



**GERMAN TOWNSHIP BOARD OF TRUSTEES
MINUTES OF THE SPECIAL MEETING HELD ON OCTOBER 1, 2020**

Meeting held virtually using WebEx

The SPECIAL MEETING was called to order by Board President Abra Reed at 7:00 pm. The meeting was held virtually using WebEx. Attendees included:

President Abra Reed

Vice-President Jacob Stubbs

Trustee Tyler Rehmert

Fiscal Officer Mark Heistand

Zoning Inspector Halie Sewell

ONLINE VISITORS:

Name	Name	Name	Name
David Gehron	Deb Cross	Kim Dupps	Jeremy Holbrook
Lloyd Johnson	Kurt Jacoby	KC	Heather Caskey
Abigail Hale-Dennis	K	EG	Kyle Brummett
9374****37			

The Germantown Press was notified of the virtual meeting more than 24 hours in advance.

Mrs. Reed led the group in the Pledge of Allegiance.

The announced purpose of the Special Meeting was:

- To hold a Public Hearing for Case #2020-35-ZC filed by German Township Zoning for Kyle Brummett of 408 McClure Road, Lebanon, Ohio 45036. The subject property is Parcel ID# D14 00904 0053 located at the corner of Route 4 and Eby Road. The parcel is currently split zoned Agricultural/Residential-1. The applicant is seeking a change in zoning to Business-4. If adopted by the Board of Trustees, the proposed zoning change will be effective in 30 days.
- To discuss the use of funds received under the CARES Act for coronavirus relief.

ZONING CASE #2020-35-ZC:

Mrs. Reed reviewed the process to be followed in the Public Hearing, noting the following:

- The Trustees will review the case, receive testimony from the Zoning Inspector, the applicant, proponents and opponents and render a decision for or against the request. This will be done in an organized manner that will be respectful to everyone.
- All testimony will be under oath. Everyone who wishes to speak during the Public Hearing will be sworn in before testifying.

- The Oath was as follows: Do you solemnly swear or affirm that any testimony you shall give before the Board of Trustees during the Public Hearing shall be the truth, the whole truth, and nothing but the truth? Is so, answer, "I do."

Mrs. Reed made a MOTION, seconded by Mr. Rehmert, to open the Public Hearing for Case #2020-35-ZC. The MOTION PASSED.

Testimony by the Zoning Inspector:

- Mrs. Sewell reviewed the packet of materials related to the case that were provided to the Trustees in advance of the meeting. The packet included: (A) Staff Report; (B) Zoning Change Application including Affidavit, Deed & Resolution; (C) Recommendation from the Montgomery County Planning Commission; (D) Recommendation from the German Township Zoning Commission; (E) Plot Plan; (F) Photo and Overhead View; (G) List of Property Owners within 300' of Property; and (H) Public Hearing Notice. She noted that the applicant no longer wants to perform gun training on the property. Zoning District B-4 is required for gun training. She stated that the Trustees could approve or deny the request. They could also modify the request and approve a lesser zoning district.
- Mrs. Reed asked what other zoning districts could be considered for the property. Mrs. Sewell stated that there were several options including OR-1 (Office/Residential). She noted that the applicant stated that he would comply with the restrictions of whatever district is approved.

Testimony by the Applicant:

- **Kyle Brummett, 408 McClure Road, Lebanon, Ohio 45036.** After being sworn, Mr. Brummett discussed his plans for this property. He noted that the subject address is 9391 Eby Road. His goal is to locate his company office to the pole barn on the property. He likes the isolation of the parcel. He has found another location in a different city for the gun training. Three people will be in the building during regular business hours. There will be no outside activities or recreational use of the property.

