RESOLUTION 1-2012

RESOLUTION TO AMEND RESOLUTION #181-2011

Whereas, Resolution #181-2011 was passed on December 21, 2011 authorizing the immediate promotion of Officer Jason Kramer to the rank of Police Sergeant; and

Whereas, the rate of pay contained in Resolution #181-2011 was incorrectly listed as $28.70 per hour, when it should have been listed as $31.88 per hour; and

Whereas, there is a need to amend Resolution #181-2011 to reflect the correct rate of pay for Sergeant Jason Kramer; and

Therefore, Be It Resolved, the Miami Township Board of Trustees authorizes the amendment of Resolution #181-2011, to reflect that Sergeant Jason Kramer will start at a rate of pay of $31.88 per hour, effective immediately with retroactivity to December 21, 2011.

Charles C. Lewis, Trustee

Mike R. Nolan, Trustee

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: January 10, 2012
GSR:seb

RESOLUTION #2-2012

RESOLUTION TO ACCEPT RESIGNATION OF A FIRE DIVISION EMPLOYEE

Whereas, Ryan Parker has been a part-time firefighter/EMT since August 30, 2010; and

Whereas, Ryan has decided to resign from his position with the fire division due to personal reasons; and

Therefore Be It Resolved, the Miami Township Board of Trustees accepts the letter of resignation from Ryan, and termination of his employment is effective January 10, 2012.

C. C. Lewis

Charles C. Lewis, Trustee

Mike R. Nolan, Trustee

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis

Judy A. Lewis, Fiscal Officer

Passed: January 10, 2012

GSR:seb

RESOLUTION #3-2012

RESOLUTION TO ACCEPT RESIGNATION OF A FIRE DIVISION EMPLOYEE

Whereas, David Berger has been a paid on-call firefighter January 1, 1980; and

Whereas, David has decided to retire from his position with the fire division; and

Therefore Be It Resolved, the Miami Township Board of Trustees accepts the letter of resignation from David, and termination of his employment is effective January 10, 2012.

Charles C. Lewis, Trustee

Mike R. Nolan, Trustee

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: January 10, 2012
GSR:seb

RESOLUTION #4-2012

RESOLUTION TO ACCEPT RESIGNATION OF A FIRE DIVISION EMPLOYEE

Whereas, Jeremy Smith has been a career firefighter/medic since August 30, 2005; and

Whereas, Jeremy has decided to resign his position with the fire division due to an opportunity with the Oakwood Public Safety Department; and

Therefore Be It Resolved, the Miami Township Board of Trustees accepts the letter of resignation from Jeremy Smith, and termination of his employment is effective January 10, 2012.

C. C. Lewis

Charles C. Lewis, Trustee

Mike R. Nolan, Trustee

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis

Judy A. Lewis, Fiscal Officer
Passed: January 10, 2012
GSR:seb

RESOLUTION #5-2012

RESOLUTION TO RETAIN NEWHOUSE, PROPHATER, LETCHER & MOOTS, LLC AS LEGAL COUNSEL TO ADVISE & REPRESENT MIAMI TOWNSHIP, IN ANNEXATION MATTERS

Whereas, Miami Township Board of Trustees met in regular session on January 10, 2012; and

Whereas, the Board of Trustees of Miami Township deems it necessary and advisable to employ legal counsel to advise and represent the township on legal matters relating to annexation; and

Therefore Be It Resolved, the Miami Township Board of Trustees hires the firm of Newhouse, Prophater, Letcher & Moots, LLC, to be retained as Legal Counsel to advise and represent Miami Township on legal matters relating to annexation for 2012. Representation will be paid for as follows: $210.00 per hour senior attorney time, $175.00 per hour associate attorney time, and $75.00 per hour law clerk or legal assistant time. Rate is fixed for six months but subject to increase thereafter, with a maximum increase of 6% every six months; time spent on travel and telephone calls is considered billable time. Court costs and expenses will be paid by the Township. Fees will be paid monthly upon receipt of the bill. The Board of Trustees will execute a Retainer Agreement reciting these terms.

C. C. Lewis

Charles C. Lewis, Trustee

Mike R. Nolan, Trustee

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis

Judy A. Lewis, Fiscal Officer
Passed: January 10, 2012
GSR:seb

RESOLUTION #6-2012

RESOLUTION TO APOPT A FINAL DEVELOPMENT PLAN FOR AUSTIN SPRINGS PHASE II UNDER ZONING CASE #370-05, FOR LANDS ZONED "PD-1", PLANNED RESIDENTIAL

Whereas, the Miami Township Board of Trustees met in a regular session on Tuesday, January 10, 2012; and

Whereas, Zoning Case #370-05, filed by J.C. Hart Company, Inc., proposes adoption of a final development plan for the construction of 43 two (2) and three (3) bedroom townhomes on 4.13 acres and for lands zoned "PD-1", Planned Residential; and

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

Therefore Be It Resolved, the Miami Township Board of Trustees ________________ the final Development Plan under Zoning Case #370-05 and ________________ the Zoning Commission recommendation.

Charles C. Lewis, Trustee

Mike R. Nolan, Trustee

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: January 10, 2012
GSR:seb

RESOLUTION #7-2012

RESOLUTION TO ADOPT A FINAL DEVELOPMENT PLAN FOR ROADWAY "H" AT AUSTIN LANDING UNDER ZONING CASE #222-88, FOR LANDS ZONED "PD-5", PLANNED MIXED-USE

Whereas, the Miami Township Board of Trustees met in a regular session on Tuesday, January 10, 2012; and

Whereas, Zoning Case #222-88, filed by Innovation Pointe I, LTD, proposes adoption of a final development plan for the Roadway "H" at Austin Landing 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 ________________ the Final Development Plan under Zoning Case #222-88 and ________________ the Zoning Commission recommendation.

Charles C. Lewis, Trustee

Mike R. Nolan, Trustee

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: January 10, 2012
GSR:seb

RESOLUTION #8-2012

RESOLUTION ESTABLISHING A COMMUNITY ENTERTAINMENT DISTRICT UNDER THE OHIO REVISED CODE CHAPTER 4301

Whereas, RG Properties, Inc. petitioned for a community entertainment district for Austin Landing; and

Whereas, the proposed area sought for inclusion in the proposed community entertainment district has been certified to exceed 20 acres in size by Jeffrey A. Van Atta, PE, PS, a professional engineer and professional surveyor licensed under Chapter 4733 of the Ohio Revised Code; and

Whereas, the developer wishes to establish the community entertainment district and has provided documentation, which satisfies the requirements of Section 4301.80 of the Ohio Revised Code; and

Whereas, a public hearing was advertised according to law, and was held on this date; and

Therefore Be It Resolved, the Miami Township Board of Trustees finds that the proposed community entertainment district will substantially contribute to retail, entertainment, and social opportunities for the community and hereby establishes the **Austin Landing Community Entertainment District**, consisting of 91.7 acres (see attached survey).

Charles C. Lewis, Trustee

Mike R. Nolan, Trustee

Nay

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: January 10, 2012
GSR:seb

RESOLUTION #9-2012

RESOLUTION AUTHORIZING 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 Ohio Revised Code Section 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, that 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.

Charles C. Lewis, Trustee

Mike R. Nolan, Trustee

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: January 10, 2012
GSR:seb

RESOLUTION #10-2012

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).

C. C. Lewis

Charles C. Lewis, Trustee

Mike R. Nolan, Trustee

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis

Judy A. Lewis, Fiscal Officer

Passed: January 10, 2012

GSR:seb

RESOLUTION #11-2012

RESOLUTION TO ADOPT A FEE SCHEDULE FOR PLANNING & ZONING

Whereas, the Miami Township Board of Trustees met in a regular session on Tuesday, January 10, 2012; and

Whereas, the Miami Township Zoning Resolution, under Article 3 Section 305, directs fees to be charged to defer in part the cost of holding hearings and reviewing applications filed with the Planning and Zoning Department; and

Whereas, a review has been completed and presented to the Trustees to revise the fee schedule for the Planning and Zoning Department; and

Whereas, the Trustees have reviewed the proposed fee schedule in a public meeting; and

Therefore Be It Resolved, the Miami Township Board of Trustees adopts the attached fee schedule for the Planning and Zoning Department to be effective immediately.

C. C. Lewis

Charles C. Lewis, Trustee

Mike R. Nolan, Trustee

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis

Judy A. Lewis, Fiscal Officer
Passed: January 10, 2012
GSR:seb

RESOLUTION #12-2012

RESOLUTION TO AUTHORIZE APPLICATION FOR FUNDS THROUGH THE GREATER DAYTON REGIONAL TRANSIT AUTHORITY COMMUNITY GRANT PROGRAM

Whereas, the Greater Dayton Regional Transit Authority, administers financial assistance for transit related improvements, through the Community Grant Program; and

Whereas, Miami Township is partnering with Menard, Inc., the Greater Dayton Regional Transit Authority, and Dayton Metro Library, to develop a regional storm water facility on Lyons Road; and

Whereas, Miami Township has developed an enhancement project for the regional storm water facility that will serve the GDRTA South Hub, Library, Menard's, and Miami Township properties; and

Whereas, the Board desires financial assistance under the Community Grant Program; and

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

Section 1. the Miami Township Board of Trustees approves filing an application for financial assistance; and

Section 2. the Township Administrator is hereby authorized to execute and file an application with the Greater Dayton Regional Transit Authority for the Lyons Road Retention Basin Amenities Project and to provide all information and documentation required to become eligible for funding assistance, including a work program and detailed budget.

Charles C. Lewis, Trustee

Mike R. Nolan, Trustee

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: January 10, 2012
GSR:seb

RESOLUTION #13-2012

RESOLUTION TO APPOINT A ZONING COMMISSION REGULAR MEMBER

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

Whereas, there is a need to fill the regular position formerly held by Katrina Miller; and

Whereas, Mitch McElroy is qualified and interested in becoming a regular member; and

Therefore Be It Resolved, the Miami Township Board of Trustees appoints Mitch McElroy to serve on the Zoning Commission as a regular member, ending December 31, 2016, effective January 10, 2012.

C. C. Lewis

Charles C. Lewis, Trustee

Mike R. Nolan, Trustee

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis

Judy A. Lewis, Fiscal Officer
Passed: January 10, 2012
GSR:seb

RESOLUTION #14-2012

RESOLUTION TO ACCEPT THE RESIGNATION OF A BOARD OF ZONING APPEALS MEMBER

Whereas, Mitch McElroy has served on the Miami Township Board of Zoning Appeals since July 2006; and

Whereas, Mitch McElroy has given notice that he will resign his position, effective January 10, 2012; and

Therefore Be It Resolved, the Miami Township Board of Trustees accepts the resignation of Mitch McElory, and termination of his appointment on the Miami Township Board of Zoning Appeals is effective January 10, 2012.

Charles C. Lewis, Trustee

Mike R. Nolan, Trustee

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: January 10, 2012
GSR:seb

RESOLUTION #15-2012

RESOLUTION TO AUTHORIZE THE TOWNSHIP ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH THP LIMITED, INC. FOR REVIEW OF WATER INFILTRATION ISSUES

Whereas, Miami Township is desirous of entering into an agreement with THP Limited, Inc., for review of water infiltration issues; and

Whereas, there have been water infiltration issues at the Government Center, 2700 Lyons Rd. since the spring of 2006; and

Whereas, THP proposes to review, report and provide recommendations for these issues for a lump sum fee of $8,000; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to execute the necessary documents to enter into an agreement with THP Limited, Inc. for review of facility water infiltration issues, per terms provided by the agreement, effective January 10, 2012.

Charles C. Lewis, Trustee

Mike R. Nolan, Trustee

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: January 10, 2012
GSR:seb

RESOLUTION #16-2012

RESOLUTION TO CONTINUE SERVICES OF PATRIOT ENGINEERING AND ENVIRONMENTAL, INC. AND INCREASE COST NECESSARY FOR THE INSPECTION AND TESTING OF CONSTRUCTION MATERIAL FOR A NEW FIRE STATION AND PUBLIC WORKS FACILITY

Whereas, the Miami Township Board of Trustees has determined the need to construct a new Fire Station and Public Works Facility; and

Whereas, Miami Township hired Patriot Engineering and Environmental, Inc. to provide inspection and testing of construction material services for the new construction, with a cost based on time and materials with an estimate not to exceed $80,000.00, pursuant to resolution #157-2011; and

Whereas, there is a need to increase the cost of services based on time and materials due to poor weather conditions; and

Whereas, Patriot Engineering and Environmental, Inc., will continue conducting inspections on steel, welding, concrete, subgrade improvement, masonry, and asphalt as required by the construction contract; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the continued use of Patriot Engineering and Environmental, Inc. for the inspection and testing of construction material services, and steel inspection for Miami Township Fire Station 51 and Public Works Facility, with a cost not to exceed $102,500.00, effective January 10, 2012.

Charles C. Lewis, Trustee

Mike R. Nolan, Trustee

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: January 10, 2012
GSR:mrm

RESOLUTION #17-2012

RESOLUTION TO ACCEPT A LETTER OF INTENT TO RETIRE FROM A PUBLIC WORKS EMPLOYEE

Whereas, Ron Robinson has been an employee with the Public Words Department since June 10, 1985; and

Whereas, Ron Robinson, after twenty-six (26) years of dedicated service to Miami Township, has submitted a letter of intent to retire; and

Whereas, Ron Robinson's last day of employment will be at the end of his work shift on Wednesday, February 29, 2012; and

Therefore Be It Resolved, the Miami Township Board of Trustees accepts the letter of intent to retire from Ron Robinson, and termination of his employment to be effective on Wednesday, February 29, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: January 24, 2012
GSR:mrm

RESOLUTION #18-2012

RESOLUTION TO CHANGE A ZONING TEXT

Whereas, the Miami Township Board of Trustees met in a regular session on Tuesday, January 24, 2012; and

Whereas, Zoning Case #406-11, filed by the Miami Township Zoning Commission, proposes amendments to Article 43 Off-Street Parking standards, 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 Zoning Case #406-11 and UPHOLDS the Zoning Commission recommendation for Zoning Case #406-11.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice-President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: January 24, 2012
GSR:mrm

RESOLUTION #19-2012

RESOLUTION TO ACCEPT SPRING VALLEY PIKE IMPROVEMENTS FOR TOWNSHIP MAINTENANCE

Whereas, The Exchange at Spring Valley - Spring Valley Pike, received final inspection by Montgomery County and Miami Township staff; and

Whereas, the Public Works Director has given his approval; and

Therefore Be It Resolved, the Miami Township Board of Trustees accepts the following street improvement for Township maintenance:

1. Spring Valley Pike Road Improvements Only

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee ~~Vice~~ President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: January 24, 2012
GSR:seb

RESOLUTION #20-2012

RESOLUTION TO APPOINT A REPRESENTATIVE TO THE HILLGROVE UNION CEMETERY BOARD OF TRUSTEES

Whereas, the City Council for the City of Miamisburg and Miami Township Board of Trustees have formed the Hillgrove Union Cemetery; and

Whereas, there is a need to appoint a representative to the Hillgrove Union Cemetery Board of Trustees; and

Whereas, the City Council and Miami Township Trustees each agree to appoint Mike Riley as the citizen representative for the Hillgrove Union Cemetery Board of Trustees; and

Whereas, Mike Riley has agreed to serve on the Hillgrove Union Cemetery Board of Trustees; and

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

Section 1. This Board hereby appoints Mike Riley to serve on the Hillgrove Union Cemetery Board of Trustees for a term of two years ending on December 31, 2013.

Section 2. This resolution shall take effect and be in force from and after its passage.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: January 24, 2012
GSR:seb

RESOLUTION #21-2012

A RESOLUTION AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO EXECUTE A PERPETUAL STORMWATER DRAINAGE EASEMENT AND RELEASE OF OBLIGATIONS AGREEMENT RELATED TO THE REGIONAL STORMWATER BASIN

Whereas, Miami Township (the "Township"), the City of Miamisburg (the "City"), and the Montgomery County Transportation Improvement District (the "District") have cooperated to jointly develop a regional stormwater basin on property owned and controlled by Miami Township; and

Whereas, the City has financed the construction of the regional stormwater basin for the purposes of providing stormwater retention capacity for the benefited properties both within the City and the Township; and

Whereas, the Township, the City, and the District entered into a Cooperative Agreement relating to the Austin Road Interchange and Related Projects as amended; and

Whereas, the District has agreed to release the Township from its obligation under Section 1.7 of the First Amendment to the Cooperative Agreement and Section 4.2(c) of the Cooperative Agreement to pursue a Reserve Funds Only Financing; and

Whereas, the Township agrees to provide an easement accepting stormwater runoff for the benefit of certain properties within the City; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to execute all necessary documents to enter into a Perpetual Easement agreement with the City of Miamisburg and to execute a Release of Obligations Agreement with the Montgomery County Transportation Improvement District.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee/Vice President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer

Passed: January 24, 2012

GSR:seb

RESOLUTION #22-2012

RESOLUTION TO ACCEPT A STREET IN AUSTIN LANDING, SECTION 3, FOR TOWNSHIP MAINTENANCE

Whereas, one (1) street in Austin Landing, Section 3, has received final inspection by Montgomery County and Miami Township staff; and

Whereas, the Public Works Director has given his approval; and

Therefore Be It Resolved, the Miami Township Board of Trustees accepts the following street in Austin Landing, Section 3, for Township maintenance.

1. Innovation Drive 2689 L.F.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: January 24, 2012
GSR:seb

RESOLUTION #23-2012

RESOLUTION TO ACCEPT STREETS IN AUSTIN LANDING, SECTION 5, FOR TOWNSHIP MAINTENANCE

Whereas, four (4) streets in Austin Landing, Section 5, have received final inspection by Montgomery County and Miami Township staff; and

Whereas, the Public Works Director has given his approval; and

Therefore Be It Resolved, the Miami Township Board of Trustees accepts the following streets in Austin Landing, Section 5, for Township maintenance.

1. Austin Landing Boulevard	454 L.F.
2. Capital Drive	472 L.F.
3. Innovation Drive	2326 L.F.
4. Landing Way	451 L.F.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: January 24, 2012
GSR:seb

RESOLUTION #24-2012

RESOLUTION AUTHORIZING THE HIRING OF PART-TIME PERSONNEL

Whereas, there are vacancies to be filled in the Fire Division; and

Whereas, Matthew Queen, Fire Chief, is making his recommendation to hire the following individual as a part-time employee:

Dustin Lacy	Grade S-1	$12.20 / per hour

Therefore Be It Resolved, that the Miami Township Board of Trustees authorizes the hiring of the above individual, with his hiring date to be determined by the Fire Division, effective January 24, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: January 24, 2012
GSR:mrm

RESOLUTION #25-2012

RESOLUTION ADOPTING THE CESSATION OF PENSION-PICK-UP FOR ELECTED OFFICIALS AND REPAYMENT TO THE GENERAL FUND

Whereas, the Miami Township Board of Trustees have elected to direct the Fiscal Officer to cease Miami Township's payment of pension pick-up for elected officials; and

Whereas, the cessation is effective immediately retroactive to January 1, 2012; and

Whereas, the Miami Township Trustees have received a letter from the State Auditor's Office directing them to recoup any of the employees share of Public Employees Retirement System payment that were paid out for calendar years 2009, 2010 and 2011; and

Therefore, Be It Resolved, the Miami Township Board of Trustees directs the Fiscal Officer to cease payment of pension pick-up to Miami Township elected officials and said cessation shall be effective immediately.

Further, Be It Resolved, the Miami Township Trustees directs the Township Administrator to make arrangements for repayment from each elected official based on the amount owed based for calendar years 2009, 2010 and 2011. The Trustees may repay in installments each pay period to reimburse the general fund for the employer share of PERS pickup for years 2009, 2010 and 2011.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice-President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: February 14, 2012
GSR:seb

RESOLUTION #26-2012

RESOLUTION TO PURCHASE A STREET SWEEPER FOR THE ROAD DEPARTMENT

Whereas, Miami Township qualifies to purchase equipment under the Ohio Department of Administrative Services Cooperative Purchasing Program (DAS); and

Whereas, the Board of Trustees approved the purchase of a street sweeper during the 2012 Road & Bridge Fund budget hearing; and

Whereas, the street sweeper can be purchased under the DAS Purchasing Program contract #800136, Index #STS235 at an estimated cost of $225,000; and

Whereas, the Public Works Director is recommending the purchase of a Tymco 500X street sweeper for use in the Road Department from the DAS contract vendor, Contract Sweepers and Equipment; and

Whereas, the funds used to purchase the sweeper unit will be secured through the Ohio Township Association Master Lease Program; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the purchase of the street sweeper from Contract Sweepers and Equipment, 10136 Mosteller Lane, West Chester, Ohio, 45069-3872, for an amount not to exceed $225,000.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed:
GSR:seb

RESOLUTION #27-2012

RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF A RENEWABLE LEASE-PURCHASE AGREEMENT FOR THE FINANCING OF THE PROJECT FACILITIES/EQUIPMENT OR A PORTION THEREOF AND AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS RELATED TO SUCH LEASE.

Whereas, a board of township trustees, a joint township police district board and a board of fire district trustees of a fire district created under Section 505.371 of the Ohio Revised Code (each, a "Governing Body") are authorized under various provisions of Chapter 505 of the Ohio Revised Code, including, but not limited to, Sections 505.262 and 505.267 thereof, and other Chapters of the Ohio Revised Code, to acquire, purchase, construct, rent, lease, enlarge, improve, equip, maintain, operate, rebuild, repair or furnish sites, buildings, equipment or other personal property for an authorized public purpose; and

Whereas, the Governing Body of Miami Township, Ohio (the "Political Subdivision") now desires pursuant to Sections 505.267 of the Ohio Revised Code to provide for the acquisition of a Tymco 500X Model Street Sweeper (the "Project Facilities/Equipment"), and in order to acquire the Project Facilities/Equipment, to enter into a lease-purchase agreement (the "Lease") pursuant to Section 505.267 of the Ohio Revised Code with Ohio Township Association Leasing, LLC, a limited liability company duly organized and existing under the laws of the State of Ohio ("OTA Leasing"), under which the Governing Body of the Political Subdivision will lease from OTA Leasing and OTA Leasing will lease to the Governing Body of the Political Subdivision the Project Facilities/Equipment with an option to purchase the Project Facilities/Equipment at the end of the final term of the Lease; and

Whereas, OTA Leasing will absolutely assign all of its rights, title and interests under the Lease to a financial institution agreed to by the Governing Body (such agreement being evidenced by the Governing Body's execution and delivery of the Lease), as assignee, (the "Assignee"), in consideration of the Assignee's making available to or on the order of the Governing Body sufficient moneys to pay in full the purchase price of the Project Facilities/Equipment upon delivery and acceptance of such Project Facilities/Equipment by the Governing Body; and

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

<u>Section 1.</u> *<u>Findings and Determinations of Governing Body of the Political Subdivision</u>.* This Governing Body of the Political Subdivision hereby finds and

determines that (i) the Project Facilities/Equipment will be public property to be used for public purposes, (ii) the Project Facilities/Equipment is essential to the proper, efficient and economic operation of the Political Subdivision and (iii) in order to implement the financing of the Project Facilities/Equipment, it is necessary and desirable and in the best interests of the Political Subdivision to enter into the Lease and other related documents and certificates for the purposes set forth in the Lease.

Section 2. *Authorization To Execute and Approval of Documents*. The Fiscal Officer of the Political Subdivision (the "Fiscal Officer") is hereby authorized and directed to make a written contract or contracts for the Project Facilities/Equipment in accordance with the laws of the State and, if required by the laws of the State, to take bids for the Project Facilities/Equipment in such manner as to permit an award to be made by separate contract for each item or for any combination of said items as the Fiscal Officer shall determine.

The Lease in substantially the forms on file in the office of the Fiscal Officer is hereby approved and the Governing Body of the Political Subdivision hereby authorizes the execution and delivery of the Lease by the Governing Body with any changes therein as are not adverse to the Political Subdivision; and the fact that any such changes are not adverse to the Political Subdivision shall be evidenced by execution of the Lease by the Governing Body of the Political Subdivision. The Lease shall be executed in the same manner as is provided in Section 133.27 of the Ohio Revised Code for the execution of Chapter 133 Securities (as defined for such Section) on behalf of a township.

Subject to and in consideration of the execution and delivery of the Lease by the Political Subdivision and the assignment thereof by OTA Leasing to the Assignee, the purchase price of the Project and any other costs related to the Project, including, but not limited to, the reimbursement of moneys advanced by the Township for the acquisition of the Project in accordance with and pursuant to Section 133.15 of the Ohio Revised Code, and its financing by the Assignee pursuant to the Lease shall be paid by the Assignee.

Section 3. *Terms of the Lease*. The Clerk is hereby authorized and directed to negotiate and provide for the terms of the Base Rentals and any applicable Additional Rentals, as defined in the Lease, including, but not limited to, the aggregate principal component thereof, which for the initial term and all renewal terms in aggregate shall not exceed $210,000 and the interest components thereof which interest components shall be fixed rate interest components and which fixed rate interest components shall not exceed ten percent (10%) per annum. Such Base Rentals, and the principal and interest components thereof, shall be set forth in an exhibit to the Lease.

Section 4. *Additional Authorizations*. The Fiscal Officer and this Governing Body of the Political Subdivision are each hereby authorized and directed to take any and all other actions and to execute any and all other certificates and documents as may be required by the Assignee or as may in their judgment be necessary, desirable, advisable or appropriate in connection with the execution and delivery of the Lease in order to give effect to the transactions contemplated to be performed on the part of the Political Subdivision under the Lease.

Section 5. *Authorizations relating to Compliance with Federal Tax Laws.* The Governing Body of the Political Subdivision, alone or in conjunction with any other officer or employee of the Political Subdivision, is authorized and directed (a) to cooperate with OTA Leasing and the Assignee by making, on behalf of the Political Subdivision, such covenants and representations in the Lease as are appropriate and necessary with respect to causing the interest component of the Base Rentals to be and remain excluded from gross income of the Assignee for federal income tax purposes and (b) to give an appropriate certificate of the Political Subdivision setting forth the reasonable expectations of the Political Subdivision regarding the amount and use of all the proceeds of the Lease, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest component of the Base Rentals. The Fiscal Officer and other appropriate officers are hereby further authorized and directed to take any and all actions, make calculations and rebate payments, and make or give reports and certifications, as may be appropriate to assure that the interest component of the Base Rentals will be and remain excluded from gross income for federal income tax purposes.

Section 6. *Appropriation of Lease Rental Payments for Initial Term.* To provide for the payment of Lease Rental Payments coming due during the Initial Term of the Lease, there is hereby appropriated from the Road and Bridge Fund of the Political Subdivision an amount equal to the Lease Rental Payments set forth in Exhibit B to the form of Lease for the Lease Rental Payment Dates to occur during such Initial Term.

Section 7. *Severability.* If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

Section 8. *Open Meeting Law.* This Governing Body hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Governing Body, and that all deliberations of this Governing Body and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

Section 9. *Conflicts.* All resolutions, orders or parts thereof in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed and the provisions of this Resolution shall prevail and be given effect.

Section 10. *Effective Date*. This Resolution shall take effect from and after its passage, as provided by law.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: February 14, 2012
GSR:seb

RESOLUTION #28-2012

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

Whereas, Miami Township is desirous of retaining the services of Montgomery County Records Commission & Microfilming Board for microfilming certain documents and storage of certain microfilms; and

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

Whereas, Miami Township is satisfied with said services and the Assistant Township Administrator is recommending the signing of an agreement with Montgomery County Records Commission & Microfilming Board; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to execute the necessary documents to secure an agreement with Montgomery County Records Commission & Microfilming Board, in the amount of $2,500, from January 1, 2012 through December 31, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: February 14, 2012
GSR:mrm

RESOLUTION #29-2012

A RESOLUTION TO HIRE LANDFORM SERVICES, INC. TO PROVIDE CONSTRUCTION SERVICES FOR THE LYONS ROAD RETENTION BASIN AMENITIES PROJECT

Whereas, the Miami Township Board of Trustees desires to enter into a contract for the construction of the Lyons Road Retention Basin Amenities Project; and

Whereas, Miami Township has properly solicited bids to provide for the construction of the Project; and

Whereas, Miami Township has thoroughly reviewed the six (6) bids that were submitted for the Lyons Road Retention Basin Amenities Project by the bid deadline on January 19, 2012; and

Whereas, Landform Services, Inc., 1485 Symmes Road, Fairfield, OH, with Meyer Aquascapes as a subcontractor for the water feature, was determined to be the lowest and best bidder to furnish the material and perform the labor per the needs of Miami Township; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to execute all necessary documents to enter into a contract with Landform Services, Inc., with Meyer Aquascapes as a subcontractor for the water feature, in an amount not to exceed $647,000 to furnish the material and perform the labor for the Lyons Road Retention Basin Amenities Project.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: February 14, 2012
GAH:seb

RESOLUTION #30-2012

RESOLUTION TO HIRE A CONTRACTUAL TOWNSHIP ADMINISTRATOR

Whereas, the Board of Trustees conducted an annual review of Gregory A. Hanahan, Township Administrator, and wishes to extend a contract to Gregory A. Hanahan for another two (2) years; and

Whereas, the terms of the contract period will be from January 1, 2012, through December 31, 2013, and all accruals will be based upon a twenty-six (26) payroll period per year; and

Whereas, subsequent contracts will be subject to negotiations and a performance evaluation prior to the end of the current contract period; and

Whereas, the salary shall reflect a two (2) percent increase and the salary shall be one hundred twenty-one thousand and five hundred dollars ($121,500.00.) for the 2012 contract period; and

Whereas, the salary for the 2013 contract period shall be calculated in accordance with the 2013 cost of living adjustment (COLA); and

Whereas, the sum total of five thousand dollars ($5,000.00) will be deposited into a deferred compensation account divided over twenty-six (26) pay periods per year; and

Whereas, health insurance is waived subject to a detrimental change in Gregory A. Hanahan's current health insurance status, at which time, deferred compensation will cease, and health insurance benefits will be substituted in lieu of deferred compensation; and

Whereas, vacation leave accrual will be two hundred (200) hours per annual contract period; and

Whereas, a car allowance of seven hundred fifty dollars ($750.00), per month, will be paid, and for round-trip travels of one hundred (100) miles or more, Gregory A. Hanahan will be reimbursed at the current IRS reimbursement rate for the total miles traveled; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the contractual hiring of Gregory A. Hanahan, as outlined above; and

Further Be It Resolved, the Miami Township Board of Trustees authorizes the Finance Director to establish the above benefits for Gregory A. Hanahan; and

Lastly Be It Resolved, the above shall be effective beginning January 1, 2012.

