



GERMAN TOWNSHIP BOARD OF TRUSTEES MINUTES OF THE SPECIAL MEETING HELD ON NOVEMBER 18, 2020

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

The SPECIAL MEETING was called to order by President Abra Reed at 6:08 pm. In attendance were:

President Abra Reed

Vice-President Jacob Stubbs

Trustee Tyler Rehmert (online)

Fiscal Officer Mark Heistand

WebEx Facilitator Halie Sewell

IN PERSON VISITORS:

| Name | Name | Name | Name |
|-----------|-------------|------------|------|
| Nick Lamb | Ryan Hodson | Mike Moyer | |

ONLINE VISITORS:

| Name | Name | Name | Name |
|----------------|------------------|---------------------|--------------|
| David Gehron | Mark & Deb Cross | Brenda Wehmer, Esq. | Kurt Jacoby |
| Mark Keener | Brian Wafzig | Kim Dupps | Ben Richards |
| Lloyd Johnson | Sam H | Karen Carmickle | Benjamin |
| Call in User 6 | Call in User 7 | | |

The Germantown Press was notified of the Special Meeting on 11/15/20 at 9:52 pm.

Mrs. Reed led the group in the Pledge of Allegiance.

The announced purpose of the Special Meeting was:

- To meet with representatives from the City of Germantown, the Village of Farmersville, and Jackson Township to discuss a proposed Joint Economic Development District (JEDD) at the southwest corner of Manning Road and Germantown-Farmersville Pike for land owned by the Valley View School District.
- To discuss and/or approve the use of funds received under the CARES Act for coronavirus relief.
- To approve a RESOLUTION authorizing the advance of tax dollars collected for Tax Year 2020 in 2021.
- To discuss and/or vote for a candidate for Preble-Montgomery Farm Service Agency Committee.

VISTOR COMMENTS:

None

JEDD DISCUSSION:

Mr. Heistand addressed comments posted on social media following the Trustees' Special Meeting at 5:30 pm on 10/10/20 to discuss the JEDD. He noted that many of the comments focused on the legality of the meeting. He stated that the meeting was most definitely legal. O.R.C. 121.22(F) requires that "a public body shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action." He reported that the Germantown Press was notified of the Special Meeting via email on 10/9/20 at 10:58 am, well in excess of 24 hours in advance. People who previously requested to receive notification of Trustee meetings were sent the email at the same time.

Mrs. Reed reported that the other three jurisdictions were represented at this meeting. The City of Germantown was represented by Council Member Brian Wafzig who attended online. The Village of Farmersville was represented by Mayor Nick Lamb. Jackson Township was represented by Trustees Ryan Hodson and Mike Moyer. Messrs. Lamb, Hodson and Moyer attended in person.

The Trustees, along with Messrs. Wafzig, Lamb and Hodson discussed the potential JEDD at the site of the new Valley View school building. Much of the discussion during the 2¾ hour meeting repeated positions taken by the various parties at the prior meeting on 10/10/20.

Significant discussion items during the course of the meeting included the following:

- Mr. Wafzig read an email he received from Attorney Brenda Wehmer of Dinsmore & Shohl LLP after the 10/10/20 meeting. Ms. Wehmer attended the 10/10/20 meeting, but could not be heard by the group when she attempted to speak that night. Her email addressed six questions that were raised at that meeting.
- Valley View School Superintendent Ben Richards laid out a possible construction timeline. He noted that the school is waiting on approvals from the state on several items. He expected that the design phase would start in January/February 2021 and be finalized in late spring/early summer 2021. The site pad would hopefully be completed in fall 2021, with actual construction starting in spring 2022. He stated that the school and the Board of Education are supportive of a JEDD. Since the JEDD agreement is not finalized, the Board has not given formal approval.
- **Visitor Mark Keener, 7865 Jamaica Road** noted that he has a pending Public Records Request with the school to determine the number of school employees who will pay the JEDD income tax in addition to paying taxes in the two municipalities.
- Mr. Richards noted that the school has 200 total employees, both classified and certified.
- Mr. Rehmert stated that he compares the possible 200 people who may be taxed by both the JEDD tax and Germantown or Farmersville with the 1000's of other residents who may be forced to pay additional taxes due to lost tax revenues when the school moves out of both municipalities. The JEDD tax revenues will also benefit the townships' financial position.
- Mr. Lamb noted that the Valley View Junior High School is Farmersville's largest employer. He noted that the Village will incur additional expenses related to the new school building, including a lift station and extra maintenance on their water system.
- Mr. Wafzig noted that Germantown will lose \$74-90,000 in tax revenues once the school relocates. He stated that Germantown will incur additional expenses for fire/EMS.

