

MEETING MINUTES OF APRIL 25, 2023

The Board of Trustees met on Tuesday, April 25, 2023, at the Butler Township Government Center, 3780 Little York Road, Dayton Ohio, at 6:00 p.m. for a Regular Session to transact the business of the township. All members were present.

Mike Thein, President called the meeting to order.

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES

The minutes of March 28, 2023, Regular Session and April 11, 2023, Workshop Session, were submitted for approval. Trustee Pruszynski made a motion to approve the Minutes of March 28, 2023, and April 11, 2023, as submitted, with Trustee Jackson seconding and Trustee Thein approving the motion.

PRESENTATIONS

Ceremonial Swear-In of New Patrol Officers

The Oath of Office was read into record by Police Chief Porter for the appointment of Adam Cruea as Full-Time Patrol Officer for Butler Township.

The Oath of Office was read into record by Police Chief Porter for the appointment of Michael Knotts as Full-Time Patrol Officer for Butler Township.

The Oath of Office was read into record by Police Chief Porter for the appointment of Marissa Stump as Full-Time Patrol Officer for Butler Township.

PUBLIC HEARING FOR CASE ZC 1-23 – Ultimate Shine Car Wash

Staff indicated that the Butler Township Zoning Commission held a public hearing regarding the case on March 21, 2023, and recommended approval for the rezoning and to amend the official Butler Township zoning map to reflect the rezoning. Staff stated this includes parcels A01 00307 0347 & A01 00307 0348 located along the south side of York Plaza Lane, between York Center Drive and Miller Lane. The request is to rezone the current vacant lots from RCS-1, Regional Commercial Service to PD-2, Planned Commercial Development, to allow the development of a fully automated car wash, self-vacuum service, and office space.

The Public Hearing was opened for review and discussion. The applicant was asked to provide a presentation of the request.

Robert Sweet with McBride Dale Clarion, Agent for Ultimate Shine/Wild Building Construction, Inc., 5721 Dragon Way, Suite 300, Cincinnati, OH 45227 was present. He stated that the request is to rezone the current vacant lots from RCS-1, Regional Commercial Service to PD-2, Planned Commercial Development. He indicated that they have been working closely with staff on the project and it is nice to see it moving forward. He noted that what is proposed would be a 6,100 sq. ft. building to include a 157-foot automatic car wash tunnel; an office brake room, restroom, and utility rooms; and supply and equipment rooms. A total of twenty-seven parking spaces, four (4) regular employee spaces and twenty-three vacuum spaces. The development provides three (3) pay station lanes prior to the wash tunnel entry. The entry lane will provide stacking/queuing for 23+ cars. The interior building space will be designated for employees only. He continued to indicate the site circulation plans proposed access to the site be provided by a driveway on York Center Drive with two additional directional driveways on York Plaza Lane. No direct access to Miller Lane from the development is proposed. A pedestrian connection from the sidewalk along York Plaza Lane to the site would be provided. He stated that as part of the Miller Lane/North Dixie Drive Corridor this development is subject to the Miller Lane/North Dixie Drive Design Guidelines and Architectural Standards for Community Gateway Corridors. The subject property is also uniquely shaped which limits development

opportunities. With combination of vacant parcels, the lot dimension would be approximately 690' long by 120' wide.

A request was made for proponents and/or opponents to address the board with comments and/or questions.

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

Missy Pruszynski made a motion to approve Case No. ZC 1-23, as submitted with recommendations presented by Staff, with Trustee Jackson seconding and Trustee Thein approving the motion.

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

Resolution No. 23-22: Resolution Approving ZC 1-23, A Rezoning & Preliminary Plan for 1.968 Acres on York Plaza Drive and Miller Lane Parcels (A01 00307 0347 & A01 00307 0348)

Administrator Vogel stated the final development plan has been submitted and will be heard by the Zoning Commission in May.

No discussion was made on this agenda item.

Trustee Pruszynski made a motion to approve Resolution #23-22, Resolution Approving ZC 1-23, A Rezoning & Preliminary Plan for 1.968 Acres on York Plaza and Miller Lane from RCS-1 to PD-2, as submitted, with Trustee Jackson seconding and Trustee Thein approving the motion.

Fiscal Officer Brush called the roll for a vote: Trustee Thein – Yes, Trustee Jackson – Yes and Trustee Pruszynski – Yes. **Resolution #23-22 was approved, 3-0.**

PUBLIC HEARING FOR CASE ZC 2-23 – Rezoning at 8515 North Dixie Drive was Withdrawn by the Applicant on April 13, 2023 – There will be no hearing regarding this case.