SIGNATURE PAGE FOR RESOLUTION #30-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: February 14, 2012
GSR:sld

RESOLUTION #31-2012

RESOLUTION TO ACCEPT A LETTER OF INTENT TO RETIRE FROM A POLICE DEPARTMENT EMPLOYEE

Whereas, Robert Burling has been an employee with the Police Department since April 23, 1980; and

Whereas, Robert Burling, after 32 years of dedicated service to Miami Township, has submitted a letter of intent to retire; and

Whereas, Robert Burling's last day of employment will be at the end of his work shift on Friday, April 27, 2012; and

Therefore Be It Resolved, the Miami Township Board of Trustees accepts the letter of intent to retire from Robert Burling, and termination of his employment to be effective on April 27, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: February 28, 2012
GSR:mrm

RESOLUTION #32-2012

RESOLUTION TO ADOPT A FINAL DEVELOPMENT PLAN FOR A KROGER STORE, FUEL STATION, AND ASSOCIATED LANDSCAPING AND LIGHTING AT AUSTIN LANDING UNDER ZONING CASE #222-88, FOR LANDS ZONED "PD-5", PLANNED MIXED-USE

Whereas, the Miami Township Board of Trustees met in a regular session on Tuesday, February 28, 2012; and

Whereas, Zoning Case #222-88, filed by Kroger / Innovation Pointe I, LTD, proposes adoption of a final development plan for a Kroger Store, Fuel Station, and associated landscaping and lighting at Austin Landing 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 ________________ the Final Development Plan under Zoning Case #222-88 and ________________ the Zoning Commission recommendation.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: February 28, 2012
GSR:seb

RESOLUTION #33-2012

A RESOLUTION TO AUTHORIZE THE TOWNSHIP ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH THE CITY OF MIAMISBURG, THE MIAMISBURG CITY SCHOOL DISTRICT AND KETTERING SYCAMORE MEDICAL CENTER TO ENHANCE THE QUALITY OF LIFE OF COMMUNITY RESIDENTS, EMPLOYEES AND VISITORS

Whereas, Miami Township is committed to enhancing the quality of life of community residents, employees and visitors through the Community Wellness Collaboration, a partnership with the City of Miamisburg, the Miamisburg City School District, and Kettering Sycamore Medical Center, to collaborate on community health and wellness initiatives; and

Whereas, the Community Wellness Collaboration desires to serve as a model community initiative that intentionally seeks and supports health and wellness strategies; and

Whereas, the Community Wellness Collaboration supports pursuing opportunities for sharing resources for efficiency of service provision and ability to utilize collective funding to expand community services through collaborative strategies; and

Whereas, the Community Wellness Collaboration desires to jointly operate a community wellness center offering one facility that will offer health, recreation and wellness services to the community. The joint facility will save capital and operating expenses as well as create one facility positioned to serve the diverse needs of community residents, employees and visitors.

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

Section 1. The Community Wellness Collaboration desires to conduct a feasibility study and business plan to include market research, determine potential facility components, partnership opportunities and agreements, and costs to construct and operate a joint venture community wellness center. The estimated cost for the study is $75,000 with a ten percent match of local funds to be shared between the four partners.

Section 2. The Miami Township Board of Trustees authorizes the Township Administrator to execute the necessary documents to enter into a partnership agreement with the City of Miamisburg, the Miamisburg City School District and Kettering Sycamore Medical Center for the purpose of enhancing the quality of life of community residents, employees and visitors.

Section 3. This Resolution shall take effect from and after its adoption, as provided by law.

SIGNATURE PAGE FOR RESOLUTION #33-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: February 28, 2012
GSR:sld

RESOLUTION #34-2012

RESOLUTION TO ALLOCATE THE NECESSARY FUNDING TO THE MIAMI VALLEY FIRE DISTRICT FOR THE PURCHASE OF SELF-CONTAINED BREATHING APPARATUS

Whereas, according to the Ohio Revised Code 505.371 and the approved by-laws that requires the Miami Valley Fire District to employ a clerk; and

Whereas, the Miami Township Finance Director has been appointed the Clerk of the Miami Valley Fire District via Resolution 2011-05; and

Whereas, the Miami Valley Fire District has awarded the contract to Howell Rescue Systems for the purchase of Self-Contained Breathing Apparatus (SCBA) and associated equipment; and

Whereas, pursuant to Resolution 2012-05, the resolution is contingent upon funding approval of Miamisburg City Council and/or the Miami Township Board of Trustees; and

Whereas, the allocated funding will be used for the purchase of SCBA and associated equipment; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Miami Township Finance Director to allocate the necessary funding to the Miami Valley Fire District for the purchase of SCBA and associated equipment, at a cost not to exceed $259,675.00, effective February 28, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice-President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: February 28, 2012
GSR:seb

RESOLUTION #35-2012

A RESOLUTION AUTHORIZING THE TOWNSHIP ADMINSITRATOR TO SIGN AN AGREEMENT WITH DUKE ENERGY FOR THE CHAUTAUQUA LIGHTING DISTRICT

Whereas, Miami Township has a need for a lighting contract for the Chautauqua Lighting District; and

Whereas, Miami Township's current contract with Duke Energy for lighting needs to be renewed; and

Whereas, Miami Township has requested and received a proposed agreement with Duke Energy for the 2012 year; and

Therefore Be It Resolved, by the Board of Trustees of Miami Township, Montgomery County, Ohio that the Miami Township Board of Trustees authorizes the Township Administrator, or his designee, to sign an agreement with Duke Energy for the purposes of providing lighting to the Chautauqua Lighting District.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: February 28, 2012
GSR:kah

RESOLUTION #36-2012

A RESOLUTION REPEALING RESOLUTION #149-2011 AND APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN AUSTIN LANDING PHASE II DEVELOPMENT AGREEMENT

Whereas, pursuant to a Memorandum of Understanding dated November 26, 2008 among R.G. Properties, Inc. (the "Developer"), the Montgomery County Transportation Improvement District (the "District"), Miami Township (Montgomery County), Ohio (the "Township") , the Board of County Commissioners of the County of Montgomery, Ohio (the "County"), the City of Miamisburg, Ohio and the City of Springboro, Ohio, those parties have proceeded with the implementation of a master plan based on a preliminary conceptual plan prepared by Developer for the certain property and other land owned by Developer in the Austin Interchange Area, and Developer has obtained from the Township appropriate zoning of such property supporting a mixed use development as contemplated by the master plan; and

Whereas, the County, the District and the Developer entered into development agreement for the first phase of development of Austin Landing; and

Whereas, the Developer is now prepared to proceed to construct certain private improvements, and Developer is prepared to use its best efforts to commence such construction with the objective of having the such private improvements appear on the County tax duplicate as of January 1, 2014; and

Whereas, the Township believes that such private improvements will promote the highest and best use of certain real property through the development of amenities and employment opportunities that will encourage knowledge workers to live, work and recreate in the Township and benefit the entire region, and to that end, the District and the Township are willing to pursue and provide financial support for certain public improvements, supporting the development of such property, and which will, in turn, support the entire Austin Interchange Area; and

Whereas, pursuant to Resolution #149-2011 adopted on November 8, 2011, this Board authorized the execution and delivery of an Austin Landing Phase II Development Agreement by and among the Township, the District and the Developer setting forth the scope of work and obligations of the District, the Township and the Developer in connection with specifically identified initial public improvements and to be identified additional recreational trail/alternative transportation improvements and other township improvements; and

Whereas, the Township has now identified the additional trail/alternative transportation improvements and other township improvements and desires to fund the same simultaneously with the funding of the initial public improvements; and

Whereas, the Township desires to simultaneously fund certain costs related to the aesthetic improvements in the vicinity of Austin Landing, the culvert supporting certain roadway and storm water projects or other transportation projects and preliminary engineering and related expenses for, and other projects previously approved in connection with, the first phase of Austin Landing; and

Whereas, such simultaneous funding required material changes to the proposed Austin Landing Phase II Development Agreement presented to this Board and authorized by Resolution #149-2011; and

Whereas, the Township desires to enter into a revised Austin Landing Phase II Development Agreement to memorialize current understandings relating to the scope of the work and the respective obligations of the District, the Township and the Developer in connection with the proposed borrowings and the second phase of the development of Austin Landing; and

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

Section 1. Repeal of Resolution #149-2011. Resolution #149-2011 is hereby repealed and the approval of the then Austin Landing Phase II Development Agreement by Resolution #149-2011 is rescinded.

Section 2. Approval of Austin Landing Phase II Development Agreement. The Austin Landing Phase II Development Agreement now on file with this Board is approved, and the Administrator is authorized to sign and deliver, on behalf and in the name of the Township, that Austin Landing Phase II Development Agreement with such changes that are not inconsistent with the provisions of this Resolution, are not materially adverse to the interests of the Township and are approved by the Administrator, all of which shall be evidenced conclusively by the signing of that Austin Landing Phase II Development Agreement by the Administrator.

Section 3. Compliance With Open Meeting Requirements. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution, and all deliberations of this Board and of any committees that resulted in those formal actions, were taken in meetings open to the public in compliance with the law.

Section 4. Effective Date. This Resolution shall be in full force and effect immediately upon its adoption.

SIGNATURE PAGE FOR RESOLUTION #36-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: March 5, 2012
GAH:seb

RESOLUTION #37-2012

A RESOLUTION AMENDING RESOLUTION #150-2011

Whereas, pursuant to Resolution #150-2011 adopted on November 8, 2011, this Board authorized the issuance and sale of a note in a maximum principal amount of $9,100,000, in anticipation of the issuance of bonds, for the purpose of paying costs, in cooperation with the Montgomery County Transportation Improvement District, of constructing transportation improvement projects, authorized the preparation and use of a preliminary and final official statement, and authorized the execution and delivery of a final terms certificate, a note purchase agreement, a continuing disclosure agreement, a note registrar agreement, a 2011 Projects Agreement and an Austin Landing Phase II Project Management and Financing Agreement; and

Whereas, this Board has previously approved and authorized the execution and delivery of an Austin Landing Phase II Development Agreement that requires that the note authorized by Resolution #150-2011 be issued in a greater principal amount; and

Whereas, the Fiscal Officer, as fiscal officer of the Township, has certified to this Board that the estimated life or period of usefulness of the Improvement (as defined in Resolution #150-2011 as amended by this Resolution) is at least five years; the estimated maximum maturity of the Bonds (as defined in Resolution #150-2011 as amended by this Resolution) is 20 years, and the maximum maturity of the Notes (as defined in Resolution #150-2011 as amended by this Resolution) is 20 years; and

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

Section 1. Amendment of Title. The title of Resolution #150-2011 is hereby amended to read in its entirety as follows:

"A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF A NOTE IN A MAXIMUM PRINCIPAL AMOUNT OF $11,400,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS, IN COOPERATION WITH MONTGOMERY COUNTY TRANSPORTATION IMPROVEMENT DISTRICT, OF CONSTRUCTING TRANSPORTATION IMPROVEMENT PROJECTS, INCLUDING BUT NOT LIMITED TO A PARKING GARAGE AND SURFACE STREETS, BY CONSTRUCTING, RECONSTRUCTING, IMPROVING, WIDENING, GRADING, DRAINING, LANDSCAPING, CURBING, PAVING, LIGHTING, CONSTRUCTING SIDEWALKS, INSTALLING TRAFFIC SIGNALIZATION AND SIGNAGE, AND ACQUIRING RELATED INTERESTS IN REAL PROPERTY, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO;

AUTHORIZING THE PREPARATION AND USE OF A PRELIMINARY AND A FINAL OFFICIAL STATEMENT; AND APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A FINAL TERMS CERTIFICATE, A NOTE PURCHASE AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT, A NOTE REGISTRAR AGREEMENT, A 2011 PROJECTS AGREEMENT AND AN AUSTIN LANDING PHASE II PROJECT MANAGEMENT AND FINANCING AGREEMENT."

<u>Section 2.</u> <u>Amendment of Section 2</u>. Section 2 of Resolution #150-2011 is hereby amended to read in its entirety as follows:

"Section 2. <u>Authorization of Bonds</u>. It is necessary to issue bonds in a maximum principal amount of $11,400,000 for the purpose of paying the costs of the Improvement.

The Bonds shall be dated approximately March 1, 2013, shall bear interest at the now estimated rate of 6.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2013."

<u>Section 3.</u> <u>Amendment of Section 3</u>. Section 3 of Resolution #150-2011 is hereby amended to read in its entirety as follows:

"Section 3. <u>Authorization of the Note; Principal Amount; Application of Proceeds</u>. It is necessary to issue and this Board determines that a note in a maximum principal amount of $11,400,000 shall be issued by the Township in anticipation of the issuance of the Bonds for the purpose paying costs of the Improvement and paying any financing costs. The principal amount of Note to be issued (not to exceed $11,400,000) shall be determined by the Fiscal Officer in the Final Terms Certificate as the amount which is necessary to pay the costs of the Improvement and any financing costs. The Note shall be designated "Transportation Improvements Note, Series 2012 (Austin Landing Phase II Project)". The Note shall be issued pursuant to the Act, this Resolution and the Final Terms Certificate.

The proceeds from the sale of the Note, except accrued interest, shall be deposited in an appropriate fund in accordance with the 2011 Projects Agreement and the Project Management and Financing Agreement used pay the costs of the Improvement and financing costs. Any accrued interest from the sale of the Note shall be deposited in the Bond Retirement Fund and used to pay the principal and interest on the Note when due. All interest earned on amounts on deposit in each of those funds derived from proceeds of the sale of the Note (including any interest on such interest) shall be credited to that fund and used for the purposes set forth above, and shall not be transferred to the General Fund. All the proceeds from the sale of the Note are hereby appropriated for the purposes set forth above."

Section 4. Certification and Delivery of Resolution and Final Terms Certificate. The Fiscal Officer is directed to deliver a certified copies of Resolution #150-2011 and this Resolution and a signed copy of the Final Terms Certificate to the County Auditor.

Section 5. Compliance with Open Meeting Requirements. 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, and all deliberations of this Board and any of its committees that resulted in those formal actions, were taken in meetings open to the public in compliance with the law.

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

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis

Judy A. Lewis, Fiscal Officer
Passed: March 5, 2012
GAH:seb

FISCAL OFFICER'S CERTIFICATE

To the Board of Township Trustees of Miami Township, Montgomery County, Ohio

As fiscal officer of Miami Township, Montgomery County, Ohio, I certify in connection with your proposed issue of notes in a maximum principal amount of $11,400,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") for the purpose of paying the costs, in cooperation with the Montgomery County Transportation Improvement District, of constructing transportation improvement projects, including, but not limited to a parking garage and surface streets, by constructing, reconstructing, improving, widening, grading, draining, landscaping, curbing, paving, lighting, constructing sidewalks, installing signalization and signage, and acquiring related interest in real property, together with all necessary appurtenances thereto (the "Improvement"), that:

1. The estimated life or period of usefulness of the improvement is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 20 years, being my estimate of the life or period of usefulness of the Improvement. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of the notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is 20 years.

Dated: March 5, 2012

Judy A. Lewis

Fiscal Officer
Miami Township, Montgomery County, Ohio

RESOLUTION #38-2012

A RESOLUTION AMENDING RESOLUTION #151-2011

Whereas, pursuant to Resolution #151-2011 adopted on November 8, 2011, this Board authorized the issuance and sale of notes in a maximum principal amount of $5,400,000, in anticipation of the issuance of bonds, to pay costs of acquiring and constructing park improvements and equipment, approved a preliminary official statement, authorized the preparation, use and execution of an official statement and approved and authorized the execution and delivery of a final terms certificate, a note purchase agreement, a continuing disclosure agreement and a note registrar agreement; and

Whereas, this Board has previously approved and authorized the execution and delivery of an Austin Landing Phase II Development Agreement that requires that the notes authorized by Resolution #151-2011 be issued in a greater principal amount; and

Whereas, the Fiscal Officer, as fiscal officer of the Township, has certified to this Board that the estimated life or period of usefulness of the Improvement (as defined in Resolution #151-2011 as amended by this Resolution) is at least five years; the estimated maximum maturity of the Bonds (as defined in Resolution #151-2011 as amended by this Resolution) is 25 years based upon the weighted average of the amount allocated to the several classes of the Improvement set forth in the Fiscal Officer's certificate, which allocation is approved, and the maximum maturity of the Notes (as defined in Resolution #151-2011 as amended by this Resolution) is 20 years; and

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

Section 1. Amendment of Title. The title of Resolution #151-2011 is hereby amended to read in its entirety as follows:

"A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A MAXIMUM PRINCIPAL AMOUNT OF $5,870,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF ACQUIRING AND CONSTRUCTING PARK IMPROVEMENTS AND EQUIPMENT, INCLUDING ACQUIRING RELATED INTERESTS IN REAL PROPERTY, TOGETHER WITH ALL NECESSARY APPURTENANCES; APPROVING A PRELIMINARY OFFICIAL STATEMENT; AUTHORIZING THE PREPARATION, USE AND EXECUTION OF AN OFFICIAL STATEMENT; AND APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A FINAL TERMS CERTIFICATE, A NOTE PURCHASE

AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT AND A NOTE REGISTRAR AGREEMENT."

Section 2. Amendment of Section 2. Section 2 of Resolution #151-2011 is hereby amended to read in its entirety as follows:

"Section 2. Authorization of Bonds. It is necessary to issue bonds of this Township in a maximum principal amount of $5,870,000 (the "Bonds") for the purpose of paying the costs of the Improvement, together with all necessary appurtenances.

The Bonds shall be dated approximately March 1, 2013, shall bear interest at the now estimated rate of six percent per year, payable semi-annually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2013."

Section 3. Amendment of Section 3. Section 3 of Resolution #151-2011 is hereby amended to read in its entirety as follows:

"Section 3. Authorization of Notes; Principal Amount; Application of Proceeds. It is necessary and determined to be in the Township's best interest to issue Notes of this Township in a maximum principal amount not to exceed $5,870,000 to pay the costs of the Improvement and to pay costs of the issuance of the Notes. The aggregate principal amount of the Notes to be issued to provide sufficient funds for those purposes (not to exceed $5,870,000) shall be determined by the Fiscal Officer in the Final Terms Certificate. The Notes shall be dated the date of their issuance and shall mature on the date identified in the Final Terms Certificate, which date shall be determined by the Fiscal Officer to be necessary or advisable for the sale of the Notes and which date shall not be more than one year following the date of the issuance of the Notes. The Notes shall be designated "Park Acquisition and Improvement Notes, Series 2012 (Federally Taxable)" and shall bear interest at a rate not to exceed six percent per year (computed on a 360-day per year consisting of twelve 30 day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Fiscal Officer in the Final Terms Certificate.

The proceeds from the sale of the Notes, except for any accrued interest, shall be deposited into an appropriate fund of the Township and used to pay costs of the Improvement and costs of the issuance of the Notes. Any accrued interest from the sale of the Notes shall be deposited into the Bond Retirement Fund. All interest earned on amounts on deposit in each of those funds derived from the proceeds from the sale of the Notes (including interest earned on such interest) shall be credited to the fund and used for the purposes set forth above, and shall not be transferred to the General Fund. All of the proceeds from the sale of the Notes and interest earned on those proceeds are hereby appropriated for the purposes set forth above."

Section 4. Certification and Delivery of Resolution and Final Terms Certificate. The Fiscal Officer is directed to deliver certified copies of Resolution #151-2011 and a signed copy of this Resolution and a signed copy of the Final Terms Certificate to the County Auditor.

Section 5. Compliance with Open Meeting Requirements. 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, and all deliberations of this Board and any of its committees that resulted in those formal actions, were taken in meetings open to the public in compliance with the law.

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

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: March 5, 2012
GAH:seb

FISCAL OFFICER'S CERTIFICATE

To the Board of Township Trustees of Miami Township, Montgomery County, Ohio

As fiscal officer of Miami Township, Montgomery County, Ohio, I certify in connection with your proposed issue of notes in a maximum principal amount of $5,870,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") to pay the costs of acquiring and constructing park improvements and equipment, including acquiring related interests in real property, together with all necessary appurtenances (the "Improvement"), that:

1. The estimated life or period of usefulness of the improvement is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 25 years. That maximum maturity is based upon my calculation of the average number of years of life or period of usefulness of the improvements as measured by the weighted average of the amounts proposed to be expended for the several classes of the Improvement as follows: $302,218 for acquisition of real property interests, 30 years, $4,265,920 for recreational facilities, 30 years, and $1,301,862 for equipment and landscaping, 10 years; the weighted average is therefore 25 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of the notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is 20 years.

Dated: March 5, 2012

Debra A. Lewis

Fiscal Officer
Miami Township, Montgomery County, Ohio

RESOLUTION #39-2012

A RESOLUTION AMENDING RESOLUTION #152-2011

Whereas, pursuant to Resolution #152-2011 adopted on November 8, 2011, this Board authorized the issuance and sale of notes in a maximum principal amount of $1,100,000, in anticipation of the issuance of bonds, to pay costs of constructing a pedestrian and bike trail, approved a preliminary official statement, authorized the preparation, use and distribution of an official statement and approved and authorized the execution and delivery of a final terms certificate, a note purchase agreement, a continuing disclosure agreement and a note registrar agreement; and

Whereas, this Board has previously approved and authorized the execution and delivery of an Austin Landing Phase II Development Agreement that requires that the notes authorized by Resolution #152-2011 be issued in a greater principal amount; and

Whereas, the Fiscal Officer, as fiscal officer of the Township, has certified to this Board that the estimated life or period of usefulness of the Improvement (as defined in Resolution #152-2011 as amended by this Resolution) is at least five years; the estimated maximum maturity of the Bonds (as defined in Resolution #152-2011 as amended by this Resolution) is 30 years, and the maximum maturity of the Notes (as defined in Resolution #152-2011 as amended by this Resolution) is 20 years; and

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

Section 1. Amendment of Title. The title of Resolution #152-2011 is hereby amended to read in its entirety as follows:

"A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A MAXIMUM PRINCIPAL AMOUNT OF $1,385,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING A PEDESTRIAN AND BIKE TRAIL BETWEEN THE INTERSTATE HIGHWAY 75 AND AUSTIN BOULEVARD INTERCHANGE AND THE GREAT MIAMI RIVER, INCLUDING ACQUIRING RELATED INTERESTS IN REAL PROPERTY, TOGETHER WITH ALL NECESSARY APPURTENANCES; APPROVING A PRELIMINARY OFFICIAL STATEMENT; AUTHORIZING THE PREPARATION, USE AND EXECUTION OF AN OFFICIAL STATEMENT; AND APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A FINAL TERMS CERTIFICATE, A NOTE PURCHASE AGREEMENT, CONTINUING DISCLOSURE AGREEMENT AND A NOTE REGISTRAR AGREEMENT."

Section 2. Amendment of Section 2. Section 2 of Resolution #152-2011 is hereby amended to read in its entirety as follows:

> "Section 2. Authorization of Bonds. It is necessary to issue bonds of this Township in a maximum principal amount of $1,385,000 for the purpose of paying the costs of the Improvement, together with all necessary appurtenances.
>
> The Bonds shall be dated approximately March 1, 2013, shall bear interest at the now estimated rate of six percent per year, payable semi-annually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2013."

Section 3. Amendment of Section 3. Section 3 of Resolution #152-2011 is hereby amended to read in its entirety as follows:

> "Section 3. Authorization of the Note; Principal Amount; Application of Proceeds. It is necessary and determined to be in the Township's best interest to issue notes of this Township in an aggregate principal amount of $1,385,000 to pay the costs of the Improvement and to pay costs of the issuance of the Notes. The aggregate principal amount of the Notes to be issued to provide sufficient funds for those purposes (not to exceed $1,385,000) shall be determined by the Fiscal Officer in the Final Terms Certificate. The Notes shall be dated the date of their issuance and shall mature on the date identified in the Final Terms Certificate, which date shall be determined by the Fiscal Officer to be necessary or advisable for the sale of the Notes and which date shall not be more than one year following the date of the issuance of the Notes. The Notes shall be designated "Recreational Trail Acquisition and Improvement Notes, Series 2012 (Tax-Exempt)" and shall bear interest at a rate not to exceed six percent per year (computed on a 360-day per year consisting of twelve 30 day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Fiscal Officer in the Final Terms Certificate.
>
> The proceeds from the sale of the Notes, except for any accrued interest, shall be deposited into an appropriate fund of the Township and used to pay costs of the Improvement and costs of the issuance of the Notes and used to pay the principal and interest on the Notes when due. Any accrued interest from the sale of the Notes shall be deposited into the Bond Retirement Fund. All interest earned on amounts on deposit in each of those funds derived from the proceeds from the sale of the Notes (including

interest earned on such interest) shall be credited to the fund and used for the purposes set forth above, and shall not be transferred to the General Fund. All of the proceeds from the sale of the Notes and interest earned on those proceeds are hereby appropriated for the purposes set forth above."

Section 4. Certification and Delivery of Resolution and Final Terms Certificate. The Fiscal Officer is directed to deliver certified copies of Resolution #152-2011 and a signed copy of this Resolution and a signed copy of the Final Terms Certificate to the County Auditor.

Section 5. Compliance with Open Meeting Requirements. 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, and all deliberations of this Board and any of its committees that resulted in those formal actions, were taken in meetings open to the public in compliance with the law.

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

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: March 5, 2012
GAH:seb

FISCAL OFFICER'S CERTIFICATE

To the Board of Township Trustees of Miami Township, Montgomery County, Ohio

As fiscal officer of Miami Township, Montgomery County, Ohio, I certify in connection with your proposed issue of notes in a maximum principal amount of $1,385,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") to pay costs of constructing a pedestrian and bike trail between the Interstate Highway 75 and Austin Boulevard interchange and the Great Miami River, including acquiring related interests in real property interests, together with all necessary appurtenances (the "Improvement"), that:

1. The estimated life or period of usefulness of the improvement is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 30 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of the notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is 20 years.

Dated: March 5, 2012

Judy A. Lewis

Fiscal Officer
Miami Township, Montgomery County, Ohio

RESOLUTION #40-2012

RESOLUTION REPEALING RESOLUTION #153-2011 AND APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AND MANAGEMENT AGREEMENT WITH R.G. PROPERTIES, INC.

Whereas, this Board has heretofore authorized the execution and delivery of the Austin Landing Phase II Development Agreement among Miami Township (Montgomery County), Ohio (the "Township"), the Montgomery County Transportation Improvement District (the "District") and R.G. Properties, Inc. (the "Developer"), the 2011 Projects Agreement between the Township and the District and the Austin Landing Phase II Project and Financing Agreement between the Township and the District relating to the construction and financing of certain transportation improvements, a park and a recreational trail; and

Whereas, this Board has heretofore authorized the issuance and sale of its Park Acquisition and Improvement Notes, Series 2012 (Federally Taxable), its Recreational Trail Acquisition and Improvement Notes, Series 2012 (Tax-Exempt) and its Transportation Improvements Note, Series 2012 (Austin Landing Phase II Project) to finance costs of the construction of the transportation improvements, the park and the recreational trail; and

Whereas, it is necessary for the Township to acquire interest in real property for the park from the Developer; and

Whereas, pursuant to Resolution #152-2011 adopted November 8, 2011, this Board approved and authorized the execution of a lease agreement with R.G. Properties, Inc. to acquire interest in real property for the park; and

Whereas, since the adoption of Resolution #152-2011, the Township has determined to have the Developer provide for the maintenance of the park and to perform certain tasks in connection with the transportation improvements; and

Whereas, the Township now desires to enter into a single lease and maintenance agreement to acquire interest in real property for the park and to have the Developer provide for the maintenance of the park and perform certain tasks in connection with the transportation improvements; and

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

<u>Section 1.</u> <u>Repeal of Resolution #152-2011</u>. Resolution #152-2011 is hereby repealed and the approval of the lease described in Resolution #152-2011 is rescinded.

<u>Section 2.</u> <u>Approval of Lease and Management Agreement</u>. The Lease and Management Agreement by and between the Developer and the Township now on file with this

Board is approved, and the Administrator is authorized to sign and deliver, on behalf and in the name of the Township, the Lease and Management Agreement with such changes that are not inconsistent with the provisions of this Resolution, are not materially adverse to the interests of the Township and are approved by the Administrator, all of which shall be evidenced conclusively by the signing of the Lease and Management Agreement by the Administrator.

Section 3. Compliance With Open Meeting Requirements. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution, and all deliberations of this Board and of any committees that resulted in those formal actions, were taken in meetings open to the public in compliance with the law.

Section 4. Effective Date. This Resolution shall be in full force and effect immediately upon its adoption.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Nae

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis

Judy A. Lewis, Fiscal Officer
Passed: March 5, 2012
GAH:seb

RESOLUTION NO. 41-2012

A RESOLUTION REPEALING RESOLUTION #87-2011 AND REINSTATING IN FULL RESOLUTION NO. 225-2005.

Whereas, Ohio Revised Code Sections 5709.73(B), 5709.74 and 5709.75 authorize the board of township trustees of a township, by resolution, to declare the improvement to each parcel of real property located within the township to be a public purpose and exempt from taxation, require the owner of each parcel to make service payments in lieu of taxes, provide for the distribution of the applicable portion of such service payments to the city, local or exempted village school district, establish a township public improvement tax increment equivalent fund for the deposit of the remainder of such service payments and specify public infrastructure improvements made or to be made that directly benefit those parcels; and

Whereas, this Board determined, pursuant to Resolution #225-2005 (the "TIF Resolution"), adopted December 13, 2005, to declare the improvements to certain parcels of real property identified and depicted in Exhibit A thereto to be a public purpose, said parcels being collectively the "TIF District"; and

Whereas, this Board determined, pursuant to Resolution #87-2011 (the "Amending Resolution"), adopted July 2, 2011, to exclude certain parcels of real property from the TIF District (the "Excluded Property") so that the future improvements on the Excluded Property could be declared to be a public purpose and exempt from taxation by means of a separate resolution of this Board; and

Whereas, no action other than the adoption of the Amending Resolution has been taken to exclude the Excluded Property from the TIF District and this Board has determined it is in the best interest of the Township for the Excluded Property to remain within the TIF District; and

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

Section 1. *Repeal of Resolution No. 87-2011.* This Board hereby finds and determines that Resolution No. 87-2011 is repealed in its entirety and the provisions thereof are no longer of any force or effect.

Section 2. *Resolution No. 225-2005 Reinstated and Otherwise to Remain in Effect.* Resolution No. 225-2005 as originally adopted by this Board is hereby fully reinstated and shall otherwise remain in effect in accordance with the terms thereof.

Section 3. *Open Meetings.* 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 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, all in compliance with the law including Ohio Revised Code Section 121.22.

Section 4. *Effective Date.* This Resolution shall take effect at the earliest opportunity allowed by law.

