNATURE PAGE ONLY FOR RESOLUTION #041-2018**



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



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



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

Attested:



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

Passed: April 24, 2018

RLH:nsc

**RESOLUTION #042-2018**

**RESOLUTION TO ADOPT A MAJOR MODIFICATION TO A FINAL DEVELOPMENT PLAN FOR MAD RIVER STATION – OLIVE GARDEN UNDER ZONING CASE #130-83, FOR LANDS ZONED “PD-5”, PLANNED MIXED-USE DISTRICT**


**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, April 24, 2018; and


**Whereas,** Zoning Case #130-83, filed by Site Enhancement Services, proposes adoption of a major modification to a final development plan for Mad River Station – Olive Garden and for lands zoned “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 a Final Development Plan under Zoning Case #130-83 and modify the Zoning Commission recommendation.

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

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

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

Attested:

  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer  
Passed: April 24, 2018  
RLH:nsc

**RESOLUTION #043-2018**

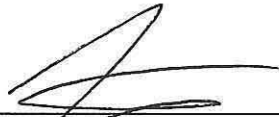
**RESOLUTION TO ADOPT A MAJOR MODIFICATION TO A FINAL DEVELOPMENT PLAN FOR CRAINS RUN SUBDIVISION PD UNDER ZONING CASE #283-96, FOR LANDS ZONED "PD-1", PLANNED RESIDENTIAL DISTRICT**


**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, April 24, 2018; and


**Whereas,** Zoning Case #283-96, filed by Crains Run HOA, proposes adoption of a major modification to a final development plan for Crains Run Subdivision PD and for lands zoned "PD-1", Planned 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 Major Modification to a Final Development Plan under Zoning Case #283-96 and uphold the Zoning Commission recommendation.

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

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

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

Attested:

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

Passed: April 24, 2018

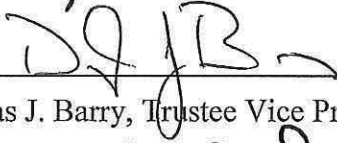
RLH:nsc


**RESOLUTION #044-2018**

**RESOLUTION TO ADOPT A MAJOR MODIFICATION TO A  
PRELIMINARY DEVELOPMENT PLAN FOR SOUTHLAND 75  
UNDER ZONING CASE #408-12, FOR LANDS ZONED "PD-5",  
PLANNED MIXED-USE DISTRICT**

- Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, April 24, 2018; and
- Whereas,** Zoning Case #408-12, filed by RCG – Southland, LLC, proposes adoption of a major modification to a preliminary development plan for Southland 75 and for lands zoned "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 a Preliminary Development Plan under Zoning Case #408-12 and uphold the Zoning Commission recommendation.

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

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

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

Attested:

  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer

Passed: April 24, 2018

RLH:nsc

## RESOLUTION #045-2018

### 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

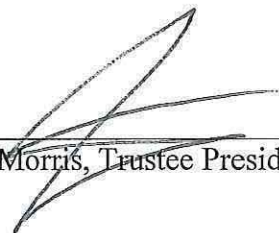
**Therefore Be It Resolved,** the Miami Township Board of Trustees authorizes the following:


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.

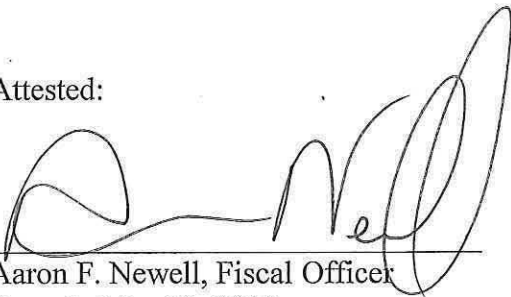
Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption.

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

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

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

Attested:

  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer  
Passed: May 09, 2018  
RLH:bfe

## RESOLUTION #046-2018

### 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 removal and installation of ADA compliant walks connecting parking areas with park facilities at Miami View and Layer 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,** the Miami Township Board of Trustees authorizes the following:

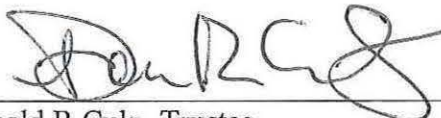
- Section 1. Authorization for Execution and Delivery of the CDBG Application. The Board of Trustees of the Township hereby authorizes and directs the Acting Township Administrator, to execute and deliver for and on behalf of the Township a CDBG Application substantially in the form presently on file 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.

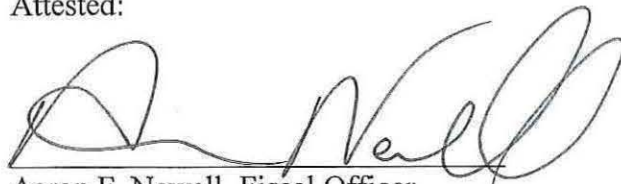
Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption.

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

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

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

Attested:



Aaron F. Newell, Fiscal Officer

Passed: May 09, 2018


RLH:bfe


**RESOLUTION #047-2018**


**RESOLUTION TO AMEND THE APPROPRIATIONS OF FUNDS FOR 2018**

- Whereas,** the annual appropriations for 2018 are to provide for expenditures for the fiscal year ending December 31, 2018; and
- Whereas,** the Director of Public Works has identified multiple capital improvement opportunities to benefit the community; and
- Whereas,** the Finance Director has identified sufficient unencumbered funding available for these improvements; and
- Whereas,** it is necessary to appropriate an additional \$240,655 as described in the attached summary to fund the capital improvements; and


**Therefore, Be It Resolved,** the Board of Trustees of Miami Township, Montgomery County, Ohio, approves an additional appropriation of \$240,655 and authorizes the Fiscal Officer to notify the Montgomery County Auditor as required.

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

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

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

Attested:

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

Passed: May 9, 2018

RLH:bfe

**RESOLUTION #048-2018**

**RESOLUTION TO ENTER INTO A CONTRACT FOR HEALTH INSURANCE**

**Whereas,** the Board of Trustees, has given consideration to the health insurance renewal information presented to them during the executive session of the Board of Trustee's meeting; and

**Whereas,** due to the townships experience and the health insurance environment as a whole, the Acting Township Administrator is making the recommendation to continue with Anthem as the carrier, effective July 1, 2018, with an overall rate decrease of 0.71%; and

**Whereas,** the following tables show the two plans selected, Anthem's Blue Access 11.0 HSA Option E2 and Option 1 with co/pay 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

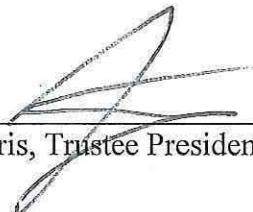
**Whereas,** non-union employee contribution rates will be 10% of the premium for this health plan year; and

**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 7/1/2018 through 6/30/2019 plan year.

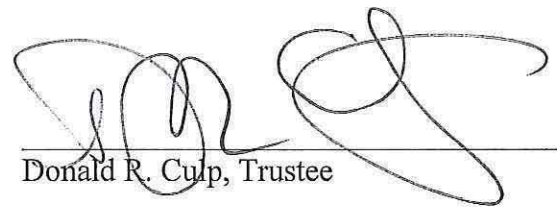
**SIGNATURE PAGE ONLY FOR RESOLUTION #048-2018**



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

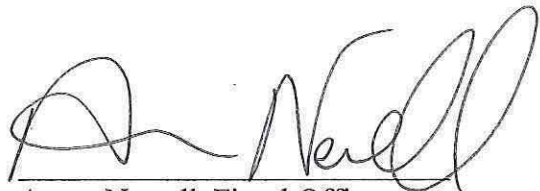


\_\_\_\_\_  
Douglas J. Barry, Trustee Vice President



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

Attested:



\_\_\_\_\_  
Aaron Newell, Fiscal Officer

Passed: May 8, 2018

RLH:pdb

## RESOLUTION #049-2018

### RESOLUTION TO AUTHORIZE THE ACTING TOWNSHIP ADMINISTRATOR TO EXECUTE A REAL ESTATE PURCHASE AGREEMENT

- Whereas,** Zengel Construction Company owns approximately 12 acres of land on Springboro Pike under Parcel Identification No. K45 02402 0005 (the “Property”); and
- Whereas,** the Zengel Construction Company desires to sell the Property to Miami Township; and
- Whereas,** the Board of Trustees has reviewed said request and found that the purchase of said lands is in the public interest; 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 Real Estate Purchase Agreement 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. The Board further authorizes the Acting Township Administrator to complete all necessary paperwork and engage such firms as necessary to complete the due diligence activities required for successful transfer of the Property to Miami Township.
- 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 FOR RESOLUTION #049-2018 ONLY**

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John Morris, Trustee President

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Douglas J. Barry, Trustee Vice President

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Donald R. Culp, Trustee

Attested:

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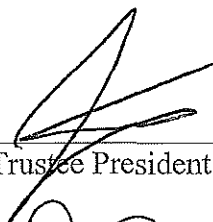
Aaron F. Newell, Fiscal Officer  
Passed: May 22, 2018  
RLH:bfe


**RESOLUTION #050-2018**

**RESOLUTION TO AUTHORIZE THE ACTING TOWNSHIP ADMINISTRATOR TO EXECUTE AN AGREEMENT FOR FACILITIES ELECTRICITY GENERATION**

- Whereas,** Miami Township is desirous of entering into an agreement with IGS Energy, Inc. for facilities electricity generation; and
- Whereas,** IGS Energy, Inc. provides the Township with its current electricity generation and has provided a lower rate for consideration; and
- Whereas,** Staff has reviewed the proposed rate and believes that the Township will see an immediate cost savings as well as a long term savings for electricity generation; and

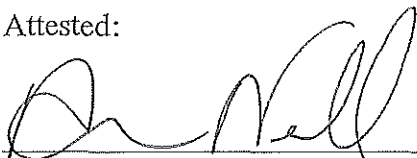
**Therefore Be It Resolved,** the Miami Township Board of Trustees authorizes the Acting Township Administrator to execute the necessary documents to enter into an agreement with IGS Energy Inc. for facilities electricity generation, in the amount of \$0.0529 per kilowatt-hour, beginning July of 2018 or per terms provided by the agreement, to June of 2023.

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

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

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

Attested:

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

Passed: May 22, 2018

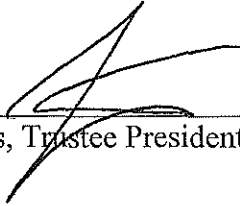
RLH:nsc

## RESOLUTION #051-2018

### RESOLUTION TO AUTHORIZE THE FUNDING OF EMPLOYER HEALTH SAVINGS ACCOUNT (HSA) CONTRIBUTIONS

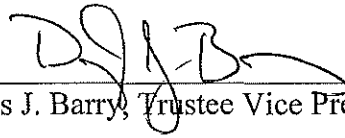
- Whereas,** the Miami Township Board of Trustees has, for the plan year of 07/01/2018 through 06/30/2019, agreed to fund HSA contributions for eligible employees and elected officials who participate in the Township's high deductible health plan; and
- Whereas,** the Board of Trustees has agreed to fund employees and elected officials a maximum contribution front load 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 frontloading of funds, that an employee will be leaving employment before the end of the 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, they will receive the remaining amount of frontload; and
- Whereas,** the HSA Employer Contribution funds, up to the maximum contribution allowed by the HSA in a calendar year, will be split into two equal payments to be made within the month of July 2018 and December 2018(if the employee has reached his/her allowable maximum for 2018, the remainder of the HSA Employer Contribution will be deposited within the month of January 2019); and
- Whereas,** if an employee is in need of the second payment before the December 2018 payment, he/she must come before the Township Administrator to ask for the second frontload to be deposited earlier than the scheduled December 2018 payment; and
- Whereas,** the Employer HSA Contribution is not an entitlement of any eligible non-union or 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.



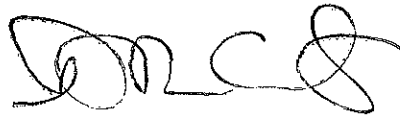
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John Morris, Trustee President



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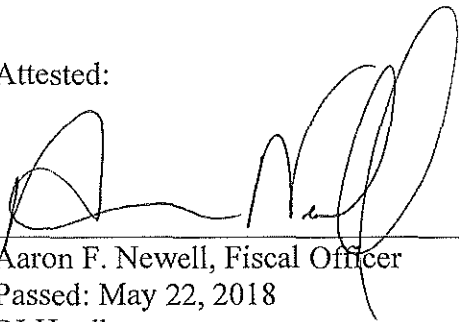
Douglas J. Barry, Trustee Vice President



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Donald R. Culp, Trustee

Attested:



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Aaron F. Newell, Fiscal Officer

Passed: May 22, 2018

RLH:pdb

**RESOLUTION # 052-2018**

**RESOLUTION TO ADOPT A MAJOR MODIFICATION TO THE  
PRELIMINARY DEVELOPMENT PLAN FOR RIVENDELL, UNDER  
ZONING CASE #393-07, FOR LANDS ZONED "PD-1", PLANNED  
RESIDENTIAL DISTRICT**

**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, July 10, 2018; and

**Whereas,** Zoning Case #393-07 filed by Zengel Construction Company, Inc., proposes adoption of a major modification to the preliminary development plan for Rivendell and for lands zoned "PD-1", Planned 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 denied  
the major modification to the preliminary development plan under Zoning  
Case #393-07 and overruled the Zoning Commission  
recommendation.

NA  
John Morris, Trustee President

DJB  
Douglas J. Barry, Trustee Vice President

DR Culp  
Donald R. Culp, Trustee

Attested:

Aaron F. Newell

Aaron F. Newell, Fiscal Officer

Passed: July 10, 2018

RLH:bfe

**RESOLUTION # 053-2018**

**RESOLUTION TO ADOPT A MAJOR MODIFICATION TO THE  
PRELIMINARY DEVELOPMENT PLAN FOR DAYTON CHRISTIAN  
SCHOOLS UNDER ZONING CASE #413-13, FOR LANDS ZONED "PD-  
5", PLANNED MIXED-USE**

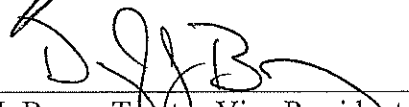
**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, May 22, 2018; and

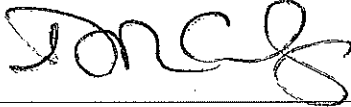
**Whereas,** Zoning Case #413-13, filed by Legacy Ministries International, proposes adoption of a major modification to the preliminary development plan for the Dayton Christian Schools Planned Development and for lands zoned "PD-5", Planned Mixed-Use; and

**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 a preliminary development plan under Zoning Case #413-13 and uphold the Zoning Commission recommendation.

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

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

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

Attested:

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

Passed: May 22, 2018

RLH:nsc

**RESOLUTION #054-2018**

**RESOLUTION TO AUTHORIZE THE ACTING TOWNSHIP ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE OHIO ASSOCIATION OF POLICE CHIEFS, INC. FOR PROFESSIONAL SERVICES**

**Whereas,** the Police Department has a need for professional recruiting and placement assistance for the position of Captain; and

**Whereas,** an executive search firm will provide the services that the Police Department desires; and

**Whereas,** the Police Department has chosen the Ohio Association of Chiefs of Police, Inc. to provide these services which include but not limited to the recruitment and the assessment center; and

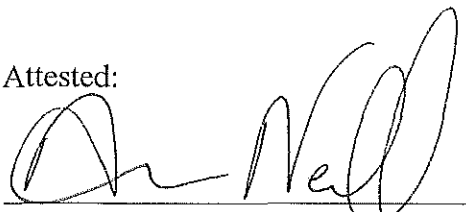
**Therefore Be It Resolved,** the Miami Township Board of Trustees authorizes the Acting Township Administrator to enter into an agreement with the Ohio Association of Chiefs of Police Inc., to provide professional services to recruitment and placement assistance for the position of Captain in an amount not to exceed five thousand seven hundred seventy five dollars (\$5,775.00)

  
\_\_\_\_\_  
John Morris Trustee President

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

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

Attested:

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

Passed: June 12, 2018

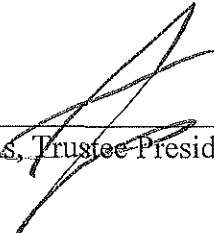
RLH:bfe

## RESOLUTION #055-2018

### RESOLUTION TO SELL PROPERTY TO RETIRING EMPLOYEES

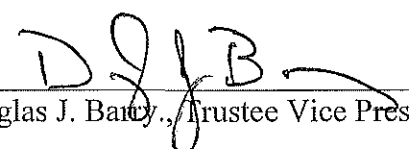
- Whereas,** Officer Gregory B. Stites is honorably retiring at the end of business on July 31, 2018 and the Acting Miami Township Administrator has officially accepted Officer Stites retirement; and
- Whereas,** Captain Russell N. Johnson is honorably retiring prior to September 1, 2018 and the Acting Miami Township Administrator will officially accept Captain Johnson's retirement; and
- Whereas,** Officer Gregory Stites and Captain Johnson have both requested permission to purchase their Glock service weapon for \$100.00; and
- Whereas,** Officer Gregory Stites is specifically requesting to purchase a Glock Model 17, 9 mm, Serial # [REDACTED]; and
- Whereas,** Captain Johnson is specifically requesting to purchase a Glock Model 17, 9 mm, Serial # [REDACTED]; and
- Whereas,** the Board of Trustees has considered their request for the purchase of their 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 [REDACTED] to Officer Gregory B. Stites and serial number [REDACTED] to Captain Russell N. Johnson for the amounts of \$100.00 respectfully, and the sale is effective upon their official retirements.

**SIGNATURE PAGE FOR RESOLUTION #055-2018 ONLY**



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John Morris, Trustee President



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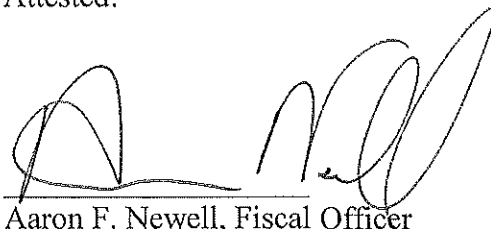
Douglas J. Barry, Trustee Vice President



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Donald R. Culp, Trustee

Attested:



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Aaron F. Newell, Fiscal Officer  
Passed: June 12, 2018  
RLH:bfe

**RESOLUTION #056-2018**

**RESOLUTION TO AUTHORIZE THE ACTING TOWNSHIP ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE NATIONAL TESTING NETWORK FOR POLICE OFFICER ENTRY LEVEL TESTING SERVICES**

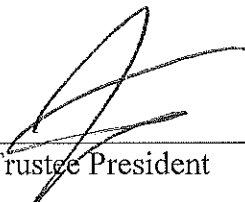
**Whereas,** Miami Township is in need of an entry level police department testing system for recruitment and employment for the position of police officer; and

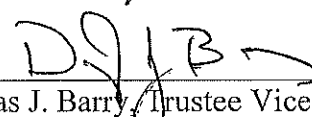
**Whereas,** the National Testing Network (NTN) provides testing centers throughout the state and nation where interested candidates can take a validated entrance exam that includes situational judgment simulation exercises; and

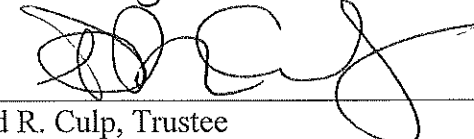
**Whereas,** NTN eliminates the need to have candidates wait for our agency to test and at times travel from wherever they reside, to take our agency's test; and

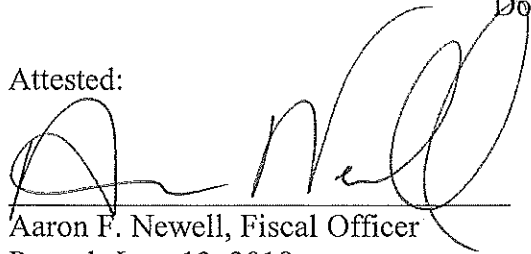
**Whereas,** NTN significantly reduces and streamlines testing costs, increases candidate diversity, quality, and screens candidates with a fully validated, and contemporary law enforcement simulation exam; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees authorizes the Acting Township Administrator to execute the necessary documents to enter into an agreement with the National Testing Center at a yearly cost not to exceed \$750.00.

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

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

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

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

Passed: June 12, 2018

RLH:nsc

## RESOLUTION #057-2018

### RESOLUTION TO APPROVE AND AUTHORIZE THE EXECUTION OF AN ANNEXATION AGREEMENT BY AND BETWEEN MIAMI TOWNSHIP AND THE CITY OF MIAMISBURG

- Whereas,** Miami Township (the “Township”) and the City of Miamisburg (the “City”) are political subdivisions located adjacent and contiguous to each other within Montgomery County, Ohio (“County” herein); and
- Whereas,** the Township and City have cooperated in numerous matters, including but not limited to, cooperation in the development, annexation and services to citizens and properties with the Township and City in order to foster and promote harmony and development within each of the Parties respective jurisdictional areas; and
- Whereas,** certain landowners have expressed a desire to pursue annexation of property located east of Miamisburg-Springboro Pike, which properties consist of real property designated by the Montgomery County Auditor Tax Parcel Numbers K45 02609 0022, K45 02609 0056, K45 02609 0034 and K45 02609 0069 (collectively, the “Annexation Parcel”) and containing approximately 41 acres and further shown on the attached Exhibit A; and
- Whereas,** the Township desires to have certain road right of way of Benner Road as shown on Exhibit B annexed to the City and the City agrees to facilitate the annexation of said roadway; and
- Whereas,** if such annexations take place, the Township and its residents will benefit in numerous ways; and
- Whereas,** it is in the best interests of the Township and its residents to approve the Annexation Agreement in the form now on file with this Board (the “Agreement”) in order to facilitate the annexation and promote the development of the Annexation Parcel, all for the benefit of the Township and its residents; and

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

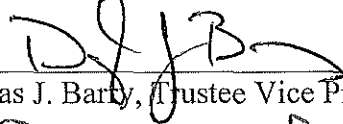
Section 1. The Board hereby approves the Annexation Agreement in the form now on file with Board, together with such changes therein not inconsistent with this Resolution and not adverse to the Township and which shall be approved by the Acting Township Administrator.

