



**GERMAN TOWNSHIP BOARD OF TRUSTEES
MINUTES OF THE SPECIAL MEETING HELD ON AUGUST 27, 2026**

**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 Jacob Stubbs at 7:02 pm. In attendance were:

President Jacob Stubbs	Vice President James Rowland	Fiscal Officer Mark Heistand
	Zoning Inspector Janet Burton	

Trustee Louis Potter was absent

IN-PERSON ATTENDEES:

Name	Address	Name	Address
Mark Cross	German Township	Doug Lakes	German Township
Nolan McNamee	Beavercreek, OH	Alex Shartle	German Township
Chris Scholler	German Township	Rachel Albert	German Township
Chief Shane Birch	German Township		

ONLINE ATTENDEES:

Name	Name	Name	Name
Abigail	Dc	Claire	Holly Michael

The Germantown Press was notified of the Special Meeting on 8/24/26 at 11:22 pm.

Mr. Stubbs led the group in the Pledge of Allegiance.

The announced purpose of the Special Meeting was:

- To consider whether the Township should retain outside legal counsel to support the Board of Zoning Appeals with an upcoming case

EXCUSE TRUSTEE POTTER

- Mr. Stubbs made a MOTION, seconded by Mr. Rowland, to excuse Trustee Louis Potter. The MOTION WAS APPROVED by a unanimous voice vote.

VISITOR COMMENTS:

- **Mark Cross:** Dr. Cross asked why the Trustees wanted to hire outside counsel. He was told that the attorney would prepare Zoning Department documents and staff report for the Hollingshead-SRM Materials mining permit hearing with the Board of Zoning Appeals on 10/13/26. Dr. Cross asked whether Katherine Barbieri of Schroeder, Maundress, Barbieri & Powers (SMB&P) should

be hired. Ms. Barbieri was previously hired by the Ohio Township Association Risk Management Authority (OTARMA) to defend the Township in the recent SRM Materials litigation.

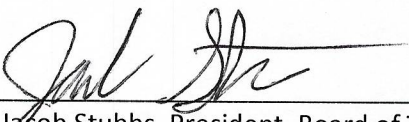
- **Rachel Albert:** Ms. Albert asked whether the Trustees had decided to hire outside counsel. Mr. Stubbs responded that a decision would be made during the current meeting.

CONSIDER WHETHER THE TOWNSHIP SHOULD RETAIN OUTSIDE LEGAL COUNSEL TO SUPPORT THE BOARD OF ZONING APPEALS WITH AN UPCOMING CASE

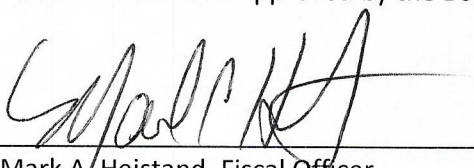
- Mr. Stubbs reviewed the history of events which led to the current meeting. He had contacted the Ohio Township Association (OTA) who recommended Brosius, Johnson and Griggs (BJ&G) to serve as outside counsel. He then contacted OTARMA to inquire whether insurance would pay for outside counsel. He was told that insurance wouldn't apply since litigation is not involved. He listed BJ&G's hourly billing rates: \$250 for partners; \$215 for senior associates; \$190 for associates; \$130 for clerks; and \$115 for legal assistants. Ms. Barbieri's SMB&P hourly rate is \$250. The Township will be responsible for the legal fees of whichever firm is hired.
 - Mrs. Burton stated that she separately contacted the OTA and also received the BJ&G recommendation.
 - Mr. Stubbs stated that it's not a question of whether the Trustees should hire outside counsel, but who should be hired. He was hoping to avoid litigation by using counsel to prepare for the BZA hearing. He noted a letter will need to be sent to Montgomery County Prosecutor Mat Heck requesting approval to hire outside counsel.
 - Mr. Rowland stated that he wanted to hire BJ&G, noting that the firm has significant surface mining experience.
 - **Visitor Comment: Mark Cross:** Dr. Cross noted that BJ&G had presented workshops at the OTA Winter Conference for several years. Mr. Stubbs noted that Ms. Barbieri has prior experience due to the SRM litigation. Dr. Cross stated that it would be better to use counsel that the Township hasn't used in the past.
 - Mrs. Burton noted that BJ&G has handled many situations similar to the Township's current zoning permit case.
 - Mr. Heistand asked if OTARMA would represent the Township in any future litigation if outside counsel was used for the zoning hearing. He also asked that if OTARMA would represent the Township in litigation, could they use the outside counsel hired by the Township or need to hire other counsel. Answers to those questions were not available.
 - **Visitor Comment: Alex Shartle:** Mr. Shartle asked if the entire parcel being discussed at the 10/13/26 BZA meeting could be mined. Mrs. Burton stated that the zoning application being considered by the BZA would allow mining on only 30 acres. This is less than the 39.5 acres previously approved by the Ohio Department of Natural Resources.
- Mr. Stubbs introduced **RESOLUTION 2026-52**, seconded by Mr. Rowland: **A RESOLUTION STATING THE INTENTION OF THE TRUSTEES TO HIRE BROSIUS, JOHNSON AND GRIGGS AS OUTSIDE COUNSEL TO ASSIST THE ZONING DEPARTMENT WITH THE HOLLINGSHEAD/SRM SURFACE MINING PERMIT CASE CURRENTLY BEFORE THE BOARD OF ZONING APPEALS, SUBJECT TO PRIOR APPROVAL BY THE MONTGOMERY COUNTY PROSECUTOR.** The roll was taken and the adoption vote was as follows: Mr. Stubbs-Yes; Mr. Rowland-Yes; Mr. Potter-Absent. **RESOLUTION 2026-52 WAS ADOPTED.**
 - Mr. Stubbs stated the he would like BJ&G to draft the letter on behalf of the Trustees to Prosecutor Heck to request approval to hire outside counsel. He commented that he has nothing against the Prosecutor's office, but that the Township needs legal experience in surface mining situations similar to the Hollingshead/SRM case.

MEETING ADJOURNED:

- With no further business, Mr. Stubbs made a MOTION, seconded by Mr. Rowland, to adjourn. The MOTION WAS APPROVED by a unanimous voice vote. The meeting adjourned at 7:19 pm.

Signed: 
Jacob Stubbs, President, Board of Trustees

Attest: These minutes were approved by the Board of Trustees at the September 14, 2026 meeting.

Signed: 
Mark A. Heistand, Fiscal Officer