Testimony by Other Proponents:

- None

Testimony by Opponents:

- After being sworn, Mr. Heistand read an email and letters from the following opponents:
 1. **Connie Chapman** – Since no address was given, he suggested that the email be discounted by the Trustees.
 2. **Brent Walters – 10250 Eby Road, Germantown, OH 45327**
 3. **Eric & Teresa Walters – 10150 Eby Road, Germantown, OH 45327**
 4. **Kandice Tate-Davis – 9221 Eby Road, Germantown, OH 45327**
- **Heather Caskey, 9284 Germantown-Middletown Pike, Germantown, OH 45327.** After being sworn, Ms. Caskey noted that she lives immediately adjacent to the subject property. She asked if the Trustees were told that the Zoning Commission (ZC) denied the request. Mrs. Reed replied that the Trustees were aware of the ZC denial. Ms. Caskey noted that she attended the ZC meeting when this case was heard and the ZC didn't consider or suggest a lesser zoning district. She commented that the letter from the Montgomery County Planning Commission stated it "recommended denial of...the requested re-zoning to B4 Business, due to the potential for conflict with adjacent residential land uses, but suggested that other less intensive districts be considered for the subject property by both the applicant and the Zoning Commission." She stated that a recommendation is advice, but a suggestion is an idea to consider. She noted that the ZC said they were in agreement with Montgomery County and felt that there were more

suitable locations for the applicant's business. She was opposed to any type of commercially zoning property being attached to her residential property. She noted that all the properties attached to the subject property are zoned either agricultural or residential. Rezoning the property to business would not be consistent with neighboring properties. She was also concerned about future uses of the property if it is zoned for business. She also felt there is insufficient road infrastructure at this property.

Mrs. Sewell commented that Ms. Caskey read the exact letter from the Montgomery County Planning Commission. Mrs. Sewell then read the letter from the German Township Zoning Commission. Both letters were in the Trustee packets.

Mrs. Sewell read a letter dated 9/30/20 from Mr. Brummett in his capacity as CEO/President of Intelligence Risk Management. The letter noted that the company felt that a lesser district such as OR-1 would be in the best interests of the company.

Mrs. Reed made a MOTION, seconded by Mr. Rehmert, to close the Public Hearing for Case #2020-35-ZC. The MOTION PASSED.

Board of Trustees Deliberation:

- Mrs. Reed noted that the Trustees could approve a lesser district instead of B-4.
- In response to a question by Mrs. Reed, Mr. Brummett stated that the company's regular hours of operation will be 8 am-4 pm. They will rarely be open at night.
- Mr. Rehmert stated that he agreed with the neighboring residents and didn't want to rezone the property to B-4. He commented that he would consider rezoning to OR-1 and read the OR-1 zoning code language. He discussed how this situation would fit into the OR-1 standards and felt it followed the spirit of OR-1. He noted, however, that he has concerns about some of the permitted uses within OR-1.
- Mrs. Reed agreed that this situation would fit best under OR-1 zoning.
- Mr. Stubbs acknowledged that the Trustees have the authority to change the requested zoning from B-4 to OR-1, but didn't feel it was appropriate to make this last minute change, especially since it went through the County and Township process and residents have spoken against it.
- Mrs. Sewell noted that Mr. Brummett could reapply for an OR-1 rezoning if the Trustees deny the B-4 rezoning request at this meeting. The applicant could also appeal the decision to Montgomery County. She and Mr. Rehmert discussed the process involved in a new application.
- Mrs. Sewell stated that one reason this was a B-4 application was because the applicant originally planned to use the property for gun training. In addition, B-4 was requested since there is a B-4 property directly across the street.
- Mr. Rehmert asked why the ZC didn't consider other zoning districts. Mrs. Sewell noted that the ZC went into Executive Session and she was not privy to what was discussed during that time. On the record the request was simply denied as proposed.
- Mr. Stubbs stated that he was not in favor of changing the zoning on this property at this time.

