

## MINUTES, WEEK OF JUNE 28, 2022

The Board of Trustees met on Tuesday, June 28, 2022, at the Butler Township Government Center, 3780 Little York Road, Dayton Ohio, at 4:00p.m. for a Regular Session to transact the business of the township.

Missy Pruszynski, President called the meeting to order.

### PLEDGE OF ALLEGIANCE

### APPROVAL OF THE MINUTES

The Minutes of May 24, 2022, Regular Session and June 14, 2022 Workshop Meeting Minutes, were submitted for approval. Bryson Jackson made a motion to approve the Regular Session Minutes of May 24, 2022 and the Workshop Meeting Minutes of June 14, 2022, as submitted, with Mike Thein seconding and Missy Pruszynski approving the motion 3-0.

### PUBLIC HEARING

#### ZC 4-22, A Rezoning and Final Development Plan at 4079 Little York Road, from RCS-1 to PD-2 for a U-Haul Moving & Storage Use

The Public Hearing for Case #ZC 4-22 was opened by Trustee Pruszynski. Staff stated, an application was received for rezoning from RCS-1, Regional Commercial Service to PD-2, Planned Commercial Development for 7.653 acres at 4079 Little York Road. Staff advised the board that on March 10, 2022, Montgomery County Planning Commission recommended denial of the requested rezoning based on the permitted uses in the underlining commercial districts. Staff continued to state that the Zoning Commission held a hearing on April 19, 2022, to hear the presentation, and the case was tabled for some plan and building modifications. On May 17, 2022 another hearing was scheduled. The case was recommended for approval with the condition that no outdoor assessable storage units be approved and all applicable permits be obtained and approved.

Trustee Pruszynski asked the applicant to come forward and provide any additional comments.

Richard Henry, 7821 Lois Circle, Dayton stated that he was the applicant and is with the company that is requesting the zoning change. He commented that based off the feedback from the Zoning Commission he believes U-Haul has provided a nice plan for that site and the community.

Trustee asked if there were any other proponents and/or opponents to the case. There being none, she asked the Trustees to provide any comments or discussion.

Trustee Pruszynski stated she likes the plan and feels that the proposed use is in a good spot and looks very nice.

Trustee Thein concurred with Trustee Pruszynski and stated it will be an improvement for the site.

Trustee Jackson wanted to give his appreciation to the company and the Zoning Commission for coming up with a plan that is nice for that area and the community.

There was no further discussion; therefore the Public Hearing was closed.

Bryson Jackson made a motion to approve Case #ZC 4-22, as submitted, with Mike Thein seconding the motion.

Fiscal Officer, Greg Brush called the roll for a vote: Missy Pruszynski – Yes, Mike Thein – Yes, and Bryson Jackson - Yes. **Case #ZC 4-22 was approved 3-0.**

### **PUBLIC COMMENTS**

Richard Oaks at 1397 Jackson Road provided documents to staff and the board of his property and the work being done on Jackson Road. He indicated that his property has been excavated by the City of Union; he stated he tried to work out a solution with them but the City of Union is doing what they want to do. He explained this is not the township's issue it is his issue, but it is his attempt to come up with an amicable solution with the City. He noted that he has a win-win solution and design that would make everyone happy. He said he is encouraging a one-way, east bound section on Jackson Road. He noted that he had a very tense meeting with City of Union, and it quickly went south.

He wanted to warn the board that there will be traffic issues and more accidents at Frederick Pike and Jackson Road. He believes that the City of Union will use that as justification to eminent domain to solve the problem that could have been solved with good engineering. He noted Furnas Road would be a problem, Dog Leg Road will be a problem and there will be problems on County Line Road. He further commented that now would be the time to reduce the speed limit from 45MPH to 40 or 35MPH along Jackson Road. He said he would be willing to assist the township with that process for nothing.

Trustee Pruszynski asked what was the meeting about that went south. Mr. Oaks stated it was expressing his design concept. Trustee Pruszynski asked who was at the meeting. Mr. Oaks noted that Mr. Applegate, IBI, and the TID, as well as the contractor from Balsbaugh was at the meeting. He also stated that he spoke with Gary Shoup with Montgomery County Engineer who is still reviewing the plans and has noted some comments. Mr. Oaks requested staff provide a copy of the County's most recent comments.

Staff stated that the Deputy County Engineer did reply to the TID's last set of changes that involved a few minor comments and the Deputy County Engineer noted that IBI would probably be able to address those issues within a few days. Staff explained that once the TID has complied with the County Engineer's requirements, staff would then issue the right-of-way permit to the TID for connecting to Jackson Road.

Kevin Snyder at 7640 Peters Pike stated that his attorney has prepared a lawsuit against the Township, the Montgomery County Engineer, and Drees Homes. He wanted to know how he should proceed. He first wanted to discuss the issues he has with the new Board of Trustees. The board requested more information. He commented on the damage to his property from the Drees development. He noted he was had police issues, drainage issues, and zoning issues. He further indicated that this has been ongoing for the past 20 years. He stated the problem needs to be addressed and resolved.

