



GERMAN TOWNSHIP BOARD OF TRUSTEES MINUTES OF THE REGULAR MEETING HELD ON JULY 8, 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:

President Dr. Mark Cross	Vice-President Jacob Stubbs	Trustee Louis Potter
Fiscal Officer Mark Heistand	Police Chief Shane Birch	Road Admin. Jeremy Holbrook
	Zoning Inspector Shauna Close	

IN-PERSON ATTENDEES:

Name	Address	Name	Address
Deb Cross	7444 S. Stiver Road	Jim Martin	6916 Shimp Road
Tricia Taylor	10165 Eby Road	Sgt. Dylan Jones	12102 St. Rt. 725 West
Jessica Conrad	3663 Diamond Mill Rd	Angi Smith	58 Mary Place
Pete Lurker	6900 Stiver Road	Fred Glander	9200 S. Butter Street
Julia Smith	511 West Market St	Dave Jenks	12801 Harris Road
Kurt Jacoby	12955 Harris Road	Mark Keener	7865 Jamaica Road

ONLINE ATTENDEES:

Name	Name	Name	Name
Sam	KC		

The Germantown Press was notified of the Regular Meeting on 7/2/24 at 3:53 pm.

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

VISITOR COMMENTS:

- **Julia Smith, 511 W. Market Street:** Mrs. Smith, joined by Angi Smith, discussed the Sonshine in a Bag food ministry at Germantown First Church of God. This is the 13th year for the program. Last year the ministry served 174 students at a cost of \$298 per child. The annual cost of the ministry is \$52,000. She noted that \$3,000 is needed to fill the shelves before deliveries start this year.
 - Dr. Cross introduced **RESOLUTION 2024-45**, seconded by Mr. Potter: **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.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-45 WAS ADOPTED.**

- **Mark Keener, 7865 Jamaica Road:** Mr. Keener, Treasurer of the Valley View Joint Economic Development District Board of Directors, noted that the Board met on 6/26/24. Year-to-date tax collections total \$70,051. The Board paid \$2,245 for liability insurance. The Special Projects Fund has a \$23,572 balance. The Refund Fund has a \$7,536 balance. Distributions to the four jurisdictions were made at the 6/26/24 meeting; the Township received \$15,318.

FISCAL OFFICER'S REPORT:

- Mr. Heistand submitted minutes for the 6/10/24 Regular Meeting. Dr. Cross noted a spelling error on page one. 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 June Financial Reports: (1) 6/30/24 Fund Status; (2) YTD 6/30/24 Cash Summary by Fund; (3) Month of June 2024 Cash Summary by Fund; (4) June 2024 Receipt Listing; and (5) June 2024 Payment Listing. He noted the following items:
 - Receipt #170-2024 for \$15,318.37 from Valley View Joint Economic Development District was the second tax payment this year. In January, the Township received \$5,024.45.
 - Receipt #171-2024 for \$36,628.79 from Valley View Local School District was the second of two payments for the 2023-2024 School Resource Officer services.
- Dr. Cross made a MOTION, seconded by Mr. Potter, to approve the June financial reports and authorize the payment of June bills (warrants 50774 through 50782 and vouchers 468 through 552 for payroll direct deposit, payroll tax withholdings and other electronic payments). The MOTION WAS APPROVED by a unanimous voice vote.
- Mr. Heistand reported that on 6/28/24 he filed the 4.0 mill Fire/EMS levy with the Board of Elections. The levy will appear on the November ballot.
- Following the Trustees' approval at the June meeting, he forwarded the RESOLUTION supporting Ohio's celebration of the United States semiquincentennial in 2026 to the State. The Township's official designation as an America 250-Ohio community was subsequently received. He will attend the August Parks Board meeting to discuss their participation in the event planning. The event is being jointly sponsored by the Township, City and the Historical Society of Germantown. Each entity has pledged \$1,000 as seed money to begin planning the event.
- He sent a response to Montgomery County Auditor Karl Keith waiving a hearing concerning the Township's 2024-2025 tax budget and/or inside millage at the County Budget Commission's 8/29/24 meeting. He noted that this waiver is sent annually by the Township.
- He reported that he still had not received the draft report from the Auditor of State's 2022-2023 Agreed Upon Procedures review earlier this year. He was told that review of the report was delayed due a heavy workload in the Auditor's local office. Once the final report is received, it will be made available on the Township website.
- He noted that the Township's \$60,000 grant request for the completed Twin Creek erosion project was included in the State's Capital Budget bill recently signed by the governor. He stated that the Office of Budget and Management will ask recipients to confirm project information through a secure grant system starting in July. He was hopeful that the fact that the Township and City have already completed and paid for the project would not preclude receiving the funds. If received, the Township's \$30,000 portion of the grant will be deposited into the American Rescue Plan Act (ARPA) fund and will then be available for other projects.
- He noted that at the July meeting the Trustees adopted Resolution 2024-42, authorizing use of the General Fund to pay \$27,643.25 to update eight portable police radios and replace five police cruiser mobile radios. At the time, it was agreed that the funding would be changed at the July meeting to use ARPA funds for this non-budgeted expenditure.