Section 2. The Board hereby authorizes, empowers and appoints the Acting Township Administrator, Ronald L. Hess, to execute and deliver the Annexation Agreement for and on behalf of the Board of Trustees of Miami Township, Montgomery County, Ohio, in substantially the form approved herein, along with any changes thereto that are not materially adverse to the interest of the Township, are consistent with this Resolution and are approved by the Acting Township Administrator. The Acting Township Administrator's execution and delivery of the Agreement shall be conclusive evidence that he approved any changes in the Agreement, and that any such changes are not materially adverse to the interests of the Township.


Section 3. 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 4. This Resolution shall take effect immediately upon its adoption.

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

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

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

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

Passed: June 12, 2018  
RLH:bfe



PROPOSED ANNEXATION TO THE CITY OF MIAMISBURG CONTAINING

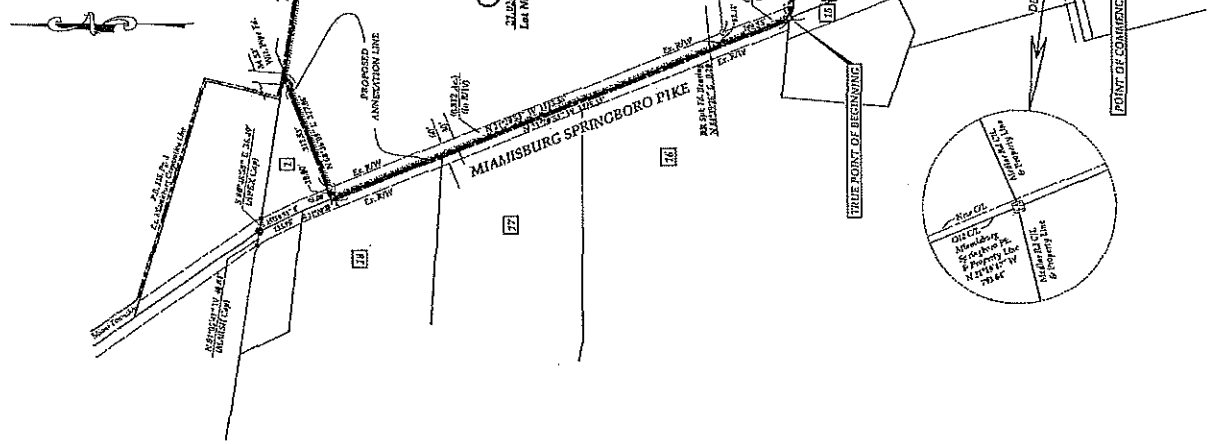
41.024 TOTAL ACRES

(0.952 ACRES IN MIAMISBURG SPRINGBORO PK. R/W) Section 23, Town 2, Range 5 M.R.s. Miami Township Montgomery County, Ohio

ANNEXATION MAP NOTES

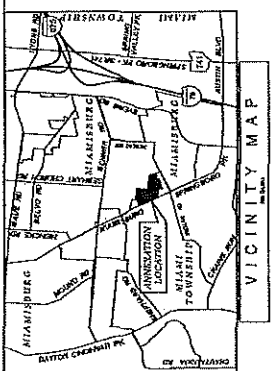
PREMIER OF ANNEXATION AREA CONTIGUOUS BOUNDARY WITH THE CITY... ANNEXATION MAP PREPARED FROM RECORDS FROM THE AUDITORS AND RECORDS OFFICE, AND FROM AN ACTUAL FIELD SURVEY PERFORMED ON... MONTGOMERY COUNTY, OHIO

Developers are bound by the conditions of Miami Springs... with of 15... with of 15... with of 15...



LEGEND: --- indicates line... --- indicates line... --- indicates line...

Graphic scale, North arrow, and surveyor information: NORFLEET, BROWN & PATRZYCZ ENGINEERS - SURVEYORS



ANNEXATION OWNER'S INDEX

- 1 JAMES D. DEWANEY & TAMARA L. DENSPAN... 2 ANN LOCKHINE PATPAS... 3 CHARLES E. HOLLOWAY...

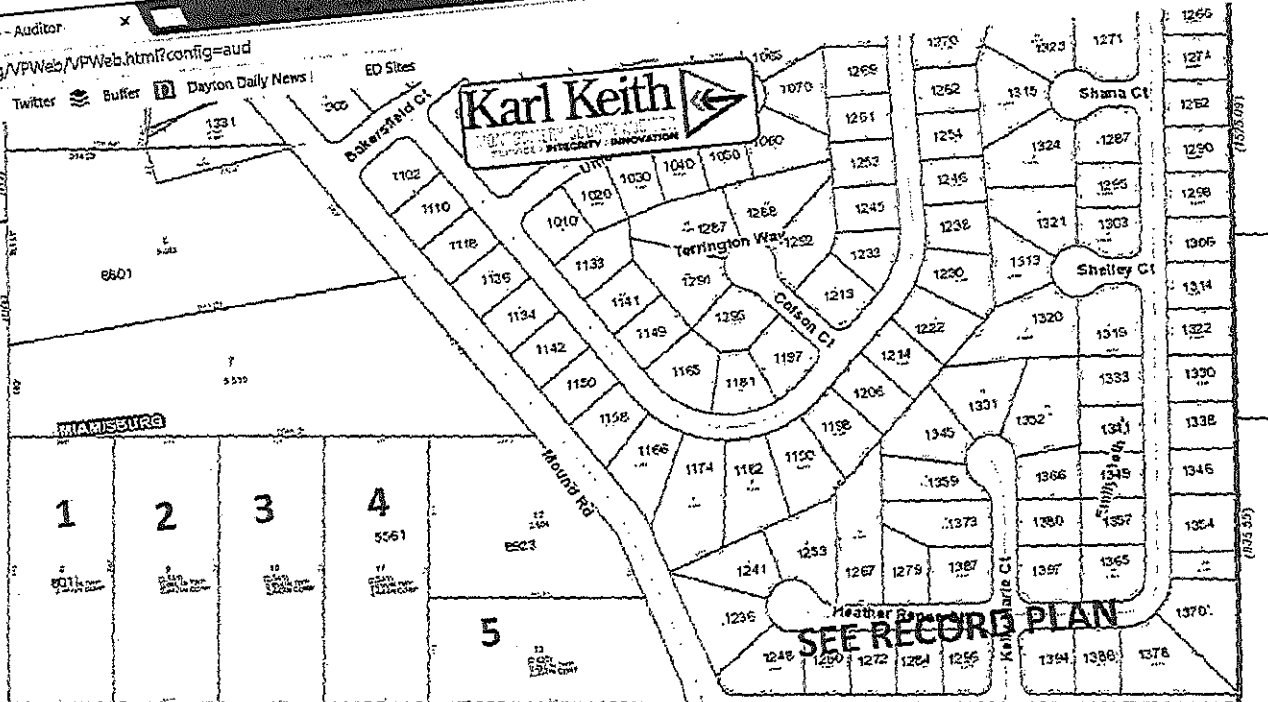
ADJOINING OWNER'S INDEX

- 1 JAMES D. DEWANEY & TAMARA L. DENSPAN... 2 ANN LOCKHINE PATPAS... 3 CHARLES E. HOLLOWAY... 4 THE CITY OF MIAMISBURG... 5 THE BOARD OF COUNTY COMMISSIONERS... 6 FRANK A. WALTERS & ANNE M. WALTERS... 7 JAMES E. DAVIS & ANNE M. DAVIS... 8 CONSTANCE J. CILLMAN & CHARLES L. CILLMAN... 9 LISA KAY DALTON... 10 CHARLES E. HOLLOWAY...

CERTIFICATION: I hereby certify that this plat was prepared under my direct supervision... Montgomery County, Ohio

**Karl Keith**  
REAL ESTATE  
INTEGRITY INNOVATION

**SEE RECORD PLAN**



- 1
- 2
- 3
- 4
- 5

6

7

tabbles  
**B**  
**EXHIBIT**

**GIG VANTAGEPOINTS**



Powered by Esri

**RESOLUTION #058-2018**

**RESOLUTION TO AMEND THE APPROPRIATION OF FUNDS  
FOR 2018**

**Whereas,** the annual appropriations for 2018 provide for expenditures for the fiscal year ending December 31, 2018; and

**Whereas,** the Miami Valley Fire District has requested reimbursement related to a former Miami Township Fire Department employee who is eligible for retirement payout in accordance with the agreements and documents in effect when the District was formed; and

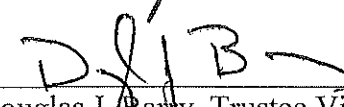
**Whereas,** the Facilities Manager has requested a budget adjustment for the relocation of the township's records storage facility; and

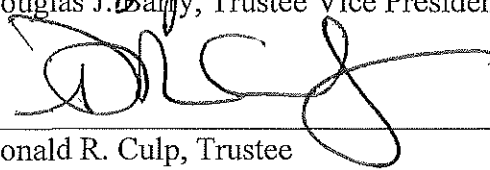
**Whereas,** the Finance Director has identified sufficient unencumbered funds are available for these appropriations; and

**Whereas,** it is necessary to appropriate an additional \$112,731, as described in the attached summary, to fund the capital improvements; and

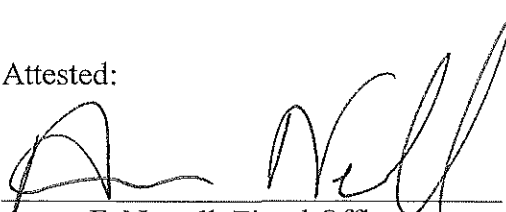
**Therefore, Be It Resolved,** the Board of Trustees of Miami Township, approves an additional appropriation of \$112,731 and authorizes the Fiscal Officer to notify the Montgomery County Auditor as required.

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

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

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

Attested:

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

Passed: June 12, 2018

RLH/cem

**RESOLUTION #059-2018**

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

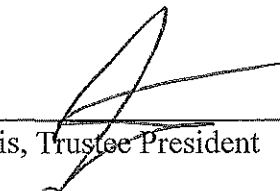
**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, June 12, 2018; and


**Whereas,** Zoning Case #429-18, filed by the Miami Township Zoning Commission, proposes amendment to Article 19 of the Miami Township Zoning Resolution; and

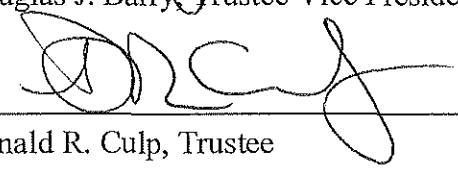
**Whereas,** the Zoning Commission has made a recommendation; and

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

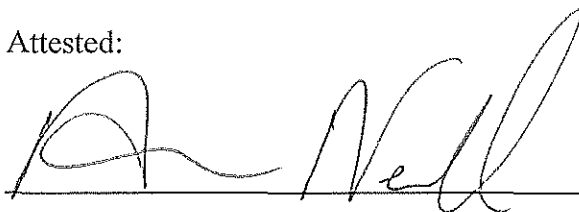
**Therefore Be It Resolved,** the Miami Township Board of Trustees approve the Text Amendment to the Miami Township Zoning Resolution under Zoning Case #429-18 and uphold the Zoning Commission recommendation.

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

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

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

Attested:

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

Aaron F. Newell, Fiscal Officer

Passed: June 12, 2018

RLH:nsc

**RESOLUTION #060-2018**

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

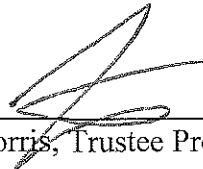
**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, June 12, 2018; and

**Whereas,** Zoning Case #430-18, filed by the Miami Township Zoning Commission, proposes amendment to Article 31 of the Miami Township Zoning Resolution; and

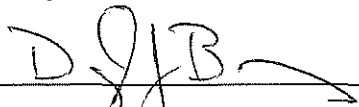
**Whereas,** the Zoning Commission has made a recommendation; and

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

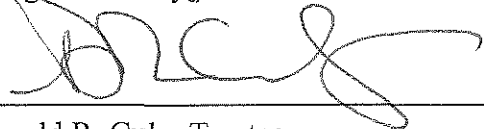
**Therefore Be It Resolved,** the Miami Township Board of Trustees approve the Text Amendment to the Miami Township Zoning Resolution under Zoning Case #430-18 and uphold the Zoning Commission recommendation.



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

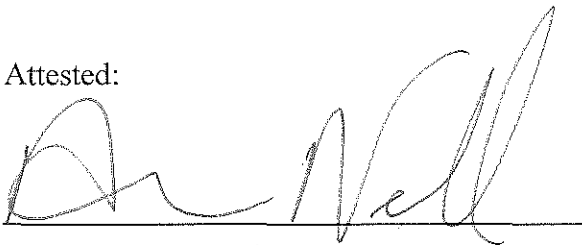


\_\_\_\_\_  
Douglas J. Barry, Trustee Vice President



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

Attested:



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

Passed: June 12, 2018

RLH:nsc

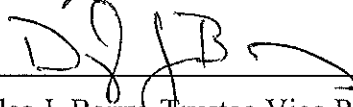
**RESOLUTION #061-2018**

**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, June 12, 2018; and
- Whereas,** Zoning Case #431-18, filed by the Miami Township Zoning Commission, proposes amendment to Article 32 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

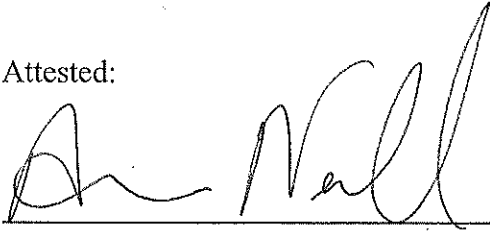
**Therefore Be It Resolved,** the Miami Township Board of Trustees approve the Text Amendment to the Miami Township Zoning Resolution under Zoning Case #431-18 and uphold the Zoning Commission recommendation.

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

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

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

Attested:

  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer

Passed: June 12, 2018

RLH:nsc

**RESOLUTION #062-2018**

**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, June 12, 2018; and


**Whereas,** Zoning Case #432-18, 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

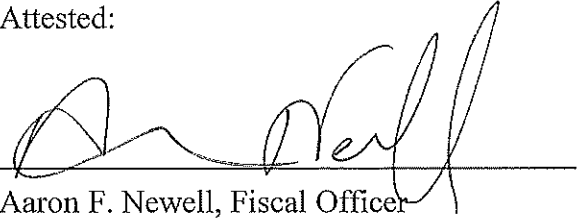
**Therefore Be It Resolved,** the Miami Township Board of Trustees approve the Text Amendment to the Miami Township Zoning Resolution under Zoning Case #432-18 and uphold the Zoning Commission recommendation.

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

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

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

Attested:

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

Passed: June 12, 2018

RLH:nsc

**RESOLUTION #063-2018**

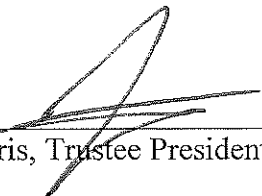
**RESOLUTION TO AUTHORIZE SALARY ADJUSTMENTS FOR  
NON-UNION EMPLOYEES**

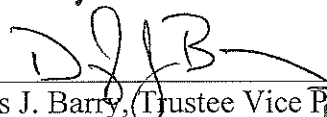
**Whereas,** each year the Board of Trustees reviews the Pay Schedule for full-time and part-time, regular, non-union personnel; and


**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 12, 2018, a two and one-half percent (2.5%) adjustment, effective with Pay Period #11; and

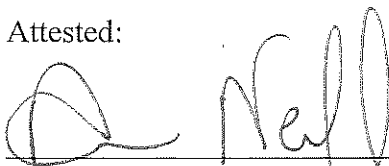
**Be It Further Resolved,** the Miami Township Board of Trustees directs the Acting Township Administrator and Finance Director to make the respective changes to the Pay Schedule, adjusting respective position ranges to ensure continued parity and labor market wage competitiveness.

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

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

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

Attested:

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

Passed: June 12, 2018

RLH:ccm

**RESOLUTION #064-2018**

**RESOLUTION TO DECLARE PROPERTY 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 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, sold or traded-in and removed from the respective department's inventory.

*Absent*

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

*DJB*  
\_\_\_\_\_  
Douglas J. Barry, Trustee Vice President

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

Attested:

*Aaron F. Newell*  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer

Passed: June 26, 2018

RLH:nsc

**RESOLUTION #065-2018**

**RESOLUTION TO AUTHORIZE A CONTRACT WITH LJB INC. TO  
PROVIDE SURVEY & ENGINEERING SERVICES**

- Whereas,** Miami Township has a need for survey and engineering services to evaluate potential roadway improvements for Vienna Parkway; and
- Whereas,** LJB, Inc. provides the desired services; and
- Whereas,** the Board of Trustees have reviewed the Services and Proposal Agreement (the "Agreement") from LJB, Inc.; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees hereby authorizes and directs the Acting Township Administrator, to execute and deliver for and on behalf of the Township the Master Agreement and Scope of Work substantially in the form presently on file with the Township, with such changes thereto as may be approved by the Acting Township Administrator executing the Agreement in an amount not to exceed \$2,700.00, the execution of which shall be prima facie evidence of such Township official's approval of the form of such Agreement. This resolution shall be effective immediately.

absent  
John Morris, Trustee President

DJB  
Douglas J. Barry, Trustee Vice President

Donald R. Culp  
Donald R. Culp, Trustee

Attested:

Aaron F. Newell

Aaron F. Newell, Fiscal Officer

Passed: June 26, 2018

RLH:nsc

## RESOLUTION #066-2018

### RESOLUTION TO REQUEST THE MONTGOMERY COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION IN ANTICIPATION OF A 3.50 MILL RENEWAL LEVY FOR THE FIRE DEPARTMENT

- Whereas,** the Miami Township Board of Trustees provides an efficient and effective fire and EMS service to the residents paid for through a tax levy; and
- Whereas,** the residents wish to continue this service; and
- Whereas,** this tax levy is necessary to renew the existing tax levy in excess of the ten mill limitation in the amount of 3.50 mills as provided for in Ohio Revised Code Section 5705.19 (I); and
- Whereas,** Ohio Revised Code Section 5705.03 (B), requires the Township to request the County Auditor to certify a total current tax valuation of the subdivision and the revenue generated by a specified number of mills; and

#### **Therefore Be It Resolved:**

- Section 1. pursuant to Ohio Revised Code Section 5705.03 (B), the Miami Township Board of Trustees requests the Montgomery County Auditor to certify the current total tax valuation of the unincorporated portion of Miami Township within Montgomery County and the total revenue that a five (5) year 3.50 mill renewal levy, would generate for the fire and EMS services, as provided for under Ohio Revised Code Section 5705.19 (I); and
- Section 2. the question of the passage of said renewal tax levy shall be submitted to the electors of the township at an election to be held on November 6, 2018. If approved by the electors, said tax levy shall first be placed upon the 2018 tax list and duplicate, for first collection in the calendar year 2019.

**SIGNATURE PAGE FOR RESOLUTION #066-2018 ONLY**

*absent*

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

*DJB*

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

*Donald R. Culp*

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

Attested:

*Aaron F. Newell*

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

Passed: June 26, 2018

RLH:nsc

## RESOLUTION #067-2018

### RESOLUTION TO REQUEST THE MONTGOMERY COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION IN ANTICIPATION OF A 3.50 MILL REPLACEMENT LEVY FOR THE FIRE DEPARTMENT

- Whereas,** the Miami Township Board of Trustees provides an efficient and effective fire and EMS service to the residents paid for through a tax levy; and
- Whereas,** the residents wish to continue this service; and
- Whereas,** this tax levy is necessary to replace the existing tax levy in excess of the ten mill limitation in the amount of 3.50 mills as provided for in Ohio Revised Code Section 5705.19 (I); and
- Whereas,** Ohio Revised Code Section 5705.03 (B), requires the Township to request the County Auditor to certify a total current tax valuation of the subdivision and the revenue generated by a specified number of mills:

#### **Therefore, Be It Resolved:**

- Section 1. pursuant to Ohio Revised Code Section 5705.03 (B), the Miami Township Board of Trustees requests the Montgomery County Auditor to certify the current total tax valuation of the unincorporated portion of Miami Township within Montgomery County and the total revenue that a five (5) year 3.50 mill replacement levy, would generate for fire and EMS services, as provided for under Ohio Revised Code Section 5705.19 (I); and
- Section 2. the question of the passage of said replacement tax levy shall be submitted to the electors of the township at an election to be held on November 6, 2018. If approved by the electors, said tax levy shall first be placed upon the 2018 tax list and duplicate, for the first collection in the calendar year 2019.

**SIGNATURE PAGE FOR RESOLUTION #067-2018 ONLY**

absent  
John Morris, Trustee President

DJB  
Douglas J. Barry, Trustee Vice President

Donald R. Culp  
Donald R. Culp, Trustee

Attested:

Aaron F. Newell  
Aaron F. Newell, Fiscal Officer  
Passed: June 26, 2018  
RLH:nsc

## RESOLUTION #068-2018

### RESOLUTION TO REQUEST THE MONTGOMERY COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION IN ANTICIPATION OF A 5.25 MILL RENEWAL LEVY FOR THE POLICE DEPARTMENT

- Whereas,** the Miami Township Board of Trustees provides an efficient and effective police service to the residents paid for through a tax levy; and
- Whereas,** the residents wish to continue this service; and
- Whereas,** this tax levy is necessary to renew the existing tax levy in excess of the ten mill limitation in the amount of 5.25 mills as provided for in Ohio Revised Code Section 5705.19 (J); and
- Whereas,** Ohio Revised Code Section 5705.03 (B), requires the Township to request the County Auditor to certify a total current tax valuation of the subdivision and the revenue generated by a specified number of mills; and

#### **Therefore, Be It Resolved:**

- Section 1. pursuant to Ohio Revised Code Section 5705.03 (B), the Miami Township Board of Trustees requests the Montgomery County Auditor to certify the current total tax valuation of the unincorporated portion of Miami Township within Montgomery County and the total revenue that a five (5) year 5.25 mill renewal levy, would generate for the Police Department, as provided for under ORC 5705.19 (J): and
- Section 2. the question of the passage of said renewal tax levy shall be submitted to the electors of the township at an election to be held on November 6, 2018. If approved by the electors, said tax levy shall first be placed upon the 2018 tax list and duplicate, for the first collection in the calendar year 2019.

