



GERMAN TOWNSHIP BOARD OF TRUSTEES MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 12, 2022

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 Mark Cross at 7:02 pm. In attendance were:

President Mark Cross	Vice-President Jacob Stubbs	Fiscal Officer Mark Heistand
Police Chief Joe Andzik	Road Admin. Jeremy Holbrook	WebEx Facilitator Deb Cross

Trustee Lou Potter was absent

IN-PERSON ATTENDEES:

Name	Address	Name	Address
Deb Cross	7444 S. Stiver Road	Mark Keener	7865 Jamaica Road
David Gehron	14239 Kiefer Road	Julia Smith	511 W. Market St.

ONLINE ATTENDEES:

Name	Name	Name	Name
KC	Sam	Abigail Hale-Dennis	Call in User #2

The Germantown Press was notified of the Regular Meeting on 12/5/22 at 6:51 pm.

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

Dr. Cross made a MOTION, seconded by Mr. Stubbs, to excuse Mr. Potter. The MOTION WAS APPROVED by a unanimous voice vote.

VISITOR COMMENTS:

- **Julia Smith, 511 W. Market Street:** Mrs. Smith, representing the Sonshine in a Bag food ministry at Germantown First Church of God, provided an update. This is the tenth year for the ministry. 140 Valley View students are provided biweekly bags of food delivered by a team of volunteers organized by Amanda Phillips. The ministry spends about \$4 for each bag, for a total of \$2,240 each month. She stated that there is a great need for this food ministry.
 - Dr. Cross introduced **RESOLUTION 2022-43**, seconded by Mr. Stubbs: **A RESOLUTION APPROVING A \$2,000 DONATION FROM THE W.K. FOUTS TRUST FUND TO THE SONSHINE IN A BAG FOOD MINISTRY AT GERMANTOWN FIRST CHURCH OF GOD.** Mr. Stubbs said he couldn't think of a better place for the donation. He stated that the donation achieves the intent of the fund's donor. The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes. **RESOLUTION 2022-43 WAS ADOPTED.**

- **Visitor Comment: Mark Keener, 7865 Jamaica Road:** Mr. Keener suggested that individuals keep the Sonshine in a Bag ministry in mind when making personal donations.

FISCAL OFFICER’S REPORT:

- Mr. Heistand submitted minutes for the 11/14/22 Regular Meeting. Dr. Cross requested revised wording on page five in the Zoning report. Dr. Cross made a MOTION, seconded by Mr. Stubbs, to approve the minutes as corrected. The MOTION WAS APPROVED by a unanimous voice vote.
- Mr. Heistand presented the November Financial Reports: (1) 11/30/22 Fund Status; (2) YTD November 2022 Cash Summary by Fund; (3) Month of November 2022 Cash Summary by Fund; (4) November 2022 Receipt Listing; and (5) November 2022 Payment Listing. He noted the following items:
 - Receipt #152-2022 for \$86,624.42 from the State of Ohio was the 2nd half homestead and rollback taxes.
 - Warrant #50616 for \$10,000 to the City of Germantown was the payment approved by the Trustees in October, the funds to be used to pay for improvements at the Miami Military Institute park.
 - Warrant #50620 for \$10,307.24 to First National Bank of Germantown was the semi-annual payment on the Valley View Water & Sewer District loan. The remaining amount due through 12/1/25 is \$61,843.50.
 - Warrant #50621 for \$473,257.83 to the City of Germantown was the 2nd half payment of the joint levy funds (90% of tax receipts less related expenses for all funds except for the Road Levy Fund – the Road Levy payment was 100% of Germantown’s share based on property valuations).
- Dr. Cross made a MOTION, seconded by Mr. Stubbs, to approve the November financial reports and authorize the payment of November bills (warrants 50616 through 50621 and vouchers 910 through 985 for payroll direct deposit, payroll tax withholdings and other electronic payments). The MOTION WAS APPROVED by a unanimous voice vote.
 - **Visitor Comment: Mark Keener:** Mr. Keener asked if the road levy payment was split 50-50 with Germantown. Mr. Heistand responded that the split was closer to 52-48.
- To assist the Police and Road Departments in preparing their 2023 budgets, Mr. Heistand stated that he recently provided year-to-date analyses of spending by account number along with his estimate of total year spending and estimated year-end fund balances. He began a discussion concerning elected official’s salaries. He noted that during the 12/30/21 Budget Review Meeting the Trustees’ 25% salary reduction and the allocation of Trustee and Fiscal Officer salaries to the Police, Road and Trash Departments were discussed. It was decided at that time not to make a change for 2022 but to revisit the issue for 2023. He stated his belief that the 2023 General Fund could comfortably afford to eliminate the 25% reduction in Trustee salaries and also to suspend allocating Trustee and Fiscal Officer salaries to other departments. He said that the General Fund started 2022 with a \$192 thousand balance which was originally projected to increase to \$195 thousand by 12/31/22. His current estimate was that the 12/31/22 General Fund balance would be \$250 thousand, the increase primarily due to four reasons:
 1. A \$10 thousand zoning permit fee paid by Valley View Local Schools;
 2. A \$11 thousand increase over the budgeted amount of Local Government Funds received from the State of Ohio;
 3. A nearly \$26 thousand increase in Interest Revenue due to the transfer of excess funds to Star Ohio, which pays interest rates significantly higher than First National Bank of Germantown (3.7% versus .05% in November); and
 4. Zoning expenses that are projected to be \$3 thousand lower than the amount budgeted.

