



## GERMAN TOWNSHIP BOARD OF TRUSTEES MINUTES OF THE REGULAR MEETING HELD ON JULY 10, 2023

**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 7:00 pm. In attendance were:

<b>President Mark Cross</b>	<b>Vice-President Jacob Stubbs</b>	<b>Trustee Lou 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	Kurt & Dani Jacoby	12955 Harris Road
Brian & Jaclyn Williams	15841 State Route 725	Keith Burnett	Gtown Union Cemetery
Kelsey Heistand	826 Dayton Pike	James Rowland	10021 Carlisle Pike
Mark Keener	7865 Jamaica Road	Brett Jones	Public Health Dept.

**ONLINE ATTENDEES:**

Name	Name	Name	Name
Sam			

The Germantown Press was notified of the Regular Meeting on 7/3/23 at 11:46 am.

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

**VISITOR COMMENTS:**

- **Brett Jones, Public Health-Dayton & Montgomery County:** Mr. Jones was present to discuss the upcoming county-wide implementation of a Sewage System Operational & Maintenance Permit Program. According to a letter received by the Township, under authority from the Ohio Revised Code, Public Health's "goal is to inventory and assess every septic system in the county by 2030. This will entail searching for systems currently not permitted and communicating with homeowners regarding the process and requirements. Any systems identified as creating a public health nuisance can either be repaired or replaced within 5 years."
  - Mr. Jones stated the he was present to answer questions from the Trustees and residents.
  - Public Health will charge a \$50 permit renewal fee if property owners have their septic systems assess by a contractor. The fee will be \$100 if the assessment is conducted by Public Health.
  - Questions were directed to Mr. Jones by the Trustees, Fiscal Officer and the following attendees:

- **Kurt Jacoby, 12955 Harris Road**
  - **Mark Keener, 7865 Jamaica Road**
  - **James Rowland, 10021 Carlisle Pike**
  - **Brian and Jaclyn Williams, 15841 State Route 725**
- Responding to questions, Mr. Jones stated that when property owners are contacted, they will be asked to submit pumping records for their septic systems. Public Health recommends that systems be pumped every 3-5 years. He noted that septic systems installed since the mid-1980's have permits on file (many are expired) with Public Health. They will start with these properties and send letters explaining the assessment process. Records for septic systems older than the mid-1980's (back to the 1940's) are spotty as these systems were not permitted. These properties will not be approached for several years. Public Health does not have records for septic systems installed prior to the 1940's.
- **Mark Keener:** Mr. Keener, the Township's representative on the Joint Economic Development District (JEDD) Board, gave an update. The Board is now meeting quarterly. Collections from the construction contractors are slowly being remitted. The Village of Farmersville is following up with the contractors. He noted that some contractors are more cooperative than others. Starting this coming school year, a portion of First Student's bus driver wages will be taxed by the JEDD. (Currently the City of Germantown receives 100% of the income tax on bus driver wages.)
  - **Brian Williams:** Mr. Williams informed the Trustees that the fiber optic lines being installed along State Route 725 will not go as far west as his house. He noted that he has no Internet connection.

**PUBLIC HEARING ON CASE ZC 01 2023**

- Dr. Cross made a MOTION, seconded by Mr. Potter, to open the Public Hearing. The MOTION WAS APPROVED by a unanimous voice vote. Dr. Cross noted that Case ZC 01 2023 was a request by the Zoning Commission to revise Article 2-Definitions of the Township's Zoning Resolution. If adopted, the revisions would take effect in 30 days.
- Mrs. Close presented her Staff Report. She noted that changes were needed to correct errors in the Definition section of the Zoning Resolution that were previously approved at the 7/12/21 Trustee Meeting. The Zoning Commission drafted and approved the changes at a public hearing on 5/30/23. Montgomery County's Planning Commission reviewed and recommended approval of the changes on 5/11/23. The legal advertising requirements were met by a Public Notice of the 7/10/23 Public Hearing published in the Germantown Press on 6/29/23.
- There were no comments made by those in attendance.
- Dr. Cross made a MOTION, seconded by Mr. Stubbs, to close the Public Hearing. The MOTION WAS APPROVED by a unanimous voice vote.
- Dr. Cross introduced **RESOLUTION 2023-31**, seconded by Mr. Potter: **A RESOLUTION AMENDING THE GERMAN TOWNSHIP ZONING RESOLUTION AS RECOMMENDED BY THE GERMAN TOWNSHIP RURAL ZONING COMMISSION IN CASE # ZC 01 2023.** Dr. Cross read the Resolution in its entirety. The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2023-31 WAS ADOPTED.**

