



GERMAN TOWNSHIP BOARD OF TRUSTEES MINUTES OF THE REGULAR MEETING HELD ON JUNE 10, 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		Police Department K9 Idus

IN-PERSON ATTENDEES:

Name	Address	Name	Address
Deb Cross	7444 S. Stiver Road	James Rowland	10021 Carlisle Pike
David Gehron	14239 Kiefer Road	Andy & Dawn Bateman	12102 St. Rt. 725 West
Dan Alldred	75 North Walnut St.	Josh Forrer	75 North Walnut St.
Lindsey Schwarber	Middletown Police	Tony Gibson	Middletown Police
Andy Warner	Middletown Police	Jessica Conrad	3663 Diamond Mill Rd.
Paul & Kelly Collins	15 Pagett Drive	Lucas Jones	Address not given
Carolyn Hibberd	126 S. Hillcrest Drive	Sgt. Dylan Jones	12102 St. Rt. 725 West
Olin Smith	Address not given	Boyd Warner	15243 Providence Pike, Brookville

ONLINE ATTENDEES:

Name	Name	Name	Name
Sam	KC	Sam Jr.	Abigail

The Germantown Press was notified of the Regular Meeting on 6/5/24 at 9:52 am.

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

RETIREMENT OF POLICE DEPARTMENT K9 IDUS

- Sergeant Dylan Jones reported that the Police Department retired K9 Idus on 6/11/24 due to age and changes in Ohio's recreational cannabis laws. He read a history of how the Township obtained a K9 and his years working with Idus as his partner. He thanked the Middletown Police Department for their assistance in training Idus and for other help during the years.
- Chief Birch stated that he had a heavy heart due to Idus' retirement, noting that Idus had been a valuable part of the Police Department. He thanked Sergeant Jones for his tenacity in starting the

program. He thanked the Middletown Police Department for their assistance. He noted that Sergeant Jones will be purchasing Idus at the previously agreed-upon price of \$1.00. He presented Sergeant Jones with Idus' Certificate of Retirement.

- Mr. Stubbs introduced **RESOLUTION 2024-39**, seconded by Dr. Cross: **A RESOLUTION TO APPROVE THE RETIREMENT OF POLICE DEPARTMENT K9 IDUS AND TRANSFER OWNERSHIP FROM THE TOWNSHIP TO SERGEANT DYLAN JONES IN EXCHANGE FOR A \$1.00 PAYMENT.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-39 WAS ADOPTED.**
- Mr. Stubbs noted that he was a Trustee when the Township first acquired Idus. Mr. Heistand recalled that Sergeant (then Officer) Jones and Idus attended a Germantown Lions Club meeting shortly after Idus came to the Township to demonstrate Idus' commands.

VISITOR COMMENTS:

- **James Rowland, 10021 Carlisle Pike:** Mr. Rowland expressed his concern that SRM Materials using the Dupps Company railroad tracks entry on Butter Street as an access point for their trucks. He asked if a letter could be sent to SRM. Mr. Holbrook stated that the issue would be part of his report later in the meeting.

FISCAL OFFICER'S REPORT:

- Mr. Heistand submitted minutes for the 5/8/24 Special Meeting and the 5/13/24 Regular Meeting. Dr. Cross noted a minor typo on page seven. Dr. Cross made a MOTION, seconded by Mr. Potter, to approve both sets of minutes as corrected. The MOTION WAS APPROVED by a unanimous voice vote.
- Mr. Heistand presented the May Financial Reports: (1) 5/31/24 Fund Status; (2) YTD 5/31/24 Cash Summary by Fund; (3) Month of May 2024 Cash Summary by Fund; (4) May 2024 Receipt Listing; and (5) May 2024 Payment Listing. He noted the following items:
 - Receipt 128-2024 for \$84,928.89 from the State of Ohio was the 1st half homestead and rollback tax payment.
 - Warrant #50770 for \$580,202.20 to the City of Germantown was Germantown's share of the 1st half road levy tax collections and 90% of tax collections of the other five joint levies, less related expenses.
 - Warrant #50772 for \$10,307.25 to First National Bank of Germantown was the semi-annual payment for the Valley View Water & Sewer District loan. The remaining payments through 12/1/25 total \$30,921.74.
- Dr. Cross made a MOTION, seconded by Mr. Stubbs, to approve the May financial reports and authorize the payment of May bills (warrants 50768 through 50773 and vouchers 303 through 467 for payroll direct deposit, payroll tax withholdings and other electronic payments). The MOTION WAS APPROVED by a unanimous voice vote.
- Due to Dr. Cross' unavailability, Mr. Heistand attended the 5/23/24 Fire/EMS Oversight Committee meeting. Fire/EMS Chief Dan Alldred reported that EMS billing provider Change Healthcare would not be renewing the City's contract. The new billing provider will be Ambulance Billing Network (ABN). The billing charge will decrease from 6.5% with Change to 5.0% with ABN. Chief Alldred noted at the meeting that the department planned to purchase a replacement pickup from Wyler Auto Group in Batavia at an approximate cost of \$50,000, including upfitting. Chief Alldred informed the Oversight Committee about the two grants his department recently received and gave credit to the Trustees for approving the additional funds needed above the grant awards that were paid to the City from holdbacks in the Township's Fire/EMS fund.

- Mr. Heistand noted that the majority of the Fire/EMS Oversight Committee meeting was spent discussing the potential Fire/EMS levy. The Committee passed a motion recommending that the Trustees place an additional 4.0 mill permanent levy on the November ballot. He suggested that the Trustees follow the recommendations made by the Oversight Committee and approve running a 4.0 mill levy to allow the public to weigh in on this option. If the levy should fail, he noted that the Trustees could run a different levy option on the May 2025 primary ballot. He noted that in addition to the 4.0 mill additional levy option, the County Auditor recently certified two other levy options: (1) a replacement of the 2002/2006 2.0 mill levy with a 5.0 mill levy and (2) a replacement of the 2002/2006 2.0 mill levy with a 2.0 mill levy. He stated that the Trustees could run any of the three options on the November ballot.
 - Mr. Stubbs introduced **RESOLUTION 2024-40**, seconded by Dr. Cross: **A RESOLUTION TO PROCEED TO LEVY A TAX IN EXCESS OF THE TEN MILL LIMITATION, SPECIFICALLY THE PLACEMENT ON THE 11/5/24 BALLOT A 4.0 MILL ADDITIONAL LEVY, FOR A CONTINUOUS PERIOD OF TIME, FOR THE OPERATION OF THE FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT.** Mr. Stubbs read the **RESOLUTION** in its entirety.
 - Mr. Stubbs noted that Germantown charges administrative fees to the fire and EMS funds to pay for General Fund overhead. These charges will total \$500,000 over ten years.
 - **Visitor Comment: Fire/EMS Chief Dan Alldred, 75 N. Walnut Street:** Chief Alldred stated that his department receives a lot of administrative services from the City's General Fund.
 - The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-40 WAS ADOPTED.**
 - **Visitor Comment: Chief Dan Alldred:** Chief Alldred thanked the Trustees for their vote, promising to work very hard to inform the public about the need for the additional funds. Mr. Stubbs stated that 4.0 mills is a lot to ask the voters to approve.
- Mr. Heistand noted that the Township received preliminary approval from the State of Ohio to become an official America 250-OH community for the United States semiquincentennial. He noted that the Trustees needed to adopt a **RESOLUTION** to finalize the Township's participation.
 - Mr. Stubbs introduced **RESOLUTION 2024-41**, seconded by Mr. Potter: **A RESOLUTION OF THE BOARD OF TRUSTEES OF GERMAN TOWNSHIP, MONTGOMERY COUNTY, COMMONWEALTH OF OHIO, SUPPORTING THE OHIO COMMISSION FOR THE UNITED STATES SEMIQUINCENTENNIAL (AMERICA250-OH).** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-41 WAS ADOPTED.**
- Mr. Heistand reminded the Trustees that all funds received under the American Rescue Plan Act (ARPA) must be appropriated by the end of 2024, or the Township risks having unappropriated amounts clawed back by the Treasury Department. He noted that the balance in the ARPA fund was \$16,687. Should the Ohio Legislature ultimately award the Township the \$60,000 grant for the Twin Creek Erosion Project (the Township's \$30,000 share was paid using ARPA funds), the unappropriated amount will be \$46,687.
 - Mr. Potter noted that the ARPA funds could be used to purchase a new digital sign for the Township Hall. Dr. Cross stated that there were more important uses for the ARPA funds.
- Mr. Heistand stated that he still had not received the draft report from the Auditor of State's recent 2022-2023 Agreed Upon Procedures review. He was told that review of the Township's 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 an OTARMA (Ohio Township Association Risk Management Authority) representative was at the Township on 5/17/24 to appraise the Township's real estate and personal property. He was not able to be present that day. He thanked Mr. Holbrook and Ms. Close for working with the appraiser in his absence.