Trustee Pruszynski asked if could send the information to her and she could send it to the other members receive a copy.

### **ADMINISTRATOR'S RECOMMENDATIONS**

**Resolution #22-25 (B)** was submitted. Administrator, Erika Vogel stated the Zoning Commission voted unanimously to recommend approval of the proposed Planned Development and Final Development Pan at 4079 Little York Road, with all of the recommendations from staff, no outdoor storage units, and compliance with zoning, engineering, and building regulations.

No discussion was made on this agenda.

Bryson Jackson made a motion to approve Resolution #22-25 (B), Resolution Approving ZC 4-22, A Rezoning and Final Development Plan at 4079 Little York Road from RCS-1 to PD-2, Planned Commercial Development – Final Development Plan for U-Haul Moving and Storage, as submitted, with Mike Thein seconding and approving the motion.

Fiscal Officer, Greg Brush called the roll for a vote: Missy Pruszynski – Yes, Mike Thein – Yes, and Bryson Jackson - Yes. **Resolution #22-25 (B) was approved, 3-0.**

**Resolution #22-26** was submitted. Administrator, Erika Vogel stated this resolution approves Charlie Brown as Mike Thein’s Budget Commission appointment and Mark Whetstone as Bryson Jackson’s Budget Commission appointment.

No discussion was made on this agenda item.

Bryson Jackson made a motion to approve Resolution #22-26, A Resolution Appointing Representatives to the Butler Township Budget Commission, as submitted, with Mike Thein seconding and Missy Pruszynski approving the motion.

Fiscal Officer, Greg Brush called the roll for a vote: Missy Pruszynski – Yes, Mike Thein – Yes, and Bryson Jackson - Yes. **Resolution #22-26 was approved, 3-0.**

**Resolution #22-27** was submitted. Administrator, Erika Vogel stated Trustpar is recommending the township upgrades to Office 365, and Trustpar has worked with each department to identify the necessary licenses for each user in each department. Trustpar has estimated the setup and implementation costs for the transition, at a cost not to exceed \$31,250 and the licenses and fees at an annual cost of \$9,048, and one-time fees in the amount of \$1,664.97, per the attached quotes. Appropriations will be increased accordingly as the project was not originally budgeted for 2022.

No discussion was made on this agenda item.

Bryson Jackson made a motion to approve Resolution #22-27, Authorizing the Administrator to Enter into an Agreement with Trustpar for its Install and Implementation of Office 365, as submitted, with Mike Thein seconding and Missy Pruszynski approving the motion.

Fiscal Officer, Greg Brush called the roll for a vote: Missy Pruszynski – Yes, Mike Thein – Yes, and Bryson Jackson - Yes. **Resolution #22-27 was approved, 3-0.**

**Resolution #22-28** was submitted. Administrator, Erika Vogel stated that the quotes for all four vehicles are \$138,890.98. The quotes included are from KE Rose, Yipes Stripes, Stop Stick LTD. Brite Computers, and WatchGuard. KE Rose advised they cannot guarantee pricing due to demand and shipping. Therefore, the requested amount is \$140,890.98 to allow for some adjustments in pricing that may be necessary, two of the vehicles’ equipment purchases have been budgeted from the Harson TIF Fund #2902 (\$48,762.00), due to the added staffing necessary for the business district, as budgeted for FY2022, and the remaining amounts will be paid from the Police Fund #2081.

No discussion was made on this agenda item.

Bryson Jackson made a motion to approve Resolution #22-28, Resolution Authorizing the Police Chief to Purchase Necessary Equipment and Install Vehicle Markings for Four New Dodge Durango Police Vehicles, as submitted, with Mike Thein seconding and Missy Pruszynski approving the motion.

Fiscal Officer, Greg Brush called the roll for a vote: Missy Pruszynski – Yes, Mike Thein – Yes, and Bryson Jackson - Yes. **Resolution #22-28 was approved, 3-0**

**Resolution #22-29** was submitted. Administrator, Erika Vogel stated this agreement will renew the mutual aid agreement the police protection between Butler Township and the City of Vandalia for a period of five years with no changes.

No discussion was made on this agenda item.

Bryson Jackson made a motion to approve Resolution #22-29, Resolution Authorizing the Renewal of the Mutual Aid Agreement between the Butler Township Police Department and the City of Vandalia Police Department, as submitted, with Mike Thein seconding and Missy Pruszynski approving the motion.

Fiscal Officer, Greg Brush called the roll for a vote: Missy Pruszynski – Yes, Mike Thein – Yes, and Bryson Jackson - Yes. **Resolution #22-29 was approved, 3-0**

**Motion to Set the Public Hearing for ZC 5-22: Final Development Plan for 3339 and 3331 Benchwood Road – Chick-fil-A Restaurant Site Improvements for July 12, 2022 at 6:00 p.m.**

Township Administrator, Erika Vogel stated a motion is needed to set a Public Hearing for ZC 5-22, Final Development Plan for 3339 and 3331 Benchwood Road, Chick-fil-A Restaurant Site Improvements for the Trustee meeting on July 12, 2022 at 6:00PM.