**FISCAL OFFICER'S REPORT:**

- Mr. Heistand submitted minutes for the 6/12/23 Regular Meeting and the 6/29/23 Special Meeting. Dr. Cross made a MOTION, seconded by Mr. Stubbs, to approve both sets of minutes as presented. The MOTION WAS APPROVED by a unanimous voice vote.

- Mr. Heistand presented the June Financial Reports: (1) 6/30/23 Fund Status; (2) YTD 6/30/23 Cash Summary by Fund; (3) Month of June Cash Summary by Fund; (4) June 2023 Receipt Listing; and (5) June 2023 Payment Listing. He noted the following items:
  - Receipt #93-2023 for \$7,333.32 from Valley View Local School District was the final School Resource Officer payment for the 2022-2023 school year.
  - Receipt #100-2023 for \$7,420.63 from the Valley View Joint Economic Development District was the first payment of the Township's portion of income taxes collected through 5/31/23 from high school and construction personnel working in the JEDD district. The payment was deposited into the Township's General Fund.
- **Visitor Comment: Mark Keener:** Mr. Keener discussed the JEDD receipt, noting that the JEDD Board holds back 21% of income taxes received for capital projects at the JEDD. The JEDD Board has paid \$6,000 to the JEDD attorney and reimbursed Germantown \$10,000 for the legal fees incurred in setting up the JEDD Agreement.
- Mr. Stubbs commented that Germantown Christian School is purchasing the Valley View buildings in Germantown, which will result in the City receiving income tax revenue from the Christian School employees. Mr. Heistand described the process Valley View Schools will follow in disposing of the Germantown and Farmersville buildings once the new school is occupied.
- Dr. Cross made a MOTION, seconded by Mr. Potter, to approve the June financial reports and authorize the payment of June bills (warrants 50683 through 50687 and vouchers 447 through 548 for payroll direct deposit, payroll tax withholdings and other electronic payments). The MOTION WAS APPROVED by a unanimous voice vote.
- Mr. Heistand reported that, following the June Trustee meeting, he forwarded the RESOLUTION requesting that the County Auditor certify the funds to be received by a 1.0 mill five-year renewal of the road levy. The Auditor's certification was subsequently received. He stated that the next step is for the Trustees to pass a RESOLUTION placing the renewal levy on the November 7 ballot for the entire Township, both unincorporated and incorporated areas.
  - Dr. Cross introduced **RESOLUTION 2023-32**, seconded by Mr. Stubbs: **A RESOLUTION DETERMINING TO PROCEED TO LEVY A TAX IN EXCESS OF THE TEN MILL LIMITATION.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2023-32 WAS ADOPTED.**
- Mr. Heistand reported that on 7/11/23 Jean Robert Powell would begin digitizing the Township's rural cemetery records on FindAGrave.com. This will be done at no cost to the Township.
- He reported that, following the Trustee's preliminary approval in June to contribute \$1,000 to begin planning a community celebration for the United States 250<sup>th</sup> anniversary in 2026, he received approval for a \$1,000 donation from the Historical Society of Germantown. He noted that City Council will discuss a donation at their 8/7/23 Work Session. He reached out by email to Farmersville, Jackson Township, Valley View Schools, and the Farmersville Historical Society to see if there is interest in expanding the celebration to include the entire Valley View community.
- He attended the Montgomery County Township Association (MCTA) meeting on 6/22/23 along with Mr. Potter. The discussion included these items of interest:
  - Payments from the 2022 opioid settlement through OneOhio are being split 15% to the State, 30% directly to local governments and 55% to a state-wide entity called OneOhio Recovery Foundation. The Recovery Foundation funds will be distributed starting in 2024 through a competitive application process to non-profits and service organizations.
  - RTA has started an on-demand program called RTA Connect. Using Uber and Lyft, residents may travel door-to-door within specific zones at no cost. The service is available

from 5:00 am to 1:00 am seven days a week. Zone 1 includes Germantown and portions of the Township (primarily in the north and northeast) and goes east through Miamisburg to the Dayton Mall area. County-wide transit is also available for the disabled through RTA Connect. The cost is \$3.50 each way. Additional information about RTA Connect is available on the RTA website or by calling the RTA at 937-425-8300.

