

THE GERMAN TOWNSHIP BOARD OF TRUSTEES

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____ June 11, 2012
 _____ 20_____

The regular meeting was called to order at 7:12 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 (arrived 7:25), Gregory A. Hanahan (arrived 7:10) and Fiscal Officer Robert W. Rohrbach Jr.(arrived 7:10) were present. Zoning Inspector Laurie Rohrbach, Road & Service Department Superintendent Jeremy Holbrook, and Police Chief W. L. Wilcox 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 – Montgomery Co. Treasurer Carolyn Rice; Harley Branham of 11820 Sigel Rd.; Eric & Kellie Nolen of 14991 SR 725; Russ & Linda Callahan of 15015 SR 725; and Jason Rohrbach of 14999 SR 725.

NUISANCE ABATEMENT PUBLIC HEARINGS –

I. At 7:14 PM, Mr. Benson introduced a **MOTION**, seconded by Mr. Hanahan, to open a public hearing to hear a Nuisance Abatement request for 11820 Sigel Rd. owned by Harley Branham. After discussion, all present voted in favor, **MOTION**, passed

Zoning Inspector, Laurie Rohrbach was sworn in and reported that all issues have been abated prior to the hearing and that no action was necessary.

Mr. Harley Branham was sworn in and stated that he was tearing down some old structures and getting rid of the materials.

At 7:20 PM, Mr. Benson introduced a **MOTION**, seconded by Mr. Hanahan to close the public hearing and reconvene the regular Board meeting. After discussion, all present voted in favor, **MOTION** passed. No Action was taken by the Board.

II. At 7:21 PM, Mr. Benson introduced a **MOTION**, seconded by Mr. Hanahan, to open a public hearing to hear a Nuisance Abatement request for 10330 Eby Rd. owned by Coy Gayhart. After discussion, all present voted in favor, **MOTION**, passed

Zoning Inspector, Laurie Rohrbach was sworn in and reported the issue was tall grass and piles of tree limbs. She also reported that the grass had been bush hogged and that tree limbs and piles of grass clipping remain. She recommended that a nuisance be declared to have the limbs and grass removed.

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She also testified that the property owner was notified as outlined in the nuisance abatement resolution.

There was no one present to speak on behalf of the property owner.

At 7:24 PM, Mr. Benson introduced a **MOTION**, seconded by Mr. Hanahan to close the public hearing and reconvene the regular Board meeting. After discussion, all present voted in favor, **MOTION** passed.

Mr. Hanahan introduced **RESOLUTION 2012-20**, seconded by Mr. Benson, to declare a nuisance at 10330 Eby Rd. as outlined by the Zoning Inspector and order it abated as outlined in the nuisance abatement resolution. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Absent, Mr. Hanahan – Yes; **RESOLUTION 2012-20** passed. Mrs. Rohrbach was advised to take the appropriate actions.

III. At 7:25 PM, Mr. Benson introduced a **MOTION**, seconded by Mr. Hanahan, to open a public hearing to hear a Nuisance Abatement request for 11952 Friend Rd. owned by Richard Miller and Scarlett Lewis. After discussion, all present voted in favor, **MOTION**, passed

Zoning Inspector, Laurie Rohrbach was sworn in and reported the issue was tall grass in the yards. She recommended that a nuisance be declared to have the limbs and grass removed. She also testified that the property owner was notified via mail and published in the newspaper, as outlined in the nuisance abatement resolution.

There was no one present to speak on behalf of the property owner.

At 7:27 PM, Mr. Benson introduced a **MOTION**, seconded by Mr. DeGroat to close the public hearing and reconvene the regular Board meeting. After discussion, all present voted in favor, **MOTION** passed.

Mr. DeGroat introduced **RESOLUTION 2012-21**, seconded by Mr. Hanahan, to declare a nuisance at 11952 Friend Rd. as outlined by the Zoning Inspector and order it abated as outlined in the nuisance abatement resolution. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Hanahan – Yes; **RESOLUTION 2012-21** passed. Mrs. Rohrbach was advised to take the appropriate actions.

IV. At 7:28 PM, Mr. Benson introduced a **MOTION**, seconded by Mr. DeGroat, to open a public hearing to hear a Nuisance Abatement request for 11920 SR

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725 owned by Robert K. Smith. After discussion, all present voted in favor, MOTION, passed

Zoning Inspector, Laurie Rohrbach was sworn in and reported the issue was tall grass and junk in the yards. She recommended that a nuisance be declared. She also testified that the property owner was notified via mail and posted on the door, as outlined in the nuisance abatement resolution.

