



## GERMAN TOWNSHIP BOARD OF TRUSTEES MINUTES OF THE REGULAR MEETING HELD ON MARCH 11, 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:

|                                     |                                    |                                      |
|-------------------------------------|------------------------------------|--------------------------------------|
| <b>President Dr. Mark Cross</b>     | <b>Vice-President Jacob Stubbs</b> | <b>Trustee Louis Potter</b>          |
| <b>Fiscal Officer Mark Heistand</b> | <b>Road Admin. Jeremy Holbrook</b> | <b>Zoning Inspector Shauna Close</b> |

**IN-PERSON ATTENDEES:**

| Name                   | Address                | Name                           | Address              |
|------------------------|------------------------|--------------------------------|----------------------|
| Deb Cross              | 7444 S. Stiver Road    | James Rowland                  | 10021 Carlisle Pike  |
| Earl (Mark) Burgett    | 8830 Farmington Road   | Mark Keener                    | 7865 Jamaica Road    |
| Patricia & Gary Leppla | 6780 Farmersville Pike | Jeff & Carol Dondero           | 6793 Diamond Mill Rd |
| Abigail Hale-Dennis    | 13091 Oxford Road      | Rhonda, Michael & Austin Moore | 6803 Diamond Mill Rd |

**ONLINE ATTENDEES:**

| Name | Name | Name | Name |
|------|------|------|------|
| Sam  | KC   |      |      |

The Germantown Press was notified of the Regular Meeting on 2/29/24 at 2:30 pm.

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

**VISITOR COMMENTS:**

- **Patricia Leppla, 6780 Farmersville Pike:** Mrs. Leppla had concerns with Archer Energy, the new electric aggregation supplier. She spoke with Archer, who told her that Archer provides net metering for customers with solar panels. She was told that she could opt-in during some months and opt-out at other times of the year. She would like to receive these options in writing. She would also like to receive in writing the extra fees that will be charged by Archer as well as by the Township's energy consultant Trebel Energy.
  - Dr. Cross indicated that he spoke with both Trebel and Archer. Trebel told him that this was the first time they have ever dealt with solar panel issues. He noted that Archer had prepared a supplemental letter for customers with solar panels and provided a copy of the letter to Mrs. Leppla. He stated that he would contact Archer again on 3/12/24.

- **Jeff Dondero, 6793 Diamond Mill Road:** Mr. Dondero was concerned about a zoning violation at 6490 Diamond Mill Road. He stated that Germantown Oil Co. had moved its offices from State Route 4 to the Diamond Mill property. He was worried about tankers that contain combustible materials creating a road hazard as they leave the property in the morning and return in the evening due to the speed limit on the road and a dip in the road at the location that limits visibility. He stated that the tankers are stored overnight in a building that was built for agricultural purposes. He presented photos of the situation to the Trustees. He was also concerned about the effect on the aquifer as well as runoff should there be a fuel leak or a fuel fire that would require the use of suppressant foam. He presented a zoning complaint form to the Trustees.
- **Michael Moore, 6803 Diamond Mill Road:** Mr. Moore agreed that the trucks create a dangerous traffic situation as they stop on the road and back into the driveway. He stated that the trucks exchange fuel once inside the storage building. The trucks leave at 5-6 am and return 5:30-6:30.
  - Dr. Cross noted that the property owner received an agricultural exemption for the storage of farm items when construction of the building in question was approved. Use of the building for business purposes would require a zoning change which he felt probably wouldn't be approved. He stated that the Zoning Department would send a Notice of Violation letter to the property owner. If compliance doesn't occur, the issue would be forwarded to the Prosecutor's Office for further action. He noted that the violation is a misdemeanor subject to a daily fine of \$500.
- **Gary Leppla, 6780 Farmersville Pike:** Referring to the given letter earlier to Mrs. Leppla, Mr. Leppla felt that the situation is a disincentive for residents to pursue clean energy using solar. He stated that it makes no sense to opt-in at certain times during the year and opt-out at other times. He asked why the Trustees approved a five-year consulting agreement with Trebel Energy.
  - Mr. Stubbs noted that when Trebel negotiated the Archer contract for the Township, they also included Jackson Township, Perry Township, and several jurisdictions in Preble County. The large number of electric customers resulted in a lower rate for everybody.
- **James Rowland, 10021 Carlisle Pike:** Noting that he received electricity from Duke Energy, he asked if he needed to opt-out. He was told that only AES Ohio electric customers are affected by the Archer aggregation, so he would not have to opt-out.
- **Mark Burgett, 8830 Farmington Road:** Mr. Burgett was concerned that SRM, the operator of the gravel pit on Carlisle Pike, was mining the property on a Sunday without a valid permit.
  - Dr. Cross noted that a special permit wasn't needed for Sunday mining. He stated that when the Board of Zoning Appeals (BZA) approved the mining Conditional Use in 2007 they didn't include a stipulation involving Sunday mining. They did stipulate that mining could only occur during daylight hours.
  - **Mr. Burgett** discussed the upcoming BZA hearing on 3/12/24 when SRM will request a Conditional Use to mine property on the east side of Butter Street between Farmington Road and Route 123. He asked whether the BZA would decide the case at the hearing.
  - Dr. Cross stated that the BZA could decide the case that night, but that it wasn't required.
- **James Rowland:** Mr. Rowland noted that SRM is in violation of the daylight stipulation, as mining often continues after dark until 10-11 pm. He asked about the status of the solar moratorium.
  - Dr. Cross stated that the Zoning Commission (ZC) planned to approve changes to the Township's Zoning Resolution related to solar panels at their 3/26/24 meeting. The changes will then come to the Trustees for approval at a future meeting.
  - **Mr. Rowland** stated that there should be a moratorium on mining to protect farmland.
  - Mr. Potter stated that mining is considered a conditional use under agricultural zoning.
  - **Mr. Rowland** stated that the mining issue is a big deal, noting that there are 350 acres along Twin Creek that would be optimal for aggregate mining.