- RTA also has an on-demand 5310 Program for county-wide travel. This program transports seniors over 65 or the disabled to medical appointments, or for grocery and pharmacy trips. The cost is \$5 each way, which includes an escort.

The next MCTA meeting is 8/24/23 in Dayton.

- He sent a response to Montgomery County Auditor Karl Keith waiving a hearing before the County Budget Commission at its 8/28/23 meeting concerning the Township's 2023-2024 tax budget and/or inside millage. This waiver is sent annually by the Township.

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

- In Chief Andzik's absence, Mr. Stubbs reported that the two of them met with Valley View Superintendent Joe Scholler and Treasurer Valerie Hill to discuss the 2023-2024 School Resource Officer agreement. Mr. Scholler tentatively agreed to a \$73,257.57 SRO cost. A Memorandum of Understanding is being prepared and will be presented to the Trustees for approval at the August meeting. He stated that neither he nor Chief Andzik had a problem with Valley View's request that the SRO be available to work anywhere in the school district.
  - **Visitor Comment: Deb Cross, 7444 S. Stiver Road:** Mrs. Cross asked who would be the SRO at the high school when the Township's SRO would be elsewhere in the district. She asked if Valley View planned to hire three SRO's. Mr. Stubbs stated that he wasn't sure the district had funds to hire three SRO's.
  - Dr. Cross stated his desire that the SRO only work in the Valley View building located in the Township. He noted that Valley View only paid the Township \$33,000 for the 2022-2023 SRO contract. The Township's cost for the SRO during that time was \$66,000.

#### **ZONING DEPARTMENT REPORT:**

- Mrs. Close reported that she wrote permits in June for a covered walkway on Puddenbag Road, above ground pools on Astoria Road and Germantown-Middletown Pike, and pole barns on Harris Road and Oxford Road.
- She noted that the Board of Zoning Appeals (BZA) held a public hearing on the Kramer case on 6/27/23 and approved a lot split. The BZA will meet on 7/11/23 to consider a lot split for Gilbert property on State Route 725.
- She reported that the Zoning Commission (ZC) met on 7/5/23 to discuss potential additions to the Zoning Resolution concerning Small Solar Facilities and residential solar panels. The Commission will hold a special meeting on 8/15/23 at 7:00 pm to further discuss residential solar panels.
- Dr. Cross noted that the issue on Arch Street with overgrown vegetation has been resolved.
- Addressing the 7/5/23 ZC meeting, he noted that the members were unanimous in their opposition to both small scale (less than 50MW) and large scale (over 50MW) solar facilities on prime agricultural land. He stated that the Trustees will need to decide at some point if the moratorium on small scale facilities should be made permanent. He stated that the Trustees should also decide if they want to request that the County Commissioners designate German Township a "restricted area" where large scale solar facilities cannot be located. He stated that he would discuss with the Prosecutor's office if the Trustees have the power to enact a permanent moratorium. If the Trustees are limited in their power, the ZC can establish regulations to control small scale facilities, perhaps by listing them as a conditional use that would require BZA review.

