

RECORD OF PROCEEDINGS

Minutes of

Meeting

THE GERMAN TOWNSHIP BOARD OF TRUSTEES

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

June 10, 2013

The regular meeting was called to order at 7:11 P.M., at the Township Hall, 12102 S.R. 725 West, Germantown, Ohio, by Board President Randy Benson with the Pledge of Allegiance. Trustees Randy R. Benson, Benjamin F. DeGroat, and Fiscal Officer Robert W. Rohrbach Jr. were present. Trustee Gregory A. Hanahan was absent and excused. Road & Service Department Superintendent Jeremy Holbrook, and Police Chief Joe Andzik were also present.

This meeting was digital tape recorded and the CD is on file. The Germantown Press, Dayton Daily News, and Middletown Journal were notified of the meeting.

VISITORS – none

VISITOR COMMENTS – none

MINUTES –

The Board reviewed the minutes of the April 8 and April 19 meetings. Mr. DeGroat introduced a **MOTION**, seconded by Mr. Benson, to approve the minutes of the April 8th meeting as corrected, and the April 19th meeting as submitted. After discussion, all present voted in favor, the MOTION passed.

The Board reviewed the minutes of the May 13, regular meeting, but with Mr. Hanahan absent, no motion could be made to approve as Mr. DeGroat did not attend it.

FISCAL OFFICER REPORT –

I. Correspondence:

IN

- A. OTA – June Grassroot Clippings
- B. PERSO – notice of the closure of the John Baker lawsuit against the Zoning Inspector Laurie Rohrbach and Board President Randy Benson.
- C. Mont. Co. Engineer – Request for resolution to approve 2013 Partnership Pool Program participation by German Township
- D. Karen McGhee Womens Touch – request for additional work at Twp.
- E. OPERS – Invoice for Jeremy Holbrook Delinquent Contributions stemming from 8/87 to 6/91: 2014 rates notice
- F. BWC – refund for early payment of premium

OUT

- A. Germantown Press & DDN & Midd Journal - Mtg. reminders 6/10
- B. City of Germantown – 4/19 minutes
- C. Monthly – IRS, State, School, OPERS reports & payments
- D. Ruth Huff – OPERS notice of right and request for determination for OPERS Membership from 1980, thru 1990's

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- E. First National Bank of Germantown – Credit card request for Chief Andzik
- F. All Dept. Heads – Memo reference OPERS paperwork for independent contractors.
- II. Distribute Financial Reports: Payment, Cash Summary by Fund; and Fund Status reports.

Mr. DeGroat introduced a **MOTION**, seconded by Mr. Benson to approve the financial reports and authorize the payment of the bills, checks 45593 thru 45666, including payroll tax EFT's to IRS. After discussion, all present voted in favor. **MOTION** passed.

- III. Mr. Rohrbach reported working with our attorney Todd Ahear, the Board of Elections and Mr. Portune (Bakers Attorney) and provided the Board with a draft resolution to place the Zoning Referendum issue on the November 5th ballot.

RESOLUTION 2013- 021

A RESOLUTION SPECIFYING NOVEMBER 5, 2013 AS THE DATE FOR THE HOLDING OF AN ELECTION TO DETERMINE WHETHER RESOLUTION 2013-10 APPROVING AN AMENDMENT TO THE GERMAN TOWNSHIP ZONING RESOLUTION IS TO BE APPROVED OR REJECTED AND DIRECTING THE BOARD OF ELECTIONS OF MONTGOMERY COUNTY, OHIO TO CONDUCT SAID ELECTION was introduced by Mr. Benson, seconded by Mr. DeGroat, at the Regular Board of Trustees Meeting held on June 10th, 2013 at the Township Hall.

WHEREAS, the German Township Rural Zoning Commission has developed and held the required public hearings on the proposed amendments to the Township Zoning Resolution, in the form of Rural Zoning Commission Case #2012-13 ZTC, and voted to present and recommend approval of the proposed amendments to the German Township Board of Trustees for action; and

WHEREAS, the Montgomery County Planning Commission has reviewed said case and recommends approval as outlined in the case; and

WHEREAS, the German Township Board of Trustees have reviewed, advertised as required, and on March 4, 2013, held the required public hearing on the proposed amendments (noted below) to the German Township Zoning Resolution and voted to approve said amendments as presented in the Rural Zoning Commission Case #2012-13 ZTC, via Resolution 2013-10. NOTE: Mr. Benjamin DeGroat recused himself from all discussion, the public hearing, the drafting of resolution 2013-10, and the adoption vote; and

Add to Article 8 Agricultural District, Section 803 – Conditional Use:

R. Landscaping business: provided that:

1. The property has at least 5 acres
2. All materials, vehicles, machinery, business activity, and other items pertaining

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to landscaping business are kept to the rear of the primary residence and at least 25 feet from the property line.

3. All structures used for the storage of landscaping materials must be at least 50 feet from any property line.

4. All mulch or landscaping material piles must be kept at least 300 feet from the adjacent primary residence and at least 50 feet from the property line.