## FISCAL OFFICER'S REPORT:

- Mr. Heistand submitted minutes for the 2/12/24 Regular Meeting. There were no corrections. Dr. Cross made a MOTION, seconded by Mr. Potter, to approve the minutes as presented. The MOTION WAS APPROVED by a unanimous voice vote.
- Mr. Heistand presented the February Financial Reports: (1) 2/29/24 Fund Status; (2) YTD 2/29/24 Cash Summary by Fund; (3) Month of February 2024 Cash Summary by Fund; (4) February 2024 Receipt Listing; and (5) February 2024 Payment Listing. He noted the following:
  - Warrant #50754 to the City of Germantown for \$47,322.40 was the payment approved at the 2/12/24 meeting from holdback funds in the EMS/Fire 2010 Levy Fund (#2193) to pay amounts not covered by grants for equipment purchases.
- Dr. Cross made a MOTION, seconded by Mr. Stubbs, to approve the February financial reports and authorize the payment of February bills (warrants 50750 through 50755 and vouchers 38 through 183 for payroll direct deposit, payroll tax withholdings and other electronic payments). The MOTION WAS APPROVED by a unanimous voice vote.
- Mr. Heistand reported that a letter was received from Montgomery County Commissioner Carolyn Rice. She indicated that the State of Ohio modified ORC 128 in 2023 via HB 33. Among the changes was a new requirement that all County 911 Program Review Committees must complete and submit an updated Countywide 911 System Final Plan to the State. As part of finalizing the County Plan, each municipality and township must pass a Resolution approving the plan.
  - Mr. Stubbs introduced **RESOLUTION 2024-24**, seconded by Mr. Potter: **A RESOLUTION TO APPROVE THE MONTGOMERY COUNTY COUNTYWIDE 911 SYSTEM FINAL PLAN**. The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-24 WAS ADOPTED.**
- Mr. Heistand reported that Dr. Cross and he attended a 2/20/24 meeting with representatives from the City of Germantown to discuss a potential Fire/EMS levy for the November ballot. He noted that the Township currently has two joint Fire/EMS levies with the City. A 2-mill levy was first passed in 2002 and renewed in 2006 as a continuous levy. It now has an effective rate of .966 mill. An additional 2 mill levy was passed in 2010 as a continuous levy and now has an effective rate of 1.272 mills. He stated that the group recommended that the Trustees request the County Auditor to certify the amounts that would be generated under two levy options:
  - Option 1 would keep the 2002 and 2010 levies and place a new continuous 4.0 mill levy on the ballot. Dr. Cross introduced **RESOLUTION 2024-25**, seconded by Mr. Stubbs: **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 4.0 MILL LEVY, FOR A CONTINUOUS PERIOD OF TIME, OF ADDITIONAL TAX; BEGINNING TAX YEAR 2024, WITH FIRST HALF COLLECTION IN 2025; TO PROVIDE FUNDING FOR FIRE AND EMERGENCY MEDICAL SERVICES, AS AUTHORIZED IN ORC SECTION 5705.19 (I), TO BE VOTED ON THE NOVEMBER 5, 2024 GENERAL ELECTION BALLOT**. The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-25 WAS ADOPTED.**
  - Option 2 would keep the 2010 levy and replace the 2002 levy with a new continuous 5.0 mill levy. Dr. Cross introduced **RESOLUTION 2024-26**, seconded by Mr. Potter: **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 REPLACING A 2.0 MILL FIRE LEVY, APPROVED IN 2002 AND RENEWED IN 2006 FOR A CONTINUOUS PERIOD OF TIME,**