Mike Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: March 5, 2012
GAH:seb

RESOLUTION #42-2012

RESOLUTION AUTHORIZING THE PROMOTION OF A FULL TIME ROAD FOREMAN TO STREET SUPERVISOR

Whereas, there is a vacancy to be filled in the Public Works Department as a result of a retirement; and

Whereas, the Public Works Department conducted an internal recruitment and selection process; and

Whereas, Public Works Director Dan Mayberry is making his recommendation; and

Whereas, a conditional offer of promotion has been made to and accepted by Wesley Wade; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the promotion of Wesley Wade to the position of Street Supervisor, at a rate of $26.49 per hour, with the promotion date to be determined by the Public Works Department.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: March 13, 2012
GSR:seb

RESOLUTION #43-2012

RESOLUTION AUTHORIZING THE HIRING OF PART-TIME PERSONNEL

Whereas, there are vacancies to be filled in the Fire Division; and

Whereas, Matthew Queen, Fire Chief, is making his recommendation to hire the following individual(s) as a part-time employee:

Nathan Lane	Grade S-1	$12.44 / per hour
Gardner Watkins	Grade S-1	$12.44 / per hour

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the hiring of the above individuals, with their hiring date to be determined by the Fire Division, effective March 13, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice-President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: March 13, 2012
GSR:seb

RESOLUTION #44-2012

RESOLUTION TO SUPPORT THE CONTINUATION OF TAX ABATEMENT WITHIN THE ENTERPRISE ZONE FOR OBERER DEVELOPMENT COMPANY, 9080 SPRINGBORO PIKE

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, Oberer Development Company established a new 15,000 square foot addition 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 13, 2012 and determined the Oberer Development Company has exceeded its promised investment in the community, and the TIRC recommends continuation of Oberer's 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 #213-2001, with all the terms and conditions as stated therein with Montgomery County and Oberer Development Company, and to continue the agreement with Oberer Development Company.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice-President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: March 27, 2012
GSR:sld

RESOLUTION #45-2012

RESOLUTION TO SUPPORT THE CONTINUATION OF 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 13, 2012 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.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice-President

Deborah M. Preston, Trustee

Attested:

for Judy A. Lewis

Judy A. Lewis, Fiscal Officer
Passed: March 27, 2012
GSR:sld

RESOLUTION #46-2012

RESOLUTION TO AWARD A BID FOR THE 2012 MOWING SERVICES PROGRAM

Whereas, there is a need for a mowing and landscape services for Township owned parks and grounds for the 2012 season; and

Whereas, a competitive bid process was conducted to solicit sealed bids for a mowing services contract for Township owned parks and grounds; and

Whereas, Ohio Irrigation Lawn Sprinkler Systems Inc., dba Oheil Irrigation, Buckeye Lawn & Landscaping, Oheil Site Solutions, was the lowest and best bidder for the mowing and landscape services contract; and

Whereas, references have been checked for the vendor with all recommendations being favorable; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to enter into a contract with Ohio Irrigation Lawn Sprinkler Systems Inc., dba Oheil Irrigation, Buckeye Lawn & Landscaping, Oheil Site Solutions, 2109 E. Social Row Road, Dayton, Ohio, 45458, for mowing services as stated in Attachment "A" at a total estimated cost of $30,482.50, and landscape services at a cost not to exceed $2,260.00, and to execute all the necessary documents to secure these services.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Judy A. Lewis, Fiscal Officer
Passed: March 27, 2012
GSR:mrm

RESOLUTION #47-2012

RESOLUTION TO DECLARE CERTAIN FIRE DIVISION AS SURPLUS PROPERTY TO BE DISPOSED OF

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

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

Whereas, the Miami Township Fire Division has a 2001 Ford Expedition Staff vehicle which has been removed from service due to degradation of critical structural components. There is excessive corrosion in the front end area making repair a costly venture. Coupled with the age, high mileage and other safety concerns, it is now beyond its useful purposes; and

Therefore Be It Resolved, in accordance with the Ohio Revised Code, Section 505.10, the Miami Township Board of Trustees declares the piece of fire division equipment as surplus property to be disposed of, sold, or traded-in and removed from the Fire Division inventory.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice-President

Deborah M. Preston, Trustee

Attested:

MRM for Judy A. Lewis

Judy A. Lewis, Fiscal Officer
Passed: March 27, 2012
GSR:mrm

RESOLUTION #48-2012

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY BY THE TOWNSHIP OF AN AMENDMENT TO THE MIAMI TOWNSHIP -- DAYTON MALL JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT BETWEEN THE TOWNSHIP, THE CITY OF MIAMISBURG, AND MONTGOMERY COUNTY, OHIO

Whereas, Miami Township, Ohio (the "Township"), the City of Miamisburg, Ohio ("Miamisburg"), and Montgomery County, Ohio (the "County") executed and delivered a Miami Township -- Dayton Mall Joint Economic Development District Contract, dated June 11, 2009 (the "Original Agreement"), to provide for the creation and operation of the Miami Township - Dayton Mall Joint Economic District (the "District"); and

Whereas, the Township has determined to enter into a First Amendment to Miami Township -- Dayton Mall Joint Economic District Contract, amending the Original Agreement (the "First Amendment"), in order to provide for the addition of a certain area as described on Exhibit A-1 attached hereto (the "Additional Area"), not originally included in the Territory (as defined in the Original Agreement"); and

Whereas, in order to provide for the inclusion of Additional Area within the District, (i) a majority of the owners of property located in the Additional Area, signed a petition (the "Property Owner's Petition"), requesting inclusion of the Additional Area in the District and (ii) a majority of the owners of businesses located within the Additional Area signed a petition (the "Business Owners' Petition"), requesting the inclusion of the Additional Area occupied by those businesses in the District; and

Whereas, as required by Section 715.761 of the Ohio Revised Code, after providing at least 30 days' public notice of the time and place of the public hearing in a newspaper of general circulation within the Township, this Board of Trustees held a public hearing concerning the inclusion of the Additional Area in the District; and

Whereas, this Board of Trustees believes that the inclusion of the Additional Area in the District is in the best interests of the Township.

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

Section 1. The Board of Trustees of the Township, having heretofore reviewed the form of the First Amendment, now determines that (i) the execution and delivery of the First Amendment, and the inclusion of the Additional Area within the Area governed by the District will facilitate economic development, create or preserve jobs and employment opportunities and improve the economic welfare within the State and the Township, (ii) a majority of the owners of the Additional Area to be included in the District have signed the Property Owner's Petition and a majority of the owners of businesses occupying the Additional Area to be included in the District have signed the Business Owners' Petition, (iii) no electors reside within the Additional Area and no part of the Additional Area is zoned for residential use as of the date hereof, (v) it is in the best interests of the Township to provide for the execution and delivery of the First Amendment and to satisfy the conditions subsequent thereto as set forth in the Ohio Revised Code which must be satisfied to add the Additional Area to the District.

Section 2. The First Amendment and the map of the Additional Area, each in substantially the forms now on file in the office of the Fiscal Officer, are each hereby approved and the Board of Trustees of the Township hereby authorizes the execution and delivery of the First Amendment on behalf of the Township by any one or more members of the Board and the Fiscal Officer, with any changes therein as are permitted by applicable law and not adverse to the Township, and the fact that any such changes are permitted by applicable law and not adverse to the Township shall be evidenced by the execution of the First Amendment by those officers.

Section 3. The Fiscal Officer of the Township is hereby authorized and directed to deliver a copy of the signed First Amendment, together with a certified copy of this Resolution and the other items described in Section 715.761 of the Ohio Revised Code to the County Commissioners of the County of Montgomery, Ohio as required by Section 715.76 of the Ohio Revised Code.

Section 4. This Board authorizes and directs each of the Trustees, the Zoning Administrator, the Fiscal Officer and other appropriate officers and employees of the Township, alone or in conjunction with any other officer or employee of the Township, to take such actions as may be necessary or appropriate to provide for other conditions subsequent to the signing of the First Amendment by the Township, including but not limited the provision of notice to property owners or business owners contemplated by 715.76 of the Ohio Revised Code. This Board ratifies, approves and adopts all actions taken by such officers and employees in connection with the First Amendment and the inclusion of the Additional Area in the District.

Section 5. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the provisions of this Resolution.

Section 6. It is found and determined that all formal actions of this Board of Trustees concerning and relating to this Resolution were passed in an open meeting of this Board and all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 7. All resolutions, orders or parts thereof in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed and the provisions of this Resolution shall prevail and be given effect.

Section 8. This Resolution shall take effect from and after its adoption, as provided by law.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Absent

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer
Passed: April 10, 2012
GAH:seb

RESOLUTION #49-2012

RESOLUTION TO ENTER INTO A CONTRACT FOR COMMUNICATION SERVICES WITH TW TELECOM

Whereas, the Miami Township Board of Trustees desires to enter into an agreement for communication-related services (voice and point-to-point lines); and

Whereas, the Montgomery County Prosecutor has approved the TW Telecom agreement as to form and content; and

Whereas, the Human Resources Director has reviewed the contract and it offers a $141.60 reduction in monthly costs; and

Whereas, the breakdown of department related costs are as follows:

Department	Current Monthly Charge	24 Month Current	Savings Per Month
Voice T1 Flat	425.00	397.65	$27.35
Police – MCSO Line	375.00	283.70	$91.30
Total	$800.00	**$681.35**	$141.60

Whereas, the contract is for a 24 month period; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator, or his designee, to execute the necessary agreement to secure communication services for the Voice T1 and the Point-to-Point MCSO lines with TW Telecom.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: April 10, 2012
GSR:lrdg

RESOLUTION #50-2012

RESOLUTION TO ACCEPT A LETTER OF INTENT TO RETIRE FROM A POLICE DEPARTMENT EMPLOYEE

Whereas, Matthew S. Moore has been a full-time employee with the Police Department since June 7, 1985; and

Whereas, Matthew S. Moore, after a little over 27 years of dedicated service to Miami Township, has submitted a letter of intent to retire; and

Whereas, Matthew S. Moore's last day of employment will be at the end of his work shift on Friday, June 29, 2012; and

Therefore Be It Resolved, the Miami Township Board of Trustees accepts the letter of intent to retire from Matthew S. Moore, and termination of his employment to be effective on June 30, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: May 8, 2012
GSR:mrm

RESOLUTION #51-2012

A RESOLUTION AUTHORIZING THE PROMOTION OF A POLICE OFFICER TO THE POSITION OF POLICE SERGEANT

Whereas, there is a vacancy in the Miami Township Police Department for the position of Police Sergeant, and

Whereas, the approved promotional process was used to determine the most qualified candidates and create an eligibility list for the position of Police Sergeant, and

Whereas, the Chief of Police has reviewed the results of the promotional process and made his recommendation for the promotion of a Police Officer to the position of Police Sergeant, and

Therefore Be It Resolved, the Miami Township Board of Trustees approves the promotion of Officer Matthew R. Nicley to position of Police Sergeant, effective April 27, 2012, at a pay rate of $32.51 per hour.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer
Passed: May 8, 2012
GSR:mrm

RESOLUTION #52-2012

RESOLUTION TO AUTHORIZE THE TOWNSHIP ADMINSTRATOR TO ENTER INTO A CONTRACT WITH THE GREATER DAYTON REGIONAL TRANSIT AUTHORITY

Whereas, the Greater Dayton Regional Transit Authority (GDRTA), administers financial assistance for transit related improvements, through the Community Grant Program; and

Whereas, Miami Township has received a grant award from the GDRTA to fund 80% of the eligible expenses up to $25,500 related to the electrical, lighting, and landscaping improvements for the Lyons Road Regional Retention Basin Amenities Project; and

Therefore Be It Resolved, the Miami Township Board of Trustees hereby commits to a 20 percent match to the total budgeted cost or actual cost when completed, whichever is less and further authorizes the Township Administrator to enter into a contract with the GDRTA and to provide any further documentation necessary over the course of the project to effect disbursement of the awarded funds.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer
Passed: May 8, 2012
GSR:mrm

RESOLUTION #53-2012

RESOLUTION TO AMEND RESOLUTION #96-2007, NUISANCE ABATEMENT PROCEDURES, AS PROVIDED FOR IN SECTION 505.87 OHIO REVISED CODE

Whereas, the State of Ohio has enacted legislation to permit townships to provide for the abatement, control, or removal of nuisances; and

Whereas, the Miami Township Board of Trustees believe that it is in the best interest of Miami Township to amend its procedures, in accordance with O.R.C. Section 505.87, to abate, control, or remove nuisances in Miami Township; and

Whereas, following the adoption of Resolution #96-2007, O.R.C. Section 505.87 has been amended; and

Now, Therefore, Be It Resolved, by the Miami Township Board of Trustees to enact the following amended nuisance abatement policy and procedures, as follows, effective immediately.

NUISANCE ABATEMENT

I. Policy Statement - It is the policy of Miami Township to encourage property owners to voluntarily maintain their property in a nuisance free condition. When the Board of Trustees determines that a property owner(s)' maintenance of vegetation, garbage, refuse or other debris constitutes a nuisance, the Board of Trustees may take appropriate action to abate the nuisance.

II. Definitions:

Nuisance: A nuisance condition may be determined to exist if vegetation, garbage, refuse or other debris is kept in such a manner that causes damage, annoyance, inconvenience, blight, and/or affects the health, safety and welfare of adjacent residents or properties.

III. Procedures:

A. Upon information that a nuisance condition exists, the Board of Trustees will make cause to inspect the property. If the Board of Trustees finds a possible nuisance condition to exist, notice to the owner(s) of such property and all lien holders of record shall be made to attend a public hearing, where the Board of Trustees will determine if the property owner(s)' maintenance of vegetation, garbage, refuse or other debris constitutes a nuisance. Notification of said public hearing will be made in the following manner:

1. By certified mail and regular mail and by posting the notice on the principal structure on the land. Said posted notice shall then be photographed with a camera capable of recording the date of the photograph on it. (The posting is optional)

2. If the owner(s) address is unknown and cannot be reasonably obtained, it shall be sufficient to publish the notice once in a newspaper of general circulation in the Township.

3. Identification of the owner(s) and lien holder(s) of a particular parcel shall be determined by public records, as same are kept in the regular course of business, by the Montgomery County Auditor's Office and the Montgomery County Recorder's Office.

B. The notice of public hearing shall contain:

1. The date, time and location of the public hearing;
2. The location of property containing the alleged nuisance;
3. A description of the alleged nuisance;
4. That the property owner(s) may appear at said hearing and present evidence and/or witnesses on his/her behalf; and
5. That the property owner (s) may be represented by an attorney at said hearing;
6. That if the Board of Trustees determines that the property owner(s)' maintenance of vegetation, garbage, refuse or other debris constitutes a nuisance, the Board will cause said nuisance to be abated or removed as provided below.

C. If the Board of Trustees determines at the public hearing, based upon the evidence presented therein, that a nuisance exists, the Board of Trustees shall notify the property owner(s) and any holders of liens of record upon the land, that:

1. That the Board of Trustees has determined, after public hearing, that a nuisance exists on the property; and

2. The property owner(s) is ordered to abate, control or remove the vegetation, garbage, refuse or debris; and

3. If such vegetation, garbage, refuse, or other debris is not abated, controlled, or removed within seven (7) days of notification, the Board of Trustees will provide for the abatement, control, or removal of the nuisance, and any expenses incurred by the Board of Trustees in performing that task will be entered upon the tax duplicate and will be a lien upon the land from

the date of entry.

4. That the property owner or the lien holders may, within the seven day period after notification, enter into an agreement with the Board of Trustees providing for either the property owner (s) or the Board to perform the abatement, control, or removal.

5. Said notice, containing the abatement order as described in Section C(1-4) above, shall be sent to the property owner(s) by certified mail and regular mail, or notice shall be given to the property owner by posting the notice on the principal structure on the land. Said posted notice shall then be photographed with a camera capable of recording the date of the photograph on it. Said notice, containing the abatement order as described in Section D above, shall be sent to the lien holder(s) by certified mail. If the address of the property owner(s) is unknown and cannot be reasonably obtained, the Board of Trustees will publish the notice once in a newspaper of general circulation in the Township.

6. If, within seven (7) days after notice is given, the property owner(s) fails to abate, control or remove the vegetation, garbage, refuse and other debris, or if the property owner(s) fails to enter into an agreement with the Board of Trustees to provide for abatement of the nuisance, the Board of Trustees shall make available funds and take all necessary actions to abate the nuisance. All expenses incurred in abating the nuisance shall be approved by the Board of Trustees and paid from the general fund.

D. If the Board of Trustees determines at the public hearing, based upon the evidence presented therein, that a nuisance exists on the property at issue, and if the Board of Trustees had previously determined, within the previous twelve consecutive month period, (calculated from the date of the public hearings) that the same owner's maintenance of vegetation, garbage, refuse or other debris on the same land had constituted a nuisance, the Board of Trustees shall notify, in writing, the property owner(s) and any holders of liens of record upon the land, that:

1. That the Board of Trustees has determined, after public hearing, that a nuisance exists on the property and that that the same owner's maintenance of vegetation, garbage, refuse or other debris on the same land had been determined by the Board, within the previous 12 month period, to constitute a nuisance;

2. The property owner(s) is ordered to abate, control or remove the vegetation, garbage, refuse or debris; and

3. If such vegetation, garbage, refuse, or other debris is not abated,

controlled, or removed within four (4) days of notification, the Board of Trustees will provide for the abatement, control, or removal of the nuisance, and any expenses incurred by the Board of Trustees in performing that task will be entered upon the tax duplicate and will be a lien upon the land from the date of entry.

4. That the property owner or the lien holders may, within the four day period after notification, enter into an agreement with the Board of Trustees providing for either the property owner (s) or the Board to perform the abatement, control, or removal.

5. Said written notice, containing the abatement order as described in Section D(1-4) above, shall be sent to the property owner(s) and all lien holders by first class mail. Alternatively, the Board of Township Trustees can notify the owner by posting the notice on the principal structure on the land. Said posted notice shall then be photographed with a camera capable of recording the date of the photograph on it. Failure of delivery of said notice shall not invalidate any action to abate taken by the Board of Trustees or its agents or employees. If the address of the property owner(s) is unknown and cannot be reasonably obtained, the Board of Trustees will post the notice on the township's internet web site for four consecutive days.

6. If, within four (4) days after notice is given, the property owner(s) fails to abate, control or remove the vegetation, garbage, refuse and other debris, or if the property owner(s) fails to enter into an agreement with the Board of Trustees to provide for abatement of the nuisance, the Board of Trustees shall make available funds and take all necessary actions to abate the nuisance. All expenses incurred in abating the nuisance shall be approved by the Board of Trustees and paid from the general fund.

E. Upon having the nuisance abated, the Board of Trustees shall prepare, and the Clerk shall submit, a written report to the Montgomery County Auditor. The report shall include a statement of the Board of Trustees' actions under this Resolution and Ohio Revised Code Section 505.87, as well as a statement of all expenses incurred in providing for the abatement, control or removal of any vegetation, garbage, refuse or debris, including the Board's charges for its services, notification, the amount paid for labor, materials and equipment along with a proper description of the property.

SIGNATURE PAGE FOR RESOLUTION #53-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer
Passed: May 8, 2012
TJS:seb

RESOLUTION #54-2012

RESOLUTION ADOPTING REMOVAL PROCEDURES FOR JUNK MOTOR VEHICLES AS PROVIDED IN SECTION 505.871 OF THE OHIO REVISED CODE.

Whereas, the State of Ohio has enacted legislation to permit townships to provide for the removal of junk motor vehicles located on both public and private property within the unincorporated territory of the township, and

Whereas, the Miami Township Board of Trustees believe that it is in the best interest of Miami Township to adopt procedures in accordance with O.R.C. Section 505.871 to remove junk motor vehicles located within the unincorporated territory of Miami Township;

Therefore, Be It Resolved, by the Miami Township Board of Trustees to enact the following junk motor vehicle removal policy and procedure as follows, effective immediately.

JUNK MOTOR VEHICLE REMOVAL RESOLUTION

1. Policy Statement – It is the policy of Miami Township to encourage property owners to voluntarily maintain their property in a nuisance free condition. The Board has thus determined that the presence of junk motor vehicles within the Township causes damage, annoyance, inconvenience, blight, and detrimentally affects the health, safety and welfare of adjacent residents and properties.

2. For purposes set forth above, the Miami Township Board of Trustees may provide for the removal of any motor vehicle in the unincorporated territory of the township that the Board determines is a junk motor vehicle, as defined in section 505.173 [505.17.3] of the Ohio Revised Code.

A. Definitions:

Junk Motor Vehicle: Pursuant to R.C. § 505.173 [505.17.3], a junk motor vehicle is a motor vehicle, whether licensed or unlicensed, that meets all of the following criteria:

(1) Three model years old, or older;
(2) Apparently inoperable; and
(3) Extensively Damaged, including, but not limited to, any of the following: missing wheels, tires, engine or transmission.

B. Procedures:

1. Upon the Board's determination that a junk motor vehicle exists on public property within the unincorporated territory of the Township, the Board of Trustees will take immediate steps to remove the vehicle(s).

2. Upon information that a junk motor vehicle exists on private property within the unincorporated territory of the township, the Board of Trustees will make cause to inspect the property. If the Board of Trustees finds that the motor vehicle(s) in question fits the description of "junk motor vehicle", notice to the owner(s) of such property and all lien holders of record shall be made to attend a public hearing, where the Board of Trustees will determine if the motor vehicle(s) located on said property is a "junk motor vehicle". Notification of said public hearing will be made in the following manner:

    a. By certified mail, return receipt requested, and by regular mail with certification of mailing, to any holders of liens of record on the land and to the owner of the land, if the owner resides in the unincorporated territory of the township or if the owner resides outside the unincorporated territory of the township and the owner's address is known or ascertainable through an exercise of reasonable diligence.

    b. If a notice sent by certified mail is refused or unclaimed, or if the owner(s) address is unknown and cannot reasonably be obtained, the board shall publish the notice once in a newspaper of general circulation in the township before said public hearing. If the land contains any structures, the Board shall also post the notice on the principal structure on the land.

    A notice sent by certified mail shall be deemed to be served on the date it was received as indicated by the date on the signed return receipt. A notice given by publication shall be deemed to be served on the date of the newspaper publication.

3. The notice of public hearing shall contain:

    a. The date, time and location of the public hearing;
    b. The location of the property containing the alleged junk motor vehicles;
    c. A description of the motor vehicle(s);
    d. A statement that the purpose of the public hearing is for the board to determine whether the subject motor vehicle(s) is a "junk motor vehicle" as same is defined in this Resolution as well as in Ohio Revised Code § 505.173;
    e. That the property owner(s) may appear at said hearing and present evidence and/or witnesses on his/her behalf;
    f. That the property owner(s) may be represented by an attorney at said hearing; and

g. That if the Board of Trustees determines that the property owner(s)' motor vehicle(s) are junk motor vehicle(s), the Board will cause said junk motor vehicles to be removed as provided below.

C. If the Board of Trustees determines at the public hearing, based upon the evidence presented therein, that the subject vehicle meets the criteria for determining that same is a "junk motor vehicle(s)", the Board of Trustees shall notify the property owner(s) and any holders of liens of record upon the land, that:

1. The Board of Trustees has determined, after public hearing, that a junk motor vehicle(s) exists on the property;

2. The property owner(s) is ordered to remove all junk motor vehicles or to store (at all times) any and all junk motor vehicles within a completely enclosed structure; and

3. If such junk motor vehicle(s) is not removed or stored within a completely enclosed structure within fourteen (14) days of notification, the Board of Trustees will provide for the removal of the vehicle(s), and any expenses incurred by the Board of Trustees in performing that task will be entered upon the tax duplicate and will be a lien upon the land from the date of entry.

D. Said notice, containing the removal order as described in Section D above, shall be sent to the property owner(s) and all lien holders by certified mail and regular mail with certificate of mailing. If the address of the property owner(s) is unknown and cannot be reasonably obtained, the Board of Trustees will publish the notice once in a newspaper of general circulation in the Township. The Board of Trustees shall also cause a posting of said order to be placed at the property.

E. If, within fourteen (14) days after notice is given, the property owner(s) fails to remove the vehicle(s) or to store it in a completely enclosed structure, the Board of Trustees shall make available funds and take all necessary actions to abate the nuisance by removing the junk motor vehicle(s). All expenses incurred in abating the nuisance shall be approved by the Board of Trustees and paid from the general fund.

F. Upon having the junk motor vehicles removed, the Board of Trustees shall prepare, and the Clerk shall submit, a written report to the Montgomery County Auditor. The report shall include a statement of the Board of Trustees' actions under this Resolution and Ohio Revised Code Section 505.871, as well as a statement of all expenses incurred in providing for the removal of the junk motor vehicle(s), including the Board's charges for its services, notification, the amount paid for labor, materials and equipment along with a proper description of the property.

G. Pursuant to Ohio Revised Code Section 505.871, the Board reserves the right to borrow moneys from a financial institution to pay the expenses incurred in providing for the removal of junk motor vehicles, including the Board's charges for its services, notification, the amount paid for labor, materials and equipment, in the event that said removal of junk motor vehicle(s) exceeds five hundred dollars.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: May 8, 2012
TJS:seb

RESOLUTION #55-2012

RESOLUTION REGARDING A NUISANCE ABATEMENT

Whereas, the Miami Township Board of Trustees is authorized, by Section 505.87 of the Ohio Revised Code, to provide for the abatement, control or removal of vegetation, garbage, refuse, and other debris from land in the Township; and

Whereas, the Miami Township Board of Trustees has given notice to all owners and lien holders of record of the property located at 2408 Spring Valley Rd., Miamisburg, Ohio 45342 in Miami Township, Ohio, that a nuisance is alleged to exist at the property and that a public hearing concerning said alleged nuisance would be conducted before the Board of Trustees on May 8, 2012; and

Whereas the Miami Township Board of Trustees conducted said public hearing on May 8, 2012, beginning at 7:00 p.m., wherein the parties were given the opportunity to present evidence concerning the alleged nuisance; and

Whereas, after said public hearing, the Board of Trustees has determined that the owner's maintenance of vegetation, garbage, refuse or other debris at the above property constitutes a nuisance; and

Therefore Be It Resolved, the Miami Township Board of Trustees orders the owners and/or lien holders to abate the nuisance within seven (7) days of the date of the mailing of this resolution or that the owner and/or lien holder of said property may, within seven (7) days of the date of the mailing of this resolution, enter into an agreement with the Board of Trustees providing for either the property owner, or the Board of Trustees, to abate said nuisance; and

Be It Further Resolved, if such nuisance is not abated within seven (7) days, the Miami Township Board of Trustees authorizes staff to contract the abatement of the nuisance and assess the costs to the property tax duplicate:

2408 Spring Valley Rd.
Parcel ID #K45 25604 0016
John T. Molnar-Deceased
2408 Spring Valley Rd.
Miamisburg, OH 45342

Mortgage Company
Fifth Third Bank
5001 Kingsley Dr.
Cincinnati, OH 45227
MD 1MOB1o

Mortgage Contract Service-1 Urban Centre
4830 W. Kennedy Blvd
Tampa, FL 33609

SIGNATURE PAGE FOR RESOLUTION #55-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer
Passed: May 8, 2012
GAH:seb

RESOLUTION #56-2012

RESOLUTION REGARDING A NUISANCE ABATEMENT

Whereas, the Miami Township Board of Trustees is authorized, by Section 505.87 of the Ohio Revised Code, to provide for the abatement, control or removal of vegetation, garbage, refuse, and other debris from land in the Township; and

Whereas, the Miami Township Board of Trustees has given notice to all owners and lien holders of record of the property located at 6060 Fifth Avenue, Miamisburg, Ohio 45342 in Miami Township, Ohio, that a nuisance is alleged to exist at the property and that a public hearing concerning said alleged nuisance would be conducted before the Board of Trustees on May 8, 2012; and

Whereas the Miami Township Board of Trustees conducted said public hearing on May 8, 2012, beginning at 7:00 p.m., wherein the parties were given the opportunity to present evidence concerning the alleged nuisance; and

Whereas, after said public hearing, the Board of Trustees has determined that the owner's maintenance of vegetation, garbage, refuse or other debris at the above property constitutes a nuisance; and

Therefore Be It Resolved, the Miami Township Board of Trustees orders the owners and/or lien holders to abate the nuisance within four (4) days of the date of the mailing of this resolution or that the owner and/or lien holder of said property may, within four (4) days of the date of the mailing of this resolution, enter into an agreement with the Board of Trustees providing for either the property owner, or the Board of Trustees, to abate said nuisance; and

Be It Further Resolved, if such nuisance is not abated within four (4) days, the Miami Township Board of Trustees authorizes staff to contract the abatement of the nuisance and assess the costs to the property tax duplicate:

6060 Fifth Ave.	**Mortgage Company**
Parcel ID #K50 18421 0135 Joe E. Lewis 6060 Fifth Avenue Miamisburg, OH 45342 Susan J. Carpenter 7499 Martz-Paulin Road Franklin, OH 45005	N/A

SIGNATURE PAGE FOR RESOLUTION #56-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: May 8, 2012
GAH:seb

RESOLUTION #57-2012

RESOLUTION REGARDING A NUISANCE ABATEMENT

Whereas, the Miami Township Board of Trustees is authorized, by Section 505.87 of the Ohio Revised Code, to provide for the abatement, control or removal of vegetation, garbage, refuse, and other debris from land in the Township; and

Whereas, the Miami Township Board of Trustees has given notice to all owners and lien holders of record of the property located at 5410 S. Union Rd., Miamisburg, Ohio 45342, in Miami Township, Ohio, that a nuisance is alleged to exist at the property and that a public hearing concerning said alleged nuisance would be conducted before the Board of Trustees on May 8, 2012; and

Whereas the Miami Township Board of Trustees conducted said public hearing on May 8, 2012, beginning at 7:00 p.m., wherein the parties were given the opportunity to present evidence concerning the alleged nuisance; and

Whereas, after said public hearing, the Board of Trustees has determined that the owner's maintenance of vegetation, garbage, refuse or other debris at the above property constitutes a nuisance; and

Therefore Be It Resolved, the Miami Township Board of Trustees orders the owners and/or lien holders to abate the nuisance within four (4) days of the date of the mailing of this resolution or that the owner and/or lien holder of said property may, within four (4) days of the date of the mailing of this resolution, enter into an agreement with the Board of Trustees providing for either the property owner, or the Board of Trustees, to abate said nuisance; and

Be It Further Resolved, if such nuisance is not abated within four (4) days, the Miami Township Board of Trustees authorizes staff to contract the abatement of the nuisance and assess the costs to the property tax duplicate:

5410 South Union Road	**Mortgage Company**
Parcel ID #K45 02511 0080 Thomas E. Thygerson (deceased) 5410 South Union Road Miamisburg, OH 45342	N/A

Unknown heirs, the devisees,
legatees, executors, administrators,
and assigns of Thomas E. Thygerson,
and the unknown guardians of minor
and/or incompetent heirs of
Thomas E. Thygerson ADDRESS UNKNOWN

SIGNATURE PAGE FOR RESOLUTION #57-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer
Passed: May 8, 2012
GAH:seb

RESOLUTION #59-2012

A RESOLUTION TO ENTER INTO AN AGREEMENT WITH MONTGOMERY COUNTY REQUESTING THE COUNTY ENGINEER TO SELECT AN ENGINEERING CONSULTANT FOR MIAMI TOWNSHIP ON THE WOOD ROAD IMPROVEMENTS PROJECT AT A COST NOT TO EXCEED $85,500.00

Whereas, Miami Township has entered into an agreement with the Ohio Public Works Commission (OPWC) for the Wood Road Improvements Project; and

Whereas, Miami Township requests the County Engineer to select a consultant for engineering on this project at a cost not to exceed $85,500.00. Further specifications of the work to be performed are attached hereto and made part of the resolution; and

Whereas, Miami Township agrees to reimburse the County Engineer for the local share of the engineering fees; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to enter into an agreement with Montgomery County to request the County Engineer to select a consultant for engineering services for the Wood Road Improvements Project, at a cost not to exceed $85,500.00, with Miami Township reimbursing the local share of the engineering fees to the County Engineer.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: May 8, 2012
GSR:mrm

RESOLUTION #60-2012

RESOLUTION TO CHANGE A ZONING DISTRICT & ADOPT A PRELIMINARY DEVELOPMENT PLAN UNDER ZONING CASE #408-12

Whereas, the Miami Township Board of Trustees met in a regular session on Tuesday, May 8, 2012; and

Whereas, Zoning Case #408-12, filed by LMC Investments, proposes a change of zoning district from the "PD-5" Planned Mixed-Use District, "B-4" Business District and "B-2" Business District, to the "PD-5" Planned Mixed-Use District and adoption of a preliminary development plan and text; 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 APPROVES the Zoning Map Amendment under Zoning Case #408-12 and the associated Preliminary Development Plan and ACCEPTS the Zoning Commission recommendation for Zoning Case #408-12.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp , Fiscal Officer
Passed: May 8, 2012
GSR:seb

RESOLUTION #61-2012

RESOLUTION TO APPROVE A MAJOR MODIFICATION TO THE PRELIMINARY DEVELOPMENT PLAN FOR AUSTIN LANDING UNDER ZONING CASE #222-88, FOR LANDS ZONED "PD-5", PLANNED MIXED-USE

Whereas, the Miami Township Board of Trustees met in a regular session on Tuesday, May 8, 2012; and

Whereas, Zoning Case #222-88, filed by R.G. Properties, Inc., proposes a major modification to the preliminary development plan and associated development text, 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 APPROVES the Major Modification to the Preliminary Development Plan under Zoning Case #222-88 and UPHOLDS the Zoning Commission recommendation.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer
Passed: May 8, 2012
GSR:seb

RESOLUTION #62-2012

RESOLUTION TO APPROVE A FINAL DEVELOPMENT PLAN FOR ROADWAYS PHASE III WITHIN AUSTIN LANDING UNDER ZONING CASE #222-88, FOR LANDS ZONED "PD-5", PLANNED MIXED-USE

Whereas, the Miami Township Board of Trustees met in a regular session on Tuesday, May 8, 2012; and

Whereas, Zoning Case #222-88, filed by R.G. Properties, Inc., proposes a final development plan for Roadways Phase III within Austin Landing 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 APPROVES the Final Development Plan under Zoning Case #222-88 and UPHOLDS the Zoning Commission recommendation.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: May 8, 2012
GSR:seb

RESOLUTION #63-2012

RESOLUTION TO ADOPT A MAJOR MODIFICATION TO A FINAL DEVELOPMENT PLAN FOR PARKING STRUCTURE NUMBER ONE UNDER ZONING CASE #222-88, FOR LANDS ZONED "PD-5", PLANNED MIXED-USE

Whereas, the Miami Township Board of Trustees met in a regular session on Tuesday, May 8, 2012; and

Whereas, Zoning Case #222-88, filed by R.G. Properties, Inc., proposes a major modification of a final development plan for a 205,000 square foot, 2 story parking structure on 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 APPROVES the Major Modification to the Final Development Plan under Zoning Case #222-88 and ACCEPTS the Zoning Commission recommendation.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: May 8, 2012
GSR:seb

RESOLUTION #64-2012

RESOLUTION TO APPROVE A FINAL DEVELOPMENT PLAN FOR PARKING GARAGE NUMBER TWO UNDER ZONING CASE #222-88, FOR LANDS ZONED "PD-5", PLANNED MIXED-USE

Whereas, the Miami Township Board of Trustees met in a regular session on Tuesday, May 8, 2012; and

Whereas, Zoning Case #222-88, filed by R.G. Properties, Inc., proposes a final development plan for parking garage number two 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 APPROVES the Final Development Plan under Zoning Case #222-88 and UPHOLDS the Zoning Commission recommendation.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: May 8, 2012
GSR:seb

RESOLUTION #65-2012

RESOLUTION TO APPROVE A FINAL DEVELOPMENT PLAN FOR BUILDINGS B & C WITHIN AUSTIN LANDING UNDER ZONING CASE #222-88, FOR LANDS ZONED "PD-5", PLANNED MIXED-USE

Whereas, the Miami Township Board of Trustees met in a regular session on Tuesday, May 8, 2012; and

Whereas, Zoning Case #222-88, filed by R.G. Properties, Inc., proposes a final development plan for Buildings B & C 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 APPROVES the Final Development Plan under Zoning Case #222-88 and ACCEPTS the Zoning Commission recommendation.