- Mr. Rehmert stated that the only school employees who currently do not pay an income tax are those at the present high school. They represent a small portion of total school employees.
- Mr. Stubbs stated his estimate that 50-60 school employees currently live in Germantown. They will continue to pay municipal income tax even if there isn't a JEDD at the new school. With the JEDD they will pay higher taxes since Germantown allows only a 60% credit for income tax paid to other jurisdictions.
- Ms. Wehmer noted that she is retained by the City of Germantown. They are paying her fees.
- Mrs. Reed asked if the other entities contributed to Ms. Wehmer's legal fees, could those expenses count towards the required JEDD contribution from each jurisdiction.
- Mr. Stubbs stated his support for a short-term JEDD that would tax construction workers but not high school employees. He proposed that tax proceeds from this JEDD be split equally among the four jurisdictions. This JEDD would provide Germantown and Farmersville extra tax revenue for several years while giving them time to adjust their budgets once the schools leave their municipalities. He does not support an ongoing JEDD that would tax school employees.
- Mr. Wafzig stated that Germantown is only interested in a JEDD that would tax school employees and would last for 20-30 years.
- Mr. Rehmert stated that he could support Mr. Stubbs' short-term JEDD. But he also supports creating a long-term JEDD affecting all school employees.
- Later in the meeting, Mr. Stubbs stated he would support a long-term JEDD if the proceeds were split equally among the jurisdictions.
- Mr. Lamb stated that Farmersville residents have spoken and they are in favor of a JEDD.
- Throughout the meeting, there was extensive discussion concerning the possibility of hiring a School Resource Officer (SRO) for the new building and the source of funds to employ this person. One option involved the JEDD paying 75% of the costs (for school year months) and German Township paying 25% (for summer months). Other options were also discussed.
- Late in the meeting, Mr. Rehmert stated that all parties were supportive of a short-term JEDD during the construction period. He suggested that this short-term JEDD last for seven years.
- The participants agreed to hold one more Public Meeting on 12/16/20 at 6:00 pm. Subsequent meetings would be held as working sessions with only one German Township trustee present.
- Throughout the meeting, online visitors commented in the Chat Box. These are the comments:
 - Deb Cross - 6:14 PM - We would like to reserve that time until there has been discussion.
 - Deb Cross - 6:18 PM - what was the rate?
 - Halie Sewell - 6:19 PM - Feel free to send questions within the chat box. Please be specific as the board will review after discussion.
 - Deb Cross - 6:26 PM - Mr Richards, has hiring a resource officer been discussed with the board?
 - Mark Heistand - 6:27 PM - who just asked a question?
 - Deb Cross - 6:27 PM - Mark Cross
 - Nick Lamb - 6:27 PM - Nick Lamb - Farmersville Mayor
 - Deb Cross - 6:29 PM - How many employees will we affected by a JEDD?
 - Deb Cross - 6:34 PM - So a resource officer is not needed, Mr Richards?
 - Deb Cross - 6:37 PM - How many add'l employees would be paying an income tax with a JEDD that are not paying now?

- Deb Cross - 6:43 PM - Who is retaining the JEDD attorney and is she representing ALL entities?
 - Lloyd Johnson - 6:45 PM - Why should a resident of German township that works in the township have to pay to support Germantown
 - Lloyd Johnson - 6:47 PM - Can JEDDS be formed to recover lost revenue
 - Deb Cross - 6:50 PM - **Who is retaining the JEDD attorney and is she representing ALL entities?
 - Lloyd Johnson - 6:57 PM - Is this JEDD on solid legal ground
 - Mark Keener - 7:02 PM - German Township will NOT be salting more out there - those roads are maintained by the County.
 - Mark Keener - 7:05 PM - Question for the Attorney - The construction workers will be subject to the JEDD tax. Is there a legal way to exempt the High School employees from the JEDD tax during the construction period.
 - Deb Cross - 7:14 PM - Why is there a rush to instituting a JEDD when there is no idea when construction will start and no building plans drawn?
 - Mark Keener - 7:16 PM - You have a contract for 185 days per year, but there are only 250 "working days" per year. $185/250 = 74\%$
 - Lloyd Johnson - 7:24 PM - If the JEDD was in place now, would the engineers doing the planning etc be paying the tax
 - Mark Keener - 7:25 PM - >>in one of Brians opening remarks didn't he say that the taxing had to be uniform for everyone<< That was for residential income tax credit for the City of Germantown
 - Lloyd Johnson - 8:11 PM - JEEZ, tax them because we can
 - Lloyd Johnson - 8:45 PM - I'm uncomfortable with these remote meetings, I propose the next meeting be held after we can attend in person
 - Lloyd Johnson - 8:49 PM - My fingers aren't as glib as I am in person, I can't get my point across using this format. No need to answer
- At 8:56 pm the Trustees took a five minute break before resuming the meeting at 9:01 pm.