- He suggested that if the Trustees wanted to make a change in 2023 Trustee salaries as well as change the allocations to the Police, Road and Trash Departments, he would like that answer at this meeting so that the related budgets would be more accurate when reviewed at the Year-End Budget Meeting. He stated that the effect of eliminating both items would be to increase elected official's salaries in the General Fund from an \$30,830 in 2022 to \$70,050 in 2023. Conversely, if the current situation was continued for 2023, he estimated that the General Fund balance would increase from \$250 thousand at 12/31/22 to \$284 thousand at 12/31/23.
- Mr. Stubbs stated his concern with making a change since it could not be known how keeping the full salaries in the General Fund would affect future years. He suggested that the allocation policy continue in 2023, but that a transfer from the General Fund to the Police, Road and Trash Funds be budgeted at an amount equal to the salary allocations.
 - **Visitor Comment: Mark Keener:** Mr. Keener commended Mr. Heistand on transferring excess funds from FNB Germantown to Star Ohio to increase interest revenue. He noted that the General Fund balance was \$50 thousand when the salary reductions began while he was Fiscal Officer. He was in favor of reinstating 100% of Trustee salaries and also in favor of transfers from the General Fund to the other funds to offset salary allocations.
- The Trustees informally agreed to return Trustee salaries to 100% in 2023 and to continue the allocation policy. They also informally agreed to transfers to the Police, Road and Trash funds to reimburse the funds for the salary allocations. No formal vote was taken since the 2023 allocation budgets will be approved at the Organizational Meeting in January 2023.
- Mr. Heistand noted that the .5 mill Pool Levy will expire at the end of 2023. The levy was last passed as a renewal in May 2018. He stated that if the levy is placed on the May 2023 ballot, the deadline for submitting paperwork is 2/1/23. The Trustees' first step would be to ask the Montgomery County Auditor to certify the amount that would be generated by a renewal or replacement levy. Once this information is received, at a subsequent meeting the Trustees would then authorize placing the levy on the ballot.
 - Mr. Stubbs reported that the Pool Board and Pool Oversight Committee would like to know both the amount generated by a renewal levy and the amount generated by a replacement levy. He also wondered what else would be on the May 2023 ballot.
 - Dr. Cross stated that Germantown Council reported at its recent meeting that a renewal would generate \$84 thousand each year and a replacement would generate \$112 thousand. He contacted the Board of Elections and was told that the cost of running a levy on the May 2023 ballot would be \$4,500 (\$900 per precinct) if there are no other issues. The current levy was first passed in 2013 and renewed in 2018.
- Mr. Stubbs introduced **RESOLUTION 2022-44**, seconded by Dr. Cross: **A RESOLUTION REQUESTING THAT THE MONTGOMERY COUNTY AUDITOR'S OFFICE CERTIFY TO GERMAN TOWNSHIP THE TOTAL CURRENT TAX VALUATION OF GERMAN TOWNSHIP, INCORPORATED AND UNINCORPORATED AREAS, AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A RECREATIONAL LEVY (POOL), A .5 MILL LEVY, FOR A 5 YEAR PERIOD OF TIME OF BOTH RENEWAL AND REPLACEMENT TAX; BEGINNING TAX YEAR 2023, WITH FIRST HALF COLLECTION IN 2024; TO PROVIDE FUNDING "FOR PARKS AND RECREATIONAL PURPOSES (SWIMMING POOL)" AS AUTHORIZED IN THE ORC SECTION 5705.19 (H), TO BE VOTED ON THE MAY 2, 2023 PRIMARY ELECTION BALLOT.** Mr. Heistand suggested that two Resolutions be used, in case the Board of Elections would reject having both a renewal and a replacement requested on the same Resolution. In response, Mr. Stubbs amended the RESOLUTION, with Dr. Cross in agreement, to remove "**BOTH RENEWAL AND REPLACEMENT**" from the RESOLUTION and insert "**RENEWAL.**" The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes. **RESOLUTION 2022-44 WAS ADOPTED.**