Mike R. Nolan, Trustee President

B C Lewis

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M Culp

Ann M. Culp, Fiscal Officer

Passed: May 8, 2012

GSR:seb

RESOLUTION #66-2012

RESOLUTION TO APPROVE A FINAL DEVELOPMENT PLAN FOR A CINEMA WITHIN AUSTIN LANDING UNDER ZONING CASE #222-88, FOR LANDS ZONED "PD-5", PLANNED MIXED-USE

Whereas, the Miami Township Board of Trustees met in a regular session on Tuesday, May 8, 2012; and

Whereas, Zoning Case #222-88, filed by R.G. Properties, Inc., proposes a final development plan for a cinema within Austin Landing 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 APPROVES the Final Development Plan under Zoning Case #222-88 and ACCEPTS the Zoning Commission recommendation.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: May 8, 2012
GSR:seb

RESOLUTION #70-2012

RESOLUTION REGARDING A NUISANCE ABATEMENT

Whereas, the Miami Township Board of Trustees is authorized, by Section 505.87 of the Ohio Revised Code, to provide for the abatement, control or removal of vegetation, garbage, refuse, and other debris from land in the Township; and

Whereas, the Miami Township Board of Trustees has given notice to all owners and lien holders of record of the property located at 6046 Second Ave., Miamisburg, OH 45342, in Miami Township, Ohio, that a nuisance is alleged to exist at the property and that a public hearing concerning said alleged nuisance would be conducted before the Board of Trustees on May 8, 2012; and

Whereas the Miami Township Board of Trustees conducted said public hearing on May 8, 2012, beginning at 7:00 p.m., wherein the parties were given the opportunity to present evidence concerning the alleged nuisance; and

Whereas, after said public hearing, the Board of Trustees has determined that the owner's maintenance of vegetation, garbage, refuse or other debris at the above property constitutes a nuisance; and

Therefore Be It Resolved, the Miami Township Board of Trustees orders the owners and/or lien holders to abate the nuisance within four (4) days of the date of the mailing of this resolution or that the owner and/or lien holder of said property may, within four (4) days of the date of the mailing of this resolution, enter into an agreement with the Board of Trustees providing for either the property owner, or the Board of Trustees, to abate said nuisance; and

Be It Further Resolved, if such nuisance is not abated within four (4) days, the Miami Township Board of Trustees authorizes staff to contract the abatement of the nuisance and assess the costs to the property tax duplicate:

6046 Second Ave.
Parcel ID #K50 18421 0101
Michele M. Bowling
6046 Second Ave.
Miamisburg, OH 45342

Mortgage Company
GMAC Mortgage
Attn: Preservation Dept.
3451 Hammond Ave.
Waterloo, IA 50702

SIGNATURE PAGE FOR RESOLUTION #70-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer
Passed: May 8, 2012
GAH:seb

RESOLUTION #71-2012

RESOLUTION REGARDING A NUISANCE ABATEMENT

Whereas, the Miami Township Board of Trustees is authorized, by Section 505.87 of the Ohio Revised Code, to provide for the abatement, control or removal of vegetation, garbage, refuse, and other debris from land in the Township; and

Whereas, the Miami Township Board of Trustees has given notice to all owners and lien holders of record of the property located at 6047 Second Avenue, Miamisburg, Ohio, 45342 in Miami Township, Ohio, that a nuisance is alleged to exist at the property and that a public hearing concerning said alleged nuisance would be conducted before the Board of Trustees on May 8, 2012; and

Whereas the Miami Township Board of Trustees conducted said public hearing on May 8, 2012, beginning at 7:00 p.m., wherein the parties were given the opportunity to present evidence concerning the alleged nuisance; and

Whereas, after said public hearing, the Board of Trustees has determined that the owner's maintenance of vegetation, garbage, refuse or other debris at the above property constitutes a nuisance; and

Therefore Be It Resolved, the Miami Township Board of Trustees orders the owners and/or lien holders to abate the nuisance within four (4) days of the date of the mailing of this resolution or that the owner and/or lien holder of said property may, within four (4) days of the date of the mailing of this resolution, enter into an agreement with the Board of Trustees providing for either the property owner, or the Board of Trustees, to abate said nuisance; and

Be It Further Resolved, if such nuisance is not abated within four (4) days, the Miami Township Board of Trustees authorizes staff to contract the abatement of the nuisance and assess the costs to the property tax duplicate:

6047 Second Ave. (Vacant Lot)	**Mortgage Company**
Parcel ID #K50 18421 0106 Secretary of Veterans Affairs 1240 East Ninth Street Cleveland, OH 44199	None Known

SIGNATURE PAGE FOR RESOLUTION #71-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: May 8, 2012
GAH:seb

RESOLUTION #72-2012

RESOLUTION REGARDING A NUISANCE ABATEMENT

Whereas, the Miami Township Board of Trustees is authorized, by Section 505.87 of the Ohio Revised Code, to provide for the abatement, control or removal of vegetation, garbage, refuse, and other debris from land in the Township; and

Whereas, the Miami Township Board of Trustees has given notice to all owners and lien holders of record of the property located at 6032 Sixth Avenue, Miamisburg, Ohio, 45342 in Miami Township, Ohio, that a nuisance is alleged to exist at the property and that a public hearing concerning said alleged nuisance would be conducted before the Board of Trustees on May 8, 2012; and

Whereas the Miami Township Board of Trustees conducted said public hearing on May 8, 2012, beginning at 7:00 p.m., wherein the parties were given the opportunity to present evidence concerning the alleged nuisance; and

Whereas, after said public hearing, the Board of Trustees has determined that the owner's maintenance of vegetation, garbage, refuse or other debris at the above property constitutes a nuisance and said property has been declared a nuisance prior within the last twelve consecutive months; and

Therefore Be It Resolved, the Miami Township Board of Trustees orders the owners and/or lien holders to abate the nuisance within seven (7) days of the date of the mailing of this resolution or that the owner and/or lien holder of said property may, within seven (7) days of the date of the mailing of this resolution, enter into an agreement with the Board of Trustees providing for either the property owner, or the Board of Trustees, to abate said nuisance; and

Be It Further Resolved, if such nuisance is not abated within seven (7) days, the Miami Township Board of Trustees authorizes staff to contract the abatement of the nuisance and assess the costs to the property tax duplicate:

6032 Sixth Ave.	**Mortgage Company**
Parcel ID #K50 18421 0145 Carlo H. and Kathleen J. Wynne 6032 Sixth Avenue Miamisburg, OH 45342	N/A

SIGNATURE PAGE FOR RESOLUTION #72-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer
Passed: May 8, 2012
GAH:seb

RESOLUTION #74-2012

A RESOLUTION AUTHORIZING THE POLICE CHIEF TO PAY A MORAL OBLIGATION CLAIM

Whereas, on October 8, 2011 a police officer responding to an emergency situation, did cause damage to a vehicle owned by Eunice Perkins and our insurance carrier agreed to repair the damage to the vehicle; and

Whereas, during the time the vehicle was being repaired it was necessary for the owner to have a rental car to get back and forth to work for a period of twelve days at a cost of $244.73; and

Whereas, our insurance carrier declined to pay for the rental car expense and Ms. Perkins does not have insurance coverage that pays for the cost of a rental car; and

Whereas, the Chief of Police consulted with legal counsel and determined that there was a moral obligation to pay for the rental car expense, and that the appropriate process to pay a moral obligation claim was with the passage of a resolution; and

Whereas, the Chief of Police has recommended the payment of a moral obligation claim in the amount of $244.73 to Eunice Perkins for reimbursement of a rental car expense; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Chief of Police to pay a moral obligation claim to Eunice Perkins in the amount of $244.73 for reimbursement of a rental car expense necessitated by the police department causing damage to her vehicle.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer
Passed: May 8, 2012
GSR:seb

RESOLUTION #75-2012

RESOLUTION TO PURCHASE A 2013 INTERNATIONAL TERRASTAR MEDIC VEHICLE FROM HORTON EMERGENCY VEHICLES FOR USE BY THE FIRE DEPARTMENT

Whereas, Miami Township is eligible to purchase equipment under the Ohio Department of Administrative Services Cooperative Purchasing Program (DASCPP); and

Whereas, the Miami Township and Miamisburg Fire Departments are merging to become the Miami Valley Fire District; and

Whereas, there are new pieces of medic apparatus needed to replace aging and outdated equipment. The comprehensive agreement established between Miami Township, the City of Miamisburg and the Miami Valley Fire District shall provide the guidelines for these processes; and

Whereas, the Miami Valley Fire District has passed Resolution 2012-11 and recommends to the Miami Township Board of Trustees to purchase the apparatus, radio and other associated equipment from Warren Fire Equipment and Motorola; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the purchase of a 2013 International Terrastar from Horton Emergency Vehicles at an amount not to exceed $212,682.86.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: May 8, 2012
GSR:mrm

RESOLUTION #76-2012

RESOLUTION TO PURCHASE A KME PANTHER FIRE PUMPER, RADIO AND OTHER ASSOCIATED EQUIPMENT FROM WARREN FIRE EQUIPMENT AND MOTOROLA FOR USE BY THE FIRE DEPARTMENT

Whereas, Miami Township is eligible to purchase equipment under the Ohio Department of Administrative Services Cooperative Purchasing Program (DASCPP); and

Whereas, the Miami Township and Miamisburg Fire Departments are merging to become the Miami Valley Fire District; and

Whereas, there are new pieces of fire apparatus needed to replace aging and outdated equipment. The comprehensive agreement established between Miami Township, the City of Miamisburg and the Miami Valley Fire District shall provide the guidelines for these processes; and

Whereas, the Miami Valley Fire District has passed Resolution 2012-10 and recommends to the Miami Township Board of Trustees to purchase the apparatus, radio and other associated equipment from Warren Fire Equipment and Motorola; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the purchase of a KME Panther fire pumper, radio and other associated equipment from Warren Fire Equipment and Motorola at an amount not to exceed $451,689.50.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer
Passed: May 8, 2012
GSR:mrm

RESOLUTION #77-2012

RESOLUTION TO AUTHORIZE EXECUTION OF MEMORANDUM OF UNDERSTANDINGS AND DEVELOPMENT AGREEMENTS FOR THE PRESTIGE PLACE ROADWAY CONNECTOR PROJECT

Whereas, Miami Township (the "Township") is partnering with Frisch's Restaurants Inc., Halle Properties LLC, FLG Properties Dayton LLC, and Lofino Properties LLC (the "Partners"), to construct public roadway improvements connecting Prestige Place to the Southland 75 Shopping Center (the "Project") and as shown in the attached conceptual plan (see Exhibit A) in Miami Township, Montgomery County, OH; and

Whereas, the Township and the Partners are proposing to enter into agreements outlining the various commitments of the Partners towards the Project; and

Whereas, Miami Township desires, upon execution of the agreements to proceed with preparation of final construction plans, bidding, and construction of the project; and

Whereas, Miami Township has identified and designates such funds from the Dayton Mall Tax Increment Financing District fund necessary to complete the Project; and

Therefore Be It Resolved, by the Board of Trustees of Miami Township that the Township Administrator is hereby authorized to execute Memorandum of Understanding and Development Agreements as necessary and appropriate with each Partner and to proceed with construction of the Project, including provision of all necessary services and execution of documents necessary for completion.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M Culp

Ann M. Culp, Fiscal Officer
Passed: May 8, 2012
GSR:SEB

RESOLUTION #78-2012

RESOLUTION TO ACCEPT RESIGNATION OF A FIRE DIVISION EMPLOYEE

Whereas, Scott Brooks has been a part-time firefighter/EMT since July 8, 2008; and

Whereas, Scott has decided to resign his position with the fire division due to a personal reasons; and

Therefore Be It Resolved, the Miami Township Board of Trustees accepts the letter of resignation from Scott Brooks, and termination of his employment is effective May 30, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice-President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: May 30, 2012
GSR:mrm

RESOLUTION #79-2012

RESOLUTION TO ACCEPT RESIGNATION OF A FIRE DIVISION EMPLOYEE

Whereas, Nathan Lane has been a part-time firefighter/EMT since March 13, 2012; and

Whereas, Nathan has decided to resign his position with the fire division due to personal reasons; and

Therefore Be It Resolved, the Miami Township Board of Trustees accepts the letter of resignation from Nathan Lane, and termination of his employment is effective May 30, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice-President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: May 30, 2012
GSR:mrm

RESOLUTION #80-2012

RESOLUTION TO ACCEPT A LETTER OF INTENT TO RETIRE FROM THE FIRE DEPARTMENT

Whereas, Robert "Skip" Brooks has been an employee with the fire department in both a part-time and full-time status since June 2, 1980; and

Whereas, Robert "Skip" Brooks, with 33 years of dedicated service to Miami Township, has submitted a letter of intent to retire; and

Whereas, Robert "Skip" Brooks last day of employment will be at the end of his work shift on Friday, June 1, 2012; and

Therefore Be It Resolved, the Miami Township Board of Trustees accepts the letter of intent to retire from Robert "Skip" Brooks, and termination of his employment to be effective on June 1, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice-President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: May 30, 2012
GSR:mrm

RESOLUTION #81-2012

RESOLUTION AUTHORIZING THE HIRING OF PART-TIME PERSONNEL

Whereas, there are vacancies to be filled in the Fire Division; and

Whereas, Matthew Queen, Fire Chief, is making his recommendation to hire the following individual(s) as a part-time employee:

Prentice "Marshall" Berry	Grade S-1	$12.44 / per hour

Therefore Be It Resolved, that the Miami Township Board of Trustees authorizes the hiring of the above individuals, with their hiring date to be determined by the Fire Division, effective May 30, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice-President

Deborah M. Preston, Trustee

Attested:

Ann M .Culp, Fiscal Officer
Passed: May 30, 2012
GSR:mrm

RESOLUTION #82-2012

RESOLUTION TO REQUEST THE CITY OF MIAMISBURG TO CHANGE THE SPEED LIMIT ON MIAMISBURG-SPRINGBORO PIKE FROM CRAINS RUN SUB-DIVISION TO MIAMISBURG CORP. LINE, BYERS ROAD FROM MIAMISBURG-SPRINGBORO PIKE TO MIAMISBURG CORP. LINE, BENNER ROAD FROM MIAMISBURG-SPRINGBORO PIKE TO DAYTON-CINCINNATI PIKE, WOOD ROAD FROM CRAINS RUN ROAD TO WARREN COUNTY LINE AND CRAINS RUN ROAD FROM WOOD ROAD TO CRAINS CREEK ROAD, AS PRESCRIBED BY THE AUSTIN CENTER JOINT ECONOMIC DEVELOPMENT DISTRICT AGREEMENT

Whereas, Miami Township and the City of Miamisburg and the city of Springboro have entered into a Joint Economic Development District (JEDD); and

Whereas, the agreement between the parties authorizes the use of city power within the JEDD District, when requested by the Miami Township Board of Trustees; and

Whereas, there is a need to reduce the speed limit to 45 miles per hour, within the approved JEDD territory at Miamisburg-Springboro Pike from Crains Run Sub-Division to Miamisburg Corp. line, Byers Road from Miamisburg-Springboro Pike to Miamisburg Corp. line, Benner Road from Miamisburg-Springboro Pike to Dayton-Cincinnati Pike, Wood Road from Crains Run Road to Warren County line and Crains Run Road from Wood Road to Crains Creek Road, that was included within the JEDD boundaries; and

Therefore Be It Resolved, the Miami Township Board of Trustees hereby requests the City of Miamisburg Commission to exercise the City's charter authority, and reduce the speed limit for Miamisburg-Springboro Pike from Crains Run Sub-Division to Miamisburg Corp. line, Byers Road from Miamisburg-Springboro Pike to Miamisburg Corp. line, Benner Road from Miamisburg-Springboro Pike to Dayton-Cincinnati Pike, Wood Road from Crains Run Road to Warren County line and Crains Run Road from Wood Road to Crains Creek Road, to 45 miles per hour, as prescribed by the Miami Township-Dayton Joint Economic Development District Agreement.

SIGNATURE PAGE FOR RESOLUTION #82-2012

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: May 30, 2012
GSR:sld

RESOLUTION #83-2012

RESOLUTION TO AWARD A CLEANING SERVICE CONTRACT

Whereas, the Miami Township Board of Trustees desires to contract for cleaning services; and

Whereas, a competitive bid process was conducted to solicit sealed bids for a one-year cleaning contract for the administration building and police administration building, and an alternate bid for the service department offices; and

Whereas, Spectrum Building Services was the low bidder for the basic cleaning contract as follows:

Janitorial Services for Administration Building = $1,069.13 per month
Janitorial Services for Police Building = $877.00 per month
Janitorial Services for Public Works – Miamisburg Springboro Pike offices = $110.00 per month

Whereas, an alternate bid was submitted for the Wood Road Public Works facility at a price of $375.00 per month, which may be executed at a later date; and

Whereas, references have been checked for Spectrum Building Services with all recommendations being favorable; and

Whereas, the contract will be awarded for a time period of one year with an optional mutual agreement to extend services for up to three years; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to enter into a contract for annual cleaning services with Spectrum Building Services, 1563 E. Dorothy Lane 300-B, Kettering, OH 45429, and to execute all the necessary documents to secure these services, from June 1, 2012 to June 1, 2013.

SIGNATURE PAGE FOR RESOLUTION #83-2012

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer

Passed: May 30, 2012

GSR:mrm

RESOLUTION #84-2012

RESOLUTION TO REQUEST THE MONTGOMERY COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION IN ANTICIPATION OF A 0.90 MILL REPLACEMENT LEVY FOR THE TRASH COLLECTION AND DISPOSAL

Whereas, the Miami Township Board of Trustees provides an efficient and effective trash collection and disposal 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 0.90 mills as provided for in the ORC 5705.19 (V); 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 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 0.90 mill replacement levy would generate, as provided for under ORC 5705.19 (V), if approved in the November 2012 election to replace the existing 0.90 mill trash levy expiring on December 31, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer
Passed: May 30, 2012
GSR:mrm

RESOLUTION #85-2012

RESOLUTION TO REQUEST THE MONTGOMERY COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION IN ANTICIPATION OF A 1.40 MILL REPLACEMENT LEVY FOR THE TRASH COLLECTION AND DISPOSAL

Whereas, the Miami Township Board of Trustees provides an efficient and effective trash collection and disposal 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 1.40 mills as provided for in the ORC 5705.19 (V); 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 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 1.40 mill replacement levy would generate, as provided for under ORC 5705.19 (V), if approved in the November 2012 election to replace the existing 1.40 mill trash levy expiring on December 31, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee ~~Vice~~ President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: May 30, 2012
GSR:mrm

RESOLUTION #86-2012

RESOLUTION TO REQUEST THE MONTGOMERY COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION IN ANTICIPATION OF A 1.50 MILL REPLACEMENT LEVY FOR THE TRASH COLLECTION AND DISPOSAL

Whereas, the Miami Township Board of Trustees provides an efficient and effective trash collection and disposal 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 1.50 mills as provided for in the ORC 5705.19 (V); 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 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 1.50 mill replacement levy would generate, as provided for under ORC 5705.19 (V), if approved in the November 2012 election to replace the existing 1.50 mill trash levy expiring on December 31, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: May 30, 2012
GSR:mrm

RESOLUTION #87-2012

RESOLUTION AUTHORIZING THE HIRING OF PART-TIME PERSONNEL

Whereas, there are vacancies to be filled in the Public Works Department; and

Whereas, Dan Mayberry, Public Works Director, is making his recommendation to hire the following individual(s) as a part-time employee:

Chris Converse	$11.00 / per hour
Ricky Napier	$11.00 / per hour
Theodore Slouffman	$11.00 / per hour

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the hiring of the above individuals, with their hiring date to be determined by the Public Works Department, effective May 30, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: May 30, 2012
GSR:seb

RESOLUTION #88-2012

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A COMPREHENSIVE AGREEMENT REGARDING THE MIAMI VALLEY FIRE DISTRICT

Whereas, the Miami Valley Fire District was created pursuant to a joint resolution of Miami Township, Montgomery County, Ohio Resolution 121-2011 and Miamisburg, Ohio Resolution 2786, adopted August 31, 2011 (the "Joint Resolution"); and

Whereas, in order to satisfy the terms of the Joint Resolution, the Miami Valley Fire District requires certain facilities and equipment for furnishing fire and emergency medical services; and

Whereas, the Joint Resolution calls for an agreement between the City of Miamisburg and Miami Township to be executed prior to the operational start date of the Miami Valley Fire District to govern service to the communities; funding from the communities; use of property owned by the communities and personnel currently employed by the communities; and

Whereas, representatives of the City of Miamisburg, Miami Township, and the Miami Valley Fire District have negotiated an agreement including all exhibits and attachments thereto (the "Comprehensive Agreement"); and

Whereas, the Board of Trustees has determined to enter into a Comprehensive Agreement with the City of Miamisburg and the Miami Valley Fire District to provide for the funding and operation of the Miami Valley Fire District; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to execute the Comprehensive Agreement including all exhibits and attachments thereto (the "Comprehensive Agreement") between the City of Miamisburg, Miami Township, Montgomery County, Ohio and the Miami Valley Fire District presently on file with the Fiscal Officer of the Board of Trustees of Miami Township is hereby approved and authorized with changes therein and amendments thereto that cannot be inconsistent with this Resolution and not substantially adverse to Board of Trustees of Miami Township and which shall be approved by the Township Administrator. The Township Administrator for and in the name of the Board of Miami Township Trustees, is hereby authorized to execute the Comprehensive Agreement in substantially that form along with any amendments thereto, provided that the approval of such changes and amendments thereto by the Township Administrator, and the character of those changes and amendments as not being substantially adverse to Board of Trustees, shall be evidenced conclusively by the Township Administrator's execution thereof. The effective date shall take effect and be in force from and after it's passage.

SIGNATURE PAGE FOR RESOLUTION #88-2012

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: May 30, 2012
GSR:mrm

RESOLUTION #89-2012

A RESOLUTION ACCEPTING THE PROPOSED FINAL BUDGET FOR THE MIAMI VALLEY FIRE DISTRICT FOR FISCAL YEAR 2012

Whereas, the City of Miamisburg, Ohio and Miami Township, Montgomery County, Ohio created the Miami Valley Fire District (the "District") consistent with Ohio Revised Code Section 505.371 via Joint Resolution, City Resolution No. 2786 and Township Resolution No. 121-2011; and

Whereas, the District has prepared a draft budget for June 1 through December 31, 2012 and the Operational Oversight Committee (OOC) has reviewed and approved the same; and

Whereas, The Miami Township Board of Trustees is required to pass a resolution accepting or rejecting the proposed final budget for the District; and

Therefore Be It Resolved, the Miami Township Board of Trustees approves the proposed budget for the Miami Valley Fire District for the period of June 1 through December 31, 2012 and takes effect on May 30, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed May 30, 2012
GSR:mrm

RESOLUTION #90-2012

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT OF DEVELOPMENT AGREEMENT WITH CLIVUS DEVELOPMENT, LLC

Whereas, this Board has heretofore authorized, executed and delivered a Development Agreement dated July 28, 2009 (the "Development Agreement") by and between Miami Township (Montgomery County), Ohio and Clivus Development, LLC (the "Company") pursuant to which the Township agreed to grant to the Company options on certain real property to be evidenced by one or more definitive option agreements; and

Whereas, the Development Agreement provided that such options would expired on the earlier of June 30, 2012 or on the date the Company provided notice to the Township that it would no longer pursue the development of the real property; and

Whereas, the Development Agreement provided that if the Company exercised the options, the transfer of title to the real property to the Company would be subject to the restriction that in the event an "Eligible Financing" (as defined in the Development Agreement) did not occur on or before June 30, 2012, the real property would revert to the Township; and

Whereas, the Township and the Company wish to extend the agreement that the Township will grant the options until June 30, 2013; and

Whereas, the Township and the Company wish to extend the deadline for an Eligible Financing and any required reversion of the real property to the Township to June 30, 2013;

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

Section 1. Approval of Amendment of Development Agreement. The Amendment of Development Agreement by and between the Township and the Company now on file with this Board is approved, and any two members of this Board are authorized to sign and deliver, on behalf and in the name of the Township, the Amendment of Development with such changes that are not inconsistent with the provisions of this Resolution, are not materially adverse to the interests of the Township and are approved by the two members of this Board signing the Amendment of Development Agreement, all of which shall be evidenced conclusively by the signing of the Amendment of Development Agreement by any two members of this Board.

Section 2. Compliance With Open Meeting Requirements. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution, and all deliberations of this Board and of any committees that resulted in

those formal actions, were taken in meetings open to the public in compliance with the law.

Section 3. Effective Date. This Resolution shall be in full force and effect immediately upon its adoption.

Mike R. Nolan, Trustee President

No

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer

Passed: May 30, 2012

GAH:seb

RESOLUTION #91-2012

RESOLUTION TO ACCEPT RESIGNATIONS OF A FIRE DIVISION EMPLOYEES

Whereas, the City of Miamisburg, Ohio and Miami Township, Montgomery County, Ohio created the Miami Valley Fire District (the "District") consistent with Ohio Revised Code Section 505.371 via Joint Resolution, City Resolution No. 2786 and Township Resolution No. 121-2011; and

Whereas, as personnel accept their appointment with the fire district, the Miami Township Board of Trustees accepts their resignations as township employees; and

Whereas, the following list of personnel have accepted their appointment with the fire district and subsequently offer their resignation to Miami Township:

Matthew Queen	Mark Johnson	Adam Arnett	Paul Kleinhenz
James Baber	Michael Krapf	William Barret	Tim Kracus
Glenn Jirka	Blaine Moore	Prentice Berry	Christopher Kyer
Ryan Dipzinski	Zachary Ruschau	Nathan Bolling	Dustin Lacy
Thomas Fahrney	Brian Scott	Mark Carter	Vincent Lanning
Steven Shupert	Nicolas Seitz	Zachary Eddy	Benjamin McNeely
Russell Sweet	Bryan Shaw	Paul Felder	Michael Miller
Jonathan Willis	Trent Shroyer	Brian Fleming	Chad Schrock
Margaret Baber	Kyle Steward	Andrew Frahm	Cameron Stegall
Brett Beach	Joshua Thomas	Dylan Gibson	Rosemary Stevens
Craig Ennis	Stephen Wenclewicz	Mark Gibson	Gardner Watkins
Steven Gabbard	Michael Wilcox	Bradley Herr	
Chad Gemin	Kenny Wilmot	Kevin Hicks	
Douglas Gilmore	Aaron Zink	John Keyser	
Thomas Harnett			

Therefore, Be It Resolved, the Miami Township Board of Trustees accepts the resignations from the attached list of personnel, and termination of their employment is effective June 11, 2012 at 08:00 hours.