- Dr. Cross introduced **RESOLUTION 2024-46**, seconded by Mr. Stubbs: **A RESOLUTION RESCINDING RESOLUTION 2024-42 WHICH PREVIOUSLY AUTHORIZED FUNDING \$27,643.25 FROM THE GENERAL FUND TO UPDATE EIGHT PORTABLE POLICE RADIOS AND REPLACE FIVE POLICE CRUISER MOBILE RADIOS.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-46 WAS ADOPTED.**
- Dr. Cross introduced **RESOLUTION 2024-47**, seconded by Mr. Potter: **A RESOLUTION TO PAY \$27,643.25 TO UPDATE EIGHT PORTABLE POLICE RADIOS AND REPLACE FIVE POLICE CRUISER MOBILE RADIOS TO BE PAID BY THE AMERICAN RESCUE PLAN ACT FUND.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-47 WAS ADOPTED.**
- Mr. Heistand noted that, as with all purchases using ARPA funds, the Federal guidelines require a Contract Addendum signed by the contractor. Chief Birch agreed to obtain the contractor's signature.
- Mr. Heistand noted that in August 2021 the Trustees adopted a Resolution approving a settlement with three large opioid distributors that was negotiated by the Ohio Attorney General for Ohio's subdivisions through OneOhio (a state-local government allocation agreement established in 2019 for future opioid settlements). Then in April 2023 the Trustees adopted a Resolution approving five additional opioid settlements. The Township recently received notice of a new proposed opioid settlement with Kroger Co.
 - Dr. Cross introduced **RESOLUTION 2024-48**, seconded by Mr. Stubbs: **A RESOLUTION AUTHORIZING THE FISCAL OFFICER TO SIGN A NATIONAL OPIOID SETTLEMENT WITH KROGER CO.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-48 WAS ADOPTED.**

POLICE DEPARTMENT REPORT:

- Chief Birch reviewed the Department's June statistics.
- He presented Sergeant Dylan Jones with a plaque in recognition of the recent retirement of Police K9 Idus. Idus is living with Sergeant Jones during his retirement.
- He thanked Jerry and Cheryl Frame for assisting their neighbors during a 6/19/24 house fire. He noted that their kindness exemplifies the way of life in the German Township community.
- He reported that his Department was invited to participate in Germantown's Independence Day parade, which he felt went very well.
- He asked the Trustees for an Executive Session to discuss a personnel issue. Mr. Stubbs requested that the Session be held at the end of the meeting.

ROAD/SERVICE DEPARTMENT REPORT:

- Mr. Holbrook reported that they had been busy patching roads to prepare for 2024 chip sealing. To date, they have placed 62 tons of asphalt. They also replaced a 30" culvert on Friend Road.
- He noted that the 2024-2025 salt purchase price from Cargill using the Southwest Ohio Purchasing for Government (SWOP4G) contract is \$64.79 per ton. The 2023-2024 price was \$90.05.
- He reported that, following Ms. Close's letter to SRM Materials, it appeared that they have stopped using Butter Street to access their property.
- He noted that his Department continues to mow the rural cemeteries.
- Dr. Cross thanked Mr. Holbrook, Scott Hamilton and Ms. Close for setting up the Meeting Room for the 6/27/24 meeting of the Montgomery County Township Association (MCTA).