- He reminded the Trustees about the Montgomery County Township Association (MCTA) meeting to be held at the Township Hall on 6/27/24. Prior to the meeting, a dinner consisting of hamburgers, hot dogs, etc. will be provided by the Germantown Lions Club.

POLICE DEPARTMENT REPORT:

- Chief Birch presented the Department's monthly statistics.
- He reported that MARCS (Multi-Agency Radio Communication System) will be implementing a new Radio Authentication security update for all dispatch communication with portable and mobile radios. The mandatory update will require:
 1. All eight of his department's APX6000/4000 portable radios will need to be updated at a cost of \$1,736 (\$1,016 for security patches plus \$720 installation. The quote is good through 6/30/24 and must be installed by 12/29/24.
 2. The department's five cruiser mobile radios, which are 20-plus years old, must be replaced at a total cost of \$25,907.25 (\$5,091.45 for each radio, plus \$90 each for programming). The quote is good until 6/30/24 and must be installed by 6/1/25.

He considered eliminating mobile radios, but felt that they are needed for officer safety. He noted that there are locations in the township where portable radios don't work. The officers depend on mobile radios in those areas for communication with dispatch. He looked for grants, but had not been successful. He asked the Trustees to pay some of the costs using ARPA funds.

 - Mr. Stubbs introduced **RESOLUTION 2024-42**, seconded by Mr. Potter: **A RESOLUTION TO PAY \$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 2024-42 WAS ADOPTED.**
 - The Trustees agreed that the funding would be changed at the July meeting from the General Fund to the ARPA Fund. Mr. Heistand will prepare an ARPA Resolution.
- Dr. Cross asked about the status of providing a School Resource Officer (SRO) to Valley View Schools for the 2024-2025 year. Chief Birch stated that he had looked to no avail for a retired officer to serve as a second SRO along with Officer Steve Marsden. As a result, Valley View has contracted with G2G Solutions in Dayton to provide the second SRO.
 - Ms. Close noted that Valley View hadn't paid the last installment for the 2023-2024 year.

ROAD/SERVICE DEPARTMENT REPORT:

- Mr. Holbrook reported that Earhart Propane submitted a revised 2024-2025 bid of \$1.449 per gallon; their earlier bid was \$1.69. He noted that Earhart does not require any pre-buy. Other bids he received were from Apollo at \$1.899 and Champion at \$1.60. He stated that Earhart's equipment was already installed, as they have been the Township's supplier in recent years.
 - Mr. Potter discussed a bid he received from Wood Propane. The Wood bid was also \$1.449 per gallon, but required a pre-buy of a minimum 500 gallons.
 - Dr. Cross introduced **RESOLUTION 2024-43**, seconded by Mr. Stubbs: **A RESOLUTION AUTHORIZING ROAD SUPERINTENDENT JEREMY HOLBROOK TO EXECUTE A CONTRACT WITH EARHART PROPANE TO SUPPLY PROPANE FOR THE TOWNSHIP FOR THE 2024-2025 SEASON AT A RATE OF \$1.449 PER GALLON.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-43 WAS ADOPTED.**
- Mr. Holbrook discussed SRM Materials use of Butter Street for access to their mining operations. He noted that using Butter as an access point was not allowed by the conditional use permit issued to Weidle Corporation on 7/1/03 in Zoning Case #2003-05CU. He stated that SRM has been using Butter to clean out their concrete mixer trucks, which has caused extensive damage to the Butter