5. Such hours and days of operation as the BZA shall see fit to decide based on the individual application.

6. Such screening and buffering as the BZA shall see fit to decide based on the individual application.

Definition: A landscape business offers products and services to clients that involve planting and caring for trees, shrubs, flowers, ground covers, and grass. Also offers design and implementation services for sidewalks, decks, retaining walls, patios, lighting and other external design elements outside of a building.

Remove from Article 38 Accessory Uses, Section 3803, Accessory Uses Not Permitted – Residential, Agricultural, Business, and Office Districts:

B. Outdoor storage, such as but not limited to: junk, wood, lumber, excessive brush, building materials, parking of inoperative or unlicensed motor vehicles or similar items of property unless specifically permitted by the specific zoning district regulations.

WHEREAS, on March 26, 2013, Mr. John Baker of 14941 S. R. 725, Germantown, Ohio, 45327 filed a referendum petition, that he had circulated, containing 252 signatures, including a map of the affected area, with respect to Resolution 2013-10, with the Fiscal Officer of German Township, Montgomery County, pursuant to Ohio Revised Code Section 519.12; and

WHEREAS, the Fiscal Officer of said German Township has determined (a) that the Referendum Petition with respect Resolution 2013-10 appeared valid on its face; (b) was submitted to the Township with the enclosed map of the area affected by the petition; and (c) appeared to contain the requisite number of signatures, and the Board of Township Trustees has certified the Petition to the Montgomery County Board of Elections on April 5, 2012, for sufficiency and validation, pursuant to Ohio Revised Code Section 519.12; and

WHEREAS, in respect to the Referendum Petition circulated with respect to Resolution 2013-10, the Montgomery County Board of Elections has validated 228 signatures, certified the sufficiency of signatures, and returned the original referendum petition to the Fiscal Officer of German Township for further action by the Board of Trustees of German Township, Montgomery County, pursuant to Ohio Revised Code Section 519.12.

NOW, THEREFORE, THE GERMAN TOWNSHIP BOARD OF TRUSTEES, MONTGOMERY COUNTY, HEREBY RESOLVES:

SECTION 1 : That the question of whether Resolution No. 2013-10 is to be approved or rejected, be submitted to the electors of the unincorporated area of German Township, Montgomery County, Ohio at the election to be held at the usual voting places for the unincorporated area of German Township on the 5th day of November, 2013; and

SECTION 2 : That the ballot shall be in the following form:

“Should Resolution No. 2013-10 amending the German Township Zoning Resolution by adding ‘Landscaping Business’ as a Conditional Use in article 8 Agricultural District and removing the prohibition against Outdoor Storage from Article 38, be

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approved or rejected?"

SECTION 3: That the Fiscal Officer of German Township, Montgomery County be and is hereby directed to immediately certify a copy of this Resolution, Resolution 2013-10, sample copy of petition, and the map submitted with the referendum petition to the Board of Election of Montgomery County, Ohio, and request said Board of Election to cause notice of election on the issue of approval or rejection of Resolution No. 2013-10 to be given as required by law.

SECTION 4: That Resolution No. 2013-10 will be approved if a majority of electors voting at such election vote in favor of the amendment.

SECTION 5: This resolution shall be effective the earliest date allowed by the Ohio Revised Code.

	For Resolution No. 2013-10
	Against Resolution No. 2013-10

After discussion, the adoption vote as follows:

Gregory A. Hanahan - Absent, Randy Benson - Yes, Benjamin F. DeGroat - Yes

RESOLUTION 2013-21 Passed this 10th day of June, 2013.

- IV. Mr. Rohrbach reported that official employee identification for the Board members and all non-police employees is in progress.
- V. Mr. Rohrbach reported that Mr. Holbrook took OPERS advice and filed a request for determination of membership for the period between 8/13/87 and 6/30/91. The Township Clerks did not place part time employees into OPERS during that time. OPERS determined he should have been a member of OPERS and employee and employer contributions should have been withheld. This has resulted in the Township being billed \$4,577.95 for the employee, employer portions and interest. The bill was approved for payment. Mr. Rohrbach noted an additional ex-employee Ruth Huff may also file a request for determination of membership with OPERS.
- VI. Mr. Rohrbach reported on researching the minutes and found Board action on November 30, 1981 regarding the correct spelling of Sigel Rd. At that time the Clerk was directed to notify the Montgomery County Commissioners that the correct spelling was "Sigel" and for the Commissioner to notify all departments.

The Board discussed the issue and felt a resolution to clarify was in order and to provide said resolution to Mr. Holbrook for appropriate notices.

RESOLUTION 2013-22

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A Resolution to verify and clarify the correct spelling of Sigel Road was introduced by Mr. DeGroat, seconded by Mr. Benson, at the Regular Board of Trustees Meeting held on June 10, 2013.

WHEREAS, according to the minutes of the German Township Board of Trustees dated November 30, 1981, the spelling of Sigel Road was investigated and determined to be "Sigel Road". The clerk was then "instructed to write the Montgomery County Commissioners and request the spelling of Sigel Rd. be corrected on all county maps and documents" and:

WHEREAS, there are currently two spellings of Sigel/Sigal Road being used by the township, county, state, post office, and the residents of Sigel Road; and

WHEREAS, Mr. Jeremy Holbrook, German Township Road & Service Superintendent, has researched the correct spelling of Sigel Road, verifying what was previously determined in 1981.