**SIGNATURE PAGE FOR RESOLUTION #068-2018 ONLY**

*absent*

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

*DJB*

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

*Donald R. Culp*

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

Attested:

*Aaron F. Newell*

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

Passed: June 26, 2018

RLH:nsc

## RESOLUTION #069-2018

### RESOLUTION TO REQUEST THE MONTGOMERY COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION IN ANTICIPATION OF A 5.25 MILL REPLACEMENT LEVY FOR THE POLICE DEPARTMENT

- Whereas,** the Miami Township Board of Trustees provides an efficient and effective police service to the residents paid for through a tax levy; and
- Whereas,** the residents wish to continue this service; and
- Whereas,** this tax levy is necessary to replace the existing tax levy in excess of the ten mill limitation in the amount of 5.25 mills as provided for in the Ohio Revised Code section 5705.19 (J); and
- Whereas,** Ohio Revised Code Section 5705.03 (B), requires the Township to request the County Auditor to certify a total current tax valuation of the subdivision and the revenue generated by a specified number of mills:

#### **Therefore, Be It Resolved:**

- Section 1. pursuant to Ohio Revised Code Section 5705.03 (B), the Miami Township Board of Trustees requests the Montgomery County Auditor to certify the current total tax valuation of the unincorporated portion of Miami Township within Montgomery County and the total revenue that a five (5) year 5.25 mill replacement levy would generate for the Police Department, as provided for under ORC 5705.19 (J) and;
- Section 2. the question of the passage of said replacement tax levy shall be submitted to the electors of the township at an election to be held on November 6, 2018. If approved by the electors, said tax levy shall first be placed upon the 2018 tax list and duplicate, for the first collection in calendar year 2019.

**SIGNATURE PAGE FOR RESOLUTION #069-2018 ONLY**

*absent*

John Morris, Trustee President

*DJB*

Douglas J. Barry, Trustee Vice President

*Donald R. Culp*

Donald R. Culp, Trustee

Attested:

*Aaron F. Newell*

Aaron F. Newell, Fiscal Officer

Passed: June 26, 2018

RLH:nsc

## RESOLUTION #070-2018

### A RESOLUTION TO DECLARE THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE AND EXEMPT FROM TAXATION; REQUIRING THE OWNERS OF THE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; AND SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT DIRECTLY BENEFIT THE PARCEL

- Whereas,** in accordance with Ohio Revised Code Sections 5709.73 through 5709.75 (the “Act”), Miami Township, Ohio (the “Township”) intends to implement a tax increment financing program to facilitate the development of certain real property located within the territorial boundaries of the Township (the “Project”); and
- Whereas,** a portion of the Project consisting of parcels of real property (as depicted and described in Exhibit A attached hereto and incorporated herein by this reference), will be developed as commercial properties (the “TIF Site”); and
- Whereas,** the development of commercial properties in the Township will benefit the Township and its residents by creating economic opportunities, enlarging the property tax base, and stimulating collateral development in the Township; and
- Whereas,** by providing public infrastructure improvements, as that term is defined in Ohio Revised Code Sections 5709.40(A)(8) and 5709.73(A)(6) (as more fully described on Exhibit B attached hereto and incorporated herein by this reference, the “Public Infrastructure Improvements”), the Township may facilitate the development of commercial properties for the benefit of the TIF Site, including, without limitation, by facilitating the financing, acquisition, and construction of the Public Infrastructure Improvements; and
- Whereas,** the Act provides for the use of township tax increment financing to pay the costs of Public Infrastructure Improvements, which costs may include, without limitation: (i) the payment for or reimbursement of costs of the Public Infrastructure Improvements, or maintenance thereof (in accordance with the Act), incurred by the Township or on behalf of the Township, and (ii) payment of debt service (the “Debt Service”) on, and other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements; and
- Whereas,** the Act provides that this Board of Trustees may, among other things, (a) declare the improvement to real property located in the Township be a

public purpose, thereby exempting such improvements from real property taxation for a period of time, (b) specify public infrastructure improvements to be made to benefit the TIF Site, (c) require the owner or owners of those parcels to make service payments in lieu of taxes, and (d) establish a public improvement tax increment equivalent fund into which such service payments shall be deposited; and

**Whereas,** the Township desires to grant a seventy-five percent (75%) exemption from real property taxation for a period of ten (10) years (the "TIF Exemption") for each improvement to the TIF Site (as defined in Section 1 hereof, the "Improvement"); and

**Whereas,** the Township has determined that it is necessary and appropriate and in the best interests of the Township to require the owners of the parcels included in the TIF Site and their heirs, successors and assigns (collectively, with their heirs, successors and assigns, as owners of the TIF Site, the "Owners") to make service payments in lieu of taxes (as defined in Section 1 hereof, the "Service Payments") with respect to the Improvement pursuant to Ohio Revised Code Section 5709.74; and

**Whereas,** the Miamisburg City School District, Montgomery County, Ohio has received notice of the TIF Exemption and the proposed text of this Resolution in advance of the date on which this Resolution is being adopted, in accordance with Ohio Revised Code Sections 5709.73 and 5709.83; and

**Whereas,** the Miami Valley Career Technology Center, Montgomery County, Ohio has received notice of the TIF Exemption and the proposed text of this Resolution in advance of the date on which this Resolution is being adopted, in accordance with Ohio Revised Code Sections 5709.73 and 5709.83; and

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

Section 1. Authorization of TIF Exemption. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.73(B), this Board of Trustees hereby finds and determines that seventy-five percent (75%) of the increase in assessed value of each parcel (as it may be subdivided or combined in connection with the acquisition or development of a parcel) comprising the TIF Site (the "Exempted Property") subsequent to the effective date of this Resolution which increase in assessed value is hereinafter referred to as the "Improvement," as defined in Ohio Revised Code Section 5709.73(A)(2)) is declared to be a public purpose. Pursuant to and in accordance with Ohio Revised Code Section 5709.73(G), the Improvement with respect to each parcel shall be exempt from real property taxation (the "TIF Exemption for a period commencing with the first day of the tax year in which there is a building or structure on the parcel exceeding Two-Hundred Thousand

Dollars (\$200,000.00) in true value that appears on the tax list and duplicate of real and public utility property and ending for a parcel (a) on the tenth (10th) anniversary of such date or (b) the date on which the Township can no longer require the Service Payments, all in accordance with the Act.

Section 2. Payment of Service Payments. As provided in Ohio Revised Code Section 5709.74, but only after the TIF Exemption is effective, the Owner of a parcel comprising Exempted Property shall be required to, and shall make, service payments in lieu of taxes with respect to the Improvement allocable thereto to the County Treasurer on or before the final due dates for payment of real property taxes. Each service payment in lieu of taxes shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against such parcel as if it were not exempt from taxation pursuant to Section 1 hereof. If any reduction in the levies otherwise applicable to such parcel is made by the County budget commission under Ohio Revised Code Section 5705.31, the amount of the service payment in lieu of taxes shall be calculated as if the reduction in levies had not been made. Any late payments of service payments in lieu of taxes shall be subject to penalty and bear interest at the then current rate established under Ohio Revised Code Sections 323.121(B)(1) and 5703.47, as the same may be amended from time to time, or any successor provisions thereto (the "Penalties and Interest"). Each Owner shall make any other payments in respect of such parcel which are received by the County Treasurer in connection with any reduction required by Ohio Revised Code Section 319.302, as the same may be amended from time to time, or any successor provisions thereto (the "Property Tax Rollback Payments," together with the service payments in lieu of taxes and the "Penalties and Interest," are collectively referred to herein as the "Service Payments"). The Service Payments shall be allocated and distributed in accordance with Section 3 hereof.

Section 3. Creation of TIF Fund; Application of Service Payments. This Board of Trustees hereby establishes, pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.75, a Public Improvement Tax Increment Equivalent Fund. The Fiscal Officer of the Township may create one or more accounts or sub-accounts within such fund as appropriate to distinguish the Service Payments received with respect to the TIF Exemption established pursuant to this Resolution from any tax increment financing programs that may be established by the Township in the future and as are necessary to account for payment of the costs of the Public Infrastructure Improvements, including any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements, Debt Service on, and other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements. As used in this Resolution, "TIF Fund" shall refer to the specific fund or account that receives the Service Payments provided for in this Resolution. The TIF Fund shall be maintained in the custody of the Township and shall receive all distributions of Service Payments

required to be made to the Township. Those Service Payments received by the Township with respect to the Exempted Property, shall be used solely for the purposes authorized in Ohio Revised Code Sections 5709.73, 5709.74, and 5709.75, including, but not limited to, paying any costs of the Public Infrastructure Improvements, in a manner that is consistent with this Resolution. For purposes of this Resolution, "costs" of the Public Infrastructure Improvements payable from the TIF Fund shall also include the items of "costs of permanent improvements" set forth in Ohio Revised Code Section 133.15(B), and incurred with respect to the Public Infrastructure Improvements, which "costs" specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements, and Debt Service on, and other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements. The TIF Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which time said TIF Fund shall be dissolved and any surplus funds remaining therein shall be transferred to the Township's General Fund, all in accordance with Ohio Revised Code Section 5709.75.

Pursuant to Ohio Revised Code Section 5709.73, 5709.74, and 5709.75, the Montgomery County Auditor ("County Auditor") is requested to distribute the Service Payments and the Property Tax Rollback Payments to the Township for deposit into the TIF Fund. The distribution from the County Auditor to the Township required under this Section is requested to be made at the same time and in the same manner as real property tax distributions.

Section 4.     Public Infrastructure Improvements. This Board of Trustees hereby designates the Public Infrastructure Improvements described in Exhibit B attached hereto as "public infrastructure improvements" (as such term is defined in Ohio Revised Code Sections 5709.40(A)(8) and 5709.73(A)(6) made, to be made, or in the process of being made, and that, once made, will directly benefit the TIF Site.

Section 5.     Application for Real Property Tax Exemption and Remission. This Board of Trustees further hereby authorizes and directs the President of the Board of Trustees, the Township Fiscal Officer, or other appropriate officers of the Township, to sign and execute all documents and make such arrangements as are necessary and proper for collection of said Service Payments from the Owners of real property located in the TIF Site, which are to be deposited into the TIF Fund.

Section 6.     Further Authorizations. This Board of Trustees further hereby authorizes and directs the President of the Board of Trustees, the Township Fiscal Officer, 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 7.     Non-Discriminatory Hiring Policy. In accordance with Ohio Revised Code Section 5709.832, this Board of Trustees hereby determines that no employer located in the TIF Site shall deny any individual employment based solely on race, religion, sex, disability, color, national origin or ancestry. The Township shall include a non-discriminatory hiring policy covenant in any development agreement entered into between the Township and any Owner or developer of any Exempted Property.

Section 8.     Notices. This Board of Trustees hereby finds and determines that notice of this proposed Resolution has been delivered to all affected school districts, including the Miamisburg City School District and the Miami Valley Career Technology Center, in accordance with Ohio Revised Code Sections 5709.73 and 5709.83, and hereby ratifies the giving of that notice.

Pursuant to Ohio Revised Code Section 5709.73(I), the Township Fiscal Officer is hereby directed to deliver a copy of this Resolution to the Director of the Development Services Agency of the State of Ohio within fifteen (15) days after its adoption. On or before March 31 of each year that the exemption set forth in Section 1 hereof remains in effect, the Township Fiscal Officer or other authorized officer of this Township shall prepare and submit to the Director of the Development Services Agency of the State of Ohio the status report required under Ohio Revised Code Section 5709.73(I).

Section 9.     Tax Incentive Review Council. The Township has created the Township Tax Incentive Review Council with the membership of that Council constituted in accordance with Ohio Revised Code Section 5709.85. That Council shall, in accordance with Ohio Revised Code Section 5709.85, review annually all exemptions from taxation resulting from the declarations set forth in this Resolution and any other such matters as may properly come before that Council, all in accordance with Ohio Revised Code Section 5709.85.

Section 10.    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 11.    Effective Date. This Resolution shall be effective from and after the earliest period provided by law.

EXHIBIT A

Legal Description of TIF Site

The TIF Site consists of the following parcel number identified in the records of the County Auditor of Montgomery County, Ohio as of July 10, 2018:

K45 02402 0005

K45 02402 0061

## EXHIBIT B

### Public Infrastructure Improvements

The Public Infrastructure Improvements consist generally of (i) the extension of Vienna Parkway to Ohio State Route 741 ("SR 741"); (ii) modifications to SR 741 to accommodate a new intersection with Vienna Parkway; (iii) the installation of automotive and pedestrian traffic control signalization at the new intersection; (iv) traffic calming modifications to Vienna Parkway; (v) connections and modifications to storm water and other public utilities systems; (vi) other public utilities, sidewalks, signage, landscaping, right of way acquisition, engineering, design, and legal costs; (vii) and other improvements, including but not limited to acquiring and constructing the infrastructure described below:

- Construction, reconstruction, extension, opening, improving, widening, grading, draining, curbing or changing of the lines and traffic patterns of roads, highways, streets, bridges (both roadway and pedestrian), traffic calming devices, sidewalks, bikeways, medians and viaducts accessible to and serving the public, and providing lighting systems, signalization, and traffic controls, and all other appurtenances thereto;
- Construction, reconstruction or installation of utility improvements (including any underground utilities), storm and sanitary sewers (including necessary site grading therefore), water lines, police station buildings and improvements, fire buildings and improvements, water and fire protection systems, and all other appurtenances thereto;
- Construction, reconstruction or installation of gas, electric, and communication service facilities, and all other appurtenances thereto;
- Construction or reconstruction of one or more public parks, including grading, trees, sod, shrubs, and other park plantings, park accessories, park structures, irrigation, lighting, flatwork, playgrounds, fountains, water fountains, water features, sports facilities, including, but not limited to, public tennis courts, sculptures, public art and related improvements, and all other appurtenances thereto;
- Construction or installation of streetscape and landscape improvements including trees and shrubs, landscaping mounds and fencing, tree grates, planting beds, signage, curbs, sidewalks, street and sidewalk lighting, trash receptacles, benches, newspaper racks, irrigation, burial of overhead utility lines and related improvements, and all other appurtenances thereto;
- Construction of one or more public parking facilities, including public surface parking and public parking structures and related improvements, and all other appurtenances thereto;
- Demolition and excavation, including demolition and excavation on private property when determined to be necessary for economic development purposes;
- Acquisition of real estate or interests in real estate (including easements) necessary to accomplish the foregoing improvements;
- Environmental remediation;
- Stormwater and flood remediation projects, including such projects on private property when determined to be necessary for public health, safety, and welfare;
- Any on-going administrative expenses relating to the Public Infrastructure Improvements and maintaining the TIF revenue, including but not limited to engineering, architectural, legal, TIF administration, permitting and public infrastructure construction management, and other consulting and professional services; and
- All inspection fees and other governmental fees related to the foregoing.

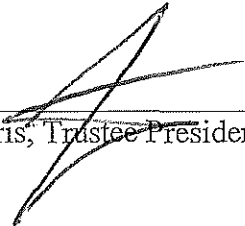
The Public Infrastructure Improvements specifically include the costs of financing the Public Infrastructure Improvements, including the items of "costs of permanent improvements" set forth in Ohio

Revised Code Section 133.15(B), and incurred with respect to the Public Infrastructure Improvements, which "costs" specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements and the Debt Service on, and other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements.

All of the Public Infrastructure Improvements described above are hereby determined to be "public infrastructure improvements" (as defined in Ohio Revised Code Sections 5709.40(A)(8) and 5709.73(A)(6) and are intended to benefit the real property described in Exhibit A.

0116631.0607844 4833-4305-9559v3

SIGNATURE PAGE FOR RESOLUTION #070-2018 ONLY




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John Morris, Trustee President



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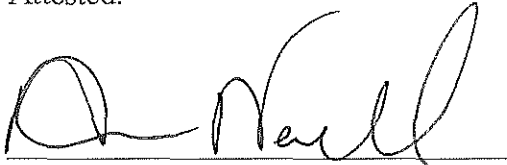
Douglas J. Barry, Trustee Vice President



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Donald R. Culp, Trustee

Attested:



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Aaron F. Newell, Fiscal Officer  
Passed: July 10, 2018  
RLH:bfe

## RESOLUTION #071-2018

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

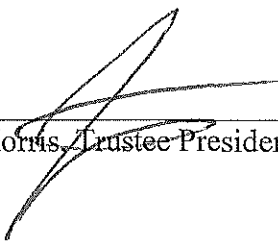
**Whereas,** the amount of taxes which may be raised within the ten (10) mill limitation will be insufficient to provide an adequate amount for the necessary requirements of said Miami Township, Montgomery County, Ohio; and

**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 (I) Section 5705.19 ORC, “for providing and maintaining fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the establishment and maintenance of lines of fire-alarm communications, for the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, for the purchase of ambulance equipment, for the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, or for the payment of other related costs”, at a rate not exceeding 3.50 mills for each one dollar of valuation, which amounts to \$0.350 for each one hundred dollars of valuation for five (5) years, and which is a renewal of an existing levy of 3.50 mills commencing in 2018, first due in calendar 2019; and

**Be It Further Resolved,** said levy be placed upon the tax list to be collected in the calendar year of 2019, if a majority of the electors voting in the November 6, 2018 general election 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 November 6, 2018 general 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 #071-2018 ONLY**



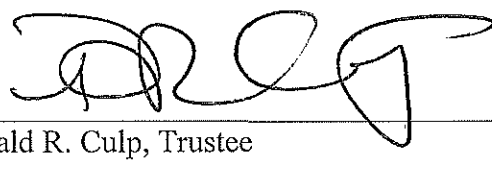
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John Morris, Trustee President



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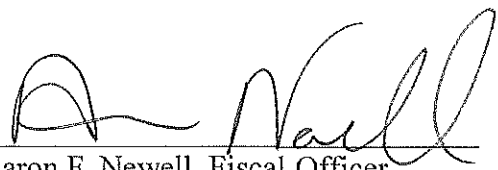
Douglas J. Barry, Trustee Vice President



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Donald R. Culp, Trustee

Attested:



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Aaron F. Newell, Fiscal Officer  
Passed: July 10, 2018  
RLH:nsc

## RESOLUTION #072-2018

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

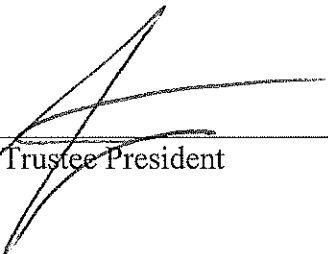
**Whereas,** the amount of taxes which may be raised within the ten (10) mill limitation will be insufficient to provide an adequate amount for the necessary requirements of said Miami Township, Montgomery County, Ohio; and

**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 ORC, “providing and maintaining motor vehicles, communications, and other equipment used directly in the operation of the police department, or the payment of salaries of permanent police personnel, or the payment of costs incurred by the Township as a result of contracts made with other political subdivisions in order to obtain police protection”, at a rate not exceeding 5.25 mills for each one dollar of valuation, which amounts to \$0.525 for each one hundred dollars of valuation for five (5) years, and which is a renewal of an existing levy of 5.25 mills commencing in 2018, first due in calendar 2019; and

**Be It Further Resolved,** said levy be placed upon the tax list to be collected in the calendar year of 2019, if a majority of the electors voting in the November 6, 2018 general election thereon vote in favor thereof; and

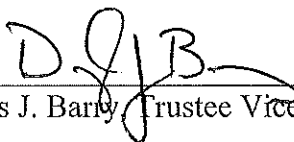
**Be It Further Resolved,** the Fiscal Officer of this Board of Trustees be and is hereby directed to certify a copy of this Resolution to the Board of Elections, Montgomery County, not less than ninety (90) days before the November 6, 2018 general election upon which it will be voted, and notify said 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 #072-2018 ONLY**



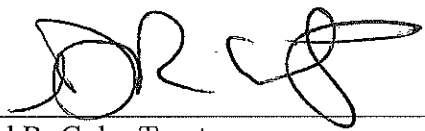
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John Morris, Trustee President



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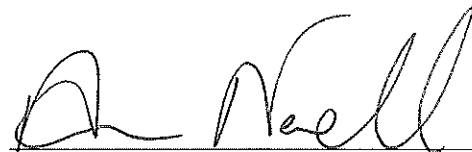
Douglas J. Barry, Trustee Vice President



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Donald R. Culp, Trustee

Attested:



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Aaron F. Newell, Fiscal Officer

Passed: July 10, 2018

RLH:nsc

**RESOLUTION #073-2018**


**RESOLUTION TO ADOPT A MAJOR MODIFICATION TO THE  
FINAL DEVELOPMENT PLAN FOR WINWHOLESALE UNDER  
ZONING CASE #411-12, FOR LANDS ZONED "PD-5", PLANNED  
MIXED-USE**


**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, July 10, 2018; and

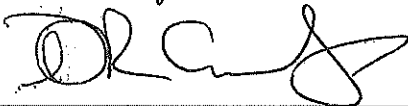
**Whereas,** Zoning Case #411-12, filed by Roll & Associates, Inc., proposes adoption of a major modification to the final development plan to construct eight (8) parking spaces to the approved site plan for WinWholesale and for lands zoned "PD-5", Planned Mixed-Use; and

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

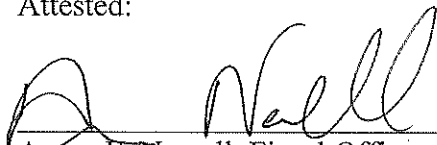
**Therefore Be It Resolved,** the Miami Township Board of Trustees Adopts  
the major modification to the final development plan under Zoning Case  
#411-12 and upholds the Zoning Commission recommendation.