Street pavement and berm. He previously discussed the situation with the prosecutor's office, who informed him that the Zoning Inspector has the authority to issue a violation.

- Dr. Cross noted that the 2003 conditional use approval related to the property, not the owners. As such, SRM is obligated to follow the conditions set forth in the 2003 approval.
- **Visitor Comment: James Rowland:** Mr. Rowland noted that SRM is using Dupps Company right of way along the railroad track. He stated that Dupps could lock up that access. He noted that Eckhart Road was upgraded to handle the heavy load from the concrete trucks.
- Mr. Holbrook stated that SRM should use Eckhart for access to their property. He will work with Ms. Close to issue a notice of violation to SRM for using Butter for truck access.
- Mr. Holbrook asked for an update on the potential exterior painting of the Township Hall as well as the potential new Township Hall sign.
 - Mr. Potter stated his desire to wait until the Township is certain that the State grant for the Twin Creek erosion project is approved before potentially approving a new sign.
 - Mr. Holbrook felt it was necessary to paint the building exterior as well as tuckpointing the walls. He suggested that the Trustees go with the higher bid since it included tuckpointing. He noted that the lower bid only included caulking the mortar gaps.
 - Mr. Heistand noted that the two painting quotes presented at the April Trustee meeting were \$2,100 from Mike White and \$5,000 from Randy King.
 - Ms. Close agreed to contact the painting contractors to reconfirm their quotes.

ZONING & TRASH DEPARTMENT REPORT:

- Ms. Close reported that she issued three permits in May: (1) a storage barn on Germantown Pike; (2) a pole barn on Conservancy Road; and (3) a shed on Big Twin Terrace.
- She announced that a Board of Zoning Appeals (BZA) Hearing on case #2024-03CU, filed by Mark and Amy Juanitis on Preble County Line Road for a lot split, would be held on 6/11/24
- She reported that from 1/1/24-6/1/24 there have been 251 trash payments totaling \$16,188 made using the online credit card system. She noted that had these payments been checks she would have had to manually input them. She thanked the Trustees for approving online payments.
- **Visitor Comment: James Rowland:** Mr. Rowland asked about the court appeal filed by SRM Materials following the BZA's March denial of their mineral expansion request for property at the southeast corner of Butter Street and Farmington Road. Ms. Close stated that, per the prosecutor's office, she was not allowed to discuss the case.

TRUSTEE POTTER'S REPORT:

- Mr. Potter reported that the new roof on the Depot in Veterans' Memorial Park looked very good. The Parks Board named Dale and Valerie Fornshell as grand marshals for the July 4th parade. He noted that Amber Pritchett had replaced Blake Ahlgrim on the Parks Board.
- Concerning the MMI Park, he noted that the plaque commemorating the buildings should be ordered in the next few weeks. He talked to a local mason who will probably donate his time to construct columns to display the plaque and building cornerstone. Work will soon begin on the trails and memorials that will be along the trails.
- He participated in a conference call with Ron Wine of Channel Maintenance Systems and Ashley Elrod with the Ohio Public Works Commission (OPWC) concerning a 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 discussed a proposal to authorize Mr. Wine to serve as a liaison between the Township and OPWC.
 - Mr. Potter noted that Mr. Wine would provide his services at no cost to the Township, but would receive a 10% profit on an eventual contract should the grant be approved.
 - Dr. Cross stated that he isn't comfortable giving Mr. Wine the requested authority.