**WITH A NEW 5.0 MILL LEVY, FOR A CONTINUOUS PERIOD OF TIME, OF REPLACEMENT TAX; BEGINNING TAX YEAR 2024, WITH FIRST HALF COLLECTION IN 2025; TO PROVIDE FUNDING FOR FIRE AND EMERGENCY MEDICAL SERVICES, AS AUTHORIZED IN ORC SECTION 5705.19 (I), TO BE VOTED ON THE NOVEMBER 5, 2024 GENERAL ELECTION BALLOT.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-26 WAS ADOPTED.**

- Mr. Stubbs stated that he was not in support of either of the two Fire/EMS levy options. He noted that the City charges \$30,000 each year to both their Fire Fund and their EMS Fund for administrative costs. He stated that the transfers will total \$600,000 over ten years. He has a problem with the City transferring these charges from the General Fund.
  - **Visitor Comment: James Rowland:** Mr. Rowland stated that due to the 40% increase in 2024 property valuations, these new levies would really increase his taxes.
  - **Visitor Comment: Mark Keener, 7865 Jamaica Road:** Mr. Keener suggested that instead of pursuing either levy option, one of the two existing levies should be replaced with a 2.0 mill levy. He stated that neither a new 4.0 mill or a 5.0 mill levy would be accepted by the voters. He noted that the City continues to charge administrative fees to their Fire and EMS Funds, even though they also charge oversight salaries to both funds.
  - Dr. Cross stated that simply replacing one of the levies with a 2.0 mill levy wouldn't provide enough tax money to fund the Fire and EMS Departments going forward.
  - **Visitor Comment: Mark Keener:** Mr. Keener stated that the new firehouse ended up costing \$1 million more than the original construction estimate. He felt that the City has repeatedly lied to the Township over the years.
  - Mr. Potter stated that he felt a 2.0 mill replacement levy might possibly pass at the polls.
  - **Visitor Comment: Mark Keener:** Mr. Keener noted that the Township will soon need to place a new levy on the ballot for the Police Department.
  - Mr. Stubbs introduced **RESOLUTION 2024-27**, seconded by Mr. Potter: **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 REPLACING A 2.0 MILL FIRE LEVY, APPROVED IN 2002 AND RENEWED IN 2006 FOR A CONTINUOUS PERIOD OF TIME, WITH A NEW 2.0 MILL LEVY, FOR A CONTINUOUS PERIOD OF TIME, OF REPLACEMENT TAX; BEGINNING TAX YEAR 2024, WITH FIRST HALF COLLECTION IN 2025; TO PROVIDE FUNDING FOR FIRE AND EMERGENCY MEDICAL SERVICES, AS AUTHORIZED IN ORC SECTION 5705.19 (I), TO BE VOTED ON THE NOVEMBER 5, 2024 GENERAL ELECTION BALLOT.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-27 WAS ADOPTED.**
- Mr. Heistand reported that the Ohio Senate will include their list of capital projects when they consider HB 2 later this spring. He reminded the Trustees that the House passed HB 2 earlier this year with \$350 million of local projects using one-half of the \$700 million One-Time Strategic Community Investment Fund approved by the Legislature in 2023. The House projects included \$60,000 for the Twin Creek Erosion Control Project and \$275,000 for renovation of Germantown's covered bridge. The deadline for submission of projects to the Senate is 4/8/24. He suggested that the Trustees consider submitting another project to Senator Niraj Antani. He previously reviewed the projects approved by the House and noted that none were for road work or equipment purchases (such as dump trucks or police cars).