NOW, THEREFORE, THE GERMAN TOWNSHIP BOARD OF TRUSTEES, MONTGOMERY COUNTY, HEREBY RESOLVES:

SECTION 1, that the correct spelling of Sigel Road is "Sigel Road"; and

SECTION 2, that Mr. Jeremy Holbrook, German Township Road & Service Superintendent, shall correct the street signs to reflect the proper spelling and to make proper notification of the correct spelling as outlined in this resolution, to all residents of Sigel Road, the appropriate offices of Montgomery County, the State of Ohio, and the Post Office.

After discussion, the adoption vote as follows:

Randy Benson - Yes, Benjamin DeGroat - Yes, Gregory A. Hanahan - Absent

RESOLUTION 2013-22, Passed this 10th day of June, 2013.

PRESIDENT REPORT –

- I. Mr. Benson reported that the Pool Oversight discussed the August levy.
- II. Mr. Benson reported on Fire Oversight. Recreational Fire information packets were distributed for public information.
- III. Mr. Benson opened a discussion regarding the failure of the furnace/air conditioner in old section of the Twp. Hall. He will obtain a quote by the next meeting for repair/replacement.
- IV. Mr. Benson reported that Germantown Union Cemetery employee Joe Munafo has passed the written CDL test and would like to use a Township truck to take the driving test. The Board concurred.

POLICE REPORT –

- I. Chief Andzik updated the Board on the Sergeant process. The next step is scheduled for June 12th.

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- II. Chief Andzik reported that the COPS grant application has been completed and submitted.
- III. Chief Andzik updated the Board on the telephone system upgrade project. The company doing the phone system will be in on June 20, to evaluate the needs of our various workstations and departments.
- IV. Chief Andzik updated the Board on the computer server upgrade project. Current estimates are too high, working on getting lower quotes.
- V. Chief Andzik reported that on May 18th the department honored those citizens who volunteered time to help the department in various ways over the past year. A cookout with covered dishes was held. Everyone enjoyed the event.
- VI. Chief Andzik reported the following regarding the 2013 Police Survey:
- 1117 surveys mailed, 84 surveys returned = 7.5 % return rate
 - Surveys received were predominately positive with excellent ratings
 - Top five issues: Burglary/Theft/Break-ins, Patrol/Public Safety, Contact with public/public relations and follow-ups, Speed, and Police presence/visibility

ROAD/SERVICE DEPARTMENT REPORT –

- I. Mr. Holbrook reported that two rounds of mowing have been completed with the new Woods mower. It is working above expectations.
- II. Mr. Holbrook reported on his research on providing speed bumps for the Arch St. Alley during the 725 detour, stating he did not feel speed bumps were warranted. The board agreed and will review this decision if a problem develops.
- III. Mr. Holbrook requested a resolution to participate in the Montgomery County Engineer Partnership Pool Program during 2013.
- IV. Mr. DeGroat introduced **RESOLUTION 2013-23**, seconded by Mr. Benson, to participate in the Montgomery County Engineer Partnership Pool Program during 2013, as outlined by Mr. Holbrook on the County Engineer's forms. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Hanahan – Absent, **RESOLUTION 2013-23** passed
- V. Mr. Holbrook reported opened a discussion regarding ditch work on Sigel Road. A large tree had to be removed, leaving a stump that needed

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grinding. Based on a recommendation of a fellow employee, he contacted a person named Paul (no last name) via telephone and left a message asking for a quote. Paul responded during a weekend and ground the stump without authorization and now wants paid \$385. Mr. Holbrook reports the stump is not ground down far enough.

The Board discussed the issue and will not authorize payment. They directed Mr. Holbrook to make contact with "Paul" and obtain information as to last name, OPERS contractor forms, insurance, BWC coverage, estimate for the entire job, etc. before any payment will be considered.

- VI. Mr. Holbrook will be representing the Board at the upcoming Land Bank meeting.

ZONING & TRASH COLLECTION REPORT - none

OLD BUSINESS:

- I. Mr. DeGroat reported on Parks Oversight activities stating the Parks are looking good and well mowed.

NEW BUSINESS: none

EXECUTIVE SESSION:

At 7:50 Mr. DeGroat introduced a **MOTION**, seconded by Mr. Benson, to adjourn into executive session to discuss personnel issue, possible discipline in the Police Dept. Mr. Rohrbach and Chief Andzik were requested to attend. After discussion, all present voted in favor, **MOTION** passed.

At 8:42 Mr. DeGroat introduced a **MOTION**, seconded by Mr. Benson, to exit executive session and reconvene into regular session. After discussion, all present voted in favor, **MOTION** passed.

PURCHASE ORDERS AND BANK RECONCILIATIONS were signed.

Meeting Adjourned at 8:42 P. M.

Signed: Randy R. Benson

Attest: 