- Dr. Cross and Mr. Potter discussed the amount of improvement along Twin Creek since Channel Maintenance Systems completed that erosion project in early 2024.
 - Mr. Stubbs didn't want to give Mr. Wine this authority since he isn't part of the Township.
 - Mr. Holbrook stated that the Trustees should keep their authority to sign the grant application. He felt that Mr. Wine didn't need written authority to prepare an application. He noted that in the past Kramer and Associates provided engineering services and prepared Issue 2 grant applications without being given authority to sign the documents.
 - Mr. Potter agreed to get more information for further discussion at a future meeting.
 - Mr. Stubbs suggested that the request be sent to the prosecutor's office for review.
- Mr. Potter resubmitted the request for State Capital Project funding of the Little Twin project to Senate President Matt Huffman. He noted that out Senator Niraj Antani didn't submit the project.

TRUSTEE STUBBS' REPORT:

- Mr. Stubbs reported that the cemetery looked great on Memorial Day thanks to the hard work of Sexton Keith Burnett and his crew. He thanked Ben DeGroat for donating mulch to the cemetery. He noted that the new Kubota RTV has been a time saver for the crew. He stated that the cemetery backhoe was being repaired at Koenig Equipment. The cemetery's CD at Huntington Bank matured; the account was closed and the funds moved to a new StarOhio account.
- He reported that Valley View's Focus on Your Future Day on 5/17/24 was rained out. High School students had been scheduled to volunteer at the cemetery.
- He resubmitted the cemetery's project to replace the wall along S.R. 725 to Senate President Matt Huffman to hopefully be included in the State's list of approved Capital Budget projects.
- He noted that Police Department K9 Idus would be missed.
- He reported that the 6/12/24 Joint Economic Development District (JEDD) Board meeting had been canceled. He noted that the Board's March meeting was also canceled.
 - **Visitor Comment: Mark Keener (on line as Sam, Jr.), 7865 Jamaica Road:** Mr. Keener stated that the JEDD Board meeting was rescheduled to 6/26/24. He noted that tax distribution checks to the four jurisdictions would be prepared at the meeting. He reported that Kelly Marascio in the Farmersville Tax Department is attempting to collect income taxes from the subcontractors constructing the new school. He noted that the JEDD doesn't have an ability to enforce tax collections.

TRUSTEE CROSS' REPORT:

- Dr. Cross attended the 6/3/24 Germantown Council meeting. Highlights included:
 - Law Director Tom Schiff announced that this was his last council meeting. No mention was made of his future plans or who will replace him.
 - Council voted to approve DORA (Designated Outdoor Refreshment Area) hours on 6/12/24, 7/10/24, and 8/14/24 to accommodate the "Movie in the Park" events.
 - Council approved vacating the alley to the east of the Florentine Restaurant.
 - During the Work Session, William Heistand discussed expanding the Kercher Park Tennis Complex from four to ten courts and eventually build a restroom/concession facility. The new courts will be striped for pickleball. The expansion will be privately funded. Phase 1 for the new courts is estimated to cost \$700,000; Phase 2 is estimated at \$400,000. \$140,000 has already been raised. An architect and contractor have been selected.
- He stated that he would file the recent Zoning Resolution changes with the Montgomery County Recorder's Office later that week.

- Dr. Cross introduced **RESOLUTION 2024-44**, seconded by Mr. Stubbs: **A RESOLUTION TO PROHIBIT ADULT-USE CANNABIS OPERATIONS AND MEDICAL MARIJUANA OPERATORS, INCLUDING CULTIVATORS, PROCESSORS, AND RETAIL DISPENSARIES WITHIN THE UNINCORPORATED AREA OF GERMAN TOWNSHIP, MONTGOMERY COUNTY, OHIO.** Dr. Cross read the **RESOLUTION** in its entirety. He noted that he used a template from the Ohio Township Association in preparing the **RESOLUTION**. The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-44 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 8:32 pm.

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

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

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