Mr. Rehmert introduced **RESOLUTION 2020-25**, seconded by Mrs. Reed: **A RESOLUTION DENYING A REZONING OF PARCEL ID# D14 00904 0053 FROM SPLIT ZONED A/R-1 TO B-4 AS FILED BY KYLE BRUMMETT OF 408 McCLURE ROAD, LEBANON, OHIO 45036 IN CASE #2020-35-ZC.** The roll was taken and the adoption vote was as follows: Mrs. Reed-Yes; Mr. Stubbs-Yes; Mr. Rehmert-Yes. **RESOLUTION 2020-25 WAS ADOPTED.**

Mrs. Reed wished Mr. Brummett the best and hoped that whatever happens going forward is in the best interests of his company and the Township.

DISCUSSION ON USE OF CARES ACT FUNDS:

Mrs. Reed listed some ideas for the use of the CARES Act funds. In no particular order these included: (a) upgrades to allow electronic trash bill payments by residents; (b) touchless toilets, sinks and soap dispensers in the bathrooms; (c) digital thermostats; (d) touchless doorbells; (e) upgrade Township internet service; (f) install automatic doors in the Township Hall and garages; (g) update laptops to be used for virtual meetings; (h) updates to the Township Hall Meeting Room. She noted that another township used CARES Act funds to replace their HVAC system for better filtration.

Mr. Stubbs stated that Jackson Township is looking into installing touchless faucets and toilets using CARES Act funds and is also considering an electronic sign. He thought that updating our sign by the road could be a possibility. He would like to see the funds spent on building improvements. However, he felt that the \$15K proposal from Audio Excellence Consulting (AEC) for the audio/visual and sound upgrades in the Meeting Room was too high and is unneeded.

Mr. Rehmert noted that CARES Act funds can be used to offset police salaries. Mr. Heistand explained that police and fire/EMS salaries and benefits are the one exception to the requirement that CARES funds must be used for expenses that were not previously budgeted. He stated that police and fire/EMS staff are presumed to be at risk of exposure whenever they come to work, which makes their salaries and benefits eligible to be paid using CARES funds.

Mr. Rehmert asked about the timeframe to appropriate funds. Mr. Heistand stated that HB614 was just passed by both the Senate and House and was awaiting the governor's signature. The Township will receive an additional \$104K from the funds approved by HB614. This will be in addition to the \$39K already received. HB614 also extended the deadline to appropriate funds to 11/20/20 and the deadline to return unspent funds to 2/1/21. He noted that any items purchased must be installed by 12/31/20.

In response to Mr. Rehmert's question, Mr. Heistand stated that the Township's police salaries and benefits are sufficient to use all of the CARES Act funds if that is what the Trustees decide. He noted that the CARES Act funds have been recorded in a special Coronavirus Relief Fund. Any police salaries and benefits approved by the Trustees to be paid using CARES funds will be transferred from the Police Levy funds into the Coronavirus fund.

Mr. Rehmert stated that any purchase being considered for payment from CARES funds should be something that is currently needed by the Township or something that might be needed in the near future since these purchases would reduce the amount of funds available to offset police salaries and benefits. Mr. Stubbs stated his desire to use as much as of the funds as possible for police salaries and benefits in order to delay the need for a new police levy.

Mr. Rehmert stated that improved internet capability is something that would help the Township and probably not be very expensive. Otherwise, he would like the funds to be used for police salaries.

Mrs. Reed questioned whether there was a need for laptops for the Trustees and others who attend virtual meetings so they can be seen as well as heard

Mr. Heistand addressed the possibility of sub-grants which the Trustees approved at the September meeting. Following that meeting he spoke with the City of Germantown and Valley View Local Schools. At that time, the Federal government had not yet approved the use of CARES Act funds to offset police and fire/EMS salaries and benefits. Once Federal approval came through, he informed the City that they would not receive a sub-grant. Valley View is also aware that they will not be getting a sub-grant.

Mrs. Reed agreed that she would like to see a large portion of the CARES funds go towards police salaries and benefits. She noted that since the General Fund balance isn't very large, she would like some portion of the funds to be used to pay for some needed low-cost building updates that the General Fund couldn't otherwise afford. Mr. Rehmert agreed with Mrs. Reed.