- Mr. Stubbs introduced **RESOLUTION 2022-45**, seconded by Dr. Cross: **A RESOLUTION REQUESTING THAT THE MONTGOMERY COUNTY AUDITOR’S OFFICE CERTIFY TO GERMAN TOWNSHIP THE TOTAL CURRENT TAX VALUATION OF GERMAN TOWNSHIP, INCORPORATED AND UNINCORPORATED AREAS, AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A RECREATIONAL LEVY (POOL), A .5 MILL LEVY, FOR A 5 YEAR PERIOD OF TIME OF REPLACEMENT TAX; BEGINNING TAX YEAR 2023, WITH FIRST HALF COLLECTION IN 2024; TO PROVIDE FUNDING “FOR PARKS AND RECREATIONAL PURPOSES (SWIMMING POOL)” AS AUTHORIZED IN THE ORC SECTION 5705.19 (H), TO BE VOTED ON THE MAY 2, 2023 PRIMARY ELECTION BALLOT.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes. **RESOLUTION 2022-45 WAS ADOPTED.**
- Mr. Heistand stated that he attended the all-day Auditor of State’s Uniform Accounting Network (UAN) Year-End Update webinar on 12/5/22. He planned to attend the Montgomery County Auditor’s Annual Update at Sinclair Community College on 12/15/22.
- Mr. Heistand asked the Trustees to appoint the 2023 Reserve Police Officer Memorial Fund Board. Mr. Stubbs requested that 2022 Citizen Representative & Chair Lynn Cleveland be replaced by Mark Keener. Mr. Keener agreed to serve. Chief Andzik requested that 2022 Reserve Officer Representative Josh Nichols be replaced by Adam Gabir. Mr. Stubbs introduced **RESOLUTION 2022-46**, seconded by Dr. Cross: **A RESOLUTION APPOINTING THE 2023 RESERVE POLICE OFFICER MEMORIAL FUND BOARD AS FOLLOWS:**
 - **Mark Keener – Citizen Representative & Chair**
 - **Lou Potter – Elected Official Representative**
 - **Mark Heistand – Elected Official Representative & Secretary**
 - **Adam Gabir – Reserve Officer Representative**
 - **Muayad Shokeh – Reserve Officer Representative**

The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes. **RESOLUTION 2022-46 WAS ADOPTED.**
- Mr. Heistand reported that as a member of the Township’s insurance company OTARMA (Ohio Township Association Risk Management Authority), the Township may help elect OTARMA’s Board of Directors. An election occurs every two years. The ballot for this year’s election includes three candidates, two of whom are incumbents. He noted that in 2021 the Trustees decided not to submit an election ballot. The Trustees agreed not to submit a ballot for 2023.
- He noted that during a discussion of electric aggregation at the November meeting, Mr. Stubbs commented that Trebel LLC made a presentation to the Trustees several years ago. He said that a few days after the meeting the Township received information from Trebel. He suggested that the Trustees consider it along with the information provided by Philip Leppla when he attended the September meeting to discuss electric aggregator SOPEC.
 - Dr. Cross reported that he had a recent discussion with John Theibart from Aspen Energy who represents a consulting firm that manages electric and gas aggregation. He noted that the Township could possibly place the electric aggregation issue on the November 2023 ballot. He planned to invite a Trebel representative to the January meeting.
 - Mr. Stubbs noted that Trebel is a sponsor of the Ohio Township Association Conference.
 - Dr. Cross stated that electric aggregation often results in a 30% savings for customers.

POLICE DEPARTMENT REPORT:

- Chief Andzik reported that the 12/3/22 Pancakes with Santa event was a success. About 85 children attended. He gave thanks to everyone who helped and attended.