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

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

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

Attested:

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

Passed: July 10, 2018

RLH:nsc

**RESOLUTION # 074-2018**

**RESOLUTION TO ADOPT A FINAL DEVELOPMENT PLAN FOR  
DAYTON CHRISTIAN SCHOOLS UNDER ZONING CASE #413-13,  
FOR LANDS ZONED "PD-5", PLANNED MIXED-USE**

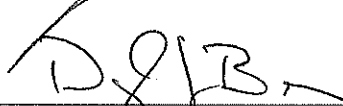
**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, July 10, 2018; and


**Whereas,** Zoning Case #413-13, filed by Legacy Ministries International, proposes adoption of a final development plan to construct a gymnasium in the Dayton Christian Schools Planned Development and for lands zoned "PD-5", Planned Mixed-Use; and

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

**Therefore Be It Resolved,** the Miami Township Board of Trustees Adopted  
the final development plan under Zoning Case #413-13 and  
upholds the Zoning Commission recommendation.

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

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

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

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

Aaron F. Newell, Fiscal Officer

Passed: July 10, 2018

RLH:nsc

**RESOLUTION #075-2018**

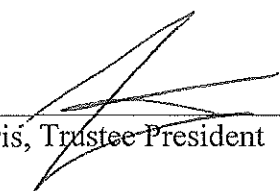
**RESOLUTION TO ADOPT A MAJOR MODIFICATION TO THE  
FINAL DEVELOPMENT PLAN FOR THE EXCHANGE AT SPRING  
VALLEY – AREA 1 - ROOSTERS UNDER ZONING CASE #374-05,  
FOR LANDS ZONED “PD-5”, PLANNED MIXED-USE**

**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, July 10, 2018; and

**Whereas,** Zoning Case #374-05, filed by Rooster Real Estate, LLC, proposes adoption of a major modification to the final development plan to modify the existing restaurant building within The Exchange at Spring Valley - Area 1 and for lands zoned “PD-5”, Planned Mixed-Use; and

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

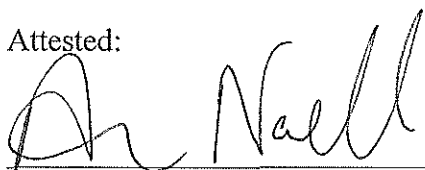
**Therefore Be It Resolved,** the Miami Township Board of Trustees Adopts  
the major modification to the final development plan under Zoning Case  
#374-05 and upholds the Zoning Commission recommendation.

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

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

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

Attested:

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

Passed: July 10, 2018

RLH:nsc

## RESOLUTION #076-2018


### A RESOLUTION AUTHORIZING THE TOWNSHIP TO ASSIGN ITS RIGHTS UNDER A REAL ESTATE PURCHASE AGREEMENT TO THE MIAMI TOWNSHIP COMMUNITY IMPROVEMENT CORPORATION

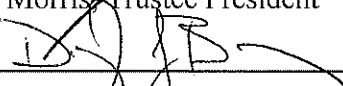
- Whereas,** pursuant to Resolution #049-2018, this Board of Trustees (the “Board”) of Miami Township, Montgomery County, Ohio (the “Township”) authorized the Acting Township Administrator to execute a Real Estate Purchase Agreement (the “Agreement”) with Zengel Construction Company (the “Seller”) for approximately 12 acres of land on Springboro Pike under Parcel identification No. K45 02402 0005 (the “Property”), which acquisition was deemed to be a public purpose; and
- Whereas,** the Agreement was executed by the Township and Seller as of May 24, 2018; and
- Whereas,** the Agreement, particularly Section 17 thereof, permits the Township to assign its interest in the Agreement; and
- Whereas,** the Township now desires to assign its interest as buyer under the Agreement to the Miami Township Community Improvement Corporation (the “CIC”) for authorized public purposes permitted under Ohio law;

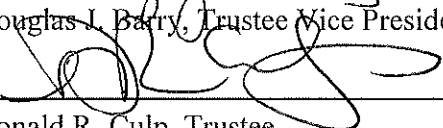
**NOW, THEREFORE, BE IT RESOLVED,** by the Board of Trustees of Miami Township, Montgomery County, Ohio that:

- SECTION 1.** Execution of Assignment. This Board hereby assigns all rights of the Township under the Agreement to the CIC and hereby authorizes and directs the Acting Township Administrator to execute any required assignment documentation on behalf of the Township. The Board further authorizes the Acting Township Administrator to execute any necessary documents, including title, survey, diligence items and related documents, to effectuate the assignment to the CIC.
- SECTION 2.** 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 3.** Effective Date. This Resolution shall be effective from and after the earliest period provided by law.

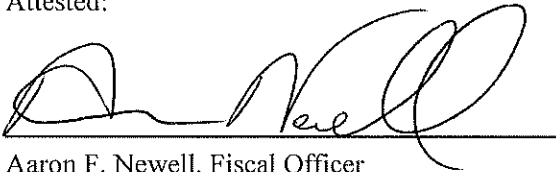
**RESOLUTION #076-2018  
(SIGNATURE PAGE)**

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

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

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

Attested:

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

Passed: July 9, 2018

**RESOLUTION #076-2018**

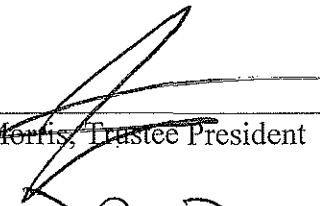
**RESOLUTION TO AUTHORIZE THE ACTING TOWNSHIP  
ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH  
MONTGOMERY COUNTY SHERIFF'S DEPARTMENT FOR  
FINGERPRINTING SERVICES**

**Whereas,** the Miami Township Police Department is desirous of retaining the services of Montgomery County Sheriff's Department for fingerprinting services; 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,** the Police Department is satisfied with said services and the Chief of Police is recommending the signing of an agreement with Montgomery County Sheriff's Department; and

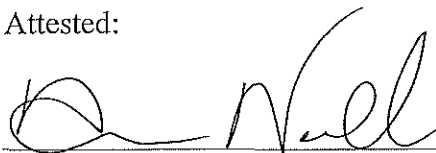
**Therefore, Be It Resolved,** the Miami Township Board of Trustees authorizes the Acting Township Administrator to execute the necessary documents to secure an agreement with Montgomery County Sheriff's Department for fingerprinting services, effective from the date of execution through December 31, 2021 as outlined in the agreement on file with Miami Township.

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

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

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

Attested:

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

Passed: July 24, 2018

RLH:sld

**RESOLUTION #077-2018**

**RESOLUTION TO APPROVE AN AMENDED APPROPRIATION OF PERMISSIVE MOTOR VEHICLE TAX FUNDS FOR 2018**

**Whereas,** the Public Works Road Department is responsible for clearing township roadways during winter weather; and


**Whereas,** the Public Works Director has determined that additional road salt supplies are needed to ensure that township roadways are adequately maintained for the remainder of the current winter weather season; and

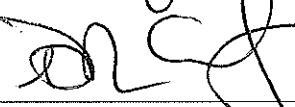
**Whereas,** the Finance Director has reviewed the Permissive Motor Vehicle Fund and determined that sufficient reserves are available for the purchase of road salt; and

**Whereas,** it is necessary to amend the appropriation of funds from the Permissive Motor Vehicle Fund for the purchase of additional road salt supplies for Miami Township; and

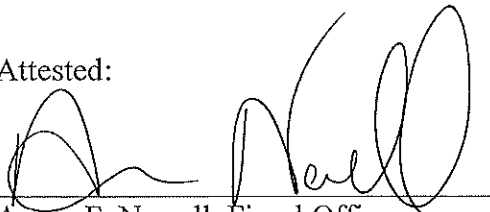
**Therefore, Be It Resolved,** the Board of Trustees of Miami Township, Montgomery County, Ohio, do hereby appropriate an additional \$45,000 from the Permissive Motor Vehicle Tax Fund for the purchase of road salt.

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

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

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

Attested:

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

Passed: July 24, 2018

RLH:nsc

**RESOLUTION #078-2018**

**RESOLUTION TO ADOPT AN EXTERIOR PROPERTY  
MAINTENANCE RESOLUTION AND RESCIND RESOLUTION  
#137-97**

**Whereas,** Miami Township adopted a limited home rule form of government under Resolution #013-2015; and

**Whereas,** Miami Township desires to exercise its home rule authority to establish standards to regulate the exterior maintenance of structures and premises within the unincorporated area of the Township; and

**Whereas,** Miami Township has an existing Exterior Property Maintenance Code (“the Code”) adopted under Resolution #137-97; and

**Whereas,** it is desired to utilize the powers granted to limited home rule townships to adopt the attached Exterior Property Maintenance Resolution of Miami Township replacing the Code adopted pursuant to Resolution #137-97; and

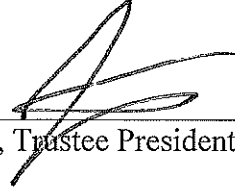
**Therefore Be It Resolved,** the attached Exterior Property Maintenance Resolution of Miami Township is hereby adopted and approved upon the first and second readings of this resolution and further finds:

Section 1. This resolution shall be effective thirty (30) days from the date of adoption upon both the First and Second Readings of this legislation; and

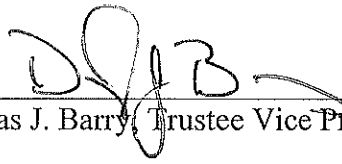
Section 2. Resolution #137-97 is rescinded and shall cease to be in effect upon the effective date of the Exterior Property Maintenance Resolution of Miami Township; and

Section 3. 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.

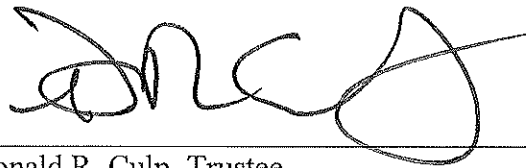
**SIGNATURE PAGE ONLY FOR RESOLUTION #078-2018**



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

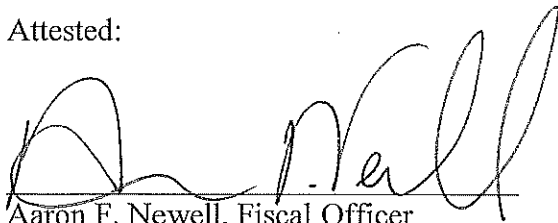


\_\_\_\_\_  
Douglas J. Barry, Trustee Vice President



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

Attested:



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

First Reading: August 14, 2018

Second Reading: August 28, 2018

Passed: August 28, 2018

RLH:nsc

# Exterior Property Maintenance Resolution of Miami Township

*ADOPTED – August 28, 2018*  
*RESOLUTION #078-2018*

**MIAMI TOWNSHIP**  
**MONTGOMERY COUNTY, OHIO**

2700 Lyons Road  
Miami Township, Ohio 45342  
(937) 433-3426  
[www.miamitownship.com](http://www.miamitownship.com)

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## CHAPTER 1 - ADMINISTRATION

### SECTION 101 - GENERAL

- 101.01 Title.** These regulations shall be known as the *Exterior Property Maintenance Resolution of Miami Township*, hereinafter referred to as "this resolution."
- 101.02 Scope.** The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities within the unincorporated area of Miami Township, Montgomery County, Ohio; the responsibility of owners, operators and occupants; and for administration, enforcement and penalties. This resolution is promulgated under Miami Townships Limited Home Rule authority under Chapter 505 of Ohio Revised Code.
- 101.03 Intent.** This resolution shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and changes of occupancy in existing buildings shall comply with all applicable Codes and Standards.
- 101.04 Severability.** If a section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this resolution.

### SECTION 102 - APPLICABILITY

- 102.01 General.** The provisions of this resolution shall apply to all matters affecting or relating to structures and premises, as set forth in **Section 101**. Where, in a specific case, different sections of this resolution specify different requirements, the most restrictive shall govern.
- 102.02 Maintenance.** Equipment, systems, devices and safeguards required by this resolution or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this resolution are not intended to provide the basis for removal or abrogation of fire protection or safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.
- 102.03 Application of Other Codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of all applicable Codes and Standards. Nothing in this resolution shall be construed to cancel, modify or set aside any provision of any existing Codes.
- 102.04 Existing Remedies.** The provisions in this resolution shall not be construed to abolish or impair existing remedies of Miami Township or its officers or agencies relating to the removal or demolition of any structure which is dangerous, insecure, unsafe, or unsanitary.

- 102.05 Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this resolution shall be executed and installed in a workmanlike manner and installed substantially in accordance with the manufacturer's installation instructions.
- 102.06 Historic Buildings.** The provisions of this resolution shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.
- 102.07 Referenced Codes and Standards.** The codes and standards referenced in this resolution shall be considered part of the requirements of this resolution to the prescribed extent of each such reference. Where differences occur between provisions of this resolution and the referenced standards, the provisions of this resolution to the extent permitted by law, shall apply.

### SECTION 103 - PROPERTY MAINTENANCE INSPECTION

- 103.01 General.** The Community Development Department or its successor shall be responsible for the enforcement and application of this resolution. The Community Development Director or respective successor if the department name is changed shall be the official in- charge.
- 103.02 Inspectors.** The Community Development Director shall appoint inspectors in such numbers as it deems necessary to perform the duties required by this resolution. These inspectors shall report to the Community Development Director.

### SECTION 104 - DUTIES AND POWERS OF THE CODE OFFICIAL

- 104.01 General.** The Community Development Director and the inspectors assigned to the Community Development Department shall enforce the provisions of this resolution.
- 104.02 Interpretation Authority.** The Community Development Director shall have authority to interpret and implement the provisions of this resolution; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions.
- 104.03 Inspections.** The Community Development Director and/or inspectors assigned to the Community Development Department shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections by agencies outside of the Miami Township Community Development Department shall be in writing and be certified by an officer of such approved agency or by the responsible individual. The Community Development Director is authorized to engage experts as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the Miami Township Administrator.
- 104.04 Identification.** The Community Development Director and inspectors assigned to the Community Development Department shall carry proper identification when inspecting structures or premises in the performance of their duties under this resolution.
- 104.05 Notices and orders.** The Community Development Director and inspectors assigned shall issue all necessary notices or orders to ensure compliance with this resolution.

**104.06 Department Records.** The Community Development Director shall keep official records of all business and activities of the Community Development Department which relate to this resolution. Such records shall be retained in the official records in such manner and for so long as is required by Miami Township's retention policy.

## SECTION 105 - NOTICE OF VIOLATION

**105.01 Civil Offense.** It shall be a civil offense for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this resolution.

**105.02 Notice of Violation.** The Community Development Director and/or inspectors shall serve a Notice of Violation (hereinafter referred to as "Notice" or "Notice of Violation") on all persons, firms, or corporations found to be in conflict with or in violation of any of the provisions of this resolution

**105.03 Form of Notice of Violation.** Whenever the Community Development Director and/or inspectors determines that there has been a violation of this resolution or has grounds to believe that a violation has occurred, notice shall be given in accordance with all the following:

- A. The Notice must be in writing; and
- B. The Notice shall be sent to the person, firm, or corporation listed by the Montgomery County Auditor's Office as owner of the property at issue; and
- C. The Notice must include a description of the property at issue which description is sufficient for identification purposes; and
- D. The Notice must include a statement of the violation or violations determined to exist on the property with specific references to the section or sections of this resolution alleged to have been violated; and
- E. The Notice must include a description of the corrective action which must be taken to bring the property into compliance with the provisions of this resolution; and
- F. The Notice must include a deadline by which time the person receiving the Notice shall be required to take the necessary corrective action required to bring the property into compliance with the provisions of this resolution.
- G. The notice must include the amount of civil fine that will be assessed if the corrective action is not taken by the deadline (or any extension obtained as provided in **Section 105.05** of this resolution)

**105.04 Method of Service.** The Notice of Violation shall be deemed to be properly served if a copy thereof is:

- A. Delivered personally; or
- B. Sent by certified or first-class mail addressed to the owner of the property at issue at the address of the property; or
- C. Sent by certified or first-class mail addressed to the owner of the property at issue at the address listed as the owner's tax mailing address by the Montgomery County Auditor; or

- D. Sent by certified or first-class mail addressed to the owner of the property at issue at the owner's last known address; or
- E. Posted in a conspicuous place on or about the property at issue if another method of delivery of the Notice is returned showing that the Notice was not delivered.

**105.05 Extension of Compliance Deadline.** For good cause shown, the Community Development Director may, at his/her sole discretion, extend the deadline previously stated in the Notice of Violation for corrective action to bring a property into compliance. In the event such an extension is granted, the Community Development Director shall notify the owner of the property at issue of the extension in the same form and pursuant to the same method of service required by **Sections 105.03 and 105.04** of this code. Any such notice of extension shall specifically state the revised deadline by which time the person receiving the extension shall be required to take the necessary corrective action required to bring the property into compliance with the provisions of this resolution.

## SECTION 106 - CIVIL CITATIONS

**106.01 Civil Citation Issued.** If a person, firm, or corporation to whom a Notice of Violation has been served does not bring the property at issue into compliance with the provisions of this resolution by the deadline established in the Notice of Violation or by the granted deadline extension, if any, such person shall be issued a Civil Citation (hereinafter referred to as "Citation" or "Civil Citation").

**106.02 Form of Civil Citation.** Civil Citations issued for a failure to comply with the Notice of Violation by the deadline established therein, or by the granted deadline extension, if any, must be given in accordance with all of the following:

- A. The Citation must be in writing on a form specifically designated as a Civil Citation form;
- B. The Citation must include a statement advising the person charged that he/she must answer the citation within fourteen (14) days after the date on which the Citation is served upon him/her;
- C. The Citation must include a statement indicating the allowable answers that may be made and that the person will be afforded a court hearing if he/she denies committing the violation;
- D. The Citation must include a statement specifying that the answer must be made in person, or by mail, to the Miami Township Fiscal Officer;
- E. The Citation must include a statement indicating the amount of the fine arising from the violation;
- F. The Citation must include a statement advising the person of the violation charged, and the date, time and place of the violation charged; and
- G. The Citation must include the signature and affirmation of the Miami Township Police Officer if any, who issued the Citation.

**106.03 Method of Service.** The Civil Citation shall be deemed to be properly served if it is:

- A. Delivered personally by the bailiff for the Miamisburg Municipal Court or any other person not less than 18 years of age, who is not a party and has been designated by order of the municipal court to make personal service; or
- B. Sent by certified or express mail, return receipt requested with instructions to the delivering postal employee to show to whom it was delivered, the date of delivery, and the address where it was delivered, addressed to the owner of the property at issue at the address listed as the owner's tax mailing address maintained by the Montgomery County Auditor; or
- C. Sent by certified or express mail, return receipt requested with instructions to the delivering postal employee to show to whom it was delivered, the date of delivery, and the address where it was delivered, to the owner of the property at issue at the owner's last known address; or
- D. Delivered personally to the usual place of residence of the owner of the property at issue to the owner or some person of suitable age and discretion then residing at that residence by the bailiff of the Miamisburg Municipal Court or any other person not less than 18 years of age, who is not a party and has been designated by order of the municipal court to make residence service; or
- E. Any other method of service permitted by the Ohio Rules of Civil Procedure.

## SECTION 107 - PERMISSIBLE ANSWERS TO CIVIL CITATION

**107.01 Permissible Answers.** Any person, firm, or corporation to whom a Civil Citation has been served may answer said Citation in one of the following ways:

- A. Admission that the person, firm, or corporation committed the violation charged, filed in the manner and within the time permitted by **Section 108** of this code; or
- B. Express denial of the violations charged by the person, firm, or corporation charged, filed in the manner and within the time permitted by **Section 109** of this code; or
- C. Implicit denial of the violations charged by the failure of the person, firm, or corporation charged to file an answer or pay the fine set forth in the Civil Citation within the time permitted by **Sections 108 and 109** of this code.

## SECTION 108 - ADMISSION OF VIOLATIONS CHARGED IN CIVIL CITATION

**108.01 Admission of Guilt.** Persons, firm, or corporations served with Civil Citations may admit commission of the violations charged by paying the fine set forth in the Civil Citation as required by **Sections 108.02 and 108.03** of this code.

**108.02 Admission of Guilt of Violations Charged in Civil Citations & Payment of Fine by Hand Delivery.** Persons, firms or corporations served with Civil Citations may admit the violations charged in the Civil Citation by paying the fine or fines set forth in the Civil Citation in person to the Township Fiscal Officer. Such payments must be hand-delivered within fourteen (14) days of the date that the Civil Citation was served upon such person, firm, or corporation.

**108.03 Admission of Guilt of Violations Charged in Civil Citations & Payment of Fine by Mail.** Persons, firms or corporations served with Civil Citations may admit the violations charged in the Civil Citation by paying the fine or fines set forth in the Civil Citation by mailing the payment, postage prepaid, to the Miami Township Fiscal Officer, 2700 Lyons Road Miami Township, Ohio 45342. Such admissions/payments must be received by the Fiscal Officer no later than fourteen (14) days after the date that the Civil Citation was served upon such person, firm, or corporation.