SIGNATURE PAGE FOR RESOLUTION #91-2012

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice-President

Deborah M. Preston, Trustee

Attested:

Ann M Culp

Ann M. Culp, Fiscal Officer
Passed: May 30, 2012
GSR:seb

RESOLUTION #92-2012

RESOLUTION TO ACCEPT RESIGNATION OF A FIRE DIVISION EMPLOYEE

Whereas, Jeff Ball has been a part-time firefighter/EMT since October 6, 2004; and

Whereas, Jeff has decided to resign his position with the fire division due to other work related issues reasons; and

Therefore Be It Resolved, the Miami Township Board of Trustees accepts the letter of resignation from Jeff Ball, and termination of his employment is effective June 12, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: June 12, 2012
GSR:mrm

RESOLUTION #93-2012

RESOLUTION TO ACCEPT RESIGNATION OF PUBLIC WORKS EMPLOYEES

Whereas, Chris Converse and Ricky Napier have been part-time Public Works employees since June 4, 2012; and

Whereas, Chris Converse and Ricky Napier have voluntarily decided to resign their positions with the Public Works Department; and

Therefore Be It Resolved, the Miami Township Board of Trustees accepts the resignations of Chris Converse and Ricky Napier and termination of their employment is effective June 4, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer
Passed: June 12. 2012
GSR:mrm

RESOLUTION #94-2012

RESOLUTION AUTHORIZING THE HIRING OF PART-TIME PERSONNEL

Whereas, there are vacancies to be filled in the Public Works Department; and

Whereas, Dan Mayberry, Public Works Director, is making his recommendation to hire the following individual(s) as a part-time employee:

Robert Hinkle $11.00 / per hour

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the hiring of the above individual, with his hiring date to be determined by the Public Works Department, effective June 12, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: June 12, 2012
GSR:mrm

RESOLUTION #95-2012

RESOLUTION TO AUTHORIZE THE TOWNSHIP ADMINISTRATOR TO ENTER INTO A CONTRACT FOR HEALTH INSURANCE WITH ANTHEM FOR THE 2012/2013 CONTRACT YEAR

Whereas, the Board of Trustees, has given consideration to all submitted recommendations from brokers, as well as suggestions and criticisms received from the Township Administrator, the Department Heads, and non-union and union employees; and

Whereas, the insurance meeting was held on June 6, 2012 and there were no objections from any employee as to the proposed recommended plan: Anthem, 12.90% renewal increase with a respective increase of $1000 in Deductible and Out-of-Pocket expenses; and

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

Whereas, Anthem's Lumenos HSA 6.0 Option 1 with Rx-Z, monthly premiums are:

Employee Only:	$447.64
Employee + Spouse:	$983.95
Employee + Child(ren):	$755.65
Family:	$1,381.92

Whereas, a renewal date of July 1, 2012, is the effective date; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to enter into a contract with Anthem to institute the above insurance plan for the 7/1/2012 through 6/30/2013 plan year.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann Culp, Fiscal Officer
Passed: June 12, 2012
GSR:mrm

RESOLUTION #96-2012

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 07/01/2012 through 06/30/2013, agreed to fund HSA contributions for eligible employees and elected officials who participate in the Township's a high deductible health plan; and

Whereas, the Board of Trustees has agreed to fund employees and elected officials not covered by a collective bargaining agreement at a maximum contribution of $2,000 for the Employee Only Plan Level and at $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 to fund employees covered by a collective bargaining agreement as outlined for non-union employees and providing that the respective union agrees to and signs off on a Memorandum of Understanding; and

Whereas, the HSA Employer Contribution funds, up to the maximum allowed by the HSA calendar year, will be distributed by the end of the first full payroll following the health plan year effective date of 7/1/2012, (if the employee has reached his/her allowable maximum for 2012, the remainder of the HSA Employer Contribution will be deposited in the first full payroll following 1/1/2013); 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 Human Resources Director, Lisa R. deGuzman, and Finance Director, Joe Fowler, to proceed as necessary to ensure the HSA contributions are addressed appropriately.

SIGNATURE PAGE ONLY FOR RESOLUTION #96-2012

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer

Passed: June 12, 2012

GSR:mrm

RESOLUTION #97-2012

RESOLUTION TO ENTER INTO MEMORANDUMS OF UNDERSTANDING WITH UNIONS FOR HSA EMPLOYER CONTRIBUTIONS

Whereas, the Board of Trustees has approved a high deductible health plan (HDHP) for the 2012/2013 plan year; and

Whereas, the Board of Trustees, for this plan year, has agreed to contribute employer funded Health Savings Account (HSA) funds to non-union employees who are participating in the HDHP; and

Whereas, the Board of Trustees has agreed to contribute HSA funds to employees participating in the HDHP and who are covered by a collective bargaining agreement providing that the respective union representatives sign and thereby agree to a Memorandum of Understanding for the plan year; and

Therefore Be It Resolved, the Miami Township Board of Trustees agrees to sign the Memorandums of Understanding and authorize the Township Administrator to carry out those activities which will allow employees covered by FOP and OPBA collective bargaining agreements, providing the MOU's are agreed to by the respective union representatives, to earn and/or receive employer funded HSA funds for the 2012/2013 plan year.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: June 12, 2012
GSR:mrm

RESOLUTION #98-2012

RESOLUTION REGARDING A NUISANCE ABATEMENT

Whereas, the Miami Township Board of Trustees is authorized, by Section 505.87 of the Ohio Revised Code, to provide for the abatement, control or removal of vegetation, garbage, refuse, and other debris from land in the Township; and

Whereas, the Miami Township Board of Trustees has given notice to all owners and lien holders of record of the property located at 6653 Farmington Rd., Miamisburg, Ohio 45342 in Miami Township, Ohio, that a nuisance is alleged to exist at the property and that a public hearing concerning said alleged nuisance would be conducted before the Board of Trustees on June 12, 2012; and

Whereas the Miami Township Board of Trustees conducted said public hearing on June 12, 2012, beginning at 7:00 p.m., wherein the parties were given the opportunity to present evidence concerning the alleged nuisance; and

Whereas, after said public hearing, the Board of Trustees has determined that the owner's maintenance of vegetation, garbage, refuse or other debris at the above property constitutes a nuisance and said property has been declared a nuisance prior within the last twelve consecutive months; and

Therefore Be It Resolved, the Miami Township Board of Trustees orders the owners and/or lien holders to abate the nuisance within seven (7) days of the date of the mailing of this resolution or that the owner and/or lien holder of said property may, within seven (7) days of the date of the mailing of this resolution, enter into an agreement with the Board of Trustees providing for either the property owner, or the Board of Trustees, to abate said nuisance; and

Be It Further Resolved, if such nuisance is not abated within seven (7) days, the Miami Township Board of Trustees authorizes staff to contract the abatement of the nuisance and assess the costs to the property tax duplicate:

<u>**6653 Farmington**</u>	<u>**Mortgage Company**</u>
Parcel ID #K50 02508 0055	CitiMortgage.
Anna L. Rowland-Deceased	1000 Technology Dr.
6653 Farmington Rd.	O'Fallon, MO 63368
Miamisburg, OH 45342	

SIGNATURE PAGE FOR RESOLUTION #98-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: June 12, 2012
GSR:mrm

RESOLUTION #99-2012

RESOLUTION REGARDING A NUISANCE ABATEMENT

Whereas, the Miami Township Board of Trustees is authorized, by Section 505.87 of the Ohio Revised Code, to provide for the abatement, control or removal of vegetation, garbage, refuse, and other debris from land in the Township; and

Whereas, the Miami Township Board of Trustees has given notice to all owners and lien holders of record of the property located at 4912 Rexwood Dr., Dayton, Ohio 45439 in Miami Township, Ohio, that a nuisance is alleged to exist at the property and that a public hearing concerning said alleged nuisance would be conducted before the Board of Trustees on June 12, 2012; and

Whereas the Miami Township Board of Trustees conducted said public hearing on June 12, 2012, beginning at 7:00 p.m., wherein the parties were given the opportunity to present evidence concerning the alleged nuisance; and

Whereas, after said public hearing, the Board of Trustees has determined that the owner's maintenance of vegetation, garbage, refuse or other debris at the above property constitutes a nuisance and said property has been declared a nuisance prior within the last twelve consecutive months; and

Therefore Be It Resolved, the Miami Township Board of Trustees orders the owners and/or lien holders to abate the nuisance within seven (7) days of the date of the mailing of this resolution or that the owner and/or lien holder of said property may, within seven (7) days of the date of the mailing of this resolution, enter into an agreement with the Board of Trustees providing for either the property owner, or the Board of Trustees, to abate said nuisance; and

Be It Further Resolved, if such nuisance is not abated within seven (7) days, the Miami Township Board of Trustees authorizes staff to contract the abatement of the nuisance and assess the costs to the property tax duplicate:

4912 Rexwood	**Mortgage Company**
Parcel ID #K47 22903 0027	JP Morgan Chase Bank
Tammy Holt	7255 Baymeadows Way
4912 Rexwood Dr.	Jacksonville, FL 32256
Dayton, OH 45342	

SIGNATURE PAGE FOR RESOLUTION #99-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: June 12, 2012
GSR:mrm

RESOLUTION #100-2012

RESOLUTION REGARDING A NUISANCE ABATEMENT

Whereas, the Miami Township Board of Trustees is authorized, by Section 505.87 of the Ohio Revised Code, to provide for the abatement, control or removal of vegetation, garbage, refuse, and other debris from land in the Township; and

Whereas, the Miami Township Board of Trustees has given notice to all owners and lien holders of record of the property located at 8106 Jamaica Rd., Germantown, Ohio, 45327 in Miami Township, Ohio, that a nuisance is alleged to exist at the property and that a public hearing concerning said alleged nuisance would be conducted before the Board of Trustees on June 12, 2012; and

Whereas the Miami Township Board of Trustees conducted said public hearing on June 12, 2012, beginning at 7:00 p.m., wherein the parties were given the opportunity to present evidence concerning the alleged nuisance; and

Whereas, after said public hearing, the Board of Trustees has determined that the owner's maintenance of vegetation, garbage, refuse or other debris at the above property constitutes a nuisance and said property has been declared a nuisance prior within the last twelve consecutive months; and

Therefore Be It Resolved, the Miami Township Board of Trustees orders the owners and/or lien holders to abate the nuisance within seven (7) days of the date of the mailing of this resolution or that the owner and/or lien holder of said property may, within seven (7) days of the date of the mailing of this resolution, enter into an agreement with the Board of Trustees providing for either the property owner, or the Board of Trustees, to abate said nuisance; and

Be It Further Resolved, if such nuisance is not abated within seven (7) days, the Miami Township Board of Trustees authorizes staff to contract the abatement of the nuisance and assess the costs to the property tax duplicate:

<u>8106 Jamaica</u>	**<u>Mortgage Company</u>**
Parcel ID #K45 02506 0032	MidFirst Bank
Nathaniel A. Alsphaugh	999 NW Grand Blvd.
8106 Jamaica Rd.	Oklahoma City, OK 73118
Germantown, OH 45327	

SIGNATURE PAGE FOR RESOLUTION #100-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee/Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: June 12, 2012
GSR:mrm

RESOLUTION #101-2012

RESOLUTION REGARDING A NUISANCE ABATEMENT

Whereas, the Miami Township Board of Trustees is authorized, by Section 505.87 of the Ohio Revised Code, to provide for the abatement, control or removal of vegetation, garbage, refuse, and other debris from land in the Township; and

Whereas, the Miami Township Board of Trustees has given notice to all owners and lien holders of record of the property located at 2738 Symphony Way, Dayton, Ohio, 45449 in Miami Township, Ohio, that a nuisance is alleged to exist at the property and that a public hearing concerning said alleged nuisance would be conducted before the Board of Trustees on June 12, 2012; and

Whereas the Miami Township Board of Trustees conducted said public hearing on June 12, 2012, beginning at 7:00 p.m., wherein the parties were given the opportunity to present evidence concerning the alleged nuisance; and

Whereas, after said public hearing, the Board of Trustees has determined that the owner's maintenance of vegetation, garbage, refuse or other debris at the above property constitutes a nuisance and said property has been declared a nuisance prior within the last twelve consecutive months; and

Therefore Be It Resolved, the Miami Township Board of Trustees orders the owners and/or lien holders to abate the nuisance within seven (7) days of the date of the mailing of this resolution or that the owner and/or lien holder of said property may, within seven (7) days of the date of the mailing of this resolution, enter into an agreement with the Board of Trustees providing for either the property owner, or the Board of Trustees, to abate said nuisance; and

Be It Further Resolved, if such nuisance is not abated within seven (7) days, the Miami Township Board of Trustees authorizes staff to contract the abatement of the nuisance and assess the costs to the property tax duplicate:

<u>2738 Symphony Way</u>
Parcel ID #K47 23215 0013
Bank of New York Mellon
c/o Litton Loan Servicing, LM-PM
4828 Loop Central Dr.
Houston, TX 77081-2226

SIGNATURE PAGE FOR RESOLUTION #101-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: June 12, 2012
GSR:mrm

RESOLUTION # 102-2012

RESOLUTION TO CHANGE A ZONING DISTRICT & ADOPT A PRELIMINARY DEVELOPMENT PLAN AND A FINAL DEVELOPMENT PLAN FOR ZONING CASE #410-12

Whereas, the Miami Township Board of Trustees met in a regular session on Tuesday, June 12, 2012; and

Whereas, Zoning Case #410-12, filed by Speedway LLC and Oberer Development Company, proposes a change of zoning district from the "PD-1" Planned Residential District to the "PD-5" Planned Mixed-Use District and adoption of a final development plan, preliminary development plan and development standards; 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 ________________ Zoning Case #410-12 and the Final Development Plan, Preliminary Development Plan, and development standards and __________________ the Zoning Commission recommendation for Zoning Case #410-12.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp , Fiscal Officer
Passed: June 12, 2012
GSR:seb

RESOLUTION #103-2012

RESOLUTION TO AMEND RESOLUTION #27-2012

Whereas, Resolution #27-2012 was passed on February 14, 2012 authorizing a lease-purchase agreement for a street sweeper through the OTA Master Lease Program; and

Whereas, the principal dollar amount of the lease contained in Section 3 of Resolution #27-2012 was incorrectly listed at a cost not to exceed $210,000 and should have been listed at a cost not to exceed $220,000; and

Whereas, there is a need to amend Resolution #27-2012, to reflect the correct principal dollar amount contained in the terms of the lease agreement; and

Therefore Be It Resolved, the Miami Township Board of Trustees hereby amend Resolution #27-2012, to reflect the correct principal dollar amount under the lease-purchase not to exceed the amount of $220,000.

Section 1. *Full Force and Effect*. Except as expressly authorized amended hereby, the provisions of Resolution #27-2012 passed on February 14, 2012, remain in full force and effect.

Section 2. *Severability*. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

Section 3. *Open Meeting Law*. This Governing Body hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Governing Body, and that all deliberations of this Governing Body and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

Section 4. *Conflicts*. All resolutions, orders or parts thereof in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed and the provisions of this Resolution shall prevail and be given effect.

Section 5. *Effective Date*. This Resolution shall take effect from and after its passage, as provided by law.

SIGNATURE PAGE FOR RESOLUTION #103-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer

Passed: June 12, 2012

GSR:seb

RESOLUTION #104-2012

RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE MONTGOMERY COUNTY SOLID WASTE MANAGEMENT DISTRICT

Whereas, Miami Township is located within the Montgomery County Solid Waste Management District; and

Whereas, the Montgomery County Solid Waste Management District Policy Committee prepared and adopted a final draft of the Solid Waste Management Plan in accordance with Ohio Revised Code Sections 3734.53 3734.54 and 3734.55; and

Whereas the Montgomery County Solid Waste Management District has provided a copy of the Adopted Final Solid Waste Management Plan for ratification to each of the legislative authorities of the District; and

Whereas, Miami Township must decide whether it approves of said Solid Waste Management Plan within ninety days of receipt of the Final Draft Plan; and

Therefore Be It Resolved, the Miami Township Board of Trustees ADOPTS the Montgomery County Solid Waste Management District Solid Waste Management Plan.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: June 12, 2012
GSR:seb

RESOLUTION #105-2012

RESOLUTION TO ENTER INTO A CONTRACT FOR COMMUNICATION SERVICES WITH TW TELECOM FOR THE NEW PUBLIC WORKS FACILITY

Whereas, the Miami Township Board of Trustees entered into an agreement for communication services with TW Telecom through Resolution #49-2012; and

Whereas, the Public Works Department has a need for communication services in a new facility located at 10891 Wood Road; and

Whereas, legal counsel has reviewed the contract agreement and approved it as to form and content; and

Whereas, the Public Works Director has reviewed the contract and is recommending it, and

Whereas, the contract agreement is for a 36 month period; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to execute the necessary contract agreement to secure communication services with TW Telecom.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: June 12, 2012
GSR:mrm

RESOLUTION #106-2012

RESOLUTION TO ACCEPT RESIGNATION OF A FIRE DIVISION EMPLOYEE

Whereas, Paul Andrix has been a part-time firefighter/EMT since October 6, 2007; and

Whereas, Paul has decided to resign his position with the fire division due to other work related issues reasons; and

Therefore Be It Resolved, the Miami Township Board of Trustees accepts the letter of resignation from Paul Andrix, and termination of his employment is effective June 12, 2012.

Mike R. Nolan, Trustee President

absent

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer
Passed: June 26, 2012
GAH:mrm

RESOLUTION #107-2012

RESOLUTION TO CONTRACT FOR SERVICES WITH FLEXBANK

Whereas, the Miami Township Board of Trustees has elected to provide IRS-regulated financial accounts for eligible full time, regular Miami Township employees and elected officials; and

Whereas, eligibility for employees not covered by a collective bargaining agreement means full time, regular employees and eligible elected officials who enroll in a high deductible health plan for the plan year of 07/01/2012 through 06/30/2013; and

Whereas, eligibility for employees covered by a collective bargaining agreement means full-time regular employees whose union has signed a separate and respective Memorandum of Understanding; and

Whereas, the Human Resources Director, Lisa R. deGuzman, is recommending FlexBank as the third party administer to the IRS-regulated financial accounts that may include, but are not limited to Heath Savings Accounts, Flex Spending Accounts, and Heath Reimbursement Accounts; and

Whereas, the IRS-regulated financial accounts will incur administrative costs, which Miami Township has agreed to pay per month, per eligible and participating non-union, union employee or elected official; and

Whereas, the IRS-regulated financial accounts are not an entitlement of any eligible non-union or union employee or eligible elected official; and

Whereas, the IRS-regulated financial account benefits are being made available by the Trustees only for the plan year of 07/01/2012 through 06/30/2013; and

Therefore Be It Resolved, the Miami Township Board of Trustees has considered and supports the recommendation, and authorizes Greg Hanahan, Township Administrator, or his designee to take the necessary actions that allow FlexBank to administer IRS-regulated financial accounts for the 2012-2013 plan year.

SIGNATURE PAGE FOR RESOLUTION #107-2012 ONLY

Mike R. Nolan, Trustee President

absent

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer

Passed: June 26, 2012

LRD:seb

RESOLUTION #108-2012

RESOLUTION TO ENTER INTO A CONTRACT FOR ROOF CONSULTING SERVICES FOR THE NEW PUBLIC WORKS FACILITY

Whereas, Miami Township has a need to hire a third party for pre-engineered metal structure inspection services for the new public works facility; and

Whereas, fee proposals for such inspection services have been solicited; and

Whereas, the lowest and best fee proposal was submitted by Roofing Solutions Inc., 7045 Corporate Way, Suite #2, Dayton, Ohio, 45459; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to execute the necessary contract agreement to secure metal structure inspection services with Roofing Solutions at a cost not to exceed $4,000.00

Mike R. Nolan, Trustee President

absent

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer

Passed: June 26, 2012

GAH:seb

RESOLUTION #109-2012

A RESOLUTION AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO EXECUTE A JOINT USE LICENSE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION

Whereas, the Ohio Department of Transportation is undertaking a roadway improvement project on State Route 741 (Springboro Pike) known as MOT – 741 – 3.15; and

Whereas, the Miami Township Board of Trustees desires to improve pedestrian access along State Route 741 (Springboro Pike); and

Whereas, the Ohio Department of Transportation has agreed to include public sidewalk improvements within the project boundaries; and

Whereas, the Ohio Department of Transportation requires execution of a joint use license agreement to cover maintenance and other issues related to construction of the pedestrian improvements; and

Therefore Be It Resolved, the Board of Trustees of Miami Township, Montgomery County, Ohio, authorizes the Township Administrator to execute a Joint Use License Agreement with the Ohio Department of Transportation for the MOT -741 -3.15 roadway improvement project.

Mike R. Nolan, Trustee President

absent

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer

Passed: June 26, 2012

GAH:seb

RESOLUTION #110-2012

A RESOLUTION AUTHORIZING BIDDING AND ADVERTISMENT FOR THE PROVISION OF STREET LIGHTING IN THE AUSTIN LANDING LIGHTING DISTRICT

Whereas, Miami Township established the Austin Landing Lighting District under Resolution #142-2011; and

Whereas, Miami Township desires to provide for street lighting within the district; and

Whereas, Miami Township desires to bid out the Austin Landing Lighting District – Street Lighting to the lowest and best bidder; and

Therefore Be It Resolved, by the Board of Trustees of Miami Township, Montgomery County, Ohio that the Miami Township Board of Trustees authorizes the Township Administrator to release and advertise a Bid Specifications packet for the purposes of receiving bids for the Austin Landing Lighting District – Street Lighting.

Mike R. Nolan, Trustee President

absent

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer

Passed: June 26, 2012

GAH:seb

RESOLUTION #111-2012

A RESOLUTION ACCEPTING PROPERTY FROM THE MONTGOMERY COUNTY TRANSPORTATION IMPROVEMENT DISTRICT AND AUTHORIZE APPLICATION FOR REAL PROPERTY CONVEYANCE FEE EXEMPTION

Whereas, Miami Township has participated with the Montgomery County Transportation Improvement District (MCTID) in the development of roadway improvement projects on Kingsridge Drive, Lyons Ridge Drive, Lyons Road, Byers Road, Miamisburg-Springboro Pike, and Austin Pike (Austin Boulevard): and

Whereas, the MCTID acquired certain real property in the course of development of the agreed upon roadway development projects; and

Whereas, the MCTID is prepared to transfer such real property to the Board of Trustees of Miami Township; and

Whereas, Miami Township, being a political subdivision of the State of Ohio is exempt from the real property conveyance fee; and

Therefore Be It Resolved, the Board of Trustees of Miami Township, Montgomery County, Ohio, accepts the transfer of real property, which are hereby listed on the attached Exhibit A, obtained for purposes of development of the aforementioned roadway improvement projects and authorizes the Township Administrator to execute all necessary documents to complete the transfer of such parcels from the MCTID and to secure exemption from the real property conveyance fee.

Mike R. Nolan, Trustee President

absent

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: June 26, 2012
GAH:mrm

RESOLUTION #112-2012

RESOLUTION TO RESCIND RESOLUTION #105-2012 AND TO AWARD A CONTRACT FOR COMMUNICATION SERVICES FOR THE NEW PUBLIC WORKS FACILITY

Whereas, on June 12, 2012 the Board of Trustees approved Resolution #105-2012 approving a contract for communication services with TW Telecom; and

Whereas, the Board of Trustees rescinds Resolution #105-2012, Resolution to Enter into a Contract for Communication Services with TW Telecom for the new Public Works facility; and

Whereas, the Public Works Department has a need for communication services in the new facility located at 10891 Wood Road; and

Whereas, legal counsel has reviewed the Time Warner Business Class contract and approved it as to form and content; and

Whereas, the Public Works Director has reviewed the contract and is recommending it, and

Whereas, the contract agreement is for a 12 month period; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to execute the necessary contract agreement to secure communication services for the facility at the above location with Time Warner Business Class.

Mike R. Nolan, Trustee President

absent

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: June 26, 2012
GSR:mrm

RESOLUTION #113-2012

RESOLUTION REGARDING A NUISANCE ABATEMENT

Whereas, the Miami Township Board of Trustees is authorized, by Section 505.87 of the Ohio Revised Code, to provide for the abatement, control or removal of vegetation, garbage, refuse, and other debris from land in the Township; and

Whereas, the Miami Township Board of Trustees has given notice to all owners and lien holders of record of the property located at 6060 Fifth Avenue, Miamisburg, Ohio, 45342 in Miami Township, Ohio, that a nuisance is alleged to exist at the property and that a public hearing concerning said alleged nuisance would be conducted before the Board of Trustees on July 10, 2012; and

Whereas the Miami Township Board of Trustees conducted said public hearing on July 10, 2012, beginning at 7:00 p.m., wherein the parties were given the opportunity to present evidence concerning the alleged nuisance; and

Whereas, after said public hearing, the Board of Trustees has determined that the owner's maintenance of vegetation, garbage, refuse or other debris at the above property constitutes a nuisance; and

Therefore Be It Resolved, the Miami Township Board of Trustees orders the owners and/or lien holders to abate the nuisance within four (4) days of the date of the mailing of this resolution or that the owner and/or lien holder of said property may, within four (4) days of the date of the mailing of this resolution, enter into an agreement with the Board of Trustees providing for either the property owner, or the Board of Trustees, to abate said nuisance; and

Be It Further Resolved, if such nuisance is not abated within four (4) days, the Miami Township Board of Trustees authorizes staff to contract the abatement of the nuisance and assess the costs to the property tax duplicate:

6060 Fifth Ave.
Parcel ID #K50 18421 0135
Joe E. Lewis
6060 Fifth Avenue
Miamisburg, OH 45342

Susan J. Carpenter
7499 Martz-Paulin Road
Franklin, OH 45005

Mortgage Company
N/A

SIGNATURE PAGE FOR RESOLUTION #113-2012 ONLY

Mike R. Nolan, Trustee President

absent

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer
Passed: July 10, 2012
GAH:seb

RESOLUTION #114-2012

RESOLUTION REGARDING A NUISANCE ABATEMENT

Whereas, the Miami Township Board of Trustees is authorized, by Section 505.87 of the Ohio Revised Code, to provide for the abatement, control or removal of vegetation, garbage, refuse, and other debris from land in the Township; and

Whereas, the Miami Township Board of Trustees has given notice to all owners and lien holders of record of the property located at 6070 Fourth Avenue, Miamisburg, Ohio 45342 in Miami Township, Ohio that a nuisance is alleged to exist at the property and that a public hearing concerning said alleged nuisance would be conducted before the Board of Trustees on July 10, 2012; and

Whereas the Miami Township Board of Trustees conducted said public hearing on July 10, 2012, beginning at 7:00 p.m., wherein the parties were given the opportunity to present evidence concerning the alleged nuisance; and

Whereas, after said public hearing, the Board of Trustees has determined that the owner's maintenance of vegetation, garbage, refuse or other debris at the above property constitutes a nuisance; and

Therefore Be It Resolved, the Miami Township Board of Trustees orders the owners and/or lien holders to abate the nuisance within four (4) days of the date of the mailing of this resolution or that the owner and/or lien holder of said property may, within four (4) days of the date of the mailing of this resolution, enter into an agreement with the Board of Trustees providing for either the property owner, or the Board of Trustees, to abate said nuisance; and

Be It Further Resolved, if such nuisance is not abated within four (4) days, the Miami Township Board of Trustees authorizes staff to contract the abatement of the nuisance and assess the costs to the property tax duplicate:

6070 Fourth Ave.	**Mortgage Company**
Parcel ID #K50 18421 0024 Daniel and Misty Johnson 6070 Fourth Ave. Miamisburg, OH 45342 Daniel and Misty Johnson P.O. Box 771 Franklin, OH 45005-0771	N/A

SIGNATURE PAGE FOR RESOLUTION #114-2012 ONLY

Mike R. Nolan, Trustee President

absent

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer
Passed: July 10, 2012
GAH:seb

RESOLUTION #115-2012

RESOLUTION REGARDING A NUISANCE ABATEMENT

Whereas, the Miami Township Board of Trustees is authorized, by Section 505.87 of the Ohio Revised Code, to provide for the abatement, control or removal of vegetation, garbage, refuse, and other debris from land in the Township; and

Whereas, the Miami Township Board of Trustees has given notice to all owners and lien holders of record of the property located at 6047 Second Avenue, Miamisburg, Ohio, 45342 in Miami Township, Ohio, that a nuisance is alleged to exist at the property and that a public hearing concerning said alleged nuisance would be conducted before the Board of Trustees on July 10, 2012; and

Whereas the Miami Township Board of Trustees conducted said public hearing on July 10, 2012, beginning at 7:00 p.m., wherein the parties were given the opportunity to present evidence concerning the alleged nuisance; and

Whereas, after said public hearing, the Board of Trustees has determined that the owner's maintenance of vegetation, garbage, refuse or other debris at the above property constitutes a nuisance; and

Therefore Be It Resolved, the Miami Township Board of Trustees orders the owners and/or lien holders to abate the nuisance within four (4) days of the date of the mailing of this resolution or that the owner and/or lien holder of said property may, within four (4) days of the date of the mailing of this resolution, enter into an agreement with the Board of Trustees providing for either the property owner, or the Board of Trustees, to abate said nuisance; and

Be It Further Resolved, if such nuisance is not abated within four (4) days, the Miami Township Board of Trustees authorizes staff to contract the abatement of the nuisance and assess the costs to the property tax duplicate:

<u>6047 Second Ave. (Vacant Lot)</u>	**<u>Mortgage Company</u>**
Parcel ID #K50 18421 0106	None Known
Secretary of Veterans Affairs	
1240 East Ninth Street	
Cleveland, OH 44199	

SIGNATURE PAGE FOR RESOLUTION #115-2012 ONLY

Mike R. Nolan, Trustee President

absent

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer

Passed: July 10, 2012

GAH:seb

RESOLUTION #116-2012

RESOLUTION REGARDING A NUISANCE ABATEMENT

Whereas, the Miami Township Board of Trustees is authorized, by Section 505.87 of the Ohio Revised Code, to provide for the abatement, control or removal of vegetation, garbage, refuse, and other debris from land in the Township; and

Whereas, the Miami Township Board of Trustees has given notice to all owners and lien holders of record of the property located at 6032 Sixth Avenue, Miamisburg, Ohio, 45342 in Miami Township, Ohio, that a nuisance is alleged to exist at the property and that a public hearing concerning said alleged nuisance would be conducted before the Board of Trustees on July 10, 2012; and

Whereas the Miami Township Board of Trustees conducted said public hearing on July 10, 2012, beginning at 7:00 p.m., wherein the parties were given the opportunity to present evidence concerning the alleged nuisance; and

Whereas, after said public hearing, the Board of Trustees has determined that the owner's maintenance of vegetation, garbage, refuse or other debris at the above property constitutes a nuisance and said property has been declared a nuisance prior within the last twelve consecutive months; and

