



GERMAN TOWNSHIP BOARD OF TRUSTEES MINUTES OF THE REGULAR MEETING HELD ON JANUARY 8, 2024

The meeting was held at the German Township Hall located at 12102 St. Rt. 725 West, Germantown, OH 45327 and virtually using WebEx.

The meeting was called to order by Board President Dr. Mark Cross at 7:00 pm. In attendance were:

President Dr. Mark Cross	Vice-President Jacob Stubbs	Trustee Louis Potter
Fiscal Officer Mark Heistand	Police Chief Shane Birch	Road Admin. Jeremy Holbrook
	Zoning Inspector Shauna Close	

IN-PERSON ATTENDEES:

Name	Address	Name	Address
Deb Cross	7444 S. Stiver Road	Tim Smallwood	11895 Harris Road
Mark Jones	12255 Harris Road	Bev & Mary Abner	8880 S. Main
Kurt Jacoby	12955 Harris Road	Ron Wine	1401 Halstead, Dayton

ONLINE ATTENDEES:

Name	Name	Name	Name
Sam	KC	ab	Md
Call in User 1	Call in User 2		

The Germantown Press was notified of the Regular Meeting on 12/21/23 at 2:57 pm.

Dr. Cross led the group in the Pledge of Allegiance.

VISITOR COMMENTS:

- **Ron Wine, 1401 Halstead Circle, Dayton, OH:** Mr. Wine of Channel Maintenance Systems discussed his proposal to correct the Twin Creek erosion problems at a cost of \$60,000. The north bank erosion along Kercher Park is causing erosion to begin on the south bank along Mudlick Road. He stated that his company has done 75-80 erosion projects in the past five years. Their techniques are approved by the U.S. Army Corps of Engineers. He noted that Germantown City Council approved the project at their 1/2/24 meeting with the understanding that the project cost would be split between the City and the Township. His company could start the project within a week. No permits are needed, since equipment remains on the creek bank.
 - Dr. Cross noted that Channel’s proposal indicates that the company will “return to the site to inspect progress...as needed over a six-month period.” He requested that Channel reinspect progress after one year. Mr. Wine agreed to Dr. Cross’ request.

- Mr. Heistand read an email from Abigail Hale-Dennis expressing her opposition to the project and to the Township paying for part of it. She was unable to attend the meeting.
- Mr. Stubbs asked who owns the property adjoining the creek. Mr. Wine stated that the City owns the north bank and the south bank is within the Township's right-of-way.
- **Kurt Jacoby, 12955 Harris Road:** Mr. Jacoby asked how Channel will know if the project is successful. Mr. Wine stated that the time needed for the stream banks to be rebuilt depends on how many high-water events occur in the future. Mr. Jacoby stated he would support repairing only the south bank. He would like to see the project metrics to establish a base line to compare progress. He asked about a warranty. Mr. Wine stated he would be happy to warranty the work for some period of time.
- **Beverly Abner, 8880 S. Main Street:** Mr. Abner reported that he has observed the erosion along Mudlick Road. He stated that Mr. Wine is correct and the work needs to be done.
- Mr. Stubbs asked if the \$60,000 cost includes reviews after six months and a year. Mr. Wine confirmed the cost includes follow-up inspections. Mr. Stubbs stated that he didn't want to use the General Fund to pay the Township's portion, but wanted to look for other sources of funding. He noted that Mr. Heistand recently submitted a capital request to State Representative Tom Young to pay for the erosion problem.
- Dr. Cross read this proposal: "Concerning the Twin Creek Restoration Project, I would like to propose the Township pay up to \$30,000 from the Parks hold-back funds to cover the Township's portion. I further propose that Channel Maintenance Systems check the project at one year. If the erosion is being controlled and the build back of the eroded bank is showing success, the Township will reimburse the Parks hold-back fund \$7,500, the cost to restore the erosion on the south side of Twin Creek adjacent to Mudlick Road. I consider the erosion on the north side of Twin Creek to be a Parks problem, not a Township problem. This solution will preserve Township funds and use the Parks hold-back fund for its intended use for urgent problems."
- Mr. Stubbs responded to Dr. Cross's proposal by suggesting that the Township pay \$7,500 from the General Fund and use the Parks Fund hold-back for the remaining \$22,500.
- Mr. Potter read an email he sent to the other Trustees on 1/3/24 expressing his thoughts on the issue, especially the proposal to use the Parks Fund hold-back monies.
- Mr. Stubbs asked if there was a risk in waiting one month before deciding to allow time to look for another funding source. Mr. Wine is concerned about a major spring flood.
- **Deb Cross, 7444 S. Stiver Road:** Mrs. Cross asked if only the Mudlick Road side of the creek could be repaired. Mr. Potter stated that he first thought that only the Kercher Park side should be repaired this year, with repairs to the Mudlick side in 2025. But he expected that the cost of repairing the Mudlick side would be more expensive due to the second deployment.
- Dr. Cross introduced **RESOLUTION 2024-11**, seconded by Mr. Stubbs: **A RESOLUTION TO FUND UP TO \$30,000 FOR ONE-HALF OF THE TWIN CREEK EROSION CONTROL PROJECT WITH CHANNEL MAINTENANCE SYSTEMS PER GERMANTOWN RESOLUTION 24-04 TO BE PAID BY THE GENERAL FUND (UP TO \$7,500) AND PARKS FUND (UP TO \$22,500).**
 - Mr. Stubbs said that he doesn't want to use Township funds at this point in time. He reported that he had reached out to the Miami Conservancy District but had not received a response. He stated that he wasn't ready to vote at this meeting,