DISCUSSION ON USE OF CARES ACT FUNDS:

Mr. Rehmert reported that Spectrum/Charter has waived the \$500 one time installation fee for upgrades to the Township phone system that will allow audio conferencing during hybrid in-person and virtual Township meetings. The \$500 contract was approved using Resolution 2020-39 at the 11/9/20 meeting, to be paid from the Coronavirus Relief Fund. Mr. Rehmert made a MOTION, seconded by Mrs. Reed, to approve the revised contract with Spectrum/Charter for the phone upgrades. The MOTION PASSED. Since Mr. Rehmert attended the meeting remotely, he did not vote.

Mr. Rehmert discussed the video upgrades needed for hybrid in-person/virtual meetings, including the quote recently received from AVI-SPL. The quote was \$1,698.84 for the equipment, without installation. He recommended that the Trustees purchase the equipment directly from a retailer rather than through AVI-SPL and install the equipment using Township labor.

Mrs. Reed introduced **RESOLUTION 2020-40**, seconded by Mr. Stubbs: **A RESOLUTION APPROVING THE PURCHASE OF A WEBCAM, A LARGE-SCREEN TELEVISION AND RELATED VIDEO EQUIPMENT AT A COST NOT TO EXCEED \$2,000, THAT WILL ALLOW FOR HYBRID IN-PERSON AND VIRTUAL MEETINGS, WITH THE EXPENSES TO BE PAID FROM THE CORONAVIRUS RELIEF FUND.** The roll was taken and the adoption vote was as follows: Mrs. Reed-Yes; Mr. Stubbs-Yes; Mr. Rehmert-Abstain. **RESOLUTION 2020-40 WAS ADOPTED.**

APPROVE TAX ADVANCES FOR 2021:

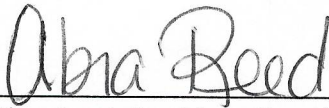
Mr. Heistand requested that the Trustees approve the 2020 Tax Advance Request Form to be submitted to County Auditor Karl Keith for collection year 2021. Mrs. Reed introduced **RESOLUTION 2020-41**, seconded by Mr. Stubbs: **A RESOLUTION AUTHORIZING THE MONTGOMERY COUNTY AUDITOR OFFICE TO ADVANCE THE MAXIMUM AVAILABLE AMOUNTS OF REAL ESTATE TAXES, PERSONAL PROPERTY TAXES AND FINES ON A MONTHLY BASIS DURING 2021.** The roll was taken and the adoption vote was as follows: Mrs. Reed-Yes; Mr. Stubbs-Yes; Mr. Rehmert-Abstain. **RESOLUTION 2020-41 WAS ADOPTED.**

PREBLE-MONTGOMERY FARM SERVICE AGENCY (FSA) COMMITTEE:

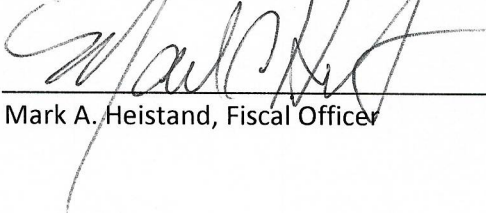
The Trustees discussed the 2020 Official Ballot for FSA Committee Elections. Dwight Coffman, Jr. and Kenny Lucas are running for an open seat on the Committee. Since they were unfamiliar with both candidates, the Trustees decided not to submit their ballot.

MEETING ADJOURNED:

With no further business, Mrs. Reed made a MOTION, seconded by Mr. Stubbs, to adjourn. The MOTION PASSED. Mr. Rehmert did not vote. The Meeting adjourned at 9:17 pm.

Signed: 
Abra Reed, President, Board of Trustees

Attest: These minutes were approved by the Board of Trustees at their meeting on December 14, 2020.

Signed: 
Mark A. Heistand, Fiscal Officer