PUBLIC COMMENTS

Curt Holdeman at 3816 Reinwood Drive asked if there were any other proposals for the N. Dixie Drive property. Administrator Vogel stated at this time there have not been any other formal requests or new applications. She noted that the school district would be the first to know if there is any interest in purchasing the property. She stated the property is zoned LCS-2, Local Commercial Service District, which could include small scale retail, restaurants, office, or similar uses.

Harold Townsend at 6485 Landsend Court inquired about the minutes and agendas for the trustee meetings. He also wished to give his appreciation to all the departments and all they do for the community. Administrator Vogel explained where the minutes and agendas can be found online. He stated his concern is for safety on Meeker Road after a ditch was put in without barriers by Montgomery County. He also questioned why the curbs were marked in his subdivision. Administrator Vogel indicated that is part of the concrete repair program and the service department has been getting calculations and measurements for future repairs. She noted that there will be further notice given in the next month or so if the township decides to move forward with the program. He asked if the project is to proceed who would be responsible for payment. Administrator Vogel stated that the concrete program is an assessment project. He went further to indicate that the curbs marked in that subdivision are not in need of repair. He noted that some of the side streets are the ones that need to be repaired. He also mentioned the repair work on Frederick Pike, which is a County Road, and inquired if the Township can make it a no truck route.

Curt Holdeman at 3816 Reinwood Drive asked about the ongoing water issues on Reinwood Drive. He noted that the existing break is still ongoing and asked if there was any update on the repair. Service Director Barnett indicated that Montgomery County has not found the water leak yet. Mr. Holdeman asked if there is an inspector that looks at unkept properties such as high grass and weeds. Administrator Vogel stated she would ask the zoning official to do inspections on Reinwood Drive.

Harold Townsend at 6485 Landsend Court stated concerns he had with the flyer he received about the school district's 1% income tax levy.

ADMINISTRATOR'S RECOMMENDATIONS

Resolution No. 23-23: Resolution Authorizing the Township to Participate in the Ohio Township Association Group Retro Rating Program for BWC Claims through Sedgwick

Administrator Vogel stated the annual fee for participation is \$4,705 and the target Group Retro Refund is \$33,891. This fee includes Managed Care Organization (MCO) Service and hearing representation for BWC claims.

No discussion was made on this agenda item.

Trustee Pruszynski made a motion to approve Resolution #23-23, Resolution Authorizing the Township to Participate in the Ohio Township Association Group Retro Rating Program for BWC Claims through Sedgwick, as submitted, with Trustee Jackson seconding and Trustee Thein approving the motion.

Fiscal Officer Brush called the roll for a vote: Trustee Thein – Yes, Trustee Jackson – Yes and Trustee Pruszynski – Yes. **Resolution #23-23 was approved, 3-0.**

Resolution No. 23-24: Resolution Authorizing the Service Department Director to Enter into an Agreement with GT Contracting LLC for Crack Sealing of Certain Township Roadways for 2023

Administrator Vogel stated the Service Director received one bid for the crack seal program and is requesting that the township enter into an agreement with GT Contracting, LLC in the amount of \$44,100 for crack sealing of fifteen roadways in the township for the 2023 crack seal program.

No discussion was made on this agenda item.

Trustee Pruszynski made a motion to approve Resolution #23-24, Resolution Authorizing the Service Department Director to Enter into an Agreement with GT Contracting LLC for Crack Sealing of Certain Township Roadways for 2023, as submitted, with Trustee Jackson seconding and Trustee Thein approving the motion.

Fiscal Officer Brush called the roll for a vote: Trustee Thein – Yes, Trustee Jackson – Yes and Trustee Pruszynski - Yes. **Resolution #23-24 was approved, 3-0.**

Resolution No. 23-25: Resolution Accepting Bids and Awarding the 2023 Asphalt Overlay Program to Neyra Construction, Inc., dba Neyra Paving

Administrator Vogel stated the township received two bids for the asphalt overlay program. Neyra Paving at \$385,965 and Barrett Paving at \$400,578.00. The Service Director recommends awarding the bid to Neyra Paving in the amount of \$385,965.

No discussion was made on this agenda item.

Trustee Pruszynski made a motion to approve Resolution #23-25, A Resolution Accepting Bids and Awarding the 2023 Asphalt Overlay Program to Neyra Construction, Inc. dba Neyra Paving, as submitted, with Trustee Jackson seconding and Trustee Thein approving the motion.

Fiscal Officer Brush called the roll for a vote: Trustee Thein – Yes, Trustee Jackson – Yes and Trustee Pruszynski - Yes. **Resolution #23-25 was approved, 3-0.**

Resolution No. 23-26: Resolution Rescinding Resolution No. 22-03 for Solid Waste and Collection and Disposal Rates and Establishing Rates for 2023

Administrator Vogel stated this resolution authorizes the annual increase for trash collection and disposal rates for township residents for 2023. The residential trash rate is increased by \$0.25 per month or \$0.75 per quarterly billing, as budgeted for 2023.