ROAD/SERVICE DEPARTMENT REPORT:

- Mr. Holbrook reported that he and Scott Hamilton completed trimming brush, trees, and limbs off the edge of Township-maintained roads. He reminded residents who do not want the Road Department to trim their trees to keep their limbs and brush out of the road right of way.
- He reported that in 2015 the Trustees sold a parcel of land on Eckhart Road to Scott Weidle using GovDeals.com. The Township received payment from Weidle Corporation, but the Township never transferred the deed. He contacted the Montgomery County Engineer's Office and received advice on the proper way to complete the seven-year old transaction. He then contacted the Prosecutor's Office, who prepared a Quit-Claim Deed and a Resolution for the Trustees to adopt.
 - Mr. Heistand noted that the deed requires the signature of all three Trustees. He suggested that adoption of the related Resolution be deferred. The Trustees agreed to consider the issue at the Year-End Budget Meeting.
- Mr. Holbrook provided a draft 2023 Road Budget to the Trustees, including an analysis of historical cost of living adjustments (COLA) for the Road Department compared with Social Security COLA statistics. His analysis included the effect various 2023 COLA increases would have on his budget.

ZONING DEPARTMENT REPORT:

- Dr. Cross reported that a zoning violation on Eby Road had been resolved.
- He reported that he, Shauna Close and Kristen Hamaker met on 11/16/22 with representatives from the Montgomery Soil and Water Conservation District (MSWCD). The purpose of the meeting was to learn how MSWCD could help the Zoning Department approach certain zoning issues, including using the Web Soil Survey to determine if a parcel contains Prime Agricultural Soil. He noted that Mrs. Close and Ms. Hamaker would meet with Mr. Bridenbaugh on 12/14/22 to discuss use of the database. At the 11/16/22 meeting they also discussed including ponds in the Zoning Resolution, whether a parcel is in a flood plain, and drainage issues.
- He noted that the BZA will meet on 1/10/23 to discuss a case that has a drainage issue.
- Dr. Cross made a MOTION, seconded by Mr. Stubbs, to reappoint Valerie Hill to a five-year term on the Board of Zoning Appeals (BZA) from 1/1/23-12/31/27. The MOTION WAS APPROVED by a unanimous voice vote.
- Dr. Cross made a MOTION, seconded by Mr. Stubbs, to reappoint Kurt Jacoby to a five-year term on the Zoning Commission (ZC) from 1/1/23-12/31/27. The MOTION WAS APPROVED by a unanimous voice vote.
- He stated he was still working to update the Ohio Township Association (OTA) member list to reflect that Mrs. Close is a Member. This will allow her to register for the OTA Winter Conference.
 - **Visitor Comment: Mark Keener:** Mr. Keener asked if the General Fund could afford to pay the OTA conference fee and the related travel charges. Dr. Cross stated that he was comfortable personally paying his OTA expenses. Mr. Stubbs agreed, noting that reinstating Trustee salaries at 100% for 2023 would more than cover his OTA expenses.
- Dr. Cross noted that multiple roof-mounted solar arrays are being set up in the Township.

TRUSTEE STUBBS' REPORT:

- Mr. Stubbs noted that the Cemetery Board posted the sexton job listing and has already received several resumes. The resumes will be reviewed in January. He noted that both the Township and Germantown determined that the new sexton cannot be added to either jurisdiction's health insurance. The Board will consider reimbursing the new sexton for health insurance.
- He announced that Wreaths Across America will hold a ceremony at the Cemetery at noon on 12/17/22, followed by the placement of wreaths or flags on veteran graves.

- He reported that the Pool Board and the Pool Oversight Committee held two recent meetings to review the 2023 budget. Germantown provided time sheets to support \$18,000 in full-time salary and benefit charges to the budget, plus a \$5,000 administrative charge. He stated that the Pool Board and Oversight Committee thought the charges were excessive. It was agreed that the 2023 full-time wage charge would be reduced to \$10,000, with a corresponding decrease in benefit charges. Although Mr. Stubbs would have preferred a lower charge, he noted that it was fair and saved over \$12,000 – commenting that it was “much to the disappointment of the City.”
- He thanked Pool Oversight Committee at-large member Tim Johnson for his service. Mr. Johnson decided not to be reappointed for another term. Mr. Stubbs stated that anyone interested in volunteering for the Oversight Committee should contact him.
- He thanked Dr. Cross, Mr. Potter and Mr. Heistand for an exceptional year and stated that he looked forward to 2023. Dr. Cross thanked Mr. Stubbs for his comment.