Therefore Be It Resolved, the Miami Township Board of Trustees orders the owners and/or lien holders to abate the nuisance within four (4) days of the date of the mailing of this resolution or that the owner and/or lien holder of said property may, within four (4) days of the date of the mailing of this resolution, enter into an agreement with the Board of Trustees providing for either the property owner, or the Board of Trustees, to abate said nuisance; and

Be It Further Resolved, if such nuisance is not abated within four (4) days, the Miami Township Board of Trustees authorizes staff to contract the abatement of the nuisance and assess the costs to the property tax duplicate:

<u>**6032 Sixth Ave.**</u>	<u>**Mortgage Company**</u>
Parcel ID #K50 18421 0145	N/A
Carlo H. and Kathleen J. Wynne	
6032 Sixth Avenue	
Miamisburg, OH 45342	

SIGNATURE PAGE FOR RESOLUTION #116-2012 ONLY

Mike R. Nolan, Trustee President

absent

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer

Passed: July 10, 2012

GAH:seb

RESOLUTION #117-2012

RESOLUTION REGARDING A NUISANCE ABATEMENT

Whereas, the Miami Township Board of Trustees is authorized, by Section 505.87 of the Ohio Revised Code, to provide for the abatement, control or removal of vegetation, garbage, refuse, and other debris from land in the Township; and

Whereas, the Miami Township Board of Trustees has given notice to all owners and lien holders of record of the property located at 5410 S. Union Rd., Miamisburg, Ohio 45342, in Miami Township, Ohio, that a nuisance is alleged to exist at the property and that a public hearing concerning said alleged nuisance would be conducted before the Board of Trustees on July 10, 2012; and

Whereas the Miami Township Board of Trustees conducted said public hearing on July 10, 2012, beginning at 7:00 p.m., wherein the parties were given the opportunity to present evidence concerning the alleged nuisance; and

Whereas, after said public hearing, the Board of Trustees has determined that the owner's maintenance of vegetation, garbage, refuse or other debris at the above property constitutes a nuisance; and

Therefore Be It Resolved, the Miami Township Board of Trustees orders the owners and/or lien holders to abate the nuisance within four (4) days of the date of the mailing of this resolution or that the owner and/or lien holder of said property may, within four (4) days of the date of the mailing of this resolution, enter into an agreement with the Board of Trustees providing for either the property owner, or the Board of Trustees, to abate said nuisance; and

Be It Further Resolved, if such nuisance is not abated within four (4) days, the Miami Township Board of Trustees authorizes staff to contract the abatement of the nuisance and assess the costs to the property tax duplicate:

5410 South Union Road	**Mortgage Company**
Parcel ID #K45 02511 0080 Thomas E. Thygerson (deceased) 5410 South Union Road Miamisburg, OH 45342	N/A

Unknown heirs, the devisees,
legatees, executors, administrators,
and assigns of Thomas E. Thygerson,
and the unknown guardians of minor
and/or incompetent heirs of
Thomas E. Thygerson ADDRESS UNKNOWN

SIGNATURE PAGE FOR RESOLUTION #117-2012 ONLY

Mike R. Nolan, Trustee President

absent

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer

Passed: July 10, 2012

GAH:mrm

RESOLUTION #118-2012

RESOLUTION REGARDING A NUISANCE ABATEMENT

Whereas, the Miami Township Board of Trustees is authorized, by Section 505.87 of the Ohio Revised Code, to provide for the abatement, control or removal of vegetation, garbage, refuse, and other debris from land in the Township; and

Whereas, the Miami Township Board of Trustees has given notice to all owners and lien holders of record of the property located at 2733 Symphony Way, Dayton, Ohio 45449 in Miami Township, Ohio, that a nuisance is alleged to exist at the property and that a public hearing concerning said alleged nuisance would be conducted before the Board of Trustees on July 10, 2012; and

Whereas the Miami Township Board of Trustees conducted said public hearing on July 10, 2012, beginning at 7:00 p.m., wherein the parties were given the opportunity to present evidence concerning the alleged nuisance; and

Whereas, after said public hearing, the Board of Trustees has determined that the owner's maintenance of vegetation, garbage, refuse or other debris at the above property constitutes a nuisance and said property has been declared a nuisance prior within the last twelve consecutive months; and

Therefore Be It Resolved, the Miami Township Board of Trustees orders the owners and/or lien holders to abate the nuisance within seven (7) days of the date of the mailing of this resolution or that the owner and/or lien holder of said property may, within seven (7) days of the date of the mailing of this resolution, enter into an agreement with the Board of Trustees providing for either the property owner, or the Board of Trustees, to abate said nuisance; and

Be It Further Resolved, if such nuisance is not abated within seven (7) days, the Miami Township Board of Trustees authorizes staff to contract the abatement of the nuisance and assess the costs to the property tax duplicate:

2733 Symphony Way	Mortgage Company
Parcel ID #K47 23215 0005	Wells Fargo Home Mortgage
Jo Anna Szymborski	One Home Campus
2733 Symphony Way	MAC: X2303-048
Dayton, OH 45449	Des Moines, IA 53028

Jo Anna Szymborski
P.O. Box 49206
Dayton, OH 45449-0206

SIGNATURE PAGE FOR RESOLUTION #118-2012 ONLY

Mike R. Nolan, Trustee President

absent

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: July 10, 2012
GAH:mrm

RESOLUTION #120-2012

RESOLUTION REGARDING A NUISANCE ABATEMENT

Whereas, the Miami Township Board of Trustees is authorized, by Section 505.87 of the Ohio Revised Code, to provide for the abatement, control or removal of vegetation, garbage, refuse, and other debris from land in the Township; and

Whereas, the Miami Township Board of Trustees has given notice to all owners and lien holders of record of the property located at 10201 Woodlawn Ave., Miamisburg, Ohio 45342 in Miami Township, Ohio, that a nuisance is alleged to exist at the property and that a public hearing concerning said alleged nuisance would be conducted before the Board of Trustees on July 10, 2012; and

Whereas the Miami Township Board of Trustees conducted said public hearing on July 10, 2012, beginning at 7:00 p.m., wherein the parties were given the opportunity to present evidence concerning the alleged nuisance; and

Whereas, after said public hearing, the Board of Trustees has determined that the owner's maintenance of vegetation, garbage, refuse or other debris at the above property constitutes a nuisance and said property has been declared a nuisance prior within the last twelve consecutive months; and

Therefore Be It Resolved, the Miami Township Board of Trustees orders the owners and/or lien holders to abate the nuisance within seven (7) days of the date of the mailing of this resolution or that the owner and/or lien holder of said property may, within seven (7) days of the date of the mailing of this resolution, enter into an agreement with the Board of Trustees providing for either the property owner, or the Board of Trustees, to abate said nuisance; and

Be It Further Resolved, if such nuisance is not abated within seven (7) days, the Miami Township Board of Trustees authorizes staff to contract the abatement of the nuisance and assess the costs to the property tax duplicate:

10201 Woodlawn Ave.	**Mortgage Company**
Parcel ID #K50 18422 0053	U.S. Bank Natl. Assoc.
Patrick Marinich	1661 Worthington Rd.
10201 Woodlawn Ave.	West Palm Beach, Fl. 33416
Miamisburg, OH 45342	

SIGNATURE PAGE FOR RESOLUTION #120-2012 ONLY

Mike R. Nolan, Trustee President

absent

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M Culp

Ann M. Culp, Fiscal Officer
Passed: July 10, 2012
GAH:seb

RESOLUTION #121-2012

RESOLUTION APPROVING THE PURCHASE OF ROAD DE-ICING SALT FOR THE 2012-2013 WINTER SEASON

Whereas, there is a need to purchase de-icing salt for the winter of 2012-2013; and

Whereas, requests for bids have been made through the Southwest Ohio Purchasers for Government (SWOP4G); and

Whereas, Miami Township has joined this bid for 3,500 tons of de-icing salt; and

Therefore Be It Resolved, the Miami Township Board of Trustees accepts the lowest and best bid from Cargill Inc.-Deicing Technology at $61.86 per ton dumped at the Miami Township Public Works facility, 10891 Wood Road, Miami Township, Ohio 45342.

Mike R. Nolan, Trustee President

absent

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M Culp

Ann M. Culp, Fiscal Officer
Passed: July 10, 2012
GAH:seb

RESOLUTION #122-2012

RESOLUTION TO COMMIT THE TOWNSHIP TO THE MONTGOMERY COUNTY ENGINEER'S ASPHALT AND ROAD STRIPING PROGRAM

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

Whereas, the Township 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 costs incurred; and

Whereas, Miami Township is to receive $8,750.00 of Township aid this year from the Montgomery County Engineer's Office; and

Whereas, the Public Works Director has made the request that this money be spent on Miami Township's 2012 Asphalt & Road Striping Program, at a cost estimated at $20,000.00; and

Therefore Be It Resolved, the $8,750.00 in County aid is to be used to pay part of this cost, leaving an estimated cost of $11,250.00, for Miami Township to pay.

Mike R. Nolan, Trustee President

absent

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer

Passed: July 10, 2012

GAH:seb

RESOLUTION #123-2012

RESOLUTION TO AWARD A BID FOR CONCRETE APRON AND SIDEWALK REPLACEMENT

Whereas, there is a need for replacement of certain sidewalks and driveway aprons due to the repaving and reconstruction of Lyons Road; and

Whereas, three quotes were obtained replacing the designated sidewalk and apron areas with Worley's Concrete Construction, L.L.C. being the lowest and best responsive bid; and

Whereas, the apron and sidewalk replacement must be done in coordination with the Lyons Road reconstruction project during with substantial completion of all work during the month of July; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to enter into a contract with Worley's Concrete Construction, L.L.C. PO Box 432 Gratis, Ohio, 45330, for concrete apron and sidewalk replacement at an cost of $24,920 to be expensed between police, fire, and administration based on the location of the proposed improvements, and to execute all the necessary documents to secure these services.

Mike R. Nolan, Trustee President

absent

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M Culp

Ann M. Culp, Fiscal Officer

Passed: July 10, 2012

GAH:mrm

RESOLUTION #124-2012

RESOLUTION TO ACCEPT A DEPOSITORY AGREEMENT WITH MORGAN KEEGAN & COMPANY, INC.

Whereas, the Ohio Revised Code requires that all public funds be collateralized, evidenced by a depository agreement; and

Whereas, the Fiscal Officer has recommended that Morgan Keegan & Company, Inc. be designated as a depository for Miami Township public funds; and

Therefore Be It Resolved; by the Miami Township Board of Trustees that Morgan Keegan & Company, Inc. be designated as a depository effective July 24, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: July 24, 2012
GSR:mrm

RESOLUTION #125-2012

A RESOLUTION AMENDING RESOLUTION #59-2012

Whereas, Resolution #59-2012 was passed on May 8, 2012, authorizing the Township Administrator to enter into an agreement with the Montgomery County Engineer to select an engineering consultant for the OPWC Wood Road Improvements Project; and

Whereas, Montgomery County passed a parallel resolution (#12-0978) on June 19, 2012 to formally complete the agreement; and

Whereas, Township Resolution #59-2012 included a cost for the engineering services at a rate not to exceed $85,500.00; and

Whereas, the County Engineer has since determined the engineering services allocated in the OPWC agreement are insufficient to adequately cover the costs of the right-of-way plans, description and final design; and

Whereas, Miami Township requests the County Engineer to amend the current agreement, County Resolution #12-0978, dated June 19, 2012, and to select a consultant for the engineering on the Wood Road Improvements project, increasing the rate to an estimated cost of $121,827.00; and

Whereas, all other items of the agreement are to remain the same; and

Therefore be it Resolved, the Miami Township Board of Trustees requests the County Engineer to amend County Resolution #12-0978, dated June 19, 2012, and amend the current agreement to select an engineering consultant for the Wood Road Improvements project at an estimated cost of $121,827.00

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: July 24, 2012
GSR:mrm

RESOLUTION #126-2012

RESOLUTION TO CLOSE A TOWNSHIP ROAD

Whereas, there is a need to perform preparatory work related to the ODOT State Route 741 Improvements project at the Contemporary Lane intersection; and

Whereas, the road work will require the roadway to be closed for approximately four (4) consecutive days; and

Whereas, the Ohio Revised Code requires the jurisdiction that maintains the roadway to authorize the closing of the roadway; and

Therefore Be It Resolved, the Miami Township Board of Trustees order Contemporary Lane, at the intersection of State Route 741, closed for approximately four (4) consecutive days to begin August 6, 2012, weather permitting, or as soon thereafter as weather permits.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee ~~Vice President~~

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: July 24, 2012
GSR:mrm

RESOLUTION #127-2012

RESOLUTION TO REAPPOINT A MIAMI TOWNSHIP – DAYTON MALL JOINT ECONOMIC DEVELOPMENT DISTRICT BOARD MEMBER

Whereas, the Miami Township Board of Trustees approved a Joint Economic Development District (JEDD), with Resolution #94-2009, on June 11, 2009; and

Whereas, under the approved contract, the Miami Township Board of Trustees is responsible for appointing a member to the Miami Township-Dayton Mall JEDD with the concurrence of the City of Miamisburg; and

Whereas, Gregory Rogers was appointed, with Resolution #102-2009, on June 23, 2009, to represent business owners of the District on the JEDD Board for a three (3) year term, which expires on August 13, 2012; and

Therefore Be It Resolved, the Miami Township Board of Trustees reappoints Gregory Rogers to represent business owners of the District on the Miami Township-Dayton Mall JEDD Board, for a second term, which expires August 13, 2016, as required by contract, effective immediately.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: July 24, 2012
GSR:sld

RESOLUTION #128-2012

RESOLUTION TO DECLARE CERTAIN POLICE DEPARTMENT EQUIPMENT AND PLANNING AND ZONING DEPARTMENT EQUIPMENT AS SURPLUS PROPERTY TO BE DISPOSED OF

Whereas, the Ohio Revised Code, Section 5050.10 establishes procedures by which the Township can sell, trade-in or dispose of Township owned articles; and

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

Whereas, the Miami Township Police Department and Planning and Zoning Department have items which are no longer needed, broken, and/ or worn out and are 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 equipment as surplus property to be disposed of, sold, or traded-in and removed from the Police and Zoning Department inventory.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: July 24, 2012
GAH:mrm

RESOLUTION #129-2012

RESOLUTION TO PURCHASE A PHONE SYSTEM, EQUIPMENT AND SERVICES FOR ADMINISTRATION, POLICE, AND PUBLIC WORKS

Whereas, Miami Township's current phone system is a legacy system that is no longer technologically adequate to meet the township's growing business needs and vendors to service repairs for the legacy system are few and abnormally costly; and

Whereas, an in-depth review of vendors qualified under the Ohio DAS/NJPA (National Joint Power Alliance) "Communication Equipment & Services" Purchasing Program was conducted, and the recommendation is to purchase the phone system, equipment, and services via cash contract with Fulton Communications, Inc., Schedule/ID 534004-2, and Index #STS-073 at the following estimated costs:

	Equipment & Install Labor	Pre-Paid Maintenance (Parts &Labor Warranty)	Pre-Paid Software Maintenance	One Time Upfront Compet. Handset Discount	Total Per Campus	Number of Phones	Average Cost per Phone	Average Cost per Phone for 60 Months
Administration	19,873.35	3,386.04	1,024.00	-1,062.00	23,221.39	36*	893.13	14.89
Police	17,069.55	2,737.99	1,024.00	-1,858.50	18,973.04	43	441.23	7.35
Public Works	8,055.15	1,330.45	1,024.00	-663.75	9,745.85	15	649.72	10.83

*10 of the 36 are EOC phones paid for by Police

Whereas, the contract has been approved as to form and content by legal counsel; and

Whereas, the Administration and the Department Heads are recommending the purchases of MITEL telephone system as outlined in Fulton Proposal Contract #042109-MBS for use in the above campuses from the DAS/NJPA vendor mentioned above; and

Whereas, this Resolution is a declaration of official intent under U.S. Treasury Regulations for purposes of Sections 103 and 141 to 150 of the Internal Revenue Code of 1986, as amended, and

Whereas, The Township reasonably expects that certain of the costs of the phone system, equipment, and services as outlined in Fulton Contract 042109-MBS will be reimbursed with the proceeds of the Renewable-Lease Purchase Agreement, the maximum principal amount of which is expected not to exceed $55,323.68; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the purchase of a MITEL phone system from Fulton Communications, 8281 Squirrel Hollow Ridge West Chester, OH 45069, for an amount not to exceed $55,323.68

PAGE TWO OF RESOLUTION #129-2012 - SIGNATURE PAGE

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: July 24, 2012
GSR:LRDG

RESOLUTION #131-2012

RESOLUTION TO DECLARE IT NECESSARY TO LEVY A TAX 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, 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 5.00 mills for each one dollar of valuation, which amounts to $0.500 for each one hundred dollars of valuation for five (5) years, and which is a replacement for an existing levy of 3.65 mills commencing collection year 2013; and

Be It Further Resolved, said levy be placed upon the tax list to be collected in the calendar year of 2013, if a majority of the electors voting thereon vote in favor thereof; and

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

SIGNATURE PAGE FOR RESOLUTION #131-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: August 8, 2012
GSR:seb

RESOLUTION #132-2012

RESOLUTION TO ACCEPT THE RESIGNATION OF A HILLGROVE UNION CEMETERY BOARD MEMBER

Whereas, Charles Lewis has served as the Miami Township representative on the Hillgrove Union Cemetery Board of Trustees since November 2006; and

Whereas, Charles Lewis has given notice that he will be unable to continue as the Hillgrove Union Cemetery representative, effective August 28, 2012; and

Therefore Be It Resolved, the Miami Township Board of Trustees accepts Charles Lewis' request and will appoint a different Elected Official to serve out his term on as Township Representative on the Hillgrove Union Cemetery Board, effective August 28, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: August 28, 2012
GSR:mrm

RESOLUTION #133-2012

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 complete the unexpired term of Charles Lewis; and

Whereas, Mike Nolan has expressed a desire to complete the current term of service on Hillgrove Union Cemetery Board of Trustees; and

Therefore Be It Resolved, the Miami Township Board of Trustees appoints Mike Nolan to serve on the Hillgrove Union Cemetery Board of Trustees through the term ending May 31, 2014.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer
Passed: August 28, 2012
GSR:mrm

RESOLUTION #134-2012

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 (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 5.00 mill replacement levy would generate for the Police Department, as provided for under ORC 5705.19 (I), if approved in the November general election to replace the existing 3.65 mill police levy expiring on December 31, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: July 24, 2012
GSR:mrm

RESOLUTION #135-2012

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 (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 5.50 mill replacement levy would generate for the Police Department, as provided for under ORC 5705.19 (I), if approved in the November general election to replace the existing 3.65 mill police levy expiring on December 31, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer
Passed: July 24, 2012
GSR:mrm

RESOLUTION #136-2012

RESOLUTION TO APPOINT A POLICE OFFICER

Whereas, there is a need to appoint a Police Officer; and

Whereas, the approved recruitment and selection process was followed; and

Whereas, the Chief of Police has made his recommendation; and

Therefore Be It Resolved, the Miami Township Board of Trustees appoints Jason M. Lay to the position of Police Officer, at a starting rate of $23.18 per hour, effective September 17, 2012.

Mike R. Nolan, Trustee President

NO

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer
Passed: September 11, 2012
GAH:seb

RESOLUTION #137-2012

RESOLUTION REGARDING A NUISANCE ABATEMENT

Whereas, the Miami Township Board of Trustees is authorized, by Section 505.871 of the Ohio Revised Code, to provide for the abatement, control or removal of junk motor vehicle(s) from land in the Township; and

Whereas, the Miami Township Board of Trustees has given notice to all owners and lien holders of record of the property located at 3106 Palm Drive, Dayton, Ohio 45449 in Miami Township, Ohio, that a nuisance is alleged to exist at the property and that a public hearing concerning said alleged nuisance would be conducted before the Board of Trustees on August 28, 2012; and

Whereas the Miami Township Board of Trustees conducted said public hearing on August 28, 2012, beginning at 10:00 a.m., wherein the parties were given the opportunity to present evidence concerning the alleged nuisance; and

Whereas, after said public hearing, the Board of Trustees has determined that the owner's maintenance, storage and keeping of the junk motor vehicle(s) at the above property constitutes a nuisance; and

Therefore Be It Resolved, the Miami Township Board of Trustees orders the owners and/or lien holders to abate the nuisance within fourteen (14) days of the date of the mailing of this resolution or that the owner and/or lien holder of said property may, within fourteen (14) days of the date of the mailing of this resolution, enter into an agreement with the Board of Trustees providing for either the property owner, or the Board of Trustees, to abate said nuisance; and

Be It Further Resolved, if such nuisance is not abated within fourteen (14) days, the Miami Township Board of Trustees authorizes staff to contract the abatement of the nuisance and assess the costs to the property tax duplicate:

Address	**Mortgage Company**
Parcel ID #K47 23209 0021	SFJV 2005 LLC
Gerard L. Metzger aka: Gerald L. Metzger	C/O Wells Fargo Bank
3106 Palm Dr.	3476 Stateview Blvd
Dayton, OH 45449	Fort Mill, SC 29715

SIGNATURE PAGE FOR RESOLUTION #137-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: August 28, 2012
GSR:seb

RESOLUTION # 138-2012

RESOLUTION TO CHANGE A ZONING DISTRICT & ADOPT A PRELIMINARY DEVELOPMENT PLAN FOR ZONING CASE #411-12

Whereas, the Miami Township Board of Trustees met in a regular session on Tuesday, August 28, 2012; and

Whereas, Zoning Case #411-12, filed by Wholesale Property Company, LLC, proposes a change of zoning district from the "AC-3" Austin Center Business Park District to the "PD-5" Planned Mixed-Use District and adoption of a preliminary development plan and development standards; 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 APPROVES Zoning Case #411-12 and the Final Development Plan, Preliminary Development Plan, and development standards and UPHOLDS the Zoning Commission recommendation for Zoning Case #411-12.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee ~~Vice~~ President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: August 28, 2012
GSR:seb

RESOLUTION #139-2012

RESOLUTION TO APPROVE A MAJOR MODIFICATION TO THE PRELIMINARY DEVELOPMENT PLAN FOR AUSTIN LANDING UNDER ZONING CASE #222-88, FOR LANDS ZONED "PD-5", PLANNED MIXED-USE

Whereas, the Miami Township Board of Trustees met in a regular session on Tuesday, August 28, 2012; and

Whereas, Zoning Case #222-88, filed by R.G. Properties, Inc., proposes a major modification to the preliminary development plan and associated development text, 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 APPROVES the Major Modification to the Preliminary Development Plan under Zoning Case #222-88 and ACCEPTS the Zoning Commission recommendation.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: August 28, 2012
GSR:seb

RESOLUTION #140-2012

RESOLUTION TO APPROVE A FINAL DEVELOPMENT PLAN FOR BUILDING O WITHIN AUSTIN LANDING UNDER ZONING CASE #222-88, FOR LANDS ZONED "PD-5", PLANNED MIXED-USE

Whereas, the Miami Township Board of Trustees met in a regular session on Tuesday, August 28, 2012; and

Whereas, Zoning Case #222-88, filed by R.G. Properties, Inc., proposes a final development plan for Building O 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 APPROVES the Final Development Plan under Zoning Case #222-88 and ACCEPTS the Zoning Commission recommendation.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: August 28, 2012
GSR:seb

RESOLUTION #141-2012

A RESOLUTION AUTHORIZING RELEASE AND ADVERTISMENT OF A REQUEST FOR QUALIFICATIONS (RFQ) TO SELECT A QUALIFIED FIRM TO PREPARE PHASE I OF THE DAYTON MALL AREA MASTER PLAN (the "PROJECT") & HIRING OF THE BUXTON COMPANY TO PROVIDE ANALYTIC SERVICES FOR THE PROJECT

Whereas, Miami Township has identified a need to plan for the future of the Dayton Mall commercial area and its surroundings and to acquire market data and analysis for the Dayton Mall area; and

Whereas, Miami Township desires to further refine the process and tasks to be completed in order to prepare a Master Plan for the Dayton Mall area and begin data collection in support of the project; and

Whereas, Miami Township requires the services of a Qualified Professional Firm & the Buxton Company to assist in the development of the scope for the Dayton Mall Area Master Plan and to provide analytic data and services for the project; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to release and advertise an RFQ for the purposes of selecting a Qualified Firm to provide Professional Services & to contract with the Buxton Company to provide data and services in support of the Dayton Mall Area Master Plan Phase I project.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer

Passed: August 28, 2012

GSR:mrm

RESOLUTION #142-2012

RESOLUTION AUTHORIZING THE PUBLIC WORKS DIRECTOR TO PREPARE AND SUBMIT AN APPLICATION(S) TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT, AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), AND TO AUTHORIZE THE TOWNSHIP ADMINISTRATOR TO EXECUTE CONTRACTS, AS REQUIRED

Whereas, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure; and

Whereas, Miami Township is planning to make capital improvements to Washington Church Road; and

Whereas, The infrastructure improvements here above are considered to be a priority need for the community and are qualified projects under the OPWC programs; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Public Works Director to apply to the OPWC for funds, as described above, and authorizes the Township Administrator to enter into any agreements, as may be necessary and appropriate, for obtaining this financial assistance.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: August 28, 2012
GSR:seb

RESOLUTION #143-2012

RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF MEMORANDUM OF UNDERSTANDING RELATING TO THE IMPROVEMENTS TO WASHINGTON CHURCH ROAD BETWEEN MIAMI TOWNSHIP AND WASHINGTON TOWNSHIP, AND TO AUTHORIZE THE TOWNSHIP ADMINISTRATOR TO EXECUTE DOCUMENTS AS REQUIRED

Whereas, the Board of Trustees of Miami Township and Washington Township has identified the need to make improvements to Washington Church Road from Austin Boulevard to Spring Valley Pike for the safety of the traveling public; and

Whereas, portions of Washington Church Road lie within the boundaries of each Township; and

Whereas, Section 5573.15 of the Ohio Revised Code permits the Boards of Trustees of two or more Townships to construct, reconstruct, resurface, or improve, a Township road or part thereof, along the line between such Townships; and

Whereas, both Townships have collectively prepared a Memorandum of Understanding, that has been approved by legal counsel, describing the terms of the proposed agreement, with such agreement to be subject to the approval of both Townships; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to take the necessary action to execute the Memorandum of Understanding with Washington Township for the improvements to Washington Church Road.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: August 28, 2012
GSR:seb

RESOLUTION #144-2012

RESOLUTION REGARDING A COOPERATIVE AGREEMENT BETWEEN MIAMI TOWNSHIP AND WASHINGTON TOWNSHIP FOR WASHINGTON CHURCH ROAD PHASE 1 IMPROVEMENTS

Whereas, the Board of Trustees of Miami Township and Washington Township has identified the need to make improvements to Washington Church Road from Austin Boulevard to Spring Valley Pike for the safety of the traveling public; and

Whereas, portions of Washington Church Road lie within the boundaries of each Township; and

Whereas, Section 5573.15 of the Ohio Revised Code permits the Boards of Trustees of two or more Townships to construct, reconstruct, resurface, or improve, a Township road or part thereof, along the line between such Townships; and

Whereas, an application is being made to the Ohio Public Works Commission (OPWC) for financial assistance for the Washington Church Road Phase 1 Improvements; and

Whereas, the OPWC requires each jurisdiction to be responsible for the local matching funds for the share of construction within their respective rights-of-way; and

Whereas, the total cost of the project is estimated to be $515,072.00.00, and $51,508.00 of that sum is attributable to work for which Miami Township is responsible, and $51,506.40 is attributable to work for which Washington Township is responsible; and

Therefore Be It Resolved, Miami Township will encumber an estimated $51,508.00, and that Washington Township will encumber an estimated $51,506.40, which collectively is equal to 20% of the estimated amount for which it is responsible; and

Be It Further Resolved, the remaining funds necessary to complete the Washington Church Road Phase 1 Improvements will be obtained from the OPWC.

SIGNATURE PAGE FOR RESOLUTION #144-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: August 28, 2012
GSR:seb

RESOLUTION #145-2012

RESOLUTION REGARDING A COOPERATIVE AGREEMENT BETWEEN MIAMI TOWNSHIP AND WASHINGTON TOWNSHIP FOR WASHINGTON CHURCH ROAD PHASE 2 IMPROVEMENTS

Whereas, the Board of Trustees of Miami Township and Washington Township has identified the need to make improvements to Washington Church Road from Austin Boulevard to Spring Valley Pike for the safety of the traveling public; and

Whereas, portions of Washington Church Road lie within the boundaries of each Township; and

Whereas, Section 5573.15 of the Ohio Revised Code permits the Boards of Trustees of two or more Townships to construct, reconstruct, resurface, or improve, a Township road or part thereof, along the line between such Townships; and

Whereas, an application is being made to the Ohio Public Works Commission (OPWC) for financial assistance for the Washington Church Road Phase 2 Improvements; and

Whereas, the OPWC requires each jurisdiction to be responsible for the local matching funds for the share of construction within their respective rights-of-way; and

Whereas, the total cost of the project is estimated to be $1,242,498.00, and $221,750.00 of that sum is attributable to work for which Miami Township is responsible, and $221,748.00 is attributable to work for which Washington Township is responsible; and

Therefore Be It Resolved, Miami Township will encumber an estimated $221,750.00, and that Washington Township will encumber an estimated $221,748.00, which collectively is equal to 35.69% of the estimated amount for which it is responsible; and

Be It Further Resolved, the remaining funds necessary to complete the Washington Church Road Phase 2 Improvements will be obtained from the OPWC.

SIGNATURE PAGE FOR RESOLUTION #145-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer

Passed: August 28, 2012

GSR:seb

RESOLUTION #146-2012

RESOLUTION REGARDING A COOPERATIVE AGREEMENT BETWEEN MIAMI TOWNSHIP AND WASHINGTON TOWNSHIP FOR WASHINGTON CHURCH ROAD PHASE 3 IMPROVEMENTS

Whereas, the Board of Trustees of Miami Township and Washington Township has identified the need to make improvements to Washington Church Road from Austin Boulevard to Spring Valley Pike for the safety of the traveling public; and

Whereas, portions of Washington Church Road lie within the boundaries of each Township; and

Whereas, Section 5573.15 of the Ohio Revised Code permits the Boards of Trustees of two or more Townships to construct, reconstruct, resurface, or improve, a Township road or part thereof, along the line between such Townships; and

Whereas, an application is being made to the Ohio Public Works Commission (OPWC) for financial assistance for the Washington Church Road Phase 3 Improvements; and

Whereas, the OPWC requires each jurisdiction to be responsible for the local matching funds for the share of construction within their respective rights-of-way; and

Whereas, the total cost of the project is estimated to be $1,643,864.00, and $164,387.00 of that sum is attributable to work for which Miami Township is responsible, and $164,385.80 is attributable to work for which Washington Township is responsible; and

Therefore Be It Resolved, Miami Township will encumber an estimated $164,387.00, and that Washington Township will encumber an estimated $164,385.80, which collectively is equal to 20% of the estimated amount for which it is responsible; and

Be It Further Resolved, the remaining funds necessary to complete the Washington Church Road Phase 3 Improvements will be obtained from the OPWC.