ZONING & TRASH DEPARTMENT REPORT:

- Ms. Close reported that she issued two permits in June: (1) a room addition on Eby Road; and (2) an in-ground pool on Kiefer Road.
- She announced that a Board of Zoning Appeals (BZA) Hearing on case #2024-04CU, concerning a repair shop on the corner of State Route 725 and Boomershine Road, would be held on 7/9/24. She stated that the resident claims that a majority of his business involves farming equipment.
- She noted that she had reached out to both the painting contractors and the digital sign companies for updated quotes. She had not heard back from anyone.
- She reported that she finished her comparison of the addresses billed by the Township to the addresses included on Rumpke's invoice.
 - She found 24 properties that Rumpke was charging the Township that weren't in service. Most of those properties didn't even exist, although several were vacant. A couple were properties now owned by Five Rivers Metroparks.
 - Rumpke was charged the Township twice for four properties.
 - She added 111 new properties to the Township's billing list. Most were properties that had an account at one time, but were marked as "closed" or "not an account" years ago.

TRUSTEE POTTER'S REPORT:

- Mr. Potter reported that the Pool Board did not meet this past month. The Parks Board meeting was held on Independence Day before the parade. He noted that activity at the MMI Park is moving ahead and is on schedule. An issue to be resolved is parking for the Pretzel Festival.
 - Following up on a discussion at the June meeting, he reviewed the need for Ron Wine of Channel Maintenance Systems to obtain approval to serve as a liaison between the Township and the Ohio Public Works Commission (OPWC) for an anticipated grant request to be filed with OPWC District 4 for the Little Twin Creek erosion project. The application is due on 9/11/24. He noted that Mr. Wine's involvement would be similar to assistance the Township received in the past from Kramer and Associates for Issue 2 grant applications. He noted that Mr. Wine won't actually submit the grant application until it's approved and signed by the Township:
 - Mr. Holbrook noted that Mr. Wine's engineering cost will be built into the grant application. If the grant isn't awarded or the Trustees decide not to apply for the grant, then Mr. Wine would not receive any compensation.
 - Mr. Potter made a MOTION, seconded by Dr. Cross, to approve the authorization of Ron Wine to serve as liaison for German Township and OPWC. The MOTION WAS APPROVED by a unanimous voice vote. The authorization read as follows:
 - "The German Township Trustees do hereby authorize Ron Wine to serve as their liaison in coordinating with the Ohio Public Works Commission and the local District 4 Public Works Integrating Committee to prepare applications and communicate with staff and other involved parties relative to funding improvements on Little Twin Creek to control streambank erosion and to protect the Township roads from stream meandering and roadbed de-stabilization.
- "This Motion provides Mr. Wine with authority to assist the Township as needed to conduct research and prepare funding applications for the approval of the German Township Trustees in their efforts to protect critical roads and infrastructure from stream erosion. It does not provide Mr. Wine with decision making authority on any financial or legal matters without express approval of the German Township Trustees.
- "This Motion shall be in effect as of June 10, 2024-December 31, 2026."

- Mr. Potter reported that he spoke with both painting contractors, Randy King and Mike White, who stated that their original proposals were still valid. He noted that only Mr. King's proposal included tuckpointing, which the Trustees agreed was needed. Mr. Heistand was asked to prepare a Resolution for the August meeting to approve Mr. King's proposal to be paid using ARPA funds.

TRUSTEE STUBBS' REPORT:

- Mr. Stubbs stated that the cemetery looked great for Independence Day. He reported that the cemetery's audit would start soon.
- He noted that when the Township receives grant funds from the State for the Twin Creek Erosion Project, our \$30,000 portion will go back into the ARPA Fund since that fund was used for the contractor payment earlier this year. He suggested that those ARPA funds then be allocated, along with the City's portion of the grant, to pay for repairs to the cemetery wall along SR 725.
- He stated that the Independence Day parade went well.
- He thanked the Germantown Lions Club for providing dinner prior to the 6/27/24 MCTA meeting.
- He noted that when the City advertised for an opening on the Pool Board, the posting noted that applicants needed to be a resident of the City for at least a year. He was upset that the advertisement didn't mention that applications could also be submitted by Township residents.
- He received several complaints about problems with trash pickup from residents on Friend Road. Apparently one week the entire road was missed. He noted that the driver was recently replaced.
- **Visitor Comment: Mark Keener 7865 Jamaica Road:** Mr. Keener asked Mr. Stubbs if the Cemetery Board would help pay for the wall repairs. Mr. Stubbs stated that the estimated repair cost is \$50,000 and assured Mr. Keener that the Cemetery Board will pay some of the cost. Addressing the City's Pool Board advertisement, Mr. Keener stated that somebody needed to tell the City that there is not a one-year residency requirement for Township members of the Board. He reported that Rumpke recently missed picking up his trash.
- **Visitor Comment: Deb Cross, 7444 S. Stiver Road:** Mrs. Cross reported that the Kercher Park restrooms were not open when she attended a recent baseball game at the park. She was told that they needed to rest and to use the nearby portable toilets. She stated that closed restrooms are not a good look for out-of-town visitors to see. Mr. Potter agreed to follow up with the City.

TRUSTEE CROSS' REPORT:

- Dr. Cross attended the 7/1/24 Fire/EMS Oversight Committee meeting. Highlights included:
 - The Department has made 514 runs so far in 2024. This is slightly lower than last year.
 - The Levy Committee will meet on 7/10/24 to discuss plans to promote the Fire/EMS levy.
- He attended the 7/1/24 Germantown Council Meeting. Highlights included:
 - Scott Davies was appointed as City Law Director/Prosecutor.

NEW BUSINESS:

- **Visitor Comment: Kurt Jacoby, 12955 Harris Road:** Mr. Jacoby, Zoning Commission (ZC) President, reported that on 6/25/24 the ZC requested that the Trustees approve a temporary moratorium on expanded aggregate mining. He referred to Article 45 of the Township's Zoning Resolution – Extraction of Minerals, which he felt needed to be updated. Some potential additions might be a performance bond (similar to that required for small scale solar facilities) and an annual permit review. He noted that Assistant Prosecutor Anu Sharma told him that the Trustees have the authority to enact a moratorium. He provided the Trustees with a map indicating potential locations for future aggregate mining.

- Dr. Cross read an update from the May/June 2023 Ohio Township Association (OTA) magazine concerning HB 23, which was effective on 9/1/23: “HB requires a township to allow aggregate mineral surface mining in any zoning district as either a permitted use or a conditional use through the board of zoning appeals when those activities are to be added to an existing mining operation. The OTA sent Governor DeWine a request to line item veto this provision; however, he signed the bill as passed by the General Assembly.”
- **Visitor Comment: Jim Martin, 6916 Shimp Road:** Mr. Martin stated that the definition of “adding to an existing mining operation” is very broad. He wondered if it would include moving across a street or even moving across the county.

EXECUTIVE SESSION:

- Dr. Cross made the following MOTION, seconded by Mr. Stubbs: **I move to go into Executive Session pursuant to O.R.C. 121.22(G)(1) to consider the compensation of a public employee.** The roll was taken and the vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. The MOTION was approved. The Trustees entered into Executive Session at 8:13 pm.
- Present in the Executive Session were: Trustees Mark Cross, Jacob Stubbs, and Lou Potter; Fiscal Officer Mark Heistand; Police Chief Shane Birch.
- The Trustees held discussion under the authority of O.R.C. 121.22(G)(1).
- At 8:27 pm, Dr. Cross made a MOTION, seconded by Mr. Stubbs, to reconvene into Regular Session. The MOTION WAS APPROVED by a unanimous voice vote.
- Mr. Stubbs introduced **RESOLUTION 2024-49**, seconded by Dr. Cross: **A RESOLUTION MOVING SERGEANT DYLAN JONES FROM STEP 3 (\$2,345.25 PER PAY PERIOD) TO STEP 4 (\$2,488.01 PER PAY PERIOD) ON THE SUPERVISOR PAY SCALE EFFECTIVE JULY 16, 2024.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-49 WAS ADOPTED.**

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 8:28 pm.

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

Attest: These minutes were approved by the Board of Trustees at the August 12, 2024 meeting.

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