- Mr. Stubbs reported that he submitted to Senator Antani the \$500 thousand driveway project for Germantown Union Cemetery that had previously been submitted to Representative Tom Young but not included in the projects approved by the House.
- Mr. Potter suggested a project for erosion control at the bridge on Little Twin Road. He previously showed the creek erosion to Ron Wine of Channel Maintenance. Mr. Wine felt that this situation was worse than the recently completed Twin Creek project.
- **Visitor Comment: Deb Cross, 7444 S. Stiver Road:** Mrs. Cross asked, if the Little Twin Creek erosion was worse than the Twin Creek erosion, why the Township didn't correct the Little Twin Creek erosion problems first.
- **Visitor Comment: Abigail Hale-Dennis, 13091 Oxford Road:** Mrs. Hale-Dennis asked how much it would cost to repair the Little Twin Creek erosion. Mr. Potter responded that the cost would be about the same as the cost of the Twin Creek project. Mr. Holbrook noted that the Little Twin Creek erosion was bad and getting close to the road. He felt that the Twin Creek erosion probably wasn't in the Township's right-of-way.
- **Visitor Comment: James Rowland:** Mr. Rowland stated that it's not possible to stop erosion. He noted that he has a creek running through his property.
- Dr. Cross reported that State Representative Rodney Creech attended the 3/4/24 Germantown Council meeting. He stated that Mr. Creech implied that due to infighting at the Statehouse, he was unsure if anything will be distributed from the Strategic Community Investment Fund.
- **Visitor Comment: Deb Cross:** Mrs. Cross suggested that a capital project to repair the retaining wall along State Route 725 at the Cemetery be submitted to Senator Antani. Mr. Stubbs stated that he would obtain a quote for repairs to the wall.
- Mr. Heistand reported that the Ohio Commission for the United States Semiquincentennial (AM 250-OH) is inviting Ohio townships to apply to become an official America 250-OH Community. This designation will allow access to resources like digital toolkits, an online community platform, and regular check-ins with other AM 250-OH Communities. There is no charge. The Trustees gave him informal approval to start the process to become an official Community.
- He reminded the Trustees that all funds received under the American Rescue Plan Act must be appropriated by the end of 2024, or the Township risks having the unappropriated amounts clawed back by the Treasury Department. After paying the Township's portion of the Twin Creek Erosion Control Project, the remaining amount in the ARPA fund will be \$16,687.
  - Mr. Holbrook stated that he is getting quotes for repainting the Township Hall exterior walls. Ms. Close noted that she has a quote to replace the Township's monument sign.
- Mr. Heistand noted that the next Montgomery County Township Association (MCTA) meeting will be on 3/28/24. He may be leaving for vacation that day and unable to attend. Mr. Potter agreed to attend, with Mr. Stubbs as a backup. It is anticipated that the MCTA will discuss restarting the pre-Covid practice of holding meetings at various townships. The Township may volunteer to host a future MCTA meeting.

#### **POLICE DEPARTMENT REPORT:**

- In Chief Shane Birch's absence, Mr. Stubbs presented the Chief's report. He noted that Chief Birch was in Columbus for training that week. He presented the Department's February statistics. He noted that CERT (Community Emergency Response Team) training classes will be held at the Township from 3/14/24-3/28/24 and thanked Ken and Jean Evanchuck, as well as Laurie Rohrbach, for leading the training.

- Chief Birch's report discussed Knox Home Boxes, which would contain a house key for emergency access. The possibility of the Township purchasing these boxes was raised by Township resident David Gehron at the 2/12/24 Trustee meeting. Each box is about \$210; five could be purchased for about \$1,129. The Chief noted that Dr. Cross suggested a six-month loan period rather than 30 or 90 days as suggested by the Germantown Fire/EMS Department. He stated that Fire/EMS Chief Dan Alldred would like six-months to be a maximum loan; the box would then go to the next person on the list. If nobody was waiting, the box could be reissued to the original resident. If residents needed to use boxes longer than six months, they would be asked to buy their own Knox Box through the Fire Department at the end of the loan period.
  - Mr. Stubbs asked if ARPA funds could be used to purchase the boxes. Mr. Heistand confirmed that possibility. Ms. Close suggested that the Ohio Township Association Risk Management Authority's (OTARMA) annual \$1,000 police grant could also be used.

#### **ROAD/SERVICE DEPARTMENT REPORT:**

- Mr. Holbrook noted that his Department had begun cleaning up the five rural cemeteries in anticipation of mowing this year.
- He noted that the 2025 International dump truck cab and chassis had been ordered. He shared a \$71,512.92 quote from Gledhill Road Machinery Co. for upfitting the truck after arrival. He noted that since the estimate is under \$75,000, competitive bids are not required. He will work with Mr. Heistand to determine how the upfitting cost will be paid.
- He noted that he would not be in attendance at the 4/8/24 meeting. He and his family will be traveling to watch the total solar eclipse that afternoon.