**108.04 Effect of Admission and Payment of Fine.** Persons, firms, or corporations who admit guilt as to the violation charged in a Civil Citation issued against them and who pay the fine set forth in the Citation are in no way absolved from resolving, removing, repairing, or otherwise abating the condition which resulted in the issuance of the Civil Citation. If such persons, firms, or corporations fail to resolve, remove, repair, or otherwise abate that condition, Miami Township may continue to issue Civil Citations each day it determines that the condition continues to violate the provisions of this code. Civil Citations issued for such continuing, unresolved violations of this code need not be preceded by additional Notices of Violation as the initial Notice of Violation shall suffice to notify the person, firm, or corporation involved as to the nature of the violation charged. Further, the admission of guilt and payment of the fines set forth in the Civil Citation shall in no way preclude the Miami Township Board of Township Trustees from instituting, by and through its Law Director or otherwise, appropriate action to enjoin, restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

## SECTION 109 - EXPRESS DENIAL OF VIOLATION CHARGED IN CIVIL CITATION

**109.01 Express Denial of Violation Charged in Civil Citations & Hand Delivery of Denial.**

Persons, firms or corporations served with Civil Citations may deny the violation charged in the Civil Citation by expressly denying the violation in writing and presenting the denial in person to the Miami Township Fiscal Officer. Such denials must be hand-delivered within fourteen (14) days of the date that the Civil Citation was served upon such person, firm, or corporation.

**109.02 Express Denial of Violation Charged in Civil Citations & Mailing of Denial.** Persons, firms or corporations served with Civil Citations may deny the violations charged in the Civil Citation by expressly denying the violations in writing and by delivering or mailing the denial, postage prepaid, to the Miami Township Fiscal Officer, 2700 Lyons Road Miami Township, Ohio 45342. Such denials must be received by the Fiscal Officer no later than fourteen (14) days after the date that the Civil Citation was served upon such person, firm, or corporation.

## SECTION 110 - IMPLICIT DENIAL OF VIOLATIONS CHARGED IN CIVIL CITATION

**110.01 Implicit Denial of Violations.** Persons, firms, or corporations who fail to either expressly deny the violation charged in the Civil Citation issued against them in the manner and within the time permitted by **Section 109** of this code or who fail to admit the violations charged in the Civil Citation issued against them by paying the fine or fines set forth in the Civil Citation in the manner and within the time permitted by **Section 108** of this code shall be deemed to have denied the violation charged.

## SECTION 111 - MUNICIPAL COURT PROCEEDINGS

**111.01 Referral to Municipal Court.** If the person, firm, or corporation issued a Civil Citation either expressly or implicitly denies the violation charged in the Citation within fourteen (14) days after service of the Civil Citation, the Miami Township Fiscal Officer or Community Development Director shall notify the Miamisburg Municipal Court of the denial so that a hearing can be set.

**111.02 Municipal Court Hearings.** Municipal Court hearings are conducted according to the Rules of Civil Procedure and the court determines whether the violation is proven by the Township by a preponderance of the evidence. If the court determines that the violation has been proven, it will order the violator to pay the fine.

**111.03 Payment of Fine After Determination of Guilt.** Persons, firms, or corporations found to have violated the provisions of this code charged in the Civil Citation must pay the fines assessed by the court within ten (10) days after the judgment. Failure to pay the fine within this time period will result in the placement of a lien on the property at issue and/or the collection of the amount due in any manner authorized by law.

## SECTION 112 - APPEAL PROCESS

**112.01 Appeal.** Persons, firms, or corporations wishing to appeal an adverse determination by the Miamisburg Municipal Court may file an appeal with the Second District Court of Appeals within thirty (30) days after the judgment.

## SECTION 113 - PENALTIES AND FINES

**113.01 Violation Penalties.** Any person, firm, or corporation who violates a provision of this code shall be issued a Civil Citation in the following amounts:

- A. In the amount of one hundred dollars (\$100.00) for the first offense;
- B. In the amount of two hundred fifty dollars (\$250.00) for the second offense;
- C. In the amount of five hundred dollars (\$500.00) for the third offense;
- D. In the amount of one thousand dollars (\$1,000.00) for fourth and each subsequent offense.

**113.02 Continuing Violations.** Each day that a violation continues after due notice has been served shall be deemed a separate offense.

## SECTION 114 - ABATEMENT AND OTHER LAWFUL REMEDIES

**114.01 Emergency Measures.** Nothing in the provisions of this resolution shall prohibit the Community Development Director from taking any action authorized by law, without regard to the provisions of this resolution and regardless of whether the legal procedures herein described have been instituted, when, in his/her opinion, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has failed and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment.

## CHAPTER 2 DEFINITIONS

### SECTION 201 - GENERAL

- 201.01 Scope.** Unless otherwise expressly stated, the following terms shall, for the purposes of this resolution, have the meanings shown in this chapter.
- 201.02 Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the single number includes the plural, and the plural, the singular.
- 201.03 Terms not defined.** Where terms are not defined in this resolution the usual and customary definition shall apply.
- 201.04 Parts.** Whenever the words "dwelling unit", "dwelling", "premises", "building", or "story" are stated in this resolution, they shall be construed as though they were followed by the words "or any part thereof".

### SECTION 202 - GENERAL DEFINITIONS

- 202.01 APPROVED.** Approved by the code official.
- 202.02 BUILDING CODE:** The most current edition of the State of Ohio Building Code, or such other code as may be officially designated by the Montgomery County Commissioners for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of all buildings and structures.
- 202.03 BASEMENT.** That portion of a building which is partly or completely below grade.
- 202.04 CIVIL CITATION.** Citation issued pursuant to **Section 106** of this code.
- 202.05 COMMUNITY DEVELOPMENT DIRECTOR.** The official who is charged with the administration and enforcement of this resolution, or any duly authorized representative.
- 202.06 COURTESY NOTICE.** A letter, pamphlet, or other informational item informing a property owner of a concern on their property and a timeframe to come into compliance. This notice is given with the intent to inform and educate property owners of the resolution and general or specific issues, but is not considered a formal violation notice. This notice is not mandatory and is provided only at the discretion of the Director or Inspector.
- 202.07 DETERIORATION.** To weaken, disintegrate, corrode, rust or decay and lose effectiveness.
- 202.08 DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- 202.09 EASEMENT.** An interest in land or property reserved for present or future use by a person or agency other than legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a property.

- 202.10 EXTERIOR PROPERTY.** The open space on the premises and on adjoining property under the control of owners or operators of such premises. Exterior Property shall include such open areas as carports and other storage areas open and visible to passersby.
- 202.11 EXTERMINATION.** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food; by spraying, fumigating, and trapping or by any other approved pest elimination method.
- 202.12 GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- 202.13 IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.
- 202.14 INFESTATION.** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.
- 202.15 INOPERABLE.** Vehicles shall be deemed to be inoperable when they meet any of the following criteria:
- A. Not capable of moving in forward or reverse under its own power and or not capable of being legally operated on a public roadway, or waterway in the case of boats and other watercraft; or
  - B. Any vehicle or motor vehicle which cannot be legally operated on public streets or highways by reason of lacking the equipment required by State Motor Vehicle Code and /or other laws of the State of Ohio; or
  - C. Any vehicle or motor vehicle which is not currently licensed, or for which the vehicle registration has expired, or which is not capable of being licensed for operation upon the public streets and highways under the provisions of the State Motor Vehicle Code, or other applicable provisions of the laws of the State of Ohio.
- 202.16 INSPECTORS.** Persons authorized by the Community Development Director. Inspectors are charged with initial administration and enforcement of this resolution, under the direction and supervision of the Community Development Director.
- 202.17 JUNK OR UNLICENSED VEHICLE.** A vehicle, including but not limited to collector's vehicles, cars, trucks, buses, trailers and boats, shall be deemed a junk or inoperable vehicle whenever all of the following occur and as may be amended pursuant to **ORC 505.173**:
- Three model years old, or older;
  - Apparently inoperable;
  - Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.
- 202.18 NEGLECT.** The lack of proper maintenance for a building or structure.

- 202.19 NOTICE OF VIOLATION.** A written notice which complies with **Section 105** of this resolution.
- 202.20 NOXIOUS WEED.** Any plant or plant product that can directly or indirectly injure or cause damage to crops (including nursery stock or plant products), livestock, poultry, or other interest of agriculture, irrigation, navigation, the natural resources of the United States, the public health, or the environment.
- 202.21 OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.
- 202.22 OCCUPANT.** Any individual living or sleeping in a building, or having possession of a space within a building.
- 202.23 OPENABLE AREA.** That part of a window, skylight or which is available for unobstructed ventilation and which opens directly to the outdoors.
- 202.24 OPERATOR.** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
- 202.25 OWNER.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state or county as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
- 202.26 PERSON.** An individual, corporation, partnership or any group acting as a unit.
- 202.27 PREMISES.** A lot, plot or parcel of land, easement or public way, including any structures thereon.
- 202.28 PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently available to the public for public use.
- 202.29 RECREATIONAL AND UTILITY VEHICLES AND EQUIPMENT.**

Vehicular, portable structures or objects designed and constructed to be used as temporary dwellings for travel, recreational and vacation uses, and utility uses, including:

**A. Boat and Boat Trailers.**

Boats, floats and rafts, plus the customary equipment to transport same on streets and highways.

**B. Motor Homes.**

Self-propelled recreational vehicles constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.

**C. Travel Trailers.**

Non-self-propelled recreational vehicles not exceeding an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and including tent-type fold-out camping trailers as defined in Section 4517.01 (R) of the Revised Code of the State of Ohio as amended.

**D. Truck Campers.**

Non-self-propelled recreational vehicles, without wheels for road use, and designed to be placed upon and attached to a motor vehicle.

**E. Utility Trailers.**

Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the unit to be used to transport materials or goods.

- 202.30 RUBBISH.** Combustible and noncombustible waste materials except garbage; the term shall include but not be limited too, the residue from burning of wood, coal, coke and other combustible materials; paper, rags, cartons, boxes, wood, excelsior, rubber, plastic, leather, tree branches, yard trimmings, tin cans, bottles, metals, mineral matter glass, crockery and dust and other similar materials. The term shall also include inoperable and broken appliances, electronics, discarded or broken furniture and household equipment and other general trash and debris.
- 202.31 SIGN.** A name, identification, description, display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land; or affixed to the glass on the outside or inside of a window so as to be seen from the outside of a building and which directs attention to an object, product, place, activity, person, institution, organization, or business.
- 202.32 STRUCTURE.** That which is built or constructed on premises or a portion thereof.
- 202.33 SWALE.** A low-lying or depressed area designed to direct water runoff across a property to an appropriate outlet.
- 202.34 SWIMMING POOL.** Any structure intended for swimming or recreational bathing that is designed to hold or capable of holding water to a depth of more than twenty-four (24) inches. The water level depth is the level that water could reach before it spills out. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.
- 202.35 TENANT.** A person, corporation, partnership or group; whether or not the legal owner of record, occupying a building or portion thereof as a unit.
- 202.36 VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing air from, any space.
- 202.37 WEEDS AND RANK VEGETATION.** Any plants or shrubs exceeding eight (8) inches in height, which are excessively vigorous in growth, malodorous and/or flagrant, or tends to choke out plants that are more desirable and which does not include agricultural crops such as hay and pasture or vegetation planted for some useful or ornamental purpose.

**202.39 WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

**202.40 YARD.** An open space on the same lot with a structure.

## CHAPTER 3 - GENERAL REQUIREMENTS

### SECTION 301 – GENERAL

- 301.01 Scope.** The provisions of this resolution shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property for all areas within the unincorporated portion of the Township.
- 301.02 Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this resolution. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this code. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the premises which they occupy and control.
- 301.03 Vacant Structures and Land.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

### SECTION 302 – EXTERIOR PROPERTY AREAS

- 302.01 Accessory Structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair, including, but not limited to, painting, replacement of broken or damaged boards or panels, replacement of missing or damaged components, and removal of any vegetation growing within, through or against such fence or structure that compromises the integrity of said fence or structure.
- 302.02 Commercial Vehicle Parking.** 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.
- 302.03 Defacement of Property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.
- 302.04 Furniture.** No furniture intended, designed, or constructed primarily for indoor use may be stored outside, unless it is in a completely enclosed porch or patio room.
- 302.05 Junk, Inoperable or Unlicensed Vehicle.** No junk, inoperable or unlicensed vehicle shall be located on any property, except when stored within a completely enclosed building or as part of a permitted vehicle salvage operation.

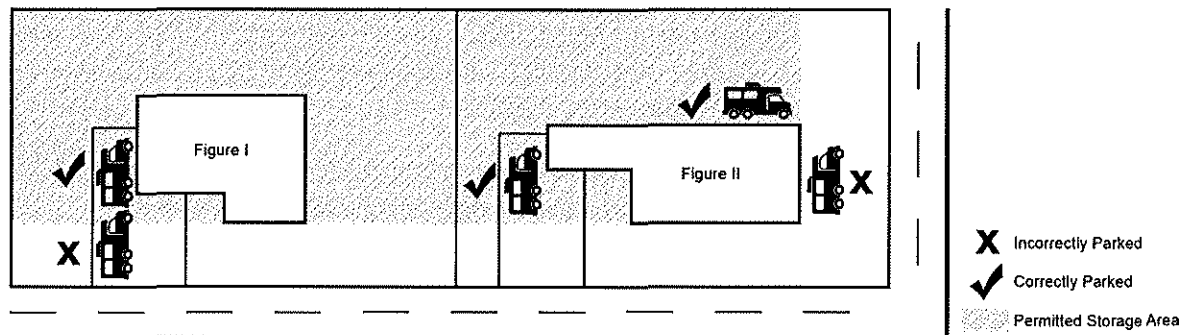
**302.06 Light Fixtures, Exterior.** Exterior lighting fixtures over steps, paths, walkways, courts, drives and parking lots shall be neatly maintained in operable condition and lighted for sufficient periods of time before and after business hours to provide for pedestrian and employee safety and property aimed so as not to shine on adjacent property per the Miami Township Zoning Resolution. Lighting shall follow the requirements of any approved lighting plan and or the Miami Township Zoning Resolution as may be applicable regarding illumination levels and color temperature limits.

**302.07 Maintenance of Plantings.** All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.

**302.08 Off Street Parking.** On residential tracts less than 40,000 sq. ft. in the “A” Agriculture District, and all tracts in residential districts, all open off-street parking areas shall be graded and surfaced with bituminous concrete (asphalt), Portland cement concrete, brick, cobble-stone or similar hard surface, except a space required for recreational or camping equipment as described herein. Tracts with nonconforming gravel driveways may have gravel parking areas, but in no case shall a landscaped area (i.e., neither paved nor graveled) be used as an open off-street parking area.

**302.09 Recreational Vehicles and Trailers, Boats, Camping Equipment and Utility Trailer Storage, hereinafter referred to as Recreational and Utility Vehicles and Equipment,** is permitted subject to the following conditions:

- A. Parked or stored Recreational and Utility Vehicles and Equipment shall not have fixed connections to electricity, water, gas, or sanitary sewer facilities, and at no time shall this equipment be used for living or housekeeping purposes.
- B. If the Recreational and Utility Vehicles and Equipment is parked or stored outside a garage, it shall be parked or stored to the rear of a line which is an extension of the furthest front wall of the house (As shown in Figure I). On a corner lot, however, the Recreational and Utility Vehicles and Equipment may not be stored at any side of the house toward a street (As shown in Figure II). All Recreational and Utility Vehicles and Equipment shall cover no more than four hundred (400) square feet of yard area, with a maximum of two (2) pieces of Recreational and Utility Vehicles and Equipment permitted. The vehicles and trailers must be registered to a resident of the respective property.



C. Notwithstanding the provisions of subparagraph B, Recreational and Utility Vehicles and Equipment may be parked anywhere on the premises, for loading or unloading purposes, for a

period of not more than two (2) forty-eight (48) hour intervals within any thirty (30) day period, with each forty-eight (48) hour interval beginning from the point when the vehicle or equipment is first placed on the property and ending forty-eight (48) hours later, regardless of whether the vehicle remained on the property for the entire forty-eight (48) hour interval with no more than two (2) intervals occurring within any thirty (30) day period, at which point the vehicle shall not be permitted at the front of the property until at least thirty (30) calendar days shall have passed, provided it is properly hitched for the entire forty-eight (48) hour interval to an operable and properly licensed vehicle capable of legally conveying said Recreational and Utility Vehicles and Equipment.

D. All Recreational and Utility Vehicles and Equipment shall be kept in operable condition and good repair and carry a current year's license and registration. The ground area under and immediately surrounding where such Recreational and Utility Vehicles and Equipment is stored shall be maintained free of weeds, overgrowth, debris and mud. If the ground area on which the vehicles or equipment is stored cannot be maintained free of mud then the vehicles and equipment must be placed on a gravel or hard surface of pavers, concrete or asphalt.

- 302.10 Rodent Harborage.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation
- 302.11 Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.
- 302.12 Storage.** Except as provided for in other regulations of the Township, all outdoor storage of any kind shall be prohibited.
- 302.13 Swimming Pools.** Swimming pools shall be properly maintained and treated to prevent the growth of algae and shall contain such operating circulation systems as to prevent stagnation of water or creation of an environment hospitable to the growth of mosquitos and other similar larvae. This provision is not intended to prevent the normal and customary enclosure of a pool during winter months. Pools shall be free of visible tears, missing or broken components, rust and other similar deterioration. Pools shall have and properly maintain any required fencing, covers, and locks as required per the zoning certificate and/or Miami Township Zoning Resolution.
- 302.14 Traffic Markings.** All traffic markings such as directional arrows, lane division lines, parking space lines, stop signs, etc., shall be maintained so as to be clearly visible and easily recognized.
- 302.15 Vegetation Cutting Required.** All grass, weeds, or rank vegetation shall be periodically cut and in no case shall exceed a height of eight (8) inches. This provision shall not apply to agricultural crops and fields being actively maintained for the production of hay and other agricultural products or lots in an agricultural or floodplain district in excess of five (5) acres in area or lots within a public park or other area designated by a government jurisdiction as a wildlife or nature preserve, except that the area surrounding structures on such lots shall be cut and maintained.

- 302.16 Yards.** All yards, courts, and lots shall be kept free of overgrown grasses, debris and other materials which may cause a fire, health, safety hazard, or general unsightliness. Yards shall be maintained free of barren or open areas of soil that may cause erosion or generation of dust. Yards shall be maintained with a vegetative cover of grass, rock, or other ornamental plants except for a well maintained and orderly garden actively used for the growth of food or other ornamental plants, forested areas with naturally occurring barren areas beneath trees and similar areas.

## SECTION 303 – EXTERIOR STRUCTURE

- 303.01 General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
- 303.02 Protective Treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, awnings, cornices, porches, trim, balconies, signs, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces re-painted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- 303.03 Basement Hatchways.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.
- 303.04 Building Security.** Doors, windows or hatchways for dwelling units shall be provided with devices designed to provide security for the occupants and property within.
- 303.05 Chimneys and Towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair free of cracks, holes or missing portions. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- 303.06 Decorative Features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- 303.07 Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.
- 303.08 Exterior Walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- 303.09 Foundation Walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of water, rodents and other pests.
- 303.10 Gutters.** Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties. Gutters and downspouts shall be situated in a manner such that they do not

discharge directly onto an adjacent property unless part of a storm water system approved by Montgomery County.

- 303.11 Handrails and Guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- 303.12 Overhang Extensions.** All overhang extensions including but not limited to canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- 303.13 Roofs and Drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.
- 303.14 Signs.** Prohibited signs or signs that are related to a business that no longer operates on the premises on which the sign is located with the exception of approved off-premise outdoor advertising shall be removed.
- 303.15 Stairways, Decks, Porches and Balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- 303.16 Structural Members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- 303.17 Window, Skylight, Doors and Frames.** Windows shall be fully supplied with window glass or an approved substitute which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, be capable of being easily opened and held in position by hardware, and maintained so as to exclude adverse weather elements from entering the structure.

## SECTION 304 - RUBBISH AND GARBAGE

- 304.01 Accumulation of Rubbish or Garbage.** All exterior property and premises, of every structure, carport, deck, and patio shall be free from any accumulation of rubbish or garbage.
- 304.02 Disposal of Rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
  - A. Rubbish Storage Containers.** The owner of occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish. Such containers shall not be stored or placed outside unless placed at the side or rear of a home in the case of residential properties, except for a twenty-four (24-hour) period prior to and following the designated trash collection day for the property, during which time such containers or bags and other items for disposal may be placed in a neat and orderly manner at the curb or edge of the property for pickup. This provision does not apply to designated common waste bins located at an apartment complex or other similar facility.
  - B. Appliances.** Appliances such as refrigerators, air conditioners and similar equipment not in operation shall not be discarded, or abandoned on premises.

**304.03 Disposal of Garbage.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage container.

**A. Containers.** The operator of all establishments producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

## SECTION 305 - EXTERMINATION

**305.01 Infestation.** All structures shall be kept free from insect and rodent infestation. Insects or rodents found in any structure shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

## RESOLUTION #079-2018

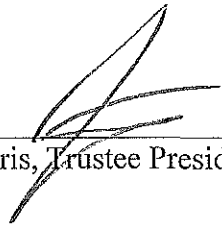
### RESOLUTION TO ASSIGN ENFORCEMENT OF THE EXTERIOR PROPERTY MAINTENANCE RESOLUTION TO THE COMMUNITY DEVELOPMENT DEPARTMENT AND RESCIND RESOLUTION #13-98

- Whereas,** Miami Township adopted a limited home rule form of government under Resolution #013-2015; and
- Whereas,** Miami Township has adopted under Resolution #079-2018 an Exterior Property Maintenance Resolution; and
- Whereas,** the Miami Township Board of Trustees desires the Community Development Department to be responsible for the enforcement of the Exterior Property Maintenance Resolution of Miami Township and rescind the previous assignment under Resolution #13-98; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees hereby authorizes the Community Development Department and the Director of the Community Development Department to enforce the Exterior Property Maintenance Resolution of Miami Township, along with anyone the Director of Community Development may designate to assist him or her in this task and further finds:

- Section 1. This resolution shall be effective thirty (30) days from the date of adoption upon both the First and Second Readings of this legislation; and
- Section 2. Resolution #13-98 is rescinded and shall cease to be in effect upon the effective date of this Resolution.
- Section 3. 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.