There was no one present to speak on behalf of the property owner.

At 7:35 PM, Mr. Benson introduced a MOTION, seconded by Mr. Hanahan to close the public hearing and reconvene the regular Board meeting. After discussion, all present voted in favor, MOTION passed.

Mr. Hanahan introduced RESOLUTION 2012-22, seconded by Mr. DeGroat Hanahan, to declare a nuisance at 11920 SR 725 as outlined by the Zoning Inspector and order it abated as outlined in the nuisance abatement resolution. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Hanahan – Yes; RESOLUTION 2012-22 passed. Mrs. Rohrbach was advised to take the appropriate actions.

VISITOR COMMENTS –

I. Kelly Nolen informed the Board of ongoing issues with her neighbors the Baker's. She reported they have received threats and have been reported for various zoning violations that were investigated by the Zoning Inspector and found not to be violations. She reported the issues started when the Nolen's installed a fence between the properties to keep the dogs in. Things eventually calmed down until the neighbor on the other side of the Baker's began having issues with the Baker's. Her husband then testified on behalf of the neighbors (against the Baker's) and issues began again between the Baker's and Nolen's. Issues included the Baker's allegedly tearing down the Nolen's fence, threats being made against the Nolen's by the Baker's, and have escalated to both parties continually video taping each other. All issues have been reported to the German Twp. Police at the time of occurrence.

Mrs. Nolen provided a written copy of the issues and police reports to the Board.

Mr. Nolen stated that many of the complaints are about noise from dump trucks "continually" entering and exiting his property.

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Jason Rohrbach reported he has witnessed the threats and the erratic behavior of Mr. Baker.

Zoning Inspector Laurie Rohrbach stated that all of the zoning complaints have been investigated and unfounded. She gave examples of the claim of a dump – she found no dump when investigated; complaint about shingle and wood on the ground and in trucks around the Nolen residence – house was being reroofed; complaint of 100's of trucks entering and exiting the property – she observed the property on several occasions and saw no trucks entering or exiting.

Russ Callahan stated that Nolen driveway is between his house and the Baker residence. He has heard no noise and has ever heard dogs barking.

Trustee DeGroat asked Chief Wilcox what could be done. Chief Wilcox reported that his officers have responded to several calls at the Nolen and Baker residences. Each time the incident is investigated and reports filed. Regarding the threats, they were investigated and prosecution by the Nolen's was declined. Most incidents are civil issues including the video taping .

The Board received the summary from Mrs. Nolen, advised the summary would be kept on file but there was nothing presented that they could take action on, and advised that any complaint on enforcement of the Zoning Inspector should be directed to the Zoning Board of Appeals.

II. Montgomery Co. Treasurer Carolyn Rice updated the Board on property tax collection. She noted that there are 4,608 parcels in the un-incorporated areas of German Township with only 100 delinquent. She also reported on a new payment plan initiative started by her office called Fresh Start to assist property owners in becoming current again.

MINUTES –

The Board reviewed the minutes of the May 14, 2012 regular meeting and June 4, 2012 Special Meeting. Mr. Hanahan introduced a **MOTION**, seconded by Mr. Benson to approve the minutes of the May 14 regular meeting as submitted and the June 4 special meeting as corrected. After discussion, all present voted in favor, **MOTION** passed.

FISCAL OFFICER REPORT –

I. Correspondence:

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IN

- A. OTA – June Grassroot Clippings
- B. Mont. Co. Auditor – Certification of Pool renewal levy for November
- C. Albers & Albers – May VVWSD invoice
- D. Montgomery Co. Bd. Of Development, Miami Valley In-Ovations, and Miami Valley Fair Housing Center, Inc. – Follow-up letter from 2010 regarding zoning regulations. Note: Board noted that 2012 response was that German Twp. is in compliance and remains in compliance today.
- E. ODOT – 2012 LTAP Customer Training Survey
- F. MCOFuture – poster announcing next meeting

OUT

- A. Germantown Press & DDN & Midd Journal - Mtg. reminders 06/4 & 6/11
- B. City of Germantown – 5/14 & 6/4 minutes
- C. Monthly – IRS, State, School, OPERS reports & payments
- D. KLA Risk Consulting – OTYRMA statement of action taken regarding November 2011 risk assessment

II. Distribute Financial Reports –

Mr. DeGroat introduced a **MOTION**, seconded by Mr. Hanahan to approve the financial reports and authorize the payment of the bills, checks 44590 thru 44688. After discussion, all present voted in favor. **MOTION** passed.