SIGNATURE PAGE FOR RESOLUTION #146-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: August 28, 2012
GSR:seb

RESOLUTION #147-2012

RESOLUTION TO DECLARE CERTAIN POLICE DEPARTMENT EQUIPMENT AS SURPLUS PROPERTY TO BE DISPOSED OF

Whereas, the Ohio Revised Code Section 5050.10 establishes procedures by which the township can sell, trade-in or dispose of Township owned articles; and

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

Whereas, the Miami Township Police Department has a 2003 Ford Taurus, VIN 1FAFP53U33A19833 which is no longer needed, broken, and/or worn out and beyond useful purpose; and

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

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: August 28, 2012
GSR:mrm

RESOLUTION #148-2012

RESOLUTION TO DECLARE CERTAIN FIRE DIVISION EQUIPMENT AS SURPLUS PROPERTY AND AUTHORIZATION FOR DISPOSAL

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

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

Whereas, the Miami Valley Fire District has a 1994 Ford CF8000 Rescue Unit and a 1982 American LaFrance Pumper which have been removed from service and have become unneeded due to the combining of fire organizations; and

Therefore Be It Resolved, in accordance with the Ohio Revised Code, Section 505.10, the Miami Township Board of Trustees declares the piece of fire division equipment as surplus property to be disposed of, sold, or traded-in and removed from the Fire Division inventory.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee ~~Vice~~-President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer
Passed: August 28, 2012
GSR:seb

RESOLUTION #149-2012

RESOLUTION TO AUTHORIZE TOWNSHIP ADMINISTRATOR TO ENTER INTO A CONTRACT FOR CABLE SERVICES WITH TIME WARNER BUSINESS CLASS FOR THE NEW PUBLIC WORKS FACILITY

Whereas, the Public Works Department has a need for cable services in the new facility located at 10891 Wood Road; and

Whereas, Time Warner Business Class is qualified to offer cable services and has provided a contract agreement to initiate such services; and

Whereas, the Public Works Director has reviewed the contract agreement and finds the agreement to be similar in nature to other contracts currently established with Time Warner Business Class; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to execute the necessary contract agreement to secure cable services with Time Warner Business Class.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: August 28, 2012
GSR:mrm

RESOLUTION #150-2012

RESOLUTION TO AUTHORIZE A CONTRACT FOR A VOLUNTARY DENTAL PLAN

Whereas, Miami Township provides an avenue for its employees to take advantage of dental coverage by administering a voluntary dental program; and

Whereas, the voluntary dental insurance/premiums are paid for, in whole, by participating employees and Miami Township makes no financial contribution to the premiums; and

Whereas, Human Resources is making the recommendation to remain with Superior Dental Care (SDC), as the vendor for voluntary dental insurance; and

Whereas, SDC's premiums will increase 3% for the 11/01/2012 to 10/31/2013 contract year; and

	Current Monthly Rates	Renewal Monthly Rates	Approximate Per Payroll Deduction	Annual Expense
Employee Only	23.12	23.81	11.90	285.72
Emp + Spouse OR Emp + Child	46.26	47.65	23.83	571.80
Emp + Children OR Emp + Family	79.72	82.11	41.05	985.32

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes Township Administrator Greg Hanahan sign the contract for voluntary dental insurance for the 2012/2013 plan year.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: August 28, 2012
GSR:mrm

RESOLUTION 151-2012

RESOLUTION TO PARTICIPATE IN AVIZENT'S (FRANK GATES) EMPLOYER STATEMENT FOR GROUP RESTROSPECTIVE-RATING PROGRAM FOR 2012/2013

Whereas, Miami Township's Bureau of Workers' Compensation experience prevents the Township from participating in AVIZENT's Group Rating Program (PROGRAM); and

Whereas, the Human Resources Director has held several meetings with AVIZENT's representative to discuss claims experience, group participation, and the PROGRAM; and

Whereas, the BWC requires a third party administrator to administer the PROGRAM; and

Whereas, the Human Resources Director has recommended to the Township Administrator that the Township enroll in the BWC's PROGRAM; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to execute the necessary documents and distribute the necessary finances that will result in a contract with AVIZENT, for $7,950.00 for administration of the PROGRAM and secure these services for contract year 2012/2013.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee ~~Vice-~~President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: August 28, 2012
GSR:mrm

RESOLUTION #152-2012

RESOLUTION TO PARTICIPATE IN AN INFORMATION TECHNOLOGY ASSESSMENT IN COOPERATION WITH CITY OF MIAMISBURG AND THE MIAMI VALLEY FIRE DISTRICT

Whereas, the Township Administrator, Greg Hanahan, desires to research and assess any opportunities to share information technology services, and thus take advantage of any economies of scale, among the City of Miamisburg and the Miami Valley Fire District; and

Whereas, the IT committee, with representatives from the three jurisdictions, have met with six IT companies over the past month and have, through a process, selected Afidence as the company that it believes can make the best assessment, based on its credentials, experience, and process; and

Whereas, the IT committee representatives from Miami Township, Greg Rogers, Lisa deGuzman, and Kyle Hinkelman, have made a recommendation to Greg Hanahan to partner with the other two jurisdictions in selecting Afidence as the company to perform the assessment, and

Whereas, Greg Hanahan is making a recommendation to the Board of Trustees to authorize Greg Hanahan to enter into an assessment partnership with the jurisdictions and to pay a third of the expense to retain Afidence for the IT assessment; and

Whereas, the Miami Valley Fire District will be the point jurisdiction for the contractual obligations; and

Whereas, Afidence will, through a process detailed within their contract with Miami Valley Fire District, and within a three month period of time, assess IT across three the jurisdictions; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator, or his designee, to participate in the IT assessment; and

Further Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to expend up to $7,000.00, or one third of the Afidence contract expenses, and said expenses will be paid to Miami Valley Fire District.

SIGNATURE PAGE FOR RESOLUTION #152-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer

Passed: August 28, 2012

GSR:seb

RESOLUTION #153-2012

A RESOLUTION AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO EXECUTE AN EASMENT AND DONATION AGREEMENT FOR A MULTI-USE RECREATIONAL TRAIL THROUGH LANDS OWNED BY MIAMI TOWNSHIP

Whereas, Miami Township currently owns land with Parcel ID K45 02602 0003 on the north side of Austin Boulevard; and

Whereas, Miami Township has worked cooperatively with the Montgomery County Transportation Improvement District (MCTID) to develop plans for a multi-use recreational trail ("the trail") between State Route 741 and Austin Boulevard through the lands owned by Miami Township and through Waldruhe Park; and

Whereas, the MCTID has presented Miami Township with an easement and request for donation of the easement required to construct the trail; and

Whereas, Miami Townships desires to further the project and provide the necessary lands to complete construction; and

Therefore Be It Resolved, by the Board of Trustees of Miami Township, Montgomery County, Ohio that the Miami Township Board of Trustees authorizes the Township Administrator, to execute an easement agreement and other necessary documents to transfer to the MCTID an easement across the portion of the land on Parcel ID K45 02602 0003 as described in the easement documents as is necessary to complete the trail project.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested: Ann M Culp

Ann M. Culp, Fiscal Officer
Passed: August 28, 2012
GSR:seb

RESOLUTION #154-2012

RESOLUTION TO APPROVE A PAY INCREASE FOR A ROAD DEPARTMENT SUPERVISOR

Whereas, Wesley Wade has successfully served six months as Road Supervisor for the Public Works Department; and

Whereas, a performance evaluation has been conducted by the Public Works Director, and an evaluation and recommendation has been completed; and

Whereas, the Miami Township Board of Trustees has reviewed the evaluation and the recommendation of the Public Works Director; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes a pay increase for Wesley Wade, Pay Grade E, to an annual rate of pay of $56,742.40, effective September 5, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: August 28, 2012
GSR:seb

RESOLUTION #155-2012

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO THE AUSTIN CENTER JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT

Whereas, the Township of Miami in the County of Montgomery, Ohio (the "Township"), the City of Miamisburg, Ohio ("Miamisburg"), the City of Springboro, Ohio ("Springboro") and the County of Montgomery, Ohio ("Montgomery County") (the "Contracting Parties") entered into a contract in accordance with the Alternative Joint Economic Development District Provisions of the Revised Code (the "JEDD Contract") to create and provide for the operation of the Austin Center Joint Economic Development District (the "JEDD") located around the Austin Center Interchange for the mutual benefit of their residents and of the State on June 16, 2009; and

Whereas, Montgomery County assisted in establishing the JEDD in order to provide financing support for the construction of public improvements located in the vicinity of the Austin Center Interchange (the "Financial Support Obligations"); and

Whereas, Montgomery County has now fulfilled the Financial Support Obligations, and desires to withdraw as a Contracting Party to allow Miami Township, Miamisburg, and Springboro, all of which are fully economically invested in the JEDD (the "Remaining Contracting Parties"), to proceed in a cooperative fashion; and

Whereas, The Contracting Parties now desire to amend the JEDD Contract to remove Montgomery County as a Contracting Party, pursuant to the terms and conditions of a First Amendment to the Austin Center Joint Economic Development District Contract (the "First Amendment"); and

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

Section 1. Approval of the First Amendment. The First Amendment now on file with this Board is approved, and the Township Administrator is authorized to sign and deliver, on behalf and in the name of the Township, that First Amendment with such changes that are not inconsistent with the provisions of this Resolution, are not materially adverse to the interests of the Township and are approved by the Township Administrator, all of which shall be evidenced conclusively by the signing of that First Amendment by the Township Administrator.

Section 2. Compliance With Open Meeting Requirements. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution, and all deliberations of this Board and of any committees that resulted in

those formal actions, were taken in meetings open to the public in compliance with the law.

Section 3. Effective Date. This Resolution shall be in full force and effect immediately upon its adoption.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: August 28, 2012
GSR:seb

RESOLUTION #156-2012

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO THE MIAMI TOWNSHIP-DAYTON MALL JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT

Whereas, the Township of Miami in the County of Montgomery, Ohio (the "Township"), the City of Miamisburg, Ohio ("Miamisburg"), and the County of Montgomery, Ohio ("Montgomery County") (the "Contracting Parties") entered into a contract in accordance with the Alternative Joint Economic Development District Provisions of the Revised Code (the "JEDD Contract") to create and provide for the operation of the Miami Township-Dayton Mall Joint Economic Development District (the "JEDD") located within and near the territory of the JEDD for the mutual benefit of their residents and of the State on June 11, 2009; and

Whereas, Montgomery County assisted in establishing the JEDD in order to develop regional cooperation around the area of the JEDD territory, and Montgomery County has been supportive of the JEDD and the important economic development tools it provides to the citizens of Montgomery County; and

Whereas, Montgomery County has accomplished its goal of establishing the JEDD as an operationally effective entity, and Montgomery County now desires to withdraw as a Contracting Party to allow Miami Township and Miamisburg, both of which are fully economically invested in the JEDD (the "Remaining Contracting Parties"), to proceed in a cooperative fashion; and

Whereas, The Contracting Parties now desire to amend the JEDD Contract to remove Montgomery County as a Contracting Party, pursuant to the terms and conditions of a First Amendment to the Miami Township-Dayton Mall Joint Economic Development District Contract (the "First Amendment"); and

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

Section 1. Approval of the First Amendment. The First Amendment now on file with this Board is approved, and the Township Administrator is authorized to sign and deliver, on behalf and in the name of the Township, that First Amendment with such changes that are not inconsistent with the provisions of this Resolution, are not materially adverse to the interests of the Township and are approved by the Township Administrator, all of which shall be evidenced conclusively by the signing of that First Amendment by the Township Administrator.

Section 2. Compliance With Open Meeting Requirements. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution, and all deliberations of this Board and of any committees that resulted in

those formal actions, were taken in meetings open to the public in compliance with the law.

Section 3. Effective Date. This Resolution shall be in full force and effect immediately upon its adoption.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: August 28, 2012
GSR:seb

RESOLUTION #157-2012

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THE SECOND AMENDMENT TO THE AUSTIN CENTER JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT

Whereas, The Township of Miami in the County of Montgomery, Ohio (the "Township"), the City of Miamisburg, Ohio ("Miamisburg"), the City of Springboro, Ohio ("Springboro") and the County of Montgomery, Ohio ("Montgomery County") (collectively, the "Initial Contracting Parties") entered into the Austin Center Joint Economic Development District Contract dated as of June 16, 2009 (the "Initial JEDD Contract") in accordance with Ohio Revised Code Sections 715.72 through 715.83 to create and provide for the operation of the Austin Center Joint Economic Development District (the "District") for the benefit of their residents and residents of the State; and

Whereas, Montgomery County assisted in establishing the District in order to provide financial support for the construction of certain public improvements (the "County Financial Support Obligation"); and

Whereas, Miami Township agreed to assign to Montgomery County the TIF Funding (as defined in the Initial JEDD Contract) sufficient to pay the debt service on a portion of the County Financial Support Obligation (the "Miami Township Commitment," and together with the County Financial Support Obligation, the "Initial Commitments"); and

Whereas, The Initial Commitments have been fulfilled; and

Whereas, The Initial Contracting Parties entered into a First Amendment to the Initial JEDD Contract dated as of JUNE, 2012 (the "First JEDD Contract Amendment", and together with the Initial JEDD Contract, the "Current JEDD Contract") pursuant to which Montgomery County ceased to be a Contracting Party (as defined in the Initial JEDD Agreement); and

Whereas, Miami Township, Miamisburg and Springboro desire to further amend the Current JEDD Contract to reflect that Montgomery County is no longer a Contracting Party and to provide for the operation of District without Montgomery County as a Contracting Party, pursuant to the terms of a Second Amendment to the Current JEDD Contract (the "Second Amendment").

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

Section 1. Approval of the Second Amendment. The Second Amendment now on file with this Board is approved, and the Township Administrator is authorized to sign and deliver, on behalf and in the name of the Township, that Second Amendment with such changes that are not inconsistent with the provisions of this Resolution, are not materially adverse to the interests of the Township and are approved by the Township Administrator, all of which shall be evidenced conclusively by the signing of that Second Amendment by the Township Administrator.

Section 2. Compliance With Open Meeting Requirements. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution, and all deliberations of this Board and of any committees that resulted in those formal actions, were taken in meetings open to the public in compliance with the law.

Section 3. Effective Date. This Resolution shall be in full force and effect immediately upon its adoption.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: August 28, 2012
GSR:seb

RESOLUTION #158-2012

A RESOLUTION AUTHORIZING TOWNSHIP ADMINISTRATOR TO COORDINATE WITH THE CITY OF MIAMISBURG AND THE CITY OF SPRINGBORO FOR A JOINT PUBLIC HEARING REGARDING A THIRD AMENDMENT TO AUSTIN CENTER JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT

Whereas, The Township of Miami in the County of Montgomery, Ohio (the "Township"), the City of Miamisburg, Ohio ("Miamisburg") and the City of Springboro, Ohio ("Springboro") desire to consider a Third Amendment to Austin Center Joint Economic Development District Contract (the "Third Amendment") that would add territory to the Austin Center Joint Economic Development District (the "District"); and

Whereas, Prior to such consideration, Ohio Revised Code Section 715.75 and 715.691 require the Township, Miamisburg and Springboro to (i) have the proposed Third Amendment on file and available for inspection by the public, (ii) schedule, individually or jointly, a public hearing regarding the Third Amendment and (iii) publish notice of the public hearing at least 30 days prior to the public hearing; and

Whereas, The Township, Miamisburg and Springboro desire to schedule a joint public hearing regarding the Third Amendment; and

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

Section 1. Authorization to Schedule Public Hearing. The Township Administrator is authorized to coordinate with Miamisburg, Springboro and this Board to schedule a joint public hearing regarding the Third Amendment and, upon that hearing being scheduled, to publish notice of the public hearing in accordance with Ohio Revised Code Sections 715.75 and 715.691.

Section 2. Compliance With Open Meeting Requirements. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution, and all deliberations of this Board and of any committees that resulted in those formal actions, were taken in meetings open to the public in compliance with the law.

RESOLUTION #159-2012

RESOLUTION TO APPOINT A POLICE OFFICER

Whereas, there is a need to appoint a Police Officer; and

Whereas, the approved recruitment and selection process was followed; and

Whereas, the Chief of Police has made his recommendation; and

Therefore Be It Resolved, the Miami Township Board of Trustees appoints Tyler J. Simpson to the position of Police Officer, at a starting rate of $23.18 per hour, effective September 17, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: September 11, 2012
GAH:seb

RESOLUTION #160-2012

RESOLUTION TO APPOINT A POLICE OFFICER

Whereas, there is a need to appoint a Police Officer; and

Whereas, the approved recruitment and selection process was followed; and

Whereas, the Chief of Police has made his recommendation; and

Therefore Be It Resolved, the Miami Township Board of Trustees appoints Mick S. Blankenship to the position of Police Officer, at a starting rate of $23.18 per hour, effective September 17, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: September 11, 2012
GAH:seb

RESOLUTION #161-2012

RESOLUTION TO ACCEPT THE RESIGNATION OF A PUBLIC WORKS DEPARTMENT EMPLOYEE

Whereas, John Stewart has been employed as a Road Worker in the Public Works Department since May 14, 2007; and

Whereas, John has decided to resign his position with the department due to an employment offer from a neighboring organization; and

Therefore Be It Resolved, the Miami Township Board of Trustees accepts the letter of resignation from John Stewart, and termination of his employment effective end of shift, September 21, 2012.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: September 11, 2012
GAH:seb

RESOLUTION #162-2012

RESOLUTION REGARDING A NUISANCE ABATEMENT

Whereas, the Miami Township Board of Trustees is authorized, by Section 505.87 of the Ohio Revised Code, to provide for the abatement, control or removal of vegetation, garbage, refuse, and other debris from land in the Township; and

Whereas, the Miami Township Board of Trustees has given notice to all owners and lien holders of record of the property located at 2175 Bushwick Dr., Dayton, Ohio 45439 in Miami Township, Ohio, that a nuisance is alleged to exist at the property and that a public hearing concerning said alleged nuisance would be conducted before the Board of Trustees on September 11, 2012; and

Whereas the Miami Township Board of Trustees conducted said public hearing on September 11, 2012, beginning at 7:00 p.m., wherein the parties were given the opportunity to present evidence concerning the alleged nuisance; and

Whereas, after said public hearing, the Board of Trustees has determined that the owner's maintenance of vegetation, garbage, refuse or other debris at the above property constitutes a nuisance and said property has been declared a nuisance prior within the last twelve consecutive months; and

Therefore Be It Resolved, the Miami Township Board of Trustees orders the owners and/or lien holders to abate the nuisance within seven (7) days of the date of the mailing of this resolution or that the owner and/or lien holder of said property may, within seven (7) days of the date of the mailing of this resolution, enter into an agreement with the Board of Trustees providing for either the property owner, or the Board of Trustees, to abate said nuisance; and

Be It Further Resolved, if such nuisance is not abated within seven (7) days, the Miami Township Board of Trustees authorizes staff to contract the abatement of the nuisance and assess the costs to the property tax duplicate:

2175 Bushwick Dr.	**Mortgage Company**
Parcel ID #K47 22904 0038	N/A
Don T. Zimmerman	
2175 Bushwick Dr.	
Dayton, OH 45439	

SIGNATURE PAGE FOR RESOLUTION #162-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: September 11, 2012
GAH:seb

RESOLUTION #163-2012

RESOLUTION TO CHANGE A ZONING DISTRICT & ADOPT A FINAL DEVELOPMENT PLAN FOR ZONING CASE #412-12

Whereas, the Miami Township Board of Trustees met in a regular session on Tuesday, September 11, 2012; and

Whereas, Zoning Case #412-12, filed by Innovation Pointe I, Ltd., proposes a change of zoning district from the "R-6" Multiple Family Residential District to the "PD-5" Planned Mixed-Use District and adoption of a final development plan and development standards; 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 APPROVES Zoning Case #412-12 and the Rezoning, Final Development Plan and development standards and ACCEPTS the Zoning Commission recommendation for Zoning Case #412-12.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee ~~Vice~~ President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: September 11, 2012
GAH:mrm

RESOLUTION #164-2012

RESOLUTION TO DECLARE CERTAIN FIRE DIVISION EQUIPMENT AS SURPLUS PROPERTY AND AUTHORIZATION FOR DISPOSAL

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

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

Whereas, the Miami Valley Fire District has a list of Self Contained Breathing Apparatus and associated equipment which has been removed from service and has become unneeded due to the combining of fire organizations; and

Therefore Be It Resolved, in accordance with the Ohio Revised Code, Section 505.10, the Miami Township Board of Trustees declares these pieces of fire division equipment as surplus property to be disposed of, sold, or traded-in and removed from the Fire Division inventory.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee ~~Vice~~ President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: September 11, 2012
GSR:mrm

RESOLUTION #165-2012

RESOLUTION TO AUTHORIZE THE TOWNSHIP ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH LIGHT SOURCE AL, LTD FOR ELECTRICAL LIGHTING SERVICES FOR USE ON PUBLIC GROUNDS AND STREETS IN MIAMI TOWNSHIP

Whereas, Miami Township is desirous of entering into an agreement with Light Source AL, Ltd., for maintenance of street lighting services; and

Whereas, Miami Township properly advertised and received bids for the provision of street lighting within the Austin Landing Lighting District; and

Whereas, Miami Township has determined that Light Source AL, Ltd., is the lowest and best bidder; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to execute the necessary documents to enter into an agreement with Light Source AL, Ltd., for the furnishing of infrastructure, electricity and maintenance for all street light service, in the Austin Landing Lighting District, effective January 1, 2013 through December 31, 2022.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: September 11, 2012
GAH:seb

RESOLUTION #166-2012

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 0083, K45 02605 0090, K45 02605 0091, K45 02605 0093, K45 02605 0094, K45 02605 0097, K45 02605 0098, K45 02605 0099, K45 02605 0100, K45 02605 0101, K45 02605 0102, K45 02605 0103; and

Whereas, Light Source AL, Ltd., will be under contract to provide, infrastructure, power and maintenance for the Austin Landing Lighting District; and

Whereas, the Austin Landing Lighting District will be 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 $242.83
K45 02605 0065 $32,152.82
K45 02605 0084 $2,261.29
K45 02605 0083 $16,191.90
K45 02605 0090 $3,358.82
K45 02605 0091 $5,322.41
K45 02605 0093 $2,093.65
K45 02605 0094 $2,645.32
K45 02605 0097 $3,962.24
K45 02605 0098 $20,639.98
K45 02605 0099 $614.63
K45 02605 0100 $350.47
K45 02605 0101 $7,526.41
K45 02605 0102 $3,380.83
K45 02605 0103 $10,032.42

, subject to contracted agreement.

SIGNATURE PAGE FOR RESOLUTION #166-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: September 11, 2012
GAH:seb

RESOLUTION #167-2012

RESOLUTION OF CONCURRENCE WITH DAYTON CITY COMMISSION APPOINTMENT TO THE MIAMI TOWNSHIP –DAYTON JOINT ECONOMIC DEVELOPMENT DISTRICT (JEDD)

Whereas, the City of Dayton and the Township of Miami, entered into a Joint Economic Development District (JEDD) contract on July 12, 2005; and

Whereas, the Joint Economic Development District Board is made up of five members; and

Whereas, Miami Township is required, by contract, to concur with appointees by the Dayton City Commission; and

Whereas, the Dayton City Commission appointed Timothy S. Downs to the Miami Township-Dayton Joint Economic Development District representing the businesses in the District for a second term ending September 21, 2016; and

Therefore Be It Resolved, the Miami Township Board of Trustees concurs with the Dayton City Commission's appointment of Timothy S. Downs to the Miami Township-Dayton Joint Economic Development District.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: October 10, 2012
GSR:sld

RESOLUTION #168-2012

RESOLUTION TO AUTHORIZE AN AGREEMENT BETWEEN THE CITY OF DAYTON AND THE MIAMI TOWNSHIP BOARD OF TRUSTEES ALLOWING THE MAIMI TOWNSHIP POLICE DEPARTMENT TO PARTICIPATE IN THE OVI COUNTYWIDE TASK FORCE FOR 2012/2013

Whereas, the City of Dayton (Lead Agency) and the Miami Township Board of Trustees desire to enter into an agreement to allow the Miami Township Police Department to participate in the OVI Countywide Task Force and receive reimbursement for overtime hours worked plus benefits; and

Whereas, Miami Township is authorized by the Ohio Revised Code to enter into contractual agreements with other governmental agencies for the purpose of creating task force solutions to community problems and receiving reimbursement from grants for actual expenses incurred while participating in the task force; and

Whereas, the Chief of Police is satisfied that participation in the OVI Countywide Task Force is in the best interest of the Miami Township Police Department and the citizens of Miami Township and Montgomery County; and

Therefore Be It Resolved, the Miami Township Board of Trustees approve entering into an agreement with the City of Dayton (Lead Agency) that will allow the Miami Township Police Department to participate in the OVI Countywide Task Force effective October 9, 2012 for 2012/2013 (Agreement attached.)

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: October 10, 2012
GSR:mrm

RESOLUTION #169-2012

RESOLUTION TO DECLARE CERTAIN EQUIPMENT AS SURPLUS PROPERTY TO BE DISPOSED OF

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

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

Whereas, Miami Township has a Nortel Norstar Modular ICS 6.1 telephone system and associated equipment which have been removed from service and are no longer needed, which follow:

-(8) x ATA digital adapters
-(5) x MOX16 digital cabinets
-(1) x MOX8AM cabinet
-(1) x call pilot mini 150 voicemail
-(75 +) x T7316e digital phones, beige; and

Whereas, Miami Township Zoning Department has the following equipment that is no longer needed:

- Ativa DX 180D Shredder
- AOC Spectrum 7Glr Monitor; and

Therefore Be It Resolved, in accordance with the Ohio Revised Code, Section 505.10, the Miami Township Board of Trustees declares these pieces of equipment as surplus property to be disposed of, sold, or traded-in and removed from inventory.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: October 10, 2012
GSR:seb

RESOLUTION #170-2012

RESOLUTION TO APPROVE A PAY INCREASE FOR A PUBLIC WORKS DIRECTOR

Whereas, Dan Mayberry has successfully served as Miami Township's Public Works Director since October 1, 2006; and

Whereas, a six (6)-year performance evaluation has been conducted by the Assistant Township Administrator and his evaluation and recommendation have been completed; and

Whereas, the Miami Township Board of Trustees has reviewed the evaluation and recommendation of the Assistant Township Administrator; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes a salary increase for Dan Mayberry, to an annual rate of pay of $85,394.40, effective October 1. 2012;

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee-Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer

Passed: October 10, 2012

GSR:seb

RESOLUTION #171-2012

RESOLUTION TO ACCEPT THE AMOUNTS AND RATES, AS DETERMINED BY THE BUDGET COMMISSION, AND TO AUTHORIZE THE NECESSARY TAX LEVIES, AND TO CERTIFY THEM TO THE COUNTY AUDITOR

Whereas, the Board of Trustees of Miami Township, in accordance with the provisions of law, has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, 2013; 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 the Board, and what part thereof is without, and what part within, the ten (10) mill tax limitation; and

Therefore Be It Resolved, by the Board of Trustees of Miami Township, Montgomery County, Ohio, 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 hereby is levied on the tax duplicate of said Township, the rate of each tax necessary to be levied within and without the ten (10) mill limitation, as listed on the attached documents; and

Be It Further Resolved, the Fiscal Officer of this Board be and hereby is directed to certify a copy of the Resolution to the County Auditor of Montgomery County.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: October 23, 2012
GSR:seb

RESOLUTION #172-2012

RESOLUTION REGARDING A NUISANCE ABATEMENT

Whereas, the Miami Township Board of Trustees is authorized, by Section 505.87 of the Ohio Revised Code, to provide for the abatement, control or removal of vegetation, garbage, refuse, and other debris from land in the Township; and

Whereas, the Miami Township Board of Trustees has given notice to all owners and lien holders of record of the property located at 5410 S. Union Rd., Miamisburg, Ohio 45342, in Miami Township, Ohio, that a nuisance is alleged to exist at the property and that a public hearing concerning said alleged nuisance would be conducted before the Board of Trustees on October 23 , 2012; and

Whereas the Miami Township Board of Trustees conducted said public hearing on October 23, 2012, beginning at 10:00 a.m., wherein the parties were given the opportunity to present evidence concerning the alleged nuisance; and

Whereas, after said public hearing, the Board of Trustees has determined that the owner's maintenance of vegetation, garbage, refuse or other debris at the above property constitutes a nuisance; and

Therefore Be It Resolved, the Miami Township Board of Trustees orders the owners and/or lien holders to abate the nuisance within four (4) days of the date of the mailing of this resolution or that the owner and/or lien holder of said property may, within four (4) days of the date of the mailing of this résolution, enter into an agreement with the Board of Trustees providing for either the property owner, or the Board of Trustees, to abate said nuisance; and

Be It Further Resolved, if such nuisance is not abated within four (4) days, the Miami Township Board of Trustees authorizes staff to contract the abatement of the nuisance and assess the costs to the property tax duplicate:

5410 South Union Road	**Mortgage Company**
Parcel ID #K45 02511 0080 Thomas E. Thygerson (deceased) 5410 South Union Road Miamisburg, OH 45342	N/A

Unknown heirs, the devisees,
legatees, executors, administrators,
and assigns of Thomas E. Thygerson,
and the unknown guardians of minor
and/or incompetent heirs of
Thomas E. Thygerson ADDRESS UNKNOWN

SIGNATURE PAGE FOR RESOLUTION #172-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee ~~Vice~~ President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: October 23, 2012
GAH:seb

RESOLUTION #173-2012

RESOLUTION REGARDING A NUISANCE ABATEMENT

Whereas, the Miami Township Board of Trustees is authorized, by Section 505.871 of the Ohio Revised Code, to provide for the abatement, control or removal of junk motor vehicle(s) from land in the Township; and

Whereas, the Miami Township Board of Trustees has given notice to all owners and lien holders of record of the property located at 5410 S. Union Rd., Miamisburg, OH. 45342 in Miami Township, Ohio, that a nuisance is alleged to exist at the property and that a public hearing concerning said alleged nuisance would be conducted before the Board of Trustees on October 23, 2012; and

Whereas the Miami Township Board of Trustees conducted said public hearing on October 23, 2012, beginning at 10:00 a.m., wherein the parties were given the opportunity to present evidence concerning the alleged nuisance; and

Whereas, after said public hearing, the Board of Trustees has determined that the owner's maintenance, storage and keeping of the junk motor vehicle(s) at the above property constitutes a nuisance; and

Therefore Be It Resolved, the Miami Township Board of Trustees orders the owners and/or lien holders to abate the nuisance within fourteen (14) days of the date of the mailing of this resolution or that the owner and/or lien holder of said property may, within fourteen (14) days of the date of the mailing of this resolution, enter into an agreement with the Board of Trustees providing for either the property owner, or the Board of Trustees, to abate said nuisance; and

Be It Further Resolved, if such nuisance is not abated within fourteen (14) days, the Miami Township Board of Trustees authorizes staff to contract the abatement of the nuisance and assess the costs to the property tax duplicate:

5410 South Union Road	**Lien Holder**
Parcel ID #K45 02511 0080	N/A
Thomas E. Thygerson	
5410 S. Union Rd.	
Miamisburg, OH 45342	

Unknown heirs, the devises, legatees,
Executors, administrators, and
Assigns of guardians of minors and/or
Incompetent heirs of Thomas E. Thygerson
ADDRESS UNKNOWN

SIGNATURE PAGE FOR RESOLUTION #173-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee ~~Vice~~ President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: October 23, 2012
GAH:seb

RESOLUTION #174-2012

A RESOLUTION APPROVING A THIRD AMENDMENT TO THE AUSTIN CENTER JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT BY AND BETWEEN MIAMI TOWNSHIP, THE CITY OF MIAMISBURG, AND THE CITY OF SPRINGBORO TO ADD PROPERTY TO THE AUSTIN CENTER JOINT ECONOMIC DEVELOPMENT DISTRICT TERRITORY

Whereas, Miami Township, Montgomery County, Ohio ("Miami Township"), the City of Miamisburg, Ohio ("Miamisburg"), the City of Springboro, Ohio ("Springboro"), and the County of Montgomery, Ohio ("Montgomery County") (collectively, the "Initial Contracting Parties") entered into the Austin Center Joint Economic Development District Contract dated as of June 16, 2009 (the "Initial JEDD Contract") in accordance with Ohio Revised Code Sections 715.72 through 715.83 to create and provide for the operation of the Austin Center Joint Economic Development District (the "District") for the benefit of their residents and residents of the State;

Whereas, Montgomery County assisted in establishing the District in order to provide financial support for the construction of certain public improvements (the "County Financial Support Obligation");

Whereas, Miami Township agreed to assign to Montgomery County the TIF Funding (as defined in the Initial JEDD Contract) sufficient to pay the debt service on a portion of the County Financial Support Obligation (the "Miami Township Commitment," and together with the County Financial Support Obligation, the "Initial Commitments");

Whereas, The Initial Commitments were fulfilled, and the Initial Contracting Parties entered into a First Amendment to the Initial JEDD Contract dated as of August 28, 2012 (the "First JEDD Contract Amendment", and together with the Initial JEDD Contract, the "Amended JEDD Contract"), pursuant to which Montgomery County ceased to be a Contracting Party (as defined in the Initial JEDD Agreement);

Whereas, Miami Township, Miamisburg and Springboro entered into a Second Amendment to the Amended JEDD Contract dated as of November 6, 2012 (the "Second JEDD Contract Amendment", and together with the Amended JEDD Contract, the "Current JEDD Contract"), to reflect that Montgomery County was no longer a Contracting Party and to provide for the operation of District without Montgomery County as a Contracting Party;

Whereas, The Initial Contracting Parties entered into the Initial JEDD Contract to create the District with only a limited number of real estate parcels owned by Miami

Township and the Montgomery County Transportation Improvement District included in the territory encompassing the District (the "JEDD Territory") to provide the foundation for the formation of a larger JEDD Territory encompassing greater area around the interchange;

Whereas, The Current JEDD Contract provides that the Legislative Authorities of the Contracting Parties may amend the JEDD Contract to add to the JEDD Territory any area that was not originally included in the JEDD Territory in accordance with Section 715.761 of the Revised Code;

Whereas, The Contracting Parties now desire to further amend the Current JEDD Contract to add certain areas to the JEDD Territory pursuant to the terms of a Third Amendment to Austin Center Joint Economic Development District Contract (the "Third Amendment"), and

Whereas, this Board has determined that it is in the best interests of the citizens of the Township for this Board to approve and enter into the Third Amendment.