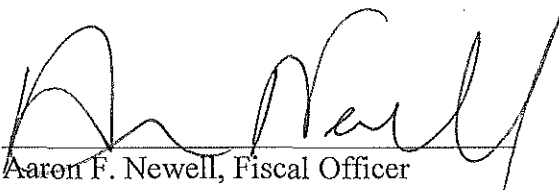
**SIGNATURE PAGE ONLY FOR RESOLUTION #079-2018**

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

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

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

Attested:

  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer  
First Reading: August 14, 2018  
Second Reading: August 28, 2018  
Passed: August 28, 2018  
RLH:nsc

## RESOLUTION #080-2018

### RESOLUTION TO ESTABLISH MINIMUM QUALIFICATIONS FOR PERFORMANCE OF DUTIES RELATED TO ENFORCEMENT OF THE EXTERIOR PROPERTY MAINTENANCE RESOLUTION OF MIAMI TOWNSHIP AND RESCIND RESOLUTION #12-98

**Whereas,** Miami Township adopted a limited home rule form of government under Resolution #013-2015; and

**Whereas,** Miami Township has adopted under Resolution #080-2018 an Exterior Property Maintenance Resolution; and

**Whereas,** the Miami Township Board of Trustees hereby desires to establish the following minimum qualifications and rescind the previous qualifications under Resolution #12-98:

1. Experience in zoning inspection, code enforcement or a related field; and
2. Possession of a high school diploma or equivalent.

**Therefore Be It Resolved,** the Miami Township Board of Trustees hereby adopts the qualifications outlined herein as the minimum requirements for the performance of duties related to the enforcement of the Exterior Property Maintenance Resolution of Miami Township and further finds:

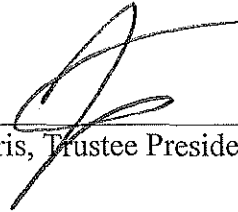
Section 1. The Director of Community Development may require additional qualifications as part of the hiring process as described on an official job description for any code enforcement or similar positions whose job duties include enforcement of the Exterior Property Maintenance Resolution; and

Section 2. This resolution shall be effective thirty (30) days from the date of adoption upon both the First and Second Readings of this legislation; and

Section 3. Resolution #12-98 is rescinded and shall cease to be in effect upon the effective date of this Resolution.

Section 4. 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.

**SIGNATURE PAGE ONLY FOR RESOLUTION #080-2018**



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

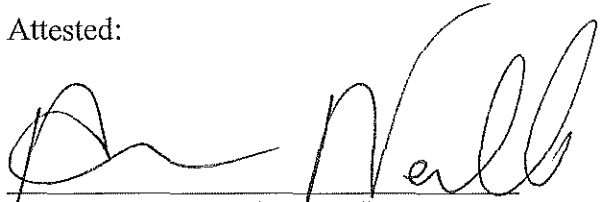


\_\_\_\_\_  
Douglas J. Barry, Trustee Vice President



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

Attested:



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

First Reading: August 14, 2018

Second Reading: August 28, 2018

Passed: August 28, 2018

RLH:nsc

## RESOLUTION #081-2018

### RESOLUTION TO ESTABLISH A FEE SCHEDULE FOR CITATIONS RELATED TO VIOLATIONS OF RESOLUTIONS ADOPTED UNDER HOME RULE AUTHORITY AND RESCIND RESOLUTION #60-99

**Whereas,** Miami Township adopted a limited home rule form of government under Resolution #013-2015; and

**Whereas,** Miami Township has adopted under Resolution #081-2018 an Exterior Property Maintenance Resolution; and

**Whereas,** the Miami Township Board of Trustees hereby desires to establish the following fee schedule for citations, as authorized under Section 504.05 of the Ohio Revised Code, for violations of home rule resolutions and as referenced under the Exterior Property Maintenance Resolution of Miami Township and rescind the previous fee schedule under Resolution #60-99:

#### Violation Penalties

1 <sup>st</sup> Offense: \$100.00	3 <sup>rd</sup> Offense: \$500.00
2 <sup>nd</sup> Offense: \$250.00	4 <sup>th</sup> and Each Subsequent Offense: \$1,000.00

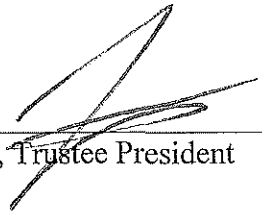
**Therefore Be It Resolved,** the Miami Township Board of Trustees hereby adopts the fee scheduled as outlined herein for violation of home rule resolutions adopted pursuant to Chapter 504 of the Ohio Revised Code and for citations as referenced under the Exterior Property Maintenance Resolution of Miami Township and further finds:

Section 1. This resolution shall be effective thirty (30) days from the date of adoption upon both the First and Second Readings of this legislation; and

Section 2. Resolution #60-99 is rescinded and shall cease to be in effect upon the effective date of this Resolution.

Section 3. 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.

**SIGNATURE PAGE ONLY FOR RESOLUTION #081-2018**



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

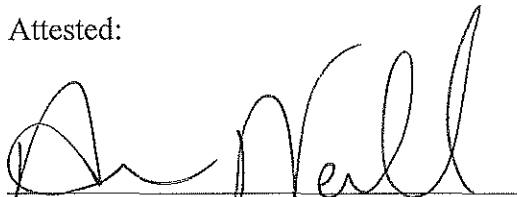


\_\_\_\_\_  
Douglas J. Barry, Trustee Vice President



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

Attested:



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

First Reading: August 14, 2018

Second Reading: August 28, 2018

Passed: August 28, 2018

RLH:nsc

**RESOLUTION # 082-2018**


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

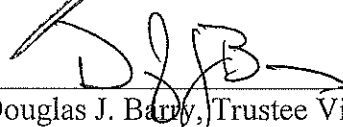
**Whereas,** Ohio Revised Code §109.43 and 149.43 require that officials elected to local office or their designees receive training to enhance the officials' understanding of public records and open meetings laws; and

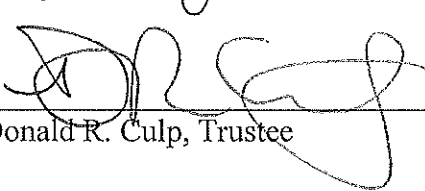
**Whereas,** the training must meet the requirements established by Ohio Attorney General and Ohio Revised Code §109.43 including a minimum of three hours for each term of office for which the elected official was appointed or elected to the public office involved; and

**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 authorizes Betty Eldridge to attend public records training as designees for the Trustees and Julie Hunn to attend public records training for the Fiscal Officer for 2018, effective immediately.

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

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

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

Attested:

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

Passed: August 14, 2018

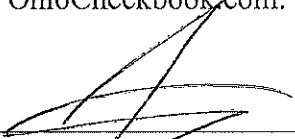
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**RESOLUTION #083-2018**

**RESOLUTION TO AUTHORIZE PARTICIPATION  
IN THE OHIO TREASURER'S ONLINE CHECKBOOK PROGRAM  
OHIOCHECKBOOK.COM**

- Whereas,** an open and transparent government benefits local taxpayers, elected officials, and the public at-large; and
- Whereas,** the elected officials of Miami Township serve as stewards of Miami Township citizens' tax dollars; and
- Whereas,** the Ohio Treasurer's office has created OhioCheckbook.com to present government expenditures in an easy to access and searchable format available taxpayers; and
- Whereas,** the elected officials of Miami Township value a transparent and open government and therefore commit to partnering with the Ohio Treasurer's office to place Miami Township's expenditures on OhioCheckbook.com and will strive to maintain this data online in the future for all constituents to see.

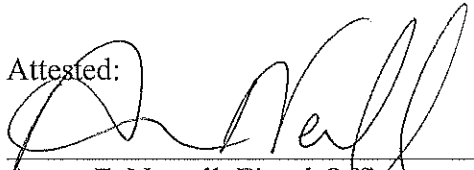
**Therefore Be It Resolved,** the Miami Township Board of Trustees authorizes the Fiscal Office to provide checkbook level expenditure information, in an electronic format prescribed by and in partnership with the Ohio Treasurer's office, for posting on the transparency website OhioCheckbook.com.

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

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

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

Attested:

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

Passed: August 14, 2018

CCM:bfe

## RESOLUTION #084-2018

### RESOLUTION TO RELEASE CERTAIN PARCELS OF PROPERTY FROM A TIF DECLARATION ENTERED INTO IN CONNECTION WITH AUSTIN LANDING PHASE II PROJECT AND APPROVING RELATED MATTERS

- Whereas,** pursuant to a Memorandum of Understanding dated November 26, 2008 among RG PROPERTIES, INC. (the "Developer"), MONTGOMERY COUNTY TRANSPORTATION IMPROVEMENT DISTRICT, an Ohio body politic and corporate organized under Chapter 5540 of the Ohio Revised Code (the "TID"), the Township of Miami, Ohio (the "Township"), the Board of County Commissioners of the County, the City of Miamisburg, Ohio and the City of Springboro, Ohio, those parties proceeded with the implementation of a master plan based on a preliminary conceptual plan prepared by Developer for the Property and other land owned by Developer in the Austin Interchange Area, and Developer has obtained from the Township appropriate zoning of the Property supporting a mixed use development as contemplated by the master plan; and
- Whereas,** on September 15, 2009, the County, the TID and Developer entered into the Phase I Development Agreement pursuant to which the TID and the County agreed to construct the Phase I Public Improvements and Developer agreed to construct the Phase I Private Improvements in connection with the master plan; and
- Whereas,** on March 9, 2012, the Township, the TID and Developer entered into the Phase II Development Agreement (the "Phase II Development Agreement"), as amended as described herein, pursuant to which Developer has proceeded to construct certain Phase II Private Improvements with the intention that the Phase II Private Improvements will have an estimated total assessed value of at least \$55 million. Exhibit D sets forth the estimated assessed value for the Phase II Private Improvements and the status of completion of the Phase II Private Improvements as of March 31, 2014; and
- Whereas,** the Phase II Development Agreement was amended on June 10, 2014; and
- Whereas,** unless otherwise defined herein, capitalized words and terms used herein shall have the meanings assigned to them in the Phase II Development Agreement; and
- Whereas,** in connection with the Phase II Development Agreement, the Developer, Innovation Pointe I Ltd., an Ohio limited liability company, Austin Landing II LTD., an Ohio limited liability company, Austin Landing IV LTD., an Ohio limited liability company, Austin Landing V LTD., an Ohio limited liability company and Austin Landing VI LTD., an Ohio limited liability company, entered into that certain Tax Increment Financing Declaration of Covenants, dated as of January 5<sup>th</sup>, 2015 (the

“TIF Declaration”), pursuant to, amongst other things, the parties agreed to subject their respective parcels to the Minimum Service Payment Guarantee Lien, as described in the TIF Declaration; and

**Whereas,** the Phase II Development Agreement and the TIF Declaration permit that parcels be released from the Minimum Service Payment Guarantee Lien upon the satisfaction of certain financial thresholds; and

**Whereas,** pursuant to Section 3 of the TIF Declaration, the Township hereby desires to, at the request of the Developer and upon the satisfaction of Section 3 of the TIF Declaration, release certain parcels from the Minimum Service Payment Guarantee; and


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

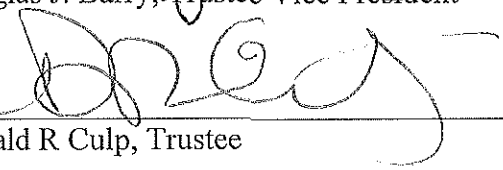
Section 1. Partial Release of TIF Declaration. Pursuant to and in accordance with the provisions of the Phase II Development Agreement and the TIF Declaration, the Township hereby authorizes and directs the Acting Township Administrator, or other appropriate officers of the Township, to execute a Partial Release of TIF Declaration in the form now on file with this Board and any necessary agreements or certifications, and any amendments or revisions thereto such that the character of those changes is not substantially adverse to the Township, which shall be established conclusively by his signature thereon.

Section 2. 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.

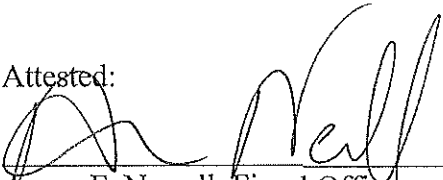
Section 3. Effective Date. This Resolution shall be effective from and after the earliest period provided by law.

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

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

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

Attested:

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

Passed: August 14, 2018

CCM:sld

## RESOLUTION 085-2018

### A RESOLUTION TO REQUEST THAT THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO, DISTRIBUTE A PORTION OF THE FUNDS RECEIVED FROM THE ADDITIONAL COUNTY SALES TAX ENACTED ON JUNE 26, 2018 (EFFECTIVE OCTOBER 1, 2018) TO TOWNSHIPS IN MONTGOMERY COUNTY

**Whereas,** Townships in Montgomery County have experienced a reduction in funds distributed to them from the County and State governments; and

**Whereas,** Townships in Ohio do not have the authority to enact legislation to generate additional revenue via sales or income taxes; and

**Whereas,** the County's stated purpose of the use of the additional sales tax revenue includes improvements and repairs for infrastructure and economic development; and

**Whereas,** Townships in Montgomery County have needed infrastructure improvements and repairs for which there is no available funding; and

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

Section 1. That this Resolution constitutes a formal request to the Board of County Commissioners of Montgomery County to distribute equally among the Townships in Montgomery County, from the additional sales taxes generated, 5% of the additional revenue generated from said taxes.

Section 2. That said funds will be deposited into the Township's General Fund for the express purpose of funding infrastructure and economic development projects as Miami Township sees fit.

Section 3. That the funds will also be available to retire debt used to fund previous infrastructure projects within the Township.

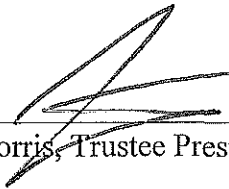
Section 4. That the funding shall be adjusted annually based on increases or decreases in sales tax revenue.

Section 5. That the funding shall continue for such time as the additional .5% sales tax increase remains in effect.


Section 6. 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 7. This Resolution shall be effective from and after the earliest period provided by law.

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

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

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

Attested:

  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer  
Passed: August 28, 2018  
RLH:sld

**RESOLUTION #086-2018**

**RESOLUTION TO APPROVE AN AMENDED APPROPRIATION OF  
GASOLINE TAX FUNDS FOR 2018**

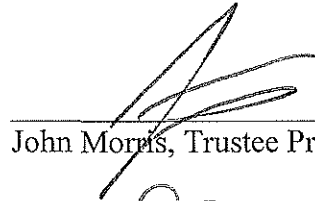
**Whereas,** the Public Works Road Department is responsible for maintaining Township roadways and rights-of-way; and

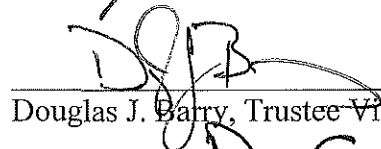
**Whereas,** the Public Works Director has determined that the purchase of additional fuel for vehicles is needed to ensure that township roadways are adequately maintained for the remainder of the year; and

**Whereas,** the Finance Director has reviewed the Gasoline Tax Fund and determined that sufficient reserves are available for the purchase of fuel; and

**Whereas,** it is necessary to amend the appropriation of funds from the Gasoline Tax Fund for the purchase of additional fuel for Miami Township; and

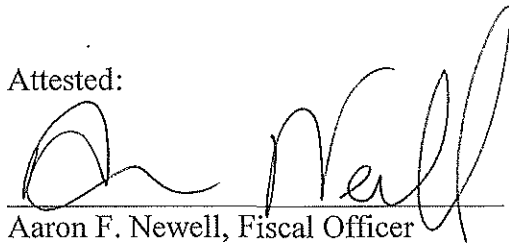
**Therefore, Be It Resolved,** the Board of Trustees of Miami Township, Montgomery County, Ohio, do hereby appropriate an additional \$22,000 from the Gasoline Tax Fund for the purchase of fuel.

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

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

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

Attested:

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

Passed: August 28, 2018

RLH:bfe

**RESOLUTION # 087-2018**

**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 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 0120  
K45 02605 0122  
K45 02605 0125  
K45 02605 0126  
K45 02605 0127  
K45 02605 0128  
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 0143  
K45 50715 0094

**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:

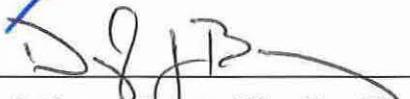
“that in order to pay for the costs and expenses of furnishing and maintaining the street lights for said unincorporated district under said contract, and the proceedings in relation thereof, there is hereby levied and specially assessed on benefit basis, against the following lots and each of them in said contract, the amount as noted per parcel below:


K45 02606 0091	251.88
K45 02605 0065	33,352.02
K45 02605 0084	2,345.63
K45 02605 0090	10,716.57
K45 02605 0091	16,981.59
K45 02605 0093	6,679.95
K45 02605 0094	8,440.12
K45 02605 0097	12,641.85
K45 02605 0101	24,013.64
K45 02605 0103	32,009.25
K45 02605 0108	18,900.40
K45 02605 0109	7,845.29
K45 02605 0110	1,609.23
K45 02605 0111	1,279.62
K45 02605 0116	13,341.73
K45 02605 0120	14,778.46
K45 02605 0122	1,526.05
K45 02605 0125	7,275.09
K45 02605 0126	6,086.35
K45 02605 0127	4,700.45
K45 02605 0128	6,369.13
K45 02605 0129	4,729.71
K45 02605 0130	9,520.43
K45 02605 0131	1,311.36
K45 02605 0132	1,054.44

K45 02605 0133	2,491.46
K45 02605 0134	2,960.61
K45 02605 0135	1,589.21
K45 02605 0136	2,540.14
K45 02605 0137	813.55
K45 02605 0138	793.83
K45 02605 0140	1,220.48
K45 02605 0141	2,414.76
K45 02605 0142	3,463.05
K45 02605 0143	7,154.34
K45 50715 0094	16200.38

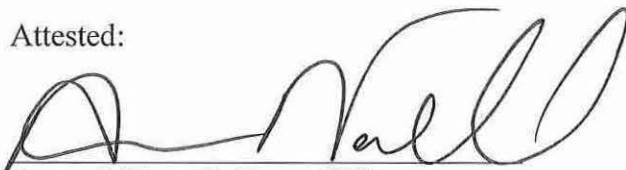
, subject to the contracted agreement.

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

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

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

Attested:



Aaron J. Newell, Fiscal Officer

Passed: August 28, 2018

RLH:bfe



## Memorandum

**To:** Board of Trustees  
**From:** Kyle A. Hinkelman, Deputy Director, Comm. Dev.  
**Date:** August 22, 2018  
**Re:** Lighting District Assessments 2018

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In December 2015 the Miami Township Board of Trustees entered into a new agreement with Miami Valley Lighting for our lighting districts. At that time we passed resolutions to assess the new rates. No changes to the Miami Valley Lighting (DP&L) portion of our Township are proposed, so there is no need to pass new resolutions.

Within your packet you will see the Austin Landing Lighting District Assessment. This district is still evolving as parcels are being split and boundaries are changing depending on the development of Austin Landing. Per the lighting agreement the attached sheet defines the amount of assessment per parcel within Austin Landing. A new resolution must be passed annually, as the agreement requires such changes to be reflected on the next year's tax duplicate.

As has been the case for the last four years, Duke Energy is not willing to provide the Township with a contracted rate for service. Staff will continue to work with the utility provider to allow for consistent billing, but in the interim, we are again assessing the same amount per parcel as in previous years. There is a possibility that we may not receive enough revenue to cover the complete cost of the service for this district. The difference will have to be covered by the general fund.

I have spoken with the finance department and we will be budgeting to cover the entire bill out of the general fund for a year to get ahead. This will allow us to assess for the previous year, knowing exactly what the cost for the year was. This would cost approximately \$8,000 up front and would never truly get paid back. This is most likely the best option to assure that the Township is getting paid the full cost of lighting within the district in lieu of Duke Energy changing their policy to allow annual contracts again.

Please let me know if you have any questions about the lighting districts.

### 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

**RESOLUTION # 088-2018**


**RESOLUTION TO ADOPT A MAJOR MODIFICATION TO A FINAL DEVELOPMENT PLAN FOR AUSTIN PARK – PHASE 4 UNDER ZONING CASE #417-14, FOR LANDS ZONED “PD-5”, PLANNED MIXED-USE DISTRICT**

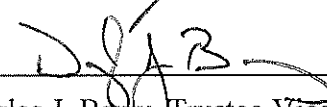
**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, August 28, 2018; and

**Whereas,** Zoning Case #417-14, filed by Austin Park Apartments, LLC, proposes adoption of a major modification to the final development plan for Austin Park – Phase 4 and for lands zoned “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 Approves the Major Modification to the Final Development Plan under Zoning Case #417-14 and upholds the Zoning Commission recommendation.

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

  
\_\_\_\_\_  
Douglas J. Barty, Trustee Vice President

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

Attested:

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

Passed: August 28, 2018

RLH:bfe

**RESOLUTION # 089-2018**

**RESOLUTION TO ADOPT A FINAL DEVELOPMENT PLAN FOR  
AUSTIN LANDING – AREA 8 – PHASE 2/3 UNDER ZONING CASE  
#222-88, FOR LANDS ZONED “PD-5”, PLANNED MIXED-USE  
DISTRICT**

**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, August 28, 2018; and

**Whereas,** Zoning Case #222-88, filed by Austin Landing VI, Ltd. proposes adoption of a final development plan for Austin Landing – Area 8 – Phase 2/3 and for lands zoned “PD-5”, Planned Mixed-Use District; and

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

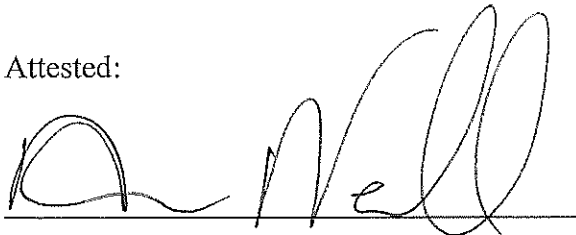
**Therefore Be It Resolved,** the Miami Township Board of Trustees Approves  
the Final Development Plan under Zoning Case #222-88 and  
upholds the Zoning Commission recommendation.