Mrs. Reed asked about the age of the HVAC systems at the Township Hall. Each section of the building has a separate unit, replaced at different times. Mr. Holbrook will research the age of the units. Mr. Stubbs asked if replacement of the roof would qualify for CARES funds. Mr. Heistand thought that roof replacement would probably not meet all the criteria that are required in order to use CARES funds. He did think that HVAC replacement might satisfy the criteria, but would have to be well documented.

The possibility of online trash payments by residents was discussed. The question arose about who would pay the service fee involved with credit card payments. Mrs. Sewell noted that she has received numerous requests from applicants to pay zoning fees by credit card. She also suggested that electronic automatic payments could be offered for the quarterly trash bills.

Mrs. Sewell discussed the possibility of upgrading the phone system to allow remote voice mail pickup. This became a problem for her as a result of working remotely due to the coronavirus pandemic. Mr. Heistand noted that his voice mails are forwarded to his township email account and suggested that Mrs. Sewell work with Laurie Rohrbach to set up her office phone the same way.

Mrs. Reed and Mr. Stubbs stated that updating the Township Hall restrooms should be a priority. Mr. Holbrook agreed to obtain quotes for touchless fixtures and dispensers.

Mr. Heistand noted that he will ask the Trustees to appropriate all the CARES Act funds prior to the 11/20/20 deadline. The Trustees will then have until 12/31/20 to decide how to use the funds. He noted that Prosecutor Peterson stated that only purchases over \$50,000 would need competitive bids.

In response to an issue raised by former Fiscal Officer Mark Keener concerning how the Special Meeting Notice was written, Mr. Heistand noted that Prosecutor Peterson stated it would be legally appropriate for the Trustees to make a spending decision at this meeting.

Mr. Rehmert stated he is in favor of increasing the internet capability at the Township Hall.

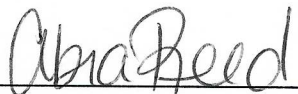
Mr. Rehmert agreed with Mr. Stubbs that the AEC proposal was excessive. Mr. Heistand discussed the issues that the AEC proposal addressed related to being seen and heard on virtual meetings as well as being heard in the room while wearing masks. The Trustees discussed ways the audio/visual and sound project could be modified to achieve the same goals for a significantly lower cost. Mrs. Reed noted that the Township's projector is old technology and it would be helpful to have an updated projector. Mr. Rehmert stated that a large-screen television could replace a projector by using a HDMI cord and could also be used for WebEx meetings. He would like to see the audio/visual and sound upgrade proposal be reduced to the \$5,000 range. Mr. Heistand agreed to arrange a follow-up meeting with Larry Burton of AEC and Mr. Rehmert to discuss AEC's current proposal as well as lower cost options.

Mr. Rehmert and Mrs. Reed both agreed that the bathroom upgrades were needed.

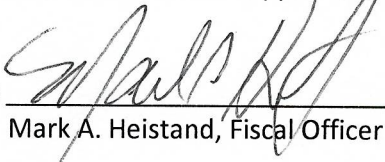
Mrs. Reed summarized the other ideas that were discussed at the meeting: (1) electronic sign; (2) laptops for use at virtual meetings; and (3) on-line trash payments. Besides the bathroom upgrades and the audio/visual/sound upgrades, Mr. Rehmert didn't have any other ideas that he wanted to prioritize.

MEETING ADJOURNED:

With no further business, Mr. Stubbs made a MOTION, seconded by Mr. Rehmert, to adjourn. The MOTION PASSED. The Meeting adjourned at 8:57 pm.

Signed: 
Abra Reed, President, Board of Trustees

Attest: These minutes were approved by the Board of Trustees at their meeting on November 9, 2020.

Signed: 
Mark A. Heistand, Fiscal Officer