TRUSTEE CROSS' REPORT:

- Dr. Cross asked Mr. Keener for an update on the Joint Economic Development District (JEDD). He noted that Valley View is now withholding JEDD taxes, which has resulted in some pushback from the high school employees.
 - **Visitor Comment: Mark Keener:** Mr. Keener, Treasurer of the JEDD Board, noted that the Board had not met recently. His emails requesting a meeting have gone unanswered. He reported that JEDD attorney Brenda Wehmer stated that Board terms are for calendar years. As such, Germantown representative Brian Wafzig's term will end on 12/31/22. Farmersville will appoint Mr. Wafzig's replacement for 2023-2026. He noted that a bank account cannot be established for the JEDD until the Board meets and approves an appropriate Resolution. Until then he can't deposit a \$4,000 check received from Farmersville for income tax withheld from the high school employees. He is hopeful that a meeting will be held in early 2023 with the new Farmersville representative in attendance. He stated that the JEDD Board does not yet have insurance coverage.
 - Dr. Cross stated that at the recent Germantown Council Meeting Brian Wafzig reported on the JEDD but did not mention that his Board term would end on 12/31/22.
 - **Visitor Comment: David Gehron, 14239 Kiefer Road:** Mr. Gehron asked why a bank account can't be set up. He asked if there was any language in the JEDD documents concerning absence or nonparticipation of Board members.
- Dr. Cross asked if the Personnel Manual had been updated for the revisions approved by the Trustees at the 11/14/22 meeting. Mr. Heistand stated that he had not completed the update, and expected that it would not be completed until after the year-end closing.
- To assist the Police and Road Departments in preparing their 2023 budgets, the Trustees held an extensive discussion concerning the 2023 salary Cost of Living Adjustment (COLA). The Trustees informally agreed to a 3% COLA increase for 2023. No formal vote was taken since the 2023 salary budgets will be approved at the Organizational Meeting in January 2023.
- He announced the Special Year-End Meeting to review 2023 budgets and other items will be held on 12/30/22 at 7:00pm. The 2023 Organizational Meeting will be on 1/2/23 at 7:00pm. He noted that Regular Trustee Meetings in 2023 will be on the second Monday of each month at 7:00 pm (except in October when the meeting will be held the next day due to the Columbus Day holiday).
 - The BZA will hold its 2023 Organizational Meeting on 1/3/23 at 7:00 pm. Regular BZA meetings will normally be held on the second Tuesday of each month (except for October when the meeting will be held on the third Tuesday).
 - The ZC will hold its 2023 Organizational Meeting on 1/3/23 immediately following the BZA meeting. The remainder of the 2023 ZC meeting schedule is yet to be determined.

- He requested that all meetings be posted on the Township website, on the Township's Facebook pages and on Township Hall Meeting Room door as well as emails sent to the Police Department and Fiscal Officer lists at least one week in advance of each meeting.
- He discussed the process for reviewing the joint levy budgets and suggested that in future years the budgets be shared with the Trustees a week or two in advance. Mr. Stubbs recommended that the Township and City hold a joint meeting during the summer of 2023 to discuss the budget process since there is such a disconnect between the Township's and the City's expectations. Issues to be discussed include the Township's holdback of funds, the City's administrative fees and the City's allocation of salaries and benefits. Dr. Cross stated that it appeared to him that the City is trying to shore up its General Fund by transferring expenses to the joint levy funds.
- He attended the 12/5/22 Germantown Council Meeting. Highlights included:
 - The new City water tower is now online, although the old tower has not been demolished.
 - Council approved an Ordinance that established a Community Reinvestment Area in the downtown area, designating a housing officer to administer the program and creating a Community Reinvestment Housing Council and a Tax Incentive Review Council.
 - Council approved an Ordinance to transfer \$120,000 from the General Fund to three funds to avoid the funds ending 2022 with a negative balance: \$50,000 to the Street Levy Fund, \$20,000 to the Park Levy Fund; and \$50,000 to the Street Capital Fund.
- He reported that Council held a Work Session after their Regular Meeting. Discussion included:
 - Plans for the Miami Military Institute property will be developed in four phases. Mr. Potter's recent work to improve the property was recognized.
 - Council discussed a problem with vehicle noise and speeding on Market Street. It was decided to have the City Manager determine the cost of hiring a traffic engineer to identify possible solutions. The potential cost of the engineer is \$3,000-\$10,000. The Manager stated that there were very limited funds to address the problem.

OLD BUSINESS:

- None

NEW BUSINESS:

- None

OTHER BUSINESS:

- Mr. Stubbs asked that the 2023 donation from the Fouts Fund be increased from \$2,000 to \$4,000.

MEETING ADJOURNED:

- With no further business, Mr. Stubbs made a MOTION, seconded by Dr. Cross, to adjourn. The MOTION WAS APPROVED by a unanimous voice vote. The Meeting adjourned at 8:58 pm.

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

Attest: These minutes were approved by the Board of Trustees at the December 30, 2022 meeting.

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