III. Mr. Rohrbach reported that he has received the levy invoices from the City. Since no payment could be made in January, as no invoices were sent prior, the payment was for the entire 2012 budgeted amount (January & April payments) with the exception of the Parks and EMS levies as funds were insufficient to pay the entire budget amount. Funds will be forwarded as received.

IV. Mr. Rohrbach reported that audit is still under review by the Auditor of State. Nothing new.

PRESIDENT REPORT –

I. Mr. Benson reported on fire oversight activities. He reported that the fire department has collected \$92,000 during its first year of soft billing.

II. Mr. Benson noted on the return of the Mont. Co. Auditor Certification for the Recreation Levy (Pool) levy for the November 6th ballot.

RESOLUTION 2012-24 declaring it necessary to levy a tax outside the ten mill limit and requesting that the Montgomery Co. Board of Elections place on the ballot of the

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incorporated and unincorporated areas of German Township, a (Pool) Recreational Levy, a 1/2 mil levy, for a 5 year period of time, of renewal tax; beginning tax year 2012, with first half collection in 2013; to provide funding "for Parks and Recreational Purposes" as authorized in the ORC Section 5705.19 (H), to be voted on the November 6, 2012 General election ballot; was introduced by Mr. Benson and seconded by Mr. DeGroat, during the Regular Board of Trustees meeting held on June 11, 2012.

The role being called and the adoption vote was as follows: Mr. Benjamin DeGroat Yes; Mr. Gregory A. Hanahan - Yes; Mr. Randy Benson - Yes. RESOLUTION 2012-24 passed. The Fiscal Officer was directed to file said resolution with the Board of Elections.

POLICE REPORT –

- I. Chief Wilcox reported that the CERT class has graduated and the quarterly training has been completed.
- II. Chief Wilcox reported that the building project process of receiving quotes for various areas of the construction.
- III. Chief Wilcox reported problems still exist at the Christian Center weather siren. The manufacturer will be replacing the radio receiver and controller.
- IV. Chief Wilcox reported the recent OVI checkpoint on SR 123. No OVI's were found, however 25 citations were issued for other offenses.
- V. Chief Wilcox reported that 3 tasers have been ordered. Work continues on the policy.

ROAD/SERVICE DEPARTMENT REPORT –

- I. Mr. Holbrook requested Board permission to contract with Ray Hensley, Inc. to perform chip & seal on Farmington and Rockey Roads at a total cost not to exceed \$24,431.55.
Mr. DeGroat introduced **RESOLUTION 2012-023**, seconded by Mr. Benson, to contract with Ray Hensley, Inc. to perform chip & seal on Farmington and Rockey Roads at a total cost not to exceed \$24,431.55; and to authorize Mr. Holbrook to execute all documents necessary on behalf of the Board of Trustees. After discussion, the adoption vote was as follows: Mr. Benson - Yes, Mr. Hanahan –Yes, Mr. DeGroat – Yes; RESOLUTUION 2012-023 passed.
- II. Mr. Holbrook updated the Board on the Ekhart Rd. P1 Extension Issue II project. The Glander property purchase has been executed. Weidle is awaiting completed changes in the plans before executing the purchase.

ZONING & TRASH COLLECTION REPORT - none

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OLD BUSINESS:

- I. Mr. Hanahan updated the Board on the Valley View Water & Sewer District activities.
 - Searching for water tower location
 - Reviewing contract from Southwest Regional Water District for water supply.
 - Closed on start up loan with First National Bank of Germantown
 - Studying potential EBY Rd. project
 - Investigating funding sources.

Mr. DeGroat noted that he has received good feedback regarding the water district efforts.
- II. Mr. Hanahan thanked the Lyons Club for assisting with trimming and cleanup; the Road Department for assisting with flag placement; and Mr. Benson for helping with foundation work and donating flowers for the reflection area.
- III. Mr. Hanahan distributed information for the Mont. Co. Solid Waste renewal for review for future action.
- IV. Mr. Hanahan noted that 7 townships were awarded loans or grants from the Ohio Local Government Innovation Fund.
- V. Mr. DeGroat reported that the next Park Oversight meeting will be held this week.

NEW BUSINESS: none

PURCHASE ORDERS AND BANK RECONCILIATIONS were signed.

Meeting Adjourned at 8:45 P. M.

Signed: Randy R. Benson

Attest: [Signature]