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

Section 1. This Board finds and determines: (i) that the Board held a public hearing concerning the Third Amendment at10:00 a.m. on November 13, 2012, in accordance with Section 715.761 of the Revised Code; (ii) that 30 days' public notice of the time and place of that public hearing was provided in the *Miamisburg-West Carrolton News*, a newspaper of general circulation in Miami Township; (iii) that during the 30-day period prior to that public hearing, a copy of the Third Amendment, a description of the area to be included in the District, and a map in sufficient detail to denote the specific boundaries of the area and to indicate any zoning restrictions applicable to the area, were on file for public examination in the office of the Fiscal Officer for the Township; (iv) that public comment and recommendations on the proposed Third Amendment were made pursuant to the public hearing; and (v) that the Third Amendment is on file with the Fiscal Officer of the Township.

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

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

Section 4. The Township Administrator is authorized, on behalf the Board, to file or cause to be filed, jointly with the other Contracting Parties, with the legislative authority of the County of each Contracting Party: (i) a signed copy of the Third Amendment; (ii) a description of the area to be included in the District, including a map in sufficient detail to denote the specific boundaries of the area and to indicate any zoning restrictions applicable to the area; (iii) certified copies of the ordinances or resolutions of the Contracting Parties approving the Third Amendment; (iv) a certificate of each Contracting Party that the public hearings required by Section 715.761 have been held, the date of the hearings, and evidence of publication of the notice of the hearings; (v) a petition signed by a majority of the owners of property located within the area to be added to the District; and (vi) a petition signed by a majority of the owners of businesses, if any, located within the area to be added to in the District.

Section 5. 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, petitions or other instruments contemplated by the Third Amendment or deemed necessary or appropriate by the Board, in order to achieve approval of the Third Amendment and to accomplish the purposes of this Resolution and the Third Amendment.

Section 6. 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 7. This Resolution shall be in full force and effect immediately upon its adoption.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer
Passed: November 13, 2012
GSR:seb

RESOLUTION #175-2012

RESOLUTION REGARDING A NUISANCE ABATEMENT

Whereas, the Miami Township Board of Trustees is authorized, by Section 505.87 of the Ohio Revised Code, to provide for the abatement, control or removal of vegetation, garbage, refuse, and other debris from land in the Township; and

Whereas, the Miami Township Board of Trustees has given notice to all owners and lien holders of record of the property located at 5329 Upper River Rd., Miamisburg, Ohio 45342 in Miami Township, Ohio, that a nuisance is alleged to exist at the property and that a public hearing concerning said alleged nuisance would be conducted before the Board of Trustees on October 23, 2012; and

Whereas the Miami Township Board of Trustees conducted said public hearing on October 23, 2012 beginning at 10:00 a.m., wherein the parties were given the opportunity to present evidence concerning the alleged nuisance; and

Whereas, after said public hearing, the Board of Trustees has determined that the owner's maintenance of vegetation, garbage, refuse or other debris at the above property constitutes a nuisance and said property has been declared a nuisance prior within the last twelve consecutive months; and

Therefore Be It Resolved, the Miami Township Board of Trustees orders the owners and/or lien holders to abate the nuisance within seven (7) days of the date of the mailing of this resolution or that the owner and/or lien holder of said property may, within seven (7) days of the date of the mailing of this resolution, enter into an agreement with the Board of Trustees providing for either the property owner, or the Board of Trustees, to abate said nuisance; and

Be It Further Resolved, if such nuisance is not abated within seven (7) days, the Miami Township Board of Trustees authorizes staff to contract the abatement of the nuisance and assess the costs to the property tax duplicate:

<u>5329 Upper River</u>	**<u>Lien Holder</u>**
Parcel ID #K45 02515 0010 Don T. Zimmerman 5329 Upper River Rd. Miamisburg, OH 45342	Ohio Dept. of Taxation P. O. Box 530 Columbus, OH 43216-0530
Don T. Zimmerman 1360 Courtyard Pl. Dayton, OH 45458	U. S. Treasury Dept.-I R S c/o 200 W. 2nd St. Dayton, OH 45402

SIGNATURE PAGE FOR RESOLUTION #175-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: October 23, 2012
GSR:seb

RESOLUTION #176-2012

RESOLUTION REGARDING A NUISANCE ABATEMENT

Whereas, the Miami Township Board of Trustees is authorized, by Section 505.871 of the Ohio Revised Code, to provide for the abatement, control or removal of junk motor vehicle(s) from land in the Township; and

Whereas, the Miami Township Board of Trustees has given notice to all owners and lien holders of record of the property located at 5329 Upper River Rd., Miamisburg, OH. 45342 in Miami Township, Ohio, that a nuisance is alleged to exist at the property and that a public hearing concerning said alleged nuisance would be conducted before the Board of Trustees on October 23, 2012; and

Whereas the Miami Township Board of Trustees conducted said public hearing on October 23, 2012, beginning at 10:00 a.m., wherein the parties were given the opportunity to present evidence concerning the alleged nuisance; and

Whereas, after said public hearing, the Board of Trustees has determined that the owner's maintenance, storage and keeping of the junk motor vehicle(s) at the above property constitutes a nuisance; and

Therefore Be It Resolved, the Miami Township Board of Trustees orders the owners and/or lien holders to abate the nuisance within fourteen (14) days of the date of the mailing of this resolution or that the owner and/or lien holder of said property may, within fourteen (14) days of the date of the mailing of this resolution, enter into an agreement with the Board of Trustees providing for either the property owner, or the Board of Trustees, to abate said nuisance; and

Be It Further Resolved, if such nuisance is not abated within fourteen (14) days, the Miami Township Board of Trustees authorizes staff to contract the abatement of the nuisance and assess the costs to the property tax duplicate:

Address	**Lien Holder**
Parcel ID #K45 02515 0010 Don T. Zimmerman 5329 Upper River Rd. Miamisburg, OH 45342	Ohio Dept. of Taxation P.O. Box 530 Columbus, OH 43216-0530
Don T. Zimmerman 1360 Courtyard Pl. Dayton, OH 45458	U. S. Treasury Dept.-I R S c/o 200 W. 2nd St. Dayton, OH 45402

SIGNATURE PAGE FOR RESOLUTION #176-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee ~~Vice~~ President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: October 23, 2012
GSR:seb

RESOLUTION #177-2012

RESOLUTION TO APPROVE A MAJOR MODIFICATION TO A PRELIMINARY DEVELOPMENT PLAN FOR THE CEA PROPERTIES DEVELOPMENT UNDER ZONING CASE #160-85, FOR LANDS ZONED "PD-5", PLANNED MIXED-USE

Whereas, the Miami Township Board of Trustees met in a regular session on Tuesday, October 23, 2012; and

Whereas, Zoning Case #160-85, filed by CEA Properties, LLC, proposes a major modification to the preliminary development plan for the CEA Properties Development and adoption of a development text 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 APPROVES the major modification to the Preliminary Development Plan under Zoning Case #160-85 and ACCEPTS the Zoning Commission recommendation.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer

Passed: October 23, 2012

GSR:seb

RESOLUTION #178-2012

RESOLUTION TO APPROVE A FINAL DEVELOPMENT PLAN FOR THE SOUTHEAST OUT LOTS WITHIN AUSTIN LANDING UNDER ZONING CASE #222-88, FOR LANDS ZONED "PD-5", PLANNED MIXED-USE

Whereas, the Miami Township Board of Trustees met in a regular session on Tuesday, October 23, 2012; and

Whereas, Zoning Case #222-88, filed by R.G. Properties, Inc., proposes a final development plan for the Southeast Out Lots in Austin Landing 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 APPROVES the Final Development Plan under Zoning Case #222-88 and UPHOLDS the Zoning Commission recommendation.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer

Passed: October 23, 2012

GSR:seb

RESOLUTION #179-2012

RESOLUTION TO AUTHORIZE THE TOWNSHIP'S PARTICIPATION IN AN ED/GE APPLICATION

Whereas, the Miami Township Board of Trustees has determined that a need exists to assist M Digital, Inc. to reactivate an existing production facility located in Miami Township and Montgomery County generating new jobs for Montgomery County; and

Whereas, the existing facility and equipment is currently underutilized and M Digital is currently using facilities located outside of the State of Ohio; and

Whereas, M Digital provides the opportunity to create 25 with a potential for 75 full time positions that are new to Montgomery County; and

Whereas, M Digital has committed to make an initial investment of approximately $500,000 to the building and equipment with the potential for future investments of between $11 million to $33 million; and

Whereas, the building ownership, Megix, LLC has recently made $1.4 million in upgrades and other investments to the facility and has identified an additional $227,000 worth of improvements to be made to the facility; and

Whereas, there is a need for assistance with infrastructure improvements in support of the $2.1 million made and proposed to upgrade the facility; and

Whereas, the Montgomery County ED/GE program has been identified as an appropriate source of grant monies to pay a portion of infrastructure expense; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to submit an ED/GE application for the Fall 2012 ED/GE funding cycle.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: October 23, 2012
GSR:seb

RESOLUTION #180-2012

RESOLUTION APPROVING THE EXECUTION OF THE PETITION OF THE AUSTIN LANDING COMMUNITY AUTHORITY

Whereas, pursuant to Chapter 349 of the Ohio Revised Code, a petition (the "Petition") for the establishment of The Austin Landing Community Authority (the "Authority") to govern a proposed new community district (the "District") was presented to this Board on November 13, 2012; and

Whereas, Miami Township is the "proximate city," as that term is defined in Section 349.01(M) of the Ohio Revised Code; and

Whereas, pursuant to Section 349.03(A) of the Ohio Revised Code, the proximate city is permitted to sign the Petition prior to the filing of the Petition with the Montgomery County Board of County Commissioners; and

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

Section 1. This Board finds and determines that the District will be conducive to the public health, safety, convenience and welfare, and is intended to result in the development of a new community as defined in Section 349.01(A) of the Ohio Revised Code.

Section 2. The Petition is hereby approved and authorized. The Township Administrator and any one or more members of this Board, acting alone or together, for and in the name of this Township, are each hereby authorized to execute the Petition and any amendments thereto not inconsistent with this Resolution and not substantially adverse to this Township and which shall be approved by Township Administrator.

Section 3. This Board authorizes and directs the Township Administrator, any member of this Board or other appropriate officers of the Township to take any other actions and to prepare and sign all instruments as may be appropriate to implement this Resolution.

Section 4. This Board finds and determines that all formal actions of this Board and any of its committees concerning and relating to the concerning and relating to the adoption of this Resolution, and all deliberations of this Board and any of its committees that resulted in those formal actions, were taken in meetings open to the public in compliance with the law.

Section 5. This Resolution shall be in full force and effect immediately upon its adoption.

SIGNATURE PAGE FOR RESOLUTION #180-2012 ONLY

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: November 13, 2012
GSR:seb

RESOLUTION #181-2012

RESOLUTION TO ENTER INTO A CONTRACT AGREEMENT FOR EMERGENCY SNOW REMOVAL SERVICES

Whereas, Miami Township Public Works has a need to secure services for emergency snow removal on Township maintained roadways; and

Whereas, the Public Works Director has researched viable contractor's to meet the needs of the department during emergency snow removal operations and obtained a suitable proposal from Essential Landscaping & Irrigation; and

Whereas, the Montgomery County Prosecutor has reviewed the Essential Landscaping & Irrigation proposal and approved it as to form and content; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to execute the necessary agreement to secure emergency snow removal services with Essential Landscape & Irrigation, P.O. Box 1275, Miamisburg, Ohio, 45342, at an hourly rate of $100.00.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer

Passed: November 13, 2012

GSR:seb

RESOLUTION #182-2012

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

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 Assistant Township Administrator is recommending a thirty-six (36) month lease and maintenance agreement at a monthly lease rate of $524.00 with Woodhull LLC for a new Ricoh Aficio MP C4502; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to execute the necessary agreement to secure a thirty-six (36) month lease and maintenance agreement with Woodhull LLC.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: November 13, 2012
GSR:mrm

RESOLUTION #184-2012

RESOLUTION TO DECLARE COMMUNICATION CENTER FURNITURE AS SURPLUS AND AUTHORIZE THE SALE OF SAID PROPERTY AT PUBLIC AUCTION

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, the Miami Township Police Department has communication center furniture, and

Whereas, the Chief of Police has recommended that the communication center furniture be declared surplus and be disposed of at public auction, and

Therefore Be It Resolved, that in accordance with the Ohio Revised Code Section 505.10, the Miami Township Board of Trustees declares the communication center furniture as surplus property and approves of its disposal at public auction.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: November 13, 2012
GSR:seb

RESOLUTION #185-2012

A RESOLUTION APPROVING, AND AUTHORIZING THE EXECUTION AND DELIVERY OF, AN ENGAGEMENT LETTER WITH FROST BROWN TODD, LLC TO PROVIDE LEGAL SERVICES

Whereas, Miami Township (Montgomery County), Ohio (the "Township") requires the services of nationally recognized bond counsel from time to time in connection with the issuance of obligations and in connection with economic development activities; and

Whereas, Frost Brown Todd, LLC is a nationally recognized bond counsel firm and has extensive experience with private-public and economic projects and developments; and

Whereas, this Board desires to retain Frost Brown Todd, LLC to provide legal services with respect to providing economic development assistance to Economic Development Projects; and

Therefore Be It Resolved, the Board of Township Trustees of Miami Township (Montgomery County), Ohio:

<u>Section 1.</u> It is in the best interests of the Township to retain Frost Brown Todd, LLC to provide legal services in connection with the terms and conditions set forth in the engagement letter now on file with this Board.

<u>Section 2.</u> The engagement letter now on file with this Board is approved and the Township Administrator is authorized to sign and deliver, in the name and on behalf of the Township, the acceptance of that engagement letter substantially in the form now on file with this Board with such changes that are not materially adverse to the interests of the Township and are approved by the Township Administrator. The signing and delivery of the acceptance of the engagement letter by the Township Administrator shall be conclusive evidence that any changes therein are not materially adverse to the Township and have been approved by the Township Administrator.

<u>Section 3.</u> All formal actions of this Board concerning and relating to the adoption of this resolution, and all deliberations of this Board or any committees that resulted in those formal actions, were taken 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.

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: November 13, 2012
GSR:mrm

RESOLUTION #186-2012

RESOLUTION TO CONTRACT FOR FINANCIAL ADVISOR SERVICES

Whereas, the Board of Trustees of Miami Township desires to enter into an agreement for financial advisory services related to Economic Development Projects; and

Whereas, those services may include 1.) meeting with the management of the Township, its Officers, Board of Trustees to determine the scope and structure of the Projects; 2.) Assisting the Township in the preparation of a memorandum of options to complete the Projects; 3.) Identifying and screening potential options for eligible Township revenues available for the Projects; 4.) Assist in the determination of the amount of bonds that can be supported by the identified eligible revenues; and 5.) Assist in the determination of the types of credit enhancement that will be necessary to achieve an investment grade rating category ; and

Whereas, Miami Township desires to enter into an agreement with Ross, Sinclair & Associates to perform those financial advisory services related to the Economic Development Projects; and

Now, Therefore Be It Resolved, the Miami Township Board of Trustees authorizes Gregory A. Hanahan to execute the necessary agreements to enter into an agreement with Ross Sinclair & Associates for financial consulting services for the Economic Development Projects for a period of three months at a cost not to exceed $15,000 payable in three installments payable in advance. The agreement may be renegotiated after the three month period upon written confirmation of both parties.

Michael R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice-President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: November 13, 2012
GSR:mrm

RESOLUTION #187-2012

RESOLUTION TO EXTEND A CONTRACT FOR MCGILL SMITH PUNSHON, INC. TO PROVIDE PROFESSIONAL DESIGN SERVICES FOR THE LYONS ROAD REGIONAL RETENTION BASIN AMENITIES PROJECT

Whereas, Miami Township has previously entered into a contract with McGill Smith Punshon, Inc. to provide professional design, management, and inspection services for the Lyons Road Regional Retention Basin Amenities Project; and

Whereas, Miami Township has an existing contract with McGill Smith Punshon, Inc. executed September 21, 2011; and

Whereas, Miami Township desires to extend the contract to cover additional inspection services and incidentals per the rate schedule attached as Exhibit A; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to hire McGill Smith Punshon, Inc. to provide design, management, and inspection services and extends the existing contract according to the attached rate schedule in an amount not to exceed $32,000.

Mike R. Nolan, Trustee President

absent

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer
Passed: November 27, 2012
GSR:seb

RESOLUTION #188-2012

RESOLUTION TO AUTHORIZE THE TOWNSHIP ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH DPL, INC. FOR FACILITIES ELECTRICITY GENERATION

Whereas, Miami Township is desirous of entering into an agreement with DPL, Inc, for facilities electricity generation; and

Whereas, a yearly cost analysis was performed based on the electrical alternative generation supplier options for Miami Township; and

Whereas, DPL, Inc. provides the apparent lowest available cost; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to execute the necessary documents to enter into an agreement with DPL, Inc. for facilities electricity generation, in the amount of $0.0545 per kilowatt-hour, beginning December of 2012 or per terms provided by the agreement, to May of 2014.

Mike R. Nolan, Trustee President

absent

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer

Passed: November 27, 2012

GSR:cnl

RESOLUTION #189-2012

RESOLUTION TO ACCEPT A BANK DEPOSITORY AGREEMENT

Whereas, the Ohio Revised Code requires that all public funds be collateralized, evidenced by a depository agreement; and

Whereas, the Finance Director has recommended that Key Bank N.A. be designated as a depository for Miami Township public funds; and

Therefore Be It Resolved, by the Miami Township Board of Trustees that Key Bank N.A. be designated as a depository.

Mike R. Nolan, Trustee President

absent

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: November 27, 2012
GSR:seb

RESOLUTION #190-2012

A RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF A RENEWABLE LEASE-PURCHASE AGREEMENT FOR FINANCING OF FIREFIGHTING APPARATUS AND ASSOCIATED EQUIPMENT AND AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS RELATED TO SUCH LEASE

Whereas, a Board of Township Trustees (the "Board") has determined that it is necessary to acquire a fire engine and medic unit (the "Project"): and

Whereas, in order to finance the Project, the Board of Township Trustees has determined that it is necessary to enter into a Master Lease-Purchase Agreement (the " Agreement") and issue lease obligations, which lease obligations shall not exceed $631,251 in principal (the "Master Lease Obligations");

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

Section 1. That it is necessary to issue Master Lease Obligations of the Township of Miami, County of Montgomery, Ohio (the "Township") in a principal amount not to exceed $631,251, which proceeds shall be used, together with other funds of the Township, for the purposes of acquiring the Project and paying certain costs related to the issuance of the Master Lease Obligations, together with other permissible costs of issuance. The costs of issuance may, but shall not be required to be paid from proceeds of the Master Lease Obligations.

Section 2. That it is hereby determined that Master Lease Obligations in a principal amount not to exceed $631,251 shall be issued, and may be used with other Township funds, for the aforesaid purposes. Said Master Lease Obligations: (a) shall be dated, (b) shall bear interest at the rate of interest, (c) shall be subject to prepayment prior to maturity and (d) shall contain principal and interest payment terms, all in accordance with the Master Lease and a certificate of award (the "Certificate of Award"), which Certificate of Award shall be executed by the Fiscal Officer of the Township without further action by this Board. Execution of the Master Lease and the Certificate of Award shall be conclusive evidence of the Township's acceptance of the terms contained therein. The Certificate of Award shall be incorporated into this Resolution by reference and shall be made a part hereof. The Master Lease Obligations shall be subject to appropriation from legally available funds by the Township on an annual basis and shall include renewal terms, all as set forth in the Master Lease. The Master Lease Obligations shall not constitute a "debt" of the Township and are expected to be repaid from general fund revenues of the Township (or other available funds). Further, the Master Lease

Obligations shall not constitute a general obligation of the Township and the repayment thereof shall not constitute a pledge of the full faith and credit of the Township.

Section 3. The Township is hereby authorized to execute the Master Lease Obligations. The Master Lease shall be executed by the Fiscal Officer of the Township and at least one of its Trustees. Any and all Trustees of the Township and its Fiscal Officer are hereby authorized to execute any and all closing documents, certificates and agreements necessary to effectuate the issuance of the Master Lease Obligations (and accompanying documents). The signature of each and every referenced official, executing closing documents, certificates or agreements may be by facsimile signature. Any and all Trustees of the Township and its Fiscal Officer are also authorized to take all other action required in connection with the issuance and sale of the Master Lease Obligations, including (without limitation) the execution of all necessary instruments, certificates and closing documents necessary to effectuate the closing, provided such actions are consistent with the intention and purpose of this Resolution.

Section 4. That in order to effectuate the acquisition of the Project, the requisite funds for payment of lease payments under the Master Lease are hereby appropriated for the initial fiscal term, as such amount shall be identified in the Certificate of Award. The fiscal officer is hereby directed to pay to the Original Purchaser (as defined herein) the first annual principal and interest amount when due.

Section 5. That the Master Lease Obligations shall be sold at private sale to Fifth Third Bank (or such other financial institution identified in the Certificate of Award) (the "Original Purchaser"), in accordance with its offer to purchase the same, at such price plus accrued interest (if any), as agreed to by the Original Purchaser and the Township, and the proceeds from such sale, except any premium or accrued interest thereon (if any), shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose.

Section 6. That this Board, for and on behalf of the Township, hereby covenants that it will restrict the use of the proceeds of the Master Lease Obligations hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. The Fiscal Officer of the Township or any other officer having responsibility with respect to the issuance of the Master Lease Obligations is authorized and directed, as necessary by law, to give an appropriate certificate on behalf of the Township, on the date of delivery of the Master Lease Obligations for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder. The Master Lease Obligations are hereby designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Code. The Township does not anticipate issuing more than $10,000,000 of "qualified tax-exempt obligations" during the current calendar year.

Section 7. The Township declares that it reasonably expects that the capital expenditures made in connection with the acquisition of the Project, which were paid no earlier than sixty (60) days prior to the date hereof, or which will be paid prior to the issuance of any Master Lease Obligations were intended (or are intended) to fund those capital expenditures associated with the Project, and will be reimbursed with the proceeds of the Master Lease Obligations, representing a borrowing by the Township in the maximum principal amount, for such reimbursements, of $631,251. The Township does not expect any other funds (including the money advanced to make the capital expenditures that are to be reimbursed), to be reserved, allocated on a long-term basis, or otherwise set aside by the Township or any other entity, with respect to the capital expenditures for the purposes of financing the Project.

Section 8. That it is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Mike R. Nolan, Trustee President

absent

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer

Passed: November 27, 2012

GSR:mrm

RESOLUTION #191-2012

RESOLUTION TO ACCEPT FERNDOWN DRIVE IMPROVEMENTS FOR TOWNSHIP MAINTENANCE

Whereas, Ferndown Drive- The Exchange at Spring Valley, received final inspection by Montgomery County and Miami Township staff; and

Whereas, the Public Works Director has given his approval; and

Therefore Be It Resolved, the Miami Township Board of Trustees accepts the following street improvement for Township maintenance:

1. Ferndown Drive Improvements Only

Mike R. Nolan, Trustee President

absent

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer

Passed: November 27, 2012

GSR:mrm

RESOLUTION #192-2012

RESOLUTION AUTHORIZING THE HIRING OF PART-TIME PERSONNEL

Whereas, there are vacancies to be filled in the Public Works Department; and

Whereas, the Public Works Director is making his recommendation to hire the following individual(s) as a part-time employee:

Jeromy Carpenter $11.00 / per hour

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the hiring of the above individual(s), with their hiring date to be determined by the Public Works Department, effective December 11, 2012.

absent

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: December 11, 2012
GSR:mrm

RESOLUTION #193-2012

A RESOLUTION TO HIRE MSK2, LLC (dba MKSK) TO PROVIDE PROFESSIONAL SERVICES FOR THE DAYTON MALL AREA MASTER PLANNING PROJECT - PHASE I

Whereas, the Miami Township Board of Trustees has determined the need to hire a firm to provide Professional Services for the Dayton Mall Area Master Planning Project - Phase I; and

Whereas, Miami Township has properly solicited a "Request For Qualifications" (RFQ) to provide professional services; and

Whereas, Miami Township has thoroughly reviewed the six (6) RFQ's that were submitted; and

Whereas, MSK2, LLC (dba MKSK) was determined to be the most qualified firm to provide Professional Services per the needs of Miami Township; and

Therefore Be It Resolved, the Miami Township Board of Trustees authorizes the Township Administrator to execute all necessary documents to enter into a contract with MSK2, LLC (dba MKSK) to provide professional services related to Phase I of the Dayton Mall Area Master Planning Project, with the Professional Services not to exceed a cost of $57,382.50, subject to the fee for basic services as described in the agreement between MSK2, LLC (dba MKSK) and Miami Township For Professional Services (attached) and the included hourly rate schedule and allowances.

absent

Mike R. Nolan, Trustee President

C. Lewis

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M. Culp

Ann M. Culp, Fiscal Officer

Passed December 11, 2012

GSR:seb

RESOLUTION #194-2012

RESOLUTION TO REAPPOINT A ZONING COMMISSION MEMBER

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

Whereas, Cynthia Griffith's term of office expires December 31, 2012; and

Whereas, Ms. Griffith has expressed a desire to continue to serve on the commission; and

Therefore Be It Resolved, the Miami Township Board of Trustees reappoints Cynthia Griffith to serve on the Zoning Commission effective December 31, 2012 for a term of five (5) years ending on December 31, 2017.

absent

Mike R. Nolan, Trustee President

C. C. Lewis

Charles C. Lewis, Trustee Vice President

Deborah M. Preston

Deborah M. Preston, Trustee

Attested:

Ann M Culp

Ann M. Culp, Fiscal Officer
Passed: December 11, 2012
GSR:mrm

RESOLUTION #196 - 2012

A RESOLUTION TERMINATING THE INVESTMENT BANKING AGREEMENT BETWEEN STERN BROTHERS & COMPANY AND MIAMI TOWNSHIP IN CONNECTION WITH BOND AND NOTE ISSUES OF THE TOWNSHIP

WHEREAS, the Township authorized and approved in Resolution #147-2011 an investment banking agreement dated November 1, 2011 between Stern Brothers & Company and Miami Township to provide investment banking services related to developing a financing plan for the purpose of assisting the Township in achieving its financial objectives with regards to financing certain public improvements including but not limited to the issuance of Obligations; and

WHEREAS, the Township desires to terminate the services of Stern Brothers & Company to provide investment banking services to the Township;

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

The Board of Trustees of the Township hereby authorizes the termination of the Investment Banking Agreement ("Agreement") on behalf of the Township by the Township Administrator in accordance with Section 6 of the Agreement.

absent

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer

Passed: December 11, 2012

RESOLUTION #197 - 2012

RESOLUTION TO ACCEPT A DEPOSITORY AGREEMENT WITH MULTI – BANK SECURITIES INC AND PERSHING LLC,

Whereas, the Ohio Revised Code requires that all public funds be evidenced by a depository agreement; and

Whereas, the Fiscal Officer has recommended that Muti-Bank Securities Inc. and Pershing, LLC, be designated as a depository for Miami Township public funds; and

Therefore Be It Resolved; by the Miami Township Board of Trustees that Muti-Bank Securities Inc. and Pershing, LLC, be designated as a depository effective December 11, 2012.

absent

Mike R. Nolan, Trustee President

Charles C. Lewis, Trustee Vice President

Deborah M. Preston, Trustee

Attested:

Ann M. Culp, Fiscal Officer
Passed: December 11, 2012