#### ROAD/SERVICE DEPARTMENT REPORT:

- Mr. Holbrook reported that his department had started crack sealing Township roads and should complete the process within a week.
- He presented two proposals for milling and repaving the Township Hall parking lot: (1) Barrett Paving Materials, Inc. for \$56,435.80; and (2) Houser, Inc. for \$36,390.00. He recommended that the Trustees approve the Houser proposal. A discussion ensued about whether the repairs could be paid using American Rescue Plan Act (ARPA) funds. Mr. Heistand will review the ARPA requirements related to competitive bids. In order for the project to move forward quickly, it was agreed to approve the project at this meeting to be paid by the General Fund. If it is determined that ARPA funds can be used, an updated Resolution will be adopted at the August meeting.
  - **Visitor Comment: Mark Keener:** Mr. Keener suggested that a portion of the parking lot project be paid by the Trash Fund, since Township residents use the parking lot when dropping off their trash payments. Mr. Stubbs stated his agreement with Mr. Keener, if it is determined that ARPA funds cannot be used.
  - Mr. Potter introduced **RESOLUTION 2023-33**, seconded by Dr. Cross: **A RESOLUTION AUTHORIZING ROAD SUPERINTENDENT JEREMY HOLBROOK TO EXECUTE A CONTRACT WITH HOUSER, INC. FOR THE MILLING AND REPAVING OF THE TOWNSHIP HALL PARKING LOT, AT A COST OF \$36,390.00, TO BE PAID BY THE GENERAL FUND.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2023-33 WAS ADOPTED.**
- Mr. Holbrook reported that Ray Hensley, Inc. would begin chip sealing certain Township roads within a week, weather permitting. He authorized a \$13,680 change order to have Hensley seal four-foot edges on Eby Road from State Route 4 south to the Butler County line. Mr. Potter introduced **RESOLUTION 2023-34**, seconded by Dr. Cross: **A RESOLUTION RETROACTIVELY AUTHORIZING ROAD SUPERINTENDENT JEREMY HOLBROOK TO EXECUTE A CHANGE ORDER WITH RAY HENSLEY, INC. FOR \$13,680.00.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2023-34 WAS ADOPTED.**

#### TRUSTEE CROSS' REPORT:

- Dr. Cross reported that he contacted Joe Garrett at Trebel Energy Systems to get an update on the upcoming electric and natural gas aggregation vote in November. The first resident mailing will go out in August. The two required public information meetings will be held in the fall (likely in conjunction with Jackson Township's aggregation meetings.)
- He noted that Germantown received an application for the open seat on the Fire/EMS Oversight Committee and will consider the appointment at the August Council meeting. Dr. Cross made a MOTION, seconded by Mr. Potter, to appoint Jeffrey D. Bobbitt to the Fire/EMS Oversight Committee. The MOTION WAS APPROVED by a unanimous voice vote.

#### TRUSTEE POTTER'S REPORT:

- Mr. Potter reported that the Independence Day parade organized by the Parks Board went well. Township resident Fred Glander was the Grand Marshall.
- He noted that pool operations are going well, even though the pool was closed for a few days. He stated that the MMI Park Committee did not meet in June.
- He attended the 6/22/23 MCTA meeting with Mr. Heistand and found it to be very informative.
- He asked Dr. Cross about the status of issues at the Arch Street property. Dr. Cross stated that the property had been cleaned up.

- Mr. Potter invited everyone to attend the Montgomery County Fair being held 7/6-7/15/23. He is a Fair Board Director.

**TRUSTEE STUBBS' REPORT:**

- Mr. Stubbs reported that new Cemetery Sexton Keith Burnett is doing a good job and the cemetery looks great. He noted that Mr. Burnett is looking at the cemetery's operations with a fresh set of eyes. A new video screen has been purchased for the cemetery office.
- He presented a \$10,000 check to Mr. Heistand, a payment from the Cemetery Board on the 2006 loan made by the Trustees for the purchase of land for the cemetery.
- He noted that the Cemetery has two excess laptop computers that can be sold on GovDeals.com. He asked Mr. Holbrook and Mrs. Close to help cemetery staff list the computers on the website.
- He suggested to the Cemetery Board that excess funds be deposited with Star Ohio to receive better interest. He asked Mr. Heistand to help the Cemetery Fiscal Officer set up an account.
- He thanked the Police Department, saying they do a fantastic job and don't get enough credit.
- Regarding the presentation earlier in the meeting by Public Health-Dayton & Montgomery County, he noted his agreement with the comments made by Mr. Rowland.

**OLD BUSINESS:**

- None

**NEW BUSINESS:**

- None

**MEETING ADJOURNED:**

- With no further business, Mr. Potter made a MOTION, seconded by Mr. Stubbs, to adjourn. The MOTION WAS APPROVED by a unanimous voice vote. The Meeting adjourned at 8:46 pm.

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

Attest: These minutes were approved by the Board of Trustees at the August 14, 2023 meeting.

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