No discussion was made on this agenda item.

Trustee Pruszynski made a motion to approve Resolution #23-26, Resolution Rescinding Resolution No. 22-03 for Solid Waste and Collection and Disposal Rates and Establishing Rates for 2023, as submitted, with Trustee Jackson seconding and Trustee Thein approving the motion.

Fiscal Officer Brush called the roll for a vote: Trustee Thein – Yes, Trustee Jackson – Yes and Trustee Pruszynski - Yes. **Resolution #23-26 was approved, 3-0.**

A Motion to Authorize Out of State Training for the Police Chief to Attend the International Association of Chief's of Police Conference

A request was submitted by the Chief of Police requesting to attend the IACP Conference in San Diego, CA on October 14 thru October 17, 2023, and authorization of conference fees, airfare, car rental and per diem meal rates, at a total not to exceed \$2,500. Hotel costs are not needed.

No discussion was made on this agenda item.

Trustee Pruszynski made a motion Authorizing Out of State Training for the Police Chief to Attend the International Association of Chief's of Police Conference, as submitted, with Trustee Jackson seconding and Trustee Thein approving the motion.

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

A Motion to Declare Gear in the Fire Department Surplus and Donate to Upper Valley Career Center

The Fire Chief submitted a request to donate coats, pants and helmets that no longer have use or value in the Fire Department and to donate the gear to the Upper Valley Career Center fire program.

No discussion was made on this agenda item.

Trustee Pruszynski made a motion to Declare Gear in the Fire Department Surplus and Donate to Upper Valley Career Center, as submitted, with Trustee Jackson seconding and Trustee Thein approving the motion.

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

INFORMAL BUSINESS:

Police Chief Porter reported the 2023 16th Annual Montgomery County Law Enforcement Memorial Ceremony for fallen officers will be held Friday, May 5th at Riverscape in Downtown Dayton approximately 11 a.m. He noted that they will be inducting six officers into the memorial as part of the overall review from the Spanish Flu. He also noted that the department received gold standard on policy acknowledgement through Lexipol, a policy management program in the police department used to make sure the department meets certain standards.

Fire Chief Alig had no further business to report.

Service Director Barnett had no further business to report.

Township Administrator Vogel reported that the National Day of Prayer Services will be at the First Light Church on May 4th beginning at 8:00 a.m. She stated that the high school memorial program is on May 19th at 1:30p.m., Community Shred Day will be June 3rd from 8:30a.m. to 11:30a.m. Finally, the resolution was received from Montgomery County giving the honorary dedication to N. Dixie Drive as Veterans Parkway for the banner program. She also mentioned the Well Testing Results Meeting which was held on April 13 and noted that additional well testing will be offered in the citizen advisory area once the township receives proposals and awards a contract for the extended testing.

Fiscal Officer Brush noted that the township's bank accounts were collateralized appropriately.

Trustee Pruszynski wanted to welcome all the new police officers and stated they will be a great addition to our staff. She stated that she hopes that everyone can make it for National Day of Prayer.

Trustee Jackson wanted to give his appreciation to all who assisted in the township video project and a special thank you to Mike Lang for his video knowledge. He made note that it was great to see all the positive messaging and good feedback. He also wanted to mention again the recent discussion about live streaming the meetings and would like to discuss that as we move forward with the updated equipment/software. Trustee Pruszynski suggested putting that discussion on a workshop agenda. Trustee Jackson also reported that he had a discussion with township resident Jerry Arndts regarding the street lighting district and some issues of concern. Trustee Pruszynski stated that she has had discussion with Administrator Vogel regarding the street lighting contract that is coming up for renewal as well. It was noted that a list was submitted to Miami Valley Lighting regarding some streetlights being out and the township is awaiting response. Service Director Barnett stated that MVL has been out to look at the issues, but nothing submitted yet, letting us know that the issues were corrected. Administrator Vogel stated they would be looking into the issues. Trustee Jackson also indicated that a resident had contacted him regarding the duplexes on Benchwood Road on several disturbances and asked about the possibility of adding street lighting in the subdivision. He mentioned that the water meeting was successful, by keeping the community informed of the situation. He also noted how pleased he was when Montgomery County repaved Little York Road. Finally, he wanted to remind everyone to get out and vote next week.

Trustee Thein wanted to express his gratitude to the police offices and to all the residents who came to the meeting and expressed their concerns.

FINANCE:

Trustee Pruszynski 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 Trustee Jackson seconding and Trustee Thein approving the motion.

ADJOURNMENT:

Trustee Pruszynski made a motion to adjourn the regular meeting at 6:57p.m.

MIKE THEIN
PRESIDENT

GREGORY A. BRUSH
FISCAL OFFICER