

THE GERMAN TOWNSHIP BOARD OF TRUSTEES

DAYTON LEGAL BLANK, INC., FORM NO. 10148

April 11, 2011

Held _____ 20_____

The regular meeting was called to order at 7:09 P.M., at the Township Hall, 12102 S.R. 725 West, Germantown, Ohio, by Board President Randy Benson with the Pledge of Allegiance. Trustees Randy R. Benson, Benjamin F. DeGroat, Gregory A. Hanahan, and Fiscal Officer Robert W. Rohrbach Jr. were present. Zoning Inspector Laurie Rohrbach and Police Chief W. L. Wilcox were also present. Road Superintendent Jeremy Holbrook was absent and excused.

This meeting was digital tape recorded (tape recorder malfunctioned approx 20 minutes into the meeting) and the CD is on file. The Germantown Press, Dayton Daily News, and Middletown Journal were notified of the meeting.

VISITORS – Don & Lynette Boldt of 10476 Eby Rd.; Sherry Parr representing the Valley View School Dist.

PUBLIC HEARING –

Mr. Benson introduced the Public Hearing to consider the zoning district changes as propose by the German Twp. Zoning Commission Case # 2011-01ZC. Proposed changes to numerous parcels are outlined on the draft German Twp. Zoning Resolution Map dated November 9, 2010. These changes will bring changed parcels more into line with land use and surrounding zoning districts. The changes will also eliminate the problem of parcels split by two zoning districts.

Mr. Benson inquired if any of the visitors were there to testify in the public hearing. All stated no, but had questions and no one was sworn in:

At 7:10 PM, Mr. Hanahan introduced a **MOTION**, seconded by Mr. Benson, to open Public hearing for case #2011-01ZC. After discussion, all present voted in favor, Motion passed.

Mrs. Rohrbach introduced the case explaining the history of the need to eliminate split zoning districts on a single parcel. She reported that the Zoning Commission talked with residents, visited affected areas, and met with the Montgomery County Planning Dept. That the outcome was the elimination of parcels with split zoning and zoning more aligned with property usages.

Mr. Benson asked what restrictions are incurred when changing Agricultural to R-1.

Mrs. Rohrbach stated that 10 acre lots or more will see no changes, but smaller lots of ½ to 1 acre will see restrictions in R-1.

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Mr. Boldt asked what the difference was between Agricultural and R-1?

Mrs. Rohrbach explained that on lots 10 acres or more, there would be no differences.

Mr. Bodlt then asked then why not leave the properties at Agricultural.

Mrs. Rohrbach responded of the necessity to eliminate spot zoning, thus everyone in an area are zoned the same. Mrs. Rohrbach showed Mr. Boldt the Zoning Resolution and explained how to interpret the restrictions and conditional usages.

Mr. Boldt thanked Mrs. Rohrbach and the Board for the explanations and had nothing further to add to the hearing.

At 7:27 PM, Mr. Hanahan introduce a **MOTION**, seconded by Mr. DeGroat, to close the hearing. After discussion, all present voted in favor, MOTION passed. No testimony was received.

Mr. Hanahan introduced **RESOLUTION 2011-12**, seconded by Mr. DeGroat, to approve the German Twp. Zoning Commission Case # 2011-01ZC. During discussion Mr. Hanahan noted that the case was generally housekeeping in nature and thanked the Zoning Commission for their hard work on the case. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Hanahan – Yes. **RESOLUTION 2011-12** passed.

VISITOR COMMENTS –

- I. Mrs. Parr gave presentation to renew the ½ of 1% income tax renewal for Valley View School Dist. noting that the funding is for day to day operations. She further noted ongoing cost savings efforts. She asked the Board to endorse the levy renewal.

RESOLUTION 2011-13, to support the renewal of the Valley View School District ½% income tax renewal levy on the May 3rd, 2011 ballot and encourage our citizens to vote on May 3rd, was introduced by Mr. Hanahan, seconded by Mr. DeGroat, at the Regular Board of Trustees Meeting held on April 11, 2011.

WHEREAS, the German Township Board of Township Trustees received a request from the Valley View School District to support the renewal of the ½% income tax renewal issue on the May 3rd, 2011 ballot; and

WHEREAS, the German Township Board of Trustees reviewed the presentation for the usage of the funding provided by the income tax and the request for support; and

WHEREAS, the Board of Trustees would like to encourage all citizens to vote.

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NOW, THEREFORE, THE GERMAN TOWNSHIP BOARD OF TRUSTEES, MONTGOMERY COUNTY, HEREBY RESOLVES:

SECTION 1, that the Board of Trustees hereby support the renewal of the Valley View School District ½% income tax that will appear on the May 3, 2011 ballot; and

SECTION 2, that the Board of Trustees hereby encourages all citizens to vote in the May 3rd election.

After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Hanahan – Yes. RESOLUTION 2011-13 passed.

MINUTES –

The Board reviewed the minutes of the March 14, 2011. Mr. Hanahan introduced a **MOTION**, seconded by Mr. DeGroat to approve the minutes as submitted, after discussion, all present voted in favor, MOTION passed.

FISCAL OFFICER REPORT –

I. Correspondence:

IN

- A. OTA – March & April Grassroots Clippings.
- B. Mont. Co. Engineer – 2011 annual Township meeting information
- C. Ohio Dept. Commerce – Liquor license renewal/hearing information
- D. OTARMA – Insurance policy confirmations

OUT

- A. Germantown Press & DDN & Midd Journal - Mtg. reminders 04/11
- B. Village of Germantown – public records request for all information reviewed by the Trustees for future meetings – 3/14
- C. OTARMA – Insurance premium
- D. IRS, State, School, OPERS, J&FS – Qtrly & Monthly reports and payments
- E. Ohio Historical Society – record disposal request

II. Distribute Financial Reports –

Mr. DeGroat introduced a **MOTION**, seconded by Mr. Hanahan to approve the financial reports and authorize the payment of the bills, checks 43393 thru 43479. After discussion, all present voted in favor. MOTION passed.

III. Mr. Rohrbach opened a discussion regarding the Fire/EMS 2010 Levy Fund. He noted that the Village will need distribution soon and there has

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been no decision on how to govern the funds. He suggested three approaches: adding the Fire/EMS 2010 Levy funds to the current Fire Levy Oversight Agreement; creating a separate agreement with oversight by the established Fire Oversight Committee; or create a new agreement and new Fire/EMS Oversight Committee. The Board will discuss the issue with the Village of Germantown Council during the joint meeting scheduled for 4/18/2011.

PRESIDENT REPORT –

- I. Mr. Benson reported that he attended the Fire Oversight meeting.
- II. Mr. Benson reminded all to the joint meeting with the Village of Germantown. Items to be discussed: Parks Levy renewal, Fire/EMS 2010 Levy agreement, and joint policing efforts.

POLICE REPORT –

- I. Chief Wilcox reported on the modification of the installation of the street light near the Township Hall entrance. The Board will review to see if lighting is adequate.
- II. Chief Wilcox reported that the OC Spray training at GTPD.
- III. Chief Wilcox reported that several old 800 MHZ radios in various states of repair, were donated by the Washington Twp. Fire Dept. The goal is to piece them together in hopes of salvaging several workable radios.
- IV. Chief Wilcox reported that a Police Intern from Miami University by the name of