Staff noted the additional improvements to the site and that Zoning Commission recommended approval of the case.

Bryson Jackson made a motion to set the Public Hearing for ZC 5-22, Final Development Plan for 3339 and 3331 Benchwood Road, Chick-fil-A Restaurant Site Improvements for July 12, 2022 at 6:00PM, with Mike Thein seconding and Missy Pruszynski approving the motion.

Fiscal Officer, Greg Brush called the roll for a vote: Missy Pruszynski – Yes, Mike Thein – Yes, and Bryson Jackson - Yes. **Motion was approved, 3-0.**

**Motion to Authorize the HVAC Repair and Compressor Purchase at the Township Government Center in the amount of \$3,320.50 from the Police Fund #2081 and General Fund #1000**

Township Administrator, Erika Vogel stated this is to authorize the HVAC repair and compressor purchase at the Township Government Center for \$3,320.50 to be paid from the Police and General Funds.

No discussion was made on this agenda item.

Bryson Jackson made a motion to authorize the HVAC Repair and Compressor Purchase at the Township Government Center in the amount of \$3,320.50 from the Police Fund #2081 and General Fund #1000, with Mike Thein seconding and Missy Pruszynski approving the motion.

Fiscal Officer, Greg Brush called the roll for a vote: Missy Pruszynski – Yes, Mike Thein – Yes, and Bryson Jackson - Yes. **Motion was approved, 3-0.**

**Motion to Reschedule the Meeting of July 26, 2022**

Township Administrator, Erika Vogel noted there was a request to reschedule the regular scheduled meeting for July 26, 2022 at 6:00PM, due to some scheduling conflicts. Staff provided some different options available.

The board and staff had a brief discussion on dates and times available and it was determined that the July 26, 2022 meeting would be held on July 12, 2022 in lieu of the regular workshop meeting.

Bryson Jackson made a motion to reschedule the regular meeting of July 26, 2022 to July 12, 2022 at 6:00PM, with Mike Thein seconding and Missy Pruszynski approving the motion.

Fiscal Officer, Greg Brush called the roll for a vote: Missy Pruszynski – Yes, Mike Thein – Yes, and Bryson Jackson - Yes. **Motion was approved, 3-0.**

**Informal Business:**

Police Chief Porter reported that Coffee with a Cop is at Winan's in Benchwood Station, from 9 – 10:30AM, the first Tuesday of every month. He also reported that National Night will be held Tuesday, August 2, from 6 – 8:00PM at Stonespring Nursing Facility, who will be hosting the event. He further reported that the yearly Wal-Mart community grant had been received in the amount of \$4,000.00 to be used for Shop with Cops and other police activities. Finally, he wanted to give his appreciation to the board for the purchase of the new police vehicles.

Fire Chief Alig reported that the newest medic was returned and the issues have been taken care of.

Service Director, Jeff Barnett reported that the road side mower is running now and they have completed one pass through the entire township and are now working on the second. He also reported they received the Pavement Analysis Report LLC, which would be discussed at a later date.

Township Administrator, Erika Vogel reported that the Taste at the Crossroads is also tonight after the meeting at the Sports Complex, the Cruise-In is Friday, August 5<sup>th</sup> from 4 – 8PM, and the Vandalia Freedom Tour is the morning of July 4<sup>th</sup>.

Fiscal Officer, Greg Brush reported that he checked online and the township is collateralized.

Trustee, Bryson Jackson reported that he enjoyed doing his recent ride along with the Police Department. He noted it was interesting seeing the different ways the officers serve our community. He noted how respectful the policer officers were and how impressed he was. He also reported the first business district meeting was successful and he is looking forward to the new branding of the Benchwood Station area. Finally, he wanted to invite everyone to attend the freedom celebration at First Grace church on July 3<sup>rd</sup>, and the Star Spangled Celebration at the Vandalia Sports Complex for fireworks in celebration of the Fourth of July.

Trustee, Mike Thein reported he was excited to hear the comments from the businesses at the meeting and is happy the business district is getting together to discuss plan, and he wanted to provide the Administrator recognition for that meeting. He stated he wants to build a good relationship with the businesses. He also wanted to wish everyone a safe and happy July 4<sup>th</sup>.

President, Missy Pruszynski had no further business to report.

Bryson Jackson reported that the trustees have reviewed the financial statements and made a motion for approval to pay the bills of the township, as submitted, with Mike Thein seconding and Missy Pruszynski approving the motion.

Missy Pruszynski made a motion to adjourn the regular meeting at 4:47p.m.

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MISSY PRUSZYNSKI  
PRESIDENT

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GREGORY A. BRUSH  
FISCAL OFFICER