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

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

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

Attested:

  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer  
Passed: August 28, 2018  
RLH:bfe

**RESOLUTION #090-2018**

**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, 2019; 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,** 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,** that 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.

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

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

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

Attested:

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

Passed: September 11, 2018

RLH:nsc

## RESOLUTION #091-2018

### A RESOLUTION REQUESTING THE CITY OF MIAMISBURG, OHIO TO USE ITS MUNICIPAL POWERS TO REGULATE TRAFFIC WITHIN THE AUSTIN CENTER JOINT ECONOMIC DEVELOPMENT DISTRICT.

**Whereas,** Miami Township (Montgomery County), Ohio ("Miami Township"), the City of Miamisburg, Ohio ("Miamisburg"), and the City of Springboro, Ohio ("Springboro") are the parties to that certain 2017 Amended and Restated Austin Center Joint Economic Development District contract effective as of January 1, 2017 (the "Contract") that provides for the operation of the Austin Center Joint Economic Development District (the "District");

**Whereas,** in accordance with Section 10.S. of the Contract and Section 715.72(T) of the Ohio Revised Code, but only upon the request of Miami Township after consultation with the District, Miamisburg may exercise all of the powers of a municipal corporation, and may perform all of the functions and duties of a municipal corporation, within the District, including without limitation the exercise of its powers to regulate vehicular traffic, including but not limited to the establishment of speed limits; and

**Whereas** by action of a resolution of the Board of Directors of the District (the "District Board") adopted on September 11, 2018, the District Board requested Miami Township to make a request of Miamisburg to exercise its powers of a municipal corporation to: (a) reduce speed limits within the District; and (b) establish no thru trucks zones within the District, each as set forth in Exhibit A attached hereto.

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

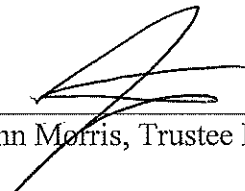
Section 1. In accordance with Section 10.S. of the Contract and Section 715.72(T) of the Ohio Revised Code, the Board hereby requests Miamisburg to exercise its powers of a municipal corporation to: (a) reduce speed limits within the District; and (b) establish no thru trucks zones within the District, each as set forth in Exhibit A attached hereto.

Section 2. 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 3. 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

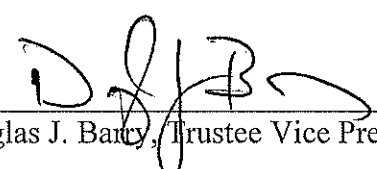
Board and any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. This Resolution shall be in full force and effect immediately upon its adoption.



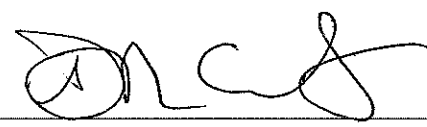
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John Morris, Trustee President



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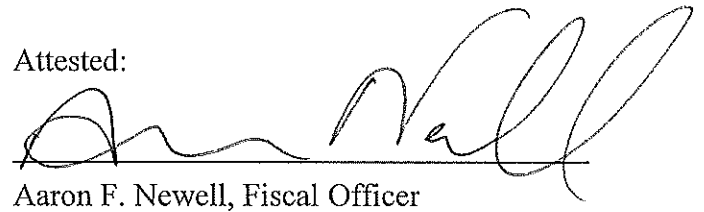
Douglas J. Barry, Trustee Vice President



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Donald R. Culp, Trustee

Attested:



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Aaron F. Newell, Fiscal Officer  
Passed: September 11, 2018  
RLH:sld

**RESOLUTION #092-2018**

**RESOLUTION TO APPOINT A TAX INCENTIVE REVIEW COUNCIL MEMBER AND ENTERPRISE ZONE MANAGER**

**Whereas,** the Tax Incentive Review Council (TIRC) was created to annually monitor compliance with the terms of Enterprise Zone statutes, pursuant to ORC Section 5709.61(A); and

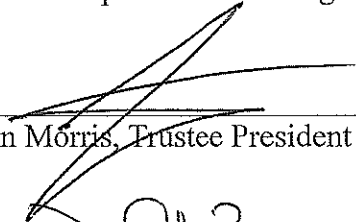
**Whereas,** the TIRC must have two members representing the township pursuant to ORC Section 5709.85(A)(2), appointed by the township administrator, with the concurrence of the Miami Township Board of Trustees; and


**Whereas,** the Enterprise Zone Manager for the TIRC is responsible for maintaining and updating Enterprise Zone documentation; filing the appropriate formal notices; ensuring all Enterprise Zone agreements are filed with ODO, the Ohio Department of Taxation and the County Auditor; staffing the TIRC by scheduling the required meetings and gathering appropriate data; and other such duties as designated by the township; and

**Whereas,** Ronald Hess was appointed by Resolution #010-2018 to represent Miami Township on the TIRC and Greg Rogers was appointed by Resolution #53-2003 to serve as Enterprise Zone Manager; and

**Whereas,** it is the recommendation of the Acting Township Administrator to appoint Community Development Director, Christopher Snyder, to serve as a TIRC member and the Enterprise Zone Manager; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees appoints Christopher Snyder to serve as a TIRC member and the Enterprise Zone Manager effective immediately.

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

  
\_\_\_\_\_  
Douglas J. Barty, Trustee Vice President

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

Attested:

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

Passed: September 25, 2018

RLH:sld

**RESOLUTION #093-2018**

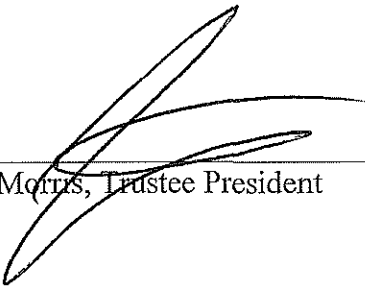
**RESOLUTION TO APPOINT ENTERPRISE ZONE  
NEGOTIATING TEAM MEMBERS**

- Whereas,** the Ohio Department of Development has approved Miami Township's application for a non-distressed Enterprise Zone; and
- Whereas,** the use of tax incentives is seen as a necessary tool for local governments to encourage economic development; and
- Whereas,** Montgomery County and impacted school jurisdictions will have representation on the Enterprise Zone negotiating team; and
- Whereas,** this negotiating team is responsible for both negotiations of tax incentives to be offered to an industry/business and for proposing an arrangement for tax sharing, or other revenue sharing agreements when applicable under state law; and
- Whereas,** Resolution #53-2003 appointed Greg Hanahan and Greg Rogers as township representatives to serve on the Enterprise Zone negotiating team; and

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

- Section 1. Removes Greg Hanahan and Greg Rogers from the Enterprise Zone negotiating team; and
- Section 2. Appoints Finance Director, Clay McCord and alternate Ronald Hess as township representatives in addition to the Enterprise Zone Manager to serve on the Enterprise Zone negotiating team to be effective immediately.

**SIGNATURE PAGE FOR RESOLUTION #093-2018 ONLY**




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John Morris, Trustee President



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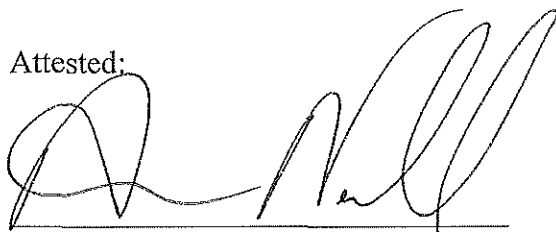
Douglas J. Barry, Trustee Vice President



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Donald R. Culp, Trustee

Attested:




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Aaron F. Newell, Fiscal Officer  
Passed: September 25, 2018  
RLH:sld

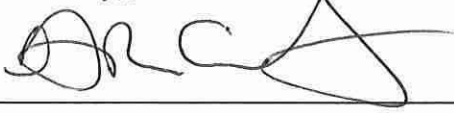
**RESOLUTION # 095-2018**

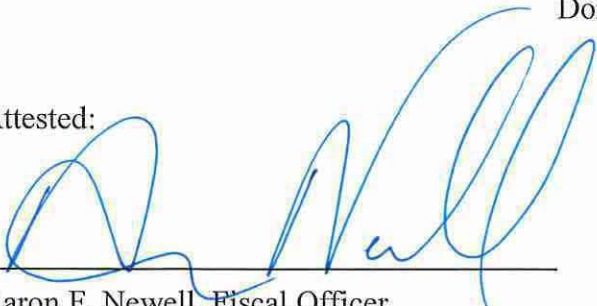
**RESOLUTION TO ADOPT A MAJOR MODIFICATION TO THE FINAL DEVELOPMENT PLAN FOR THE EXCHANGE AT SPRING VALLEY – PHASE F UNDER ZONING CASE #374-05, FOR LANDS ZONED “PD-5”, PLANNED MIXED-USE DISTRICT**

- Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, September 25, 2018; and
- Whereas,** Zoning Case #374-05, filed by Dayton RPM, LLC, proposes adoption of a major modification to the final development plan for the Exchange at Spring Valley Phase F and for lands zoned “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 approves the Major Modification to the Final Development Plan under Zoning Case #374-05 and upholds the Zoning Commission recommendation.

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

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

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

Attested:  
  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer  
Passed: September 25, 2018  
RLH:nsc

**RESOLUTION # 096-2018**

**RESOLUTION TO ADOPT A MAJOR MODIFICATION TO THE PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR THE HABITAT CONDOMINIUM PLANNED DEVELOPMENT UNDER ZONING CASE #433-18, FOR LANDS ZONED "PD-1", PLANNED RESIDENTIAL DISTRICT**

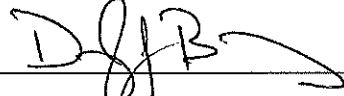
**Whereas,** the Miami Township Board of Trustees met in a regular session on Tuesday, September 25, 2018; and


**Whereas,** Zoning Case #433-18, filed by Habitat Condominium HOA, proposes adoption of a major modification to the preliminary and final development plan for the Habitat Condominium PD and for lands zoned "PD-1", Planned Residential District; and

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

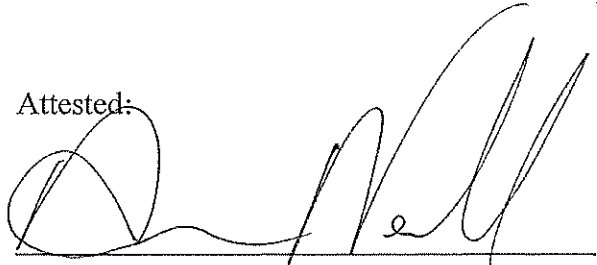
**Therefore Be It Resolved,** the Miami Township Board of Trustees Approves the Major Modification to the Preliminary and Final Development Plan under Zoning Case #433-18 and upholds the Zoning Commission recommendation.

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

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

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

Attested:

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

Passed: September 25, 2018

RLH:nsc

**RESOLUTION #097-2018**

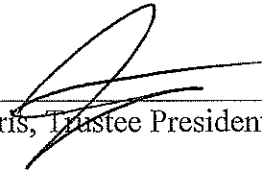
**RESOLUTION TO AUTHORIZE AN AGREEMENT BETWEEN THE CITY OF DAYTON AND THE MIAMI TOWNSHIP BOARD OF TRUSTEES ALLOWING THE MIAMI TOWNSHIP POLICE DEPARTMENT TO PARTICIPATE IN THE OVI COUNTYWIDE TASK FORCE FOR 2018/2019**

**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

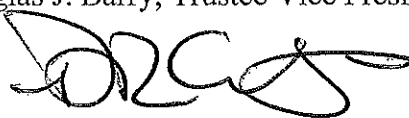
**Whereas,** Miami Township is authorized by the Ohio Revised Code to enter into contractual agreements with other governmental agencies for the purpose of creating task force solutions to community problems and receiving reimbursement from grants for actual expenses incurred while participating in the 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

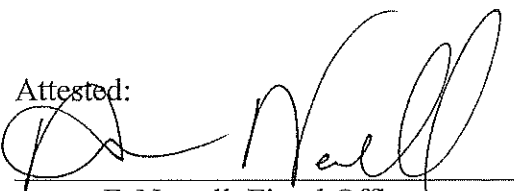
**Therefore Be It Resolved,** the Miami Township Board of Trustees approves entering into an agreement with the City of Dayton (Lead Agency) that will allow the Miami Township Police Department to participate in the OVI Countywide Task Force effective October 10, 2018 for 2018/2019 (Agreement attached.)

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

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

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

Attested:

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

Passed: October 9, 2018

RLH:nsc

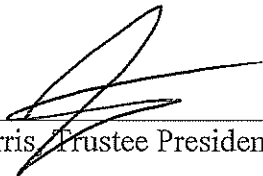
**RESOLUTION #098-2018**

**RESOLUTION TO AUTHORIZE THE ACTING TOWNSHIP  
ADMINISTRATOR TO EXECUTE A CREDIT APPLICATION FOR  
CRANE LOAD TESTING SERVICES**

**Whereas,** Miami Township Public Works is required to complete OSHA compliant load testing on the department's 7.5-ton bridge crane; and

**Whereas,** proposals for load testing services were obtained and Konecranes, Inc., 9879 Crescent Park Drive, West Chester, provided the lowest and best proposal; and

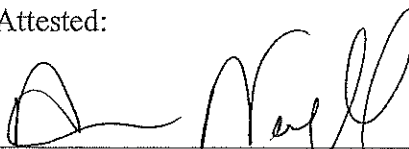
**Therefore Be It Resolved,** the Miami Township Board of Trustees authorizes the Acting Township Administrator to execute all necessary documentation to obtain services from Konecranes, Inc.

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

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

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

Attested:

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

Passed: October 09, 2018

RLH:bfe

**RESOLUTION # 099-2018**

**RESOLUTION TO APPROVE ODOT STATE INFRASTRUCTURE BANK LOAN AGREEMENT AND PROMISSORY NOTE FOR THE LOCAL SHARE OF THE LYONS ROAD PEDESTRIAN ACCESS PROJECT**

- Whereas,** the Board of Trustees (Board) of Miami Township (Township), by action of Resolution 148-2011, entered into a Projects Agreement with the Montgomery County Transportation Improvement District (TID) which provided for the joint planning, financing, construction, acquisition, improvement and implementation of certain projects; and
- Whereas,** the 2011 Projects Agreement provides that the Township and the TID may enter into supplemental agreements that will set forth in more detail the respective obligations of both parties with respect to the financing and development of specific projects developed as a result of their collaborative efforts; and
- Whereas,** by action of Resolution #018-2016, the Board approved an agreement with the TID to provide the design, engineering and construction on a turnkey basis of certain new pedestrian access improvements on (1) Lyons Road between Byers Road and State Route 741 and (2) the west side of State Route 741 between Lyons Road and Kingsridge Drive in connection with the Lyons Road Pedestrian Access Project; and
- Whereas,** by action of Resolution #035-2018, the Board approved an addendum to the 2016 Miami Township Pedestrian Access PMFA memorializing their agreement to advance the Project to Phase II, consistent with the budget and schedule; and
- Whereas,** the Ohio Department of Transportation's State Infrastructure Bank (SIB) approved the loan application submitted by the TID; and
- Whereas,** the SIB has now offered a Project Loan Agreement and Promissory Note to the Township and the TID to memorialize the final terms of the SIB Loan and Executive Director and General Counsel of the TID and the Acting Township Administrator have reviewed both documents and recommended that they be approved.

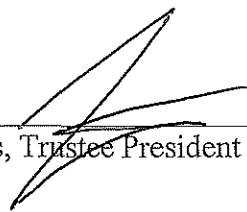
**Therefore, Be It Resolved** by the Board of Trustees of Miami Township:

Section 1 that the attached SIB Project Loan Agreement \$584,200 for the local share of the Lyons Road Pedestrian Access Project among the Ohio Department of Transportation, Miami Township, and the TID be and is hereby approved; and

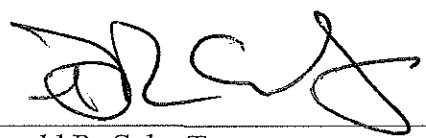
Section 2 the attached Promissory Note from Miami Township and the TID in support of the Lyons Road Pedestrian Access Project SIB Loan be and is hereby approved; and

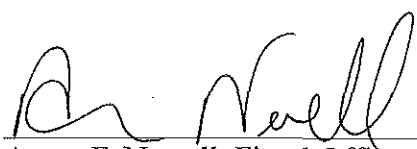
Section 3 that the Acting Township Administrator be and is hereby authorized to execute the Project Loan Agreement and Promissory Note, incorporating changes that may be required in final negotiations with the TID and ODOT, provided that the Acting Township Administrator determines that such changes are not materially detrimental to the Township or the Project; and

Section 4 that copies of this resolution be provided to the Ohio Department of Transportation and the TID.

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

*Absent*  
\_\_\_\_\_  
Douglas J. Barry, Trustee Vice President

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

Attested:  
  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer  
Passed: October 9, 2018  
RLH:cm

## RESOLUTION #094-2018

### RESOLUTION TO ADOPT AN ATHLETIC OR RECREATIONAL APPARATUS PUBLIC NUISANCE RESOLUTION AND RESCIND RESOLUTION #10-2006

**Whereas,** Miami Township adopted a limited home rule form of government under Resolution #13-2015; and

**Whereas,** Miami Township desires to exercise its home rule authority to establish standards to regulate an athletic or recreational apparatus placed in the public road right-of-way within the unincorporated area of the township; and

**Whereas,** Miami Township has an existing resolution to approve a notice of violation for permanent and portable basketball poles within the township right-of-way adopted under Resolution #10-2006; and

**Whereas,** it is desired to utilize the powers granted to limited home rule townships to incorporate and adopt the attached Athletic or Recreational Apparatus Public Nuisance Resolution of Miami Township replacing the rule adopted pursuant to Resolution #10-2006; and

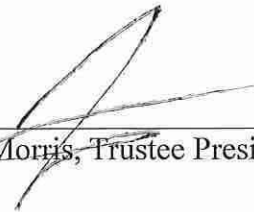
**Therefore, Be It Resolved,** the attached Athletic or Recreational Apparatus Public Nuisance Resolution is hereby incorporated, adopted and approved upon the first and second readings of this resolution and further finds:

Section 1. This resolution shall be effective thirty (30) days from the date of adoption upon both the First and Second readings of this legislation; and

Section 2. Resolution #10-2006 is rescinded and shall cease to be in effect upon the effective date of the Athletic or Recreational Apparatus Public Nuisance Resolution of Miami Township; and

Section 3. 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 121.22 of the Ohio Revised Code.

**SIGNATURE PAGE ONLY FOR RESOLUTION #094- 2018**

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

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

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

Attested:

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

First Reading: September 25, 2018

Second Reading: October 09, 2018

Passed: October 09, 2018

RLH:bfe

**RESOLUTION #101-2018**

**RESOLUTION TO APPROVE THE SOLID WASTE MANAGEMENT  
PLAN OF THE MONTGOMERY COUNTY SOLID WASTE  
MANAGEMENT DISTRICT**

**Whereas,** the Montgomery County Solid Waste Management District, by its Solid Waste Management Policy Committee, has adopted a Solid Waste Management Plan for the District; and

**Whereas,** pursuant to Ohio Revised Code Section 3734.55(B), the Board of County Commissioners and the legislative authority of each municipal corporation or township under the jurisdiction of the District, must approve or disapprove the Plan by ordinance or resolution; and

**Whereas,** the Board of Trustees of Miami Township, Montgomery County, Ohio, have reviewed the Plan and considered it at a duly called meeting; and

**Whereas,** the Plan furthers the public interest; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees approves the Solid Waste Management Plan of the Montgomery County Solid Waste Management District, adopted by the Solid Waste Management Policy Committee on August 29, 2018; and

**Be It Further Resolved,** a copy of this Resolution of Approval shall promptly be delivered, or caused to be delivered, to the Solid Waste Management Policy Committee of the Montgomery County Solid Waste Management District.

*absent*

John Morris, Trustee President

*DJB*

Douglas J. Barty, Trustee Vice President

*DR Culp*

Donald R. Culp, Trustee

Attested:

*Aaron F. Newell*

Aaron F. Newell, Fiscal Officer

Passed: November 13, 2018

RLH:sld

## RESOLUTION #102-2018

### RESOLUTION TO AUTHORIZE THE ACTING TOWNSHIP ADMINISTRATOR TO ENTER INTO AN AGREEMENT AND EXECUTE THE NECESSARY DOCUMENTS WITH LEXIS NEXIS FOR THE eCRASH SOFTWARE

- Whereas,** Miami Township is located in the southern part of Montgomery County and is home to the corporate headquarters of Lexis Nexis; and
- Whereas,** the Police Department works closely with Lexis Nexis' Coplogic Solutions to find alternative methods of crime and accident reporting to protect life and property, prevent crime and reduce the fear of crime for citizens of the area; and
- Whereas,** the Police Department has been researching a streamline crash reporting system called eCrash from Lexis-Nexis; and
- Whereas,** the Police Department would, with eCrash, also have access to CarFax for Police and Experian AutoCheck for Law Enforcement data systems; and
- Whereas,** The Miami Township Police Department is in need of a system to help reduce the time officers spend on accident reporting, increased tools for researching vehicles information, and reduce the work load in the records section; and
- Therefore Be It Resolved,** the Miami Township Board of Trustees authorizes the Acting Township Administrator to enter into an agreement with Lexis Nexis for the eCrash Accident Reporting System at no cost to the township.