#### **ZONING & TRASH DEPARTMENT REPORT:**

- Ms. Close reported that the 2023 Police Department Annual Report had been released that day and copies were provided to the Trustees.
- She noted that she did not issue any zoning permits during February.
- She reported that the Zoning Commission (ZC) is waiting on the Montgomery County Planning Commission for approval of the recently drafted small solar regulations. The ZC met on 3/5/24 to discuss other zoning matters they may need to be addressed in the Zoning Resolution. The ZC will hold a Public Hearing on the small-scale solar regulations on 3/26/24, assuming approval has been received from the County. Noting that there was a conflict with CERT training scheduled for that evening, she expected that the training would either be rescheduled or move to the Senior Center.
- She reported that the Board of Zoning Appeals will hear Case 2024-02CU for the possible SRM mineral extraction expansion on 3/12/24.

#### **TRUSTEE POTTER'S REPORT:**

- Mr. Potter stated that he was unable to attend the recent Parks Board meeting. The minutes reflect that contractors will be submitting quotes for the Kercher Park tennis courts expansion. Planning has begun for the July 4 parade; a Grand Marshal will be selected at their April meeting. There was no update of acquiring defibrillators for the parks.
- He noted that the Twin Creek erosion repairs were working as anticipated. With the creek currently running high, the fast water was flowing straight while calmer waters were accumulating silt over the newly installed brush along the banks. It appeared to him that all the logs and brush were still in place and much of the gravel island had shifted and moved downstream.
- He noted that work was continuing on the plaques for the MMI Park.

- He attended the recent Pool Board meeting. About 80% of the lifeguards will be returning this summer. The 2024 pool season will be shorter due to Valley View schools' mid-August start date.

**TRUSTEE STUBBS' REPORT:**

- Mr. Stubbs thanked the volunteers who have been working to promote passage of the Cemetery levy. He reported that the two old Ferris mowers were sold on GovDeals.com for about \$2,000. The two new mowers have been delivered. The Cemetery Board approved a bid to purchase a Kubota 4-wheel drive RTV (Rough Terrain Vehicle) along with accessories. This will streamline work at the Cemetery since it is a multi-use vehicle. Money had been set aside for the purchase.
- He announced that the Police Department's Shred Day will be on 5/4/24.
- He indicated that he would announce recognition of a German Township resident for their lifetime of service at the April Trustee meeting.

**TRUSTEE CROSS' REPORT:**

- Dr. Cross attended the 3/4/24 Germantown Council meeting. Highlights included:
  - The City approved expanding the Community Investment Area to double its size. Property additions that qualify will receive a 15-year tax abatement.
  - There will be a Watch Party for the eclipse on 4/8/24 at Kercher Park from 1:30-3:30 pm, including music and yard games.
  - During their Work Session, Council discussed a potential Market Street traffic study. He felt the consensus of Council was to wait until the new school opens as this will affect traffic in town once the present schools close.
- He and Zoning Commission (ZC) Chair Kurt Jacoby attended a meeting hosted by Township resident Greg Griffin on 3/7/24 to discuss small scale solar facilities prior to a Jefferson Township Town Hall meeting to be held on 3/14/24. Fire chiefs from Jefferson and Jackson Townships discussed concerns with fire management for solar arrays. A Preble County commissioner discussed opposition to two large scale solar farms planned for Preble County. She seemed to recommend trying to have regulations in place before the any building process begins.
  - He reported that after the ZC meets on 3/26/24 and votes on the small-scale solar regulations, the Trustees will need to schedule a Special Meeting to approve or deny the changes. He suggested the meeting be potentially held on 4/23/24.
- He stated that the concerns residents with solar panels have with the aggregation program are a huge problem. He was told by Archer that 18 residents have solar panels and/or have opted out of aggregation. Mr. Stubbs thanked Dr. Cross for his efforts in this regard, noting that Dr. Cross was not only the Township's zoning expert but was also now the Township's aggregation expert.

**MEETING ADJOURNED:**

- With no further business, Mr. Stubbs made a MOTION, seconded by Mr. Potter, to adjourn. The MOTION WAS APPROVED by a unanimous voice vote. The Meeting adjourned at 9:01 pm.

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

Attest: These minutes were approved by the Board of Trustees at the April 8, 2024 meeting.

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