but was willing to risk waiting for a month to approve the project. He said that it wasn't prudent to use the General Fund without looking at other options.

- Dr. Cross stated that he didn't believe that other funding could be quickly arranged. He felt that \$7,500 from the General Fund is worth moving quickly.
 - **Deb Cross:** Mrs. Cross asked if donations could be requested from the disc golf course users. Mr. Potter said that the disc golf players don't care about the issue.
 - Mr. Stubbs asked if American Rescue Plan Act (ARPA) funds could be used for the project. Mr. Heistand stated that ARPA funds could be used. Dr. Cross suggested that the project be approved at the meeting using the General Fund, then changing the funding at the February meeting to use ARPA funds.
 - Mr. Holbrook stated that anything that can be done to keep the creek from further eroding the bank along Mudlick Road helps protect the roadway. He felt that neither Five Rivers Metroparks nor the Miami Conservancy District would help pay for the repairs.
 - **Mark Jones: 12255 Harris Road:** Mr. Jones asked if the aggregate could be removed from the creek bed to allow the water to flow freely. He was told that the required equipment couldn't go in the creek to remove the aggregate.
 - Following discussion, Dr. Cross withdrew his introduction of **RESOLUTION 2024-11**, whereupon Mr. Stubbs withdrew his second.
- Dr. Cross introduced **RESOLUTION 2024-12**, seconded by Mr. Potter: **A RESOLUTION TO FUND UP TO \$30,000 FOR ONE-HALF OF THE TWIN CREEK EROSION CONTROL PROJECT WITH CHANNEL MAINTENANCE SYSTEMS PER GERMANTOWN RESOLUTION 24-04 TO BE PAID BY THE GENERAL FUND.**
 - The Trustees agreed that the funding would be changed at the February meeting from the General Fund to the ARPA Fund. Mr. Heistand was asked to prepare an ARPA Resolution for the next meeting.
 - Chief Birch stated his opposition to using the ARPA Fund for the project. He felt that the ARPA Fund could be better used for a Police Department or Road Department project. Mr. Potter replied that this project supports the Road Department by saving Mudlick Road from erosion.
 - The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-12 WAS ADOPTED.**
 - **Beverly Abner:** Mr. Abner asked how he could opt-out of electric aggregation since he already has a three-year contract with a provider other than AES. He was told that he would not need to opt-out as residents currently under contract will not be part of the Township aggregation.
 - **Tim Smallwood, 11895 Harris Road:** Referencing a letter some Harris Road residents recently received, Mr. Smallwood discussed his concerns with issues along the road: (1) noise levels from an event center/campground; (2) extra traffic as well as damage to the road from heavy trucks associated with Dill's excavating business; (3) speeding on the road; and (4) trash along the road. Dr. Cross stated that campgrounds are a conditional use in an Agricultural zoning district. However, no application has been received by the Zoning Department. He stated that the owner previously told the Township that she was not going to charge for use of the facility for birthday parties, etc. Mr. Smallwood said he opposed using ARPA funds to restore the Twin Creek banks.
 - **Mark Jones:** Mr. Jones agreed that traffic and speeding on Harris Road is a problem. Chief Birch noted that the speed limit on Harris Road is 55 mph. Mr. Holbrook stated that the Trustees are not allowed to change speed limits. That requires a State of Ohio study.