**SIGNATURE PAGE FOR RESOLUTION #102-2018 ONLY**

absent  
John Morris, Trustee President

DJB  
Douglas J. Barty, Trustee Vice President

[Signature]  
Donald R. Culp, Trustee

Attested:

[Signature]

Aaron F. Newell, Fiscal Officer  
Passed: November 13, 2018  
RLH:bfe

## RESOLUTION #103-2018

### RESOLUTION TO COMMIT THE TOWNSHIP TO THE MONTGOMERY COUNTY 2019 ASPHALT RESURFACING, CURB RAMP REPLACEMENT, AND PAVEMENT MARKING PROGRAMS

- Whereas,** Miami Township requests the Board of County Commissioners approve assistance through the Partnership Pool Program for improving and maintaining Township roadways; and
- Whereas,** the Township roadways to be included in the Montgomery County Engineer's Office (County) asphalt resurfacing bid are:
- Crains Run Road (Dayton Cincinnati Pike intersection to 8,050 Feet)
  - Spring Valley Pike (Washington Church Road intersection to 2,535 Feet)
  - Belvo Road (Jurisdictional Limits- 3,370 Feet)
  - Eckley Boulevard (Entire roadway- 3,855 Feet)
- Whereas,** various other Township roadways are to be included in the County's pavement marking and curb ramp replacement bids; and
- Whereas,** the estimated construction cost of all work is \$621,470; and
- Whereas,** the Township shall provide a down payment to the County in the sum of \$621,470 by November 30, 2018 and shall reimburse the County within 90 days of receipt of invoice for the remainder of the actual costs incurred by the County; and
- Therefore Be It Resolved,** the Miami Township Board of Trustees authorizes participation in County contracts, authorizes a down payment for anticipated work, authorizes the County Engineer and/or his agents to enter upon Township roadways for the purposes herein stated, and upon completion of these purposes agrees to pay the County for the remainder of all actual costs incurred.

**SIGNATURE PAGE ONLY FOR RESOLUTION #103-2018**

absent  
John Morris, Trustee President

DJB  
Douglas J. Barry, Trustee Vice President

[Signature]  
Donald R. Culp, Trustee

Attested:

[Signature]

Aaron F. Newell, Fiscal Officer

Passed: November 13, 2018

RLH:bfe

**RESOLUTION #104-2018**


**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 RENEGADE WAREHOUSE, LLC**

- Whereas,** Miami Township owns certain land identified as Parcel Identification No. K45 02608 0085; and
- Whereas,** Renegade Warehouse, LLC desires to purchase approximately 2.0 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

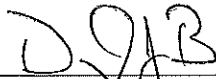
**Therefore Be It Resolved,** the Miami Township Board of Trustees:

- 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.

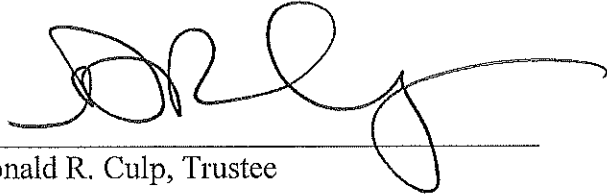
**SIGNATURE PAGE FOR RESOLUTION #104-2018 ONLY**



John Morris, Trustee President

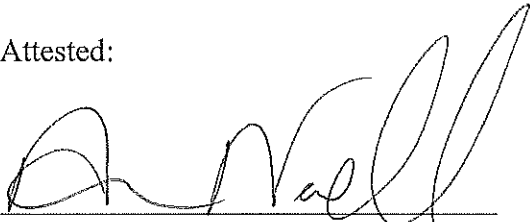


Douglas J. Barry, Trustee Vice President



Donald R. Culp, Trustee

Attested:



Aaron F. Newell, Fiscal Officer

Passed: November 13, 2018

RLH:bfe

**RESOLUTION #105-2018**

**RESOLUTION TO AUTHORIZE THE TRANSFER OF FUNDS FROM  
THE ROAD & BRIDGE BUDGET STABILIZATION FUND (#94) TO  
THE ROAD & BRIDGE FUND (#04)**

**Whereas,** Montgomery County has established the Partnership Pool Program to assist with the maintenance of township roads; and

**Whereas,** the Miami Township Trustees have authorized participation in the 2019 Partnership Pool Program for asphalt resurfacing, pavement marking and curb ramp replacements; and

**Whereas,** the Road and Bridge Budget Stabilization Fund has sufficient funds to cover the estimated construction costs of \$621,470; and

**Therefore, Be It Resolved,** the Miami Township Board of Trustees authorizes the Fiscal Office to transfer \$621,470 from the Road Budget Stabilization Fund (#94) to the Public Works Fund (#04); and appropriate those funds for payment of the required deposit for participation in the 2019 program.

absent  
John Morris, Trustee President

DJB  
Douglas J. Barry, Trustee Vice President

[Signature]  
Donald R. Culp, Trustee

Attested:  
[Signature]

Aaron F. Newell, Fiscal Officer  
Passed: November 13, 2018  
CCM:bfe

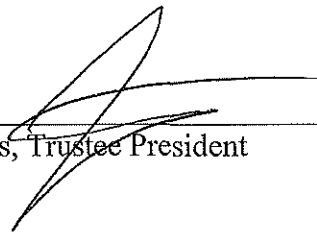
## RESOLUTION #106-2018

### RESOLUTION TO REQUEST THE MONTGOMERY COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION IN ANTICIPATION OF A 5.00 MILL RENEWAL LEVY FOR THE POLICE DEPARTMENT

- Whereas,** the Miami Township Board of Trustees provides an efficient and effective police service to the residents paid for through a tax levy; and
- Whereas,** the residents wish to continue this service; and
- Whereas,** this tax levy is necessary to renew the existing tax levy in excess of the ten-mill limitation in the amount of 5.00 mills as provided for in the ORC 5705.19 (J); and
- Whereas,** the ORC 5705.03 (B), requires the Township to request the County Auditor to certify a total current tax valuation of the subdivision and the revenue generated by a specified number of mills; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees, in compliance with the Ohio Revised Code 5705.03 (B), requests the Montgomery County Auditor to certify the current total tax valuation of the unincorporated portion of Miami Township within Montgomery County and the total revenue that a five (5) year 5.00 mill renewal levy, beginning with tax year 2019 to be first collected in 2020, would generate for the Police Department, as provided for under ORC 5705.19 (J), if approved in the May 7, 2019 primary election to renew the existing 5.00 mill police levy expiring on December 31, 2019.

**SIGNATURE PAGE FOR RESOLUTION #106-2018 ONLY**




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John Morris, Trustee President



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Douglas J. Barry, Trustee Vice President



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Donald R. Culp, Trustee

Attested:



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Aaron F. Newell, Fiscal Officer  
Passed: November 27, 2018  
RLH:bfe

## RESOLUTION #107-2018

### RESOLUTION TO REQUEST THE MONTGOMERY COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION IN ANTICIPATION OF A 5.00 MILL REPLACEMENT LEVY FOR THE POLICE DEPARTMENT

**Whereas,** the Miami Township Board of Trustees provides an efficient and effective police service to the residents paid for through a tax levy; and

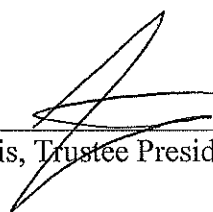
**Whereas,** the residents wish to continue this service; and

**Whereas,** this tax levy is necessary to replace the existing tax levy in excess of the ten-mill limitation in the amount of 5.00 mills as provided for in the ORC 5705.19 (J); and

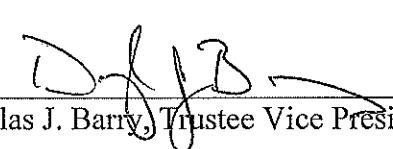
**Whereas,** the ORC 5705.03 (B), requires the Township to request the County Auditor to certify a total current tax valuation of the subdivision and the revenue generated by a specified number of mills; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees, in compliance with the Ohio Revised Code 5705.03 (B), requests the Montgomery County Auditor to certify the current total tax valuation of the unincorporated portion of Miami Township within Montgomery County and the total revenue that a five (5) year 5.00 mill replacement levy, beginning with tax year 2019 to be first collected in 2020, would generate for the Police Department, as provided for under ORC 5705.19 (J), if approved in the May 7, 2019 primary election to replace the existing 5.00 mill police levy expiring on December 31, 2019.

**SIGNATURE PAGE FOR RESOLUTION #107-2018**



John Morris, Trustee President



Douglas J. Barry, Trustee Vice President



Donald R. Culp, Trustee

Attested:



Aaron F. Newell, Fiscal Officer

Passed: November 27, 2018

RLH:nsc

**RESOLUTION #108-2018**

**RESOLUTION TO REQUEST THE MONTGOMERY COUNTY  
AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION  
IN ANTICIPATION OF A 5.25 MILL REPLACEMENT LEVY FOR  
THE POLICE DEPARTMENT**

**Whereas,** the Miami Township Board of Trustees provides an efficient and effective police service to the residents paid for through a tax levy; and

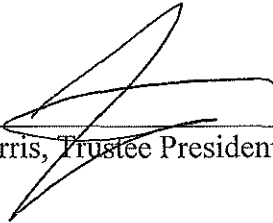
**Whereas,** the residents wish to continue this service; and

**Whereas,** this tax levy is necessary to replace the existing tax levy in excess of the ten mill limitation in the amount of 5.25 mills as provided for in the ORC 5705.19 (J); and

**Whereas,** the ORC 5705.03 (B), requires the Township to request the County Auditor to certify a total current tax valuation of the subdivision and the revenue generated by a specified number of mills; and

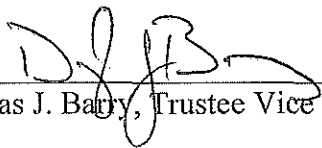
**Therefore Be It Resolved,** the Miami Township Board of Trustees, in compliance with the Ohio Revised Code 5705.03 (B), requests the Montgomery County Auditor to certify the current total tax valuation of the unincorporated portion of Miami Township within Montgomery County and the total revenue that a five (5) year 5.25 mill replacement levy, beginning with tax year 2019 to be first collected in 2020, would generate for the Police Department, as provided for under ORC 5705.19 (J), if approved in the May 7, 2019 primary election to replace the existing 5.00 mill police levy expiring on December 31, 2019.

**SIGNATURE PAGE FOR RESOLUTION #108-2018 ONLY**




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John Morris, Trustee President



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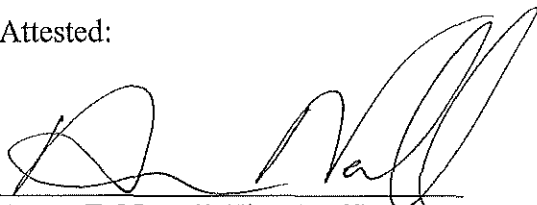
Douglas J. Barry, Trustee Vice President



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Donald R. Culp, Trustee

Attested:



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Aaron F. Newell, Fiscal Officer  
Passed: November 27, 2018  
RLH:nsc

**RESOLUTION #109-2018**

**RESOLUTION TO REQUEST THE MONTGOMERY COUNTY AUDITOR  
TO CERTIFY THE TOTAL CURRENT TAX VALUATION IN  
ANTICIPATION OF A 5.50 MILL REPLACEMENT LEVY FOR THE  
POLICE DEPARTMENT**

**Whereas,** the Miami Township Board of Trustees provides an efficient and effective police service to the residents paid for through a tax levy; and

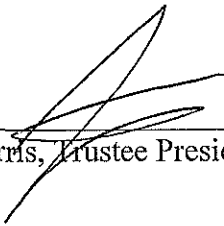
**Whereas,** the residents wish to continue this service; and

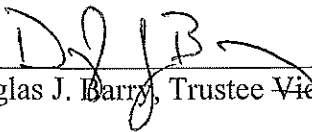
**Whereas,** this tax levy is necessary to replace the existing tax levy in excess of the ten-mill limitation in the amount of 5.50 mills as provided for in the ORC 5705.19 (J); and

**Whereas,** the ORC 5705.03 (B), requires the Township to request the County Auditor to certify a total current tax valuation of the subdivision and the revenue generated by a specified number of mills; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees, in compliance with the Ohio Revised Code 5705.03 (B), requests the Montgomery County Auditor to certify the current total tax valuation of the unincorporated portion of Miami Township within Montgomery County and the total revenue that a five (5) year 5.50 mill replacement levy, beginning with tax year 2019 to be first collected in 2020, would generate for the Police Department, as provided for under ORC 5705.19 (J), if approved in the May 7, 2019 primary election to replace the existing 5.00 mill police levy expiring on December 31, 2019.

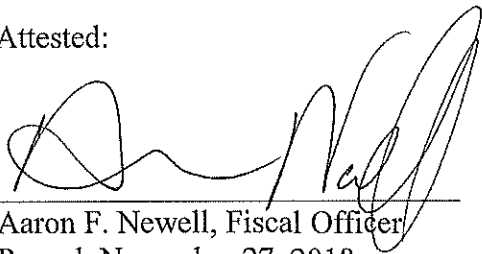
**SIGNATURE PAGE FOR RESOLUTION #109-2018 ONLY**

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

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

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

Attested:

  
\_\_\_\_\_  
Aaron F. Newell, Fiscal Officer  
Passed: November 27, 2018  
RLH:nsc

**RESOLUTION #110-2018**

**RESOLUTION TO REQUEST THE MONTGOMERY COUNTY  
AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION  
IN ANTICIPATION OF A 5.75 MILL REPLACEMENT LEVY FOR  
THE POLICE DEPARTMENT**

**Whereas,** the Miami Township Board of Trustees provides an efficient and effective police service to the residents paid for through a tax levy; and

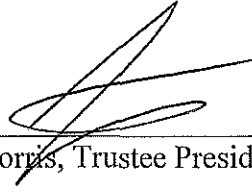
**Whereas,** the residents wish to continue this service; and

**Whereas,** this tax levy is necessary to replace the existing tax levy in excess of the ten-mill limitation in the amount of 5.75 mills as provided for in the ORC 5705.19 (J); and

**Whereas,** the ORC 5705.03 (B), requires the Township to request the County Auditor to certify a total current tax valuation of the subdivision and the revenue generated by a specified number of mills; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees, in compliance with the Ohio Revised Code 5705.03 (B), requests the Montgomery County Auditor to certify the current total tax valuation of the unincorporated portion of Miami Township within Montgomery County and the total revenue that a five (5) year 5.75 mill replacement levy, beginning with tax year 2019 to be first collected in 2020, would generate for the Police Department, as provided for under ORC 5705.19 (J), if approved in the May 7, 2019 primary election to replace the existing 5.00 mill police levy expiring on December 31, 2019.

**SIGNATURE PAGE FOR RESOLUTION #110-2018 ONLY**



John Morris, Trustee President



Douglas J. Barry, Trustee Vice President

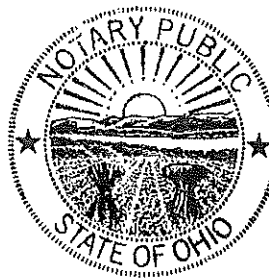


Donald R. Culp, Trustee

Attested:



Aaron F. Newell, Fiscal Officer  
Passed: November 27, 2018  
RLH:nsc



11/29/2018

NANCY S CULLEN, Notary Public  
In and for the State of Ohio  
My Commission Expires Sept. 30, 2019

**RESOLUTION #111-2018**

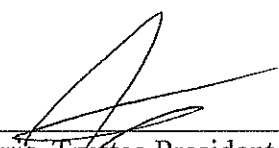
**RESOLUTION TO REAPPOINT A  
BOARD OF ZONING APPEALS MEMBER**


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

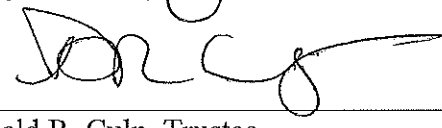
**Whereas,** John Broz's term expires on December 31, 2018; and

**Whereas,** Mr. Broz has served in good faith and has expressed an interest to continue  
serving on the Board; and

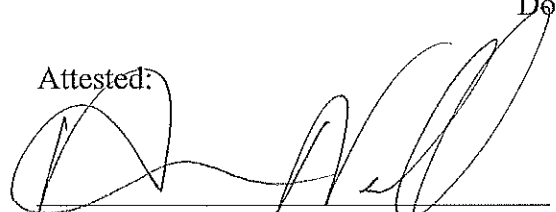
**Therefore Be It Resolved,** the Miami Township Board of Trustees reappoints John Broz  
to serve on the Board of Zoning Appeals as a regular member for a five (5)  
year term, ending December 31, 2023.

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

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

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

Attested:

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

Passed: December 11, 2018

RLH:nsc

**RESOLUTION #112-2018**

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

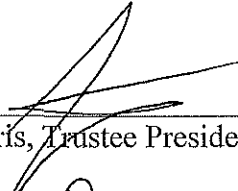
**Whereas,** the Zoning Commission is made up of five regular members and one alternate;  
and


**Whereas,** Karen Kreusch's term of office expires December 31, 2018; and

**Whereas,** Karen Kreusch has requested to resign from the Zoning Commission, leaving  
a vacancy on the Commission; and

**Whereas,** Kurt Hatcher has served on the Miami Township Zoning Commission as an  
alternate member since 2016 and has expressed interest in the Zoning  
Commission vacancy; and


**Therefore Be It Resolved,** the Miami Township Board of Trustees appoints Kurt Hatcher to  
serve on the Zoning Commission for a term of five (5) years ending on  
December 31, 2023.

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

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

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

Attested:)

  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer

Passed: December 11, 2018

**RESOLUTION #113-2018**

**RESOLUTION TO REQUEST TAX ADVANCES FROM THE  
MONTGOMERY COUNTY AUDITOR IN FISCAL YEAR 2019**

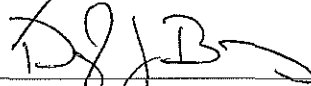
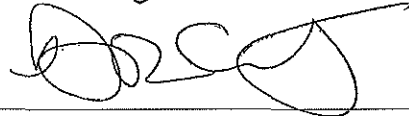
**Whereas,** the Ohio Revised Code allows advancement of payments on taxes; and

**Whereas,** the tax bills will soon be sent out in Montgomery County; and

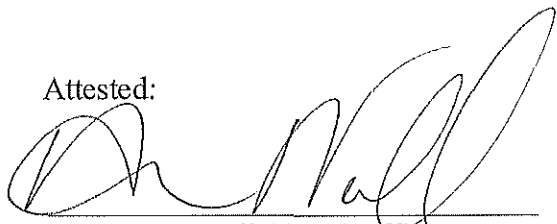
**Whereas,** Township residents will begin making payments upon receipt of these bills; and

**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.

  
\_\_\_\_\_  
John Morris, Trustee President  
\_\_\_\_\_  
Douglas J. Barry, Trustee Vice President  
\_\_\_\_\_  
Donald R. Culp, Trustee

Attested:

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

Passed: December 11, 2018

RLH:bfe


**RESOLUTION #114-2018**

**RESOLUTION TO AUTHORIZE CONTINUED OPERATIONS  
IN CALENDAR YEAR 2019**

**Whereas,** the day-to-day operations of the Township government functioned well in 2018 with dedicated and conscientious employees whose purpose was to provide the best possible services to the residents, businesses, and visitors in Miami Township; and

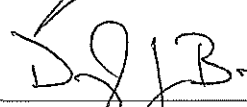
**Whereas,** all departments - Administration, Community Development, Compliance, Finance, Police, and Public Works are functioning in a responsive, organized and efficient manner under the direction of the Acting Township Administrator and the Department Heads; and

**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 2019.



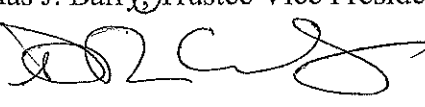
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John Morris, Trustee President



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Douglas J. Barry, Trustee Vice-President



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Donald R. Culp, Trustee

Attested:



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Aaron F. Newell, Fiscal Officer

Passed: December 11, 2018

RLH:bfe

**RESOLUTION # 115-2018**

**RESOLUTION TO ADOPT A ZONING MAP AMENDMENT,  
PRELIMINARY AND 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, December 11, 2018; and


**Whereas,** Zoning Case #434-18, filed by the City of Dayton – Dayton-Wright Brothers Airport, proposes a change of zoning district from the "AP" Airport District to the Airport Planned Development "PD-5" Planned Mixed-Use District and adoption of preliminary and final development plans and for lands zoned "PD-5", Planned Mixed-Use District; and

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

**Whereas,** the Trustees have made certain Findings of Fact based upon the evidence presented; and

**Therefore Be It Resolved,** the Miami Township Board of Trustees approve the Zoning Map Amendment and Preliminary and Final Development Plans under Zoning Case #434-18 and uphold the Zoning Commission recommendation.

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

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

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

Attested:

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

Passed: December 11, 2018

RLH:nsc

**RESOLUTION #117-2018**


**RESOLUTION TO APPROVE AN AMENDED APPROPRIATION OF FUNDS FOR 2018**

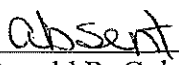
**Whereas,** the annual appropriations for 2018 are to provide for expenditures for the fiscal year ending December 31, 2018; and

**Whereas,** it is necessary to amend the appropriation of funds for Miami Township; and

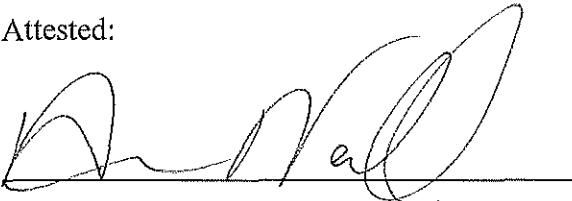
**Therefore Be It Resolved,** the Board of Trustees of Miami Township, Montgomery County, Ohio, approves the annual appropriations for 2018 and forwards the attached copy to the Montgomery County Auditor.

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

  
\_\_\_\_\_  
Douglas J. Barty, Trustee Vice President

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

Attested:

  
\_\_\_\_\_

Aaron F. Newell, Fiscal Officer

Passed: December 18, 2018

RLH:nsc