FISCAL OFFICER'S REPORT:

- Mr. Heistand submitted minutes for the 12/29/23 Year-End Special Meeting and the 1/3/24 Organizational Meeting. There were no corrections. Dr. Cross made a MOTION, seconded by Mr. Potter, to approve both sets of minutes as presented. The MOTION WAS APPROVED by a unanimous voice vote.
- Mr. Heistand presented the *FINAL* December Financial Reports: (1) 12/31/23 Fund Status; (2) YTD 12/31/23 Cash Summary by Fund; (3) Month of December Cash Summary by Fund; (4) December 2023 Receipt Listing; and (5) December 2023 Payment Listing. He noted the following:
 - The reports include December interest from FNB Germantown (\$2.11 at .05%) and Star Ohio (\$9,045.07 at 5.58%).
 - Vouchers 1039 through 1041 were small medical charges automatically posted by the bank during the last week of December.
 - Voucher 1042 for \$3,469.74 was an automatic charge by First National on 12/27/23.
- Dr. Cross made a MOTION, seconded by Mr. Stubbs, to approve the *FINAL* December financial reports and authorize the payment of December bills (warrants 50720 through 50725 and vouchers 953 through 1042 for payroll direct deposit, payroll tax withholdings and other electronic payments). The MOTION WAS APPROVED by a unanimous voice vote.
- Mr. Heistand discussed Voucher 1042, the \$3,469.74 automatic charge by First National Bank on 12/27/23. The bank informed him that the charge was for a credit card account not connected to the Township. The charge was reversed by the bank on 1/3/24. Since the funds were missing from the Township's account over month and year-end, the disbursement was recorded as a December payment. He requested that the Trustees authorize the appropriation
 - Dr. Cross introduced **RESOLUTION 2024-13**, seconded by Mr. Potter: **A RESOLUTION ESTABLISHING AN ADDITIONAL 2023 APPROPRIATION OF \$3,469.74 FOR ACCOUNT #1000-120-599-0000**. The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-13 WAS ADOPTED**.
- Mr. Heistand noted that the Trustees approved an appropriation at the 1/3/24 Organizational Meeting to transfer \$8,000 from the General Fund (#1000) to the Road and Bridge Fund (#2031) as an approximate payment for maintenance of the Township Hall and the rural cemeteries by the Road Department. He requested that the Trustees approve the transfer.
 - Dr. Cross introduced **RESOLUTION 2024-14**, seconded by Mr. Stubbs: **A RESOLUTION APPROVING THE TRANSFER OF \$8,000 FROM THE GENERAL FUND (#1000) TO THE ROAD AND BRIDGE FUND (#2031) AS APPROXIMATE PAYMENT FOR 2024 MAINTENANCE OF THE TOWNSHIP HALL AND THE RURAL CEMETERIES BY THE ROAD DEPARTMENT**. The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-14 WAS ADOPTED**.
- Mr. Heistand noted that the Trustees also approved an appropriation at the 1/3/24 Organizational Meeting to transfer \$36,100 from the General Fund to various other funds to help offset the allocation of Trustee and Fiscal Officer salaries to the funds. He requested that the Trustees approve the transfer.
 - Dr. Cross introduced **RESOLUTION 2024-15**, seconded by Mr. Potter: **A RESOLUTION APPROVING THE TRANSFER OF \$36,100 FROM THE GENERAL FUND (#1000) TO OTHER FUNDS AS FOLLOWS: \$16,000 TO THE POLICE DISTRICT FUND (#2081); \$15,500 TO THE GASOLINE TAX FUND (#2021); AND \$4,600 TO THE GARBAGE AND WASTE DISPOSAL FUND (#2071). THE PURPOSE IS TO STRENGTHEN THE FUND BALANCES OF THE RECIPIENT FUNDS**. The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-15 WAS ADOPTED**.

- Mr. Heistand reviewed an updated analysis of the Fouts Trust Fund showing how much of the fund can be distributed. The fund’s original principal cannot be spent. In addition, only 75% of the increase above the original principal may be spent. He first prepared the analysis in 2023 after reviewing Dr. Cross’ 2019 work papers when he researched the Trust Fund history. As of 12/31/23 Mr. Heistand stated that \$14,573.54 of the \$32,302.07 balance could be spent. The Trustees approved a \$2,000 appropriation from the fund for 2024 at the 1/3/24 Organizational Meeting.
- He continued a discussion that began at the 12/11/23 Regular Meeting concerning the allocation of interest income to various funds. He reviewed an analysis he prepared of the \$108,542.59 interest paid by StarOhio in 2023. He noted that he did not include \$53.26 interest paid by First National Bank in the analysis due to the small amount. He reviewed the State of Ohio’s requirements for recording interest into the Township’s various funds.
 - Certain Township funds are required to receive their pro-rata share of interest. These funds include the General, Motor Vehicle License Tax, Gasoline Tax, and Permissive Motor Vehicle License Tax. During 2023, these funds received StarOhio interest as follows:
 - General - \$13,214.44
 - Motor Vehicle License Tax - \$1,152.68
 - Gasoline Tax - \$2,991.08
 - Permissive Motor Vehicle License Tax - \$3,385.93
 - Certain Township funds are **NOT** allowed to receive interest. These are the Road & Bridge, Garbage & Waste, Police District (as well as the five smaller police funds), Road Levy, and the five joint levy funds with Germantown. The State requires that the General Fund receive these funds’ pro-rata share of interest. Had interest been allowed, these funds would have received 2023 StarOhio interest as follows:
 - Road & Bridge - \$4,473.00
 - Garbage and Waste - \$6,450.89
 - Police District (with five smaller police funds) - \$20,026.81
 - Road Levy - \$2,534.51
 - Five joint levy funds - \$47,509.43
 - Certain Township funds are allowed to either receive interest or have their interest added to the General Fund. These include the American Rescue Plan Act (ARPA), Sunsbury Cemetery Perpetual Care, and the Fouts Trust. At present, the Sunsbury and Fouts funds receive interest. The ARPA Fund does not; it is added to the General Fund. The 2023 StarOhio interest for these funds is as follows:
 - ARPA (**NOT** currently receiving interest) - \$4,858.98
 - Sunsbury Cemetery (currently receiving interest) - \$285.38
 - Fouts Trust (currently receiving interest) - \$ 1,659.46

After discussion, Mr. Stubbs introduced **RESOLUTION 2024-16**, seconded by Mr. Potter: **A RESOLUTION APPROVING THE TRANSFER OF \$27,000 FROM THE GENERAL FUND (#1000) TO OTHER FUNDS AS FOLLOWS: \$4,500 TO THE ROAD AND BRIDGE FUND (#2031); \$20,000 TO THE POLICE DISTRICT FUND (#2081); AND \$2,500 TO THE ROAD LEVY FUND (#2141). THE PURPOSE OF THE TRANSFER IS TO STRENGTHEN THE FUND BALANCES OF THE RECIPIENT FUNDS.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-16 WAS ADOPTED.**

- Mr. Heistand reported that as part of renewing the Township’s insurance policy, the Ohio Township Association Risk Management Authority (OTARMA), requested that a Proxy Statement be executed. He was told by OTARMA that many townships use the Fiscal Officer and a Trustee. He suggested identifying elected positions rather than specifically naming the elected officials.

- Dr. Cross introduced **RESOLUTION 2024-17**, seconded by Mr. Stubbs: **A RESOLUTION APPOINTING THE FISCAL OFFICER AS THE INDIVIDUAL AND THE BOARD OF TRUSTEES PRESIDENT AS THE ALTERNATE TO REPRESENT GERMAN TOWNSHIP WITH OHIO TOWNSHIP ASSOCIATION RISK MANAGEMENT AUTHORITY.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-17 WAS ADOPTED.**
- As was mentioned earlier in the meeting, Mr. Heistand restated that at Mr. Stubbs' request he forwarded a Capital Budget Request to State Representative Tom Young for assistance in paying the \$60,000 cost of the Channel Maintenance Systems Twin Creek remediation project. He noted that the request is related to the State's 2025-2026 Capital Budget, too late to be of help.
- Mr. Heistand noted the he attended Montgomery County Auditor Karl Keith's Annual Update at Sinclair College on 12/14/23.

POLICE DEPARTMENT REPORT:

- Chief Birch reviewed the Police Department's December statistics and the totals for 2023.
- He noted that an officer was involved in a traffic accident. The officer backed into a parked vehicle in Germantown while assisting Germantown Police during a domestic dispute. Damage to both the cruiser and the other vehicle was minor. A crash report was prepared by Germantown Police and the insurance company was notified.

ROAD/SERVICE DEPARTMENT REPORT:

- Mr. Holbrook reported that he and Mr. Hamilton plowed snow for a couple of hours on 1/6/24, which was the first time this winter.

ZONING & TRASH DEPARTMENT REPORT:

- Ms. Close reported that the Board of Zoning Appeals would hear case #2023-04V for Valley View Local School District on 1/9/24. The case concerns a sign for the new school building. Valley View is requesting a variance as the proposed sign is larger than what the Zoning Resolution allows.
- She reported that the Zoning Commission would hold a regular meeting on 2/5/24.
- She thanked the Road/Service Department for painting the new Township Hall rear exterior door.

TRUSTEE POTTER'S REPORT:

- Mr. Potter stated that the Pool Oversight Committee did not meet this month.
- The MMI Park Committee had not met for the last couple of months. The next meeting will be on 1/30/24. Two plaques have been ordered to commemorate the Miami Military Institute and Camp Miami, to be placed around the flagpole. Three more benches were recently donated: one from Germantown Lions Club, one from First National Bank of Germantown and one from an anonymous resident. So far, five out of the seven planned benches have been received.
- He stated that the City invited the Trustees to contribute Township information to be included in the City's quarterly newsletter. Mr. Heistand asked if the City would mail the newsletter to Township residents if the Township paid the cost. Mr. Potter agreed to discuss that will the City.

TRUSTEE STUBBS' REPORT:

- Mr. Stubbs thanked Bob Rohrbach for serving as the interim Germantown Cemetery Fiscal Officer. He stated that Sexton Keith Burnett is doing a great job making the cemetery more accessible. Residents moved into the Cemetery's rental house on 1/1/24. A leak was discovered in the downstairs bathroom and is being repaired. The Cemetery Board is running a ½ mill replacement

levy on the March primary ballot. They are looking for people to serve on a levy committee. The wreaths and flags placed on veterans' graves during Christmas as part of Wreaths Across America will be removed in a few weeks. The Cemetery Board submitted a \$420K project for the upcoming State Capital Budget to repave the primary driveways and add gravel to the secondary drives. The Cemetery Board decided not to submit a project to replace the wall along SR 725, believing they could self-pay since that project is much smaller.

- He reported that Parks Board Chair Tom Geglein discussed his opposition to the Township holding Parks levy funds at the recent Germantown Council meeting. Mr. Stubbs stated that the Township holds back levy funds to be used for special projects and doesn't use the money for anything else.
- He stated that a lot of good things are happening at the Township. He specifically noted the electric aggregation approved in 2023. He said that it's nice to have a Board that works together.
- He suggested that a Best of German Township award be established. Residents could nominate individuals in the Township who are deserving of the award. There would be minimal cost to the Township. He stated that nominations could be emailed to him. He would like to give out the first award in the spring.

TRUSTEE CROSS' REPORT:

- Dr. Cross planned to attend the Senior Center Oversight Committee meeting on 1/11/24.
- Dr. Cross made a MOTION, seconded by Mr. Potter, to purchase an Ohio Township Association affiliate membership for Zoning Commission President Kurt Jacoby. The MOTION WAS APPROVED by a unanimous voice vote.

EXECUTIVE SESSION:

- Dr. Cross made the following MOTION, seconded by Mr. Potter: **I move to go into Executive Session pursuant to O.R.C. 121.22(G)(1) to consider the employment of a public employee.** The roll was taken and the vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. The MOTION was approved. The Trustees entered into Executive Session at 8:57 pm.
- Present in the Executive Session were: Trustees Mark Cross, Jacob Stubbs, and Lou Potter; Fiscal Officer Mark Heistand; Police Chief Shane Birch.
- The Trustees held discussion under the authority of O.R.C. 121.22(G)(1).
- At 9:12 pm, Dr. Cross made a MOTION, seconded by Mr. Stubbs, to reconvene into Regular Session. The MOTION WAS APPROVED by a unanimous voice vote.

MEETING ADJOURNED:

- With no further business, Mr. Potter made a MOTION, seconded by Mr. Stubbs, to adjourn. The MOTION WAS APPROVED by a unanimous voice vote. The Meeting adjourned at 9:13 pm.

Signed: Mark Cross
Mark Cross, President, Board of Trustees

Attest: These minutes were approved by the Board of Trustees at the February 12, 2024 meeting.

Signed: Mark A. Heistand
Mark A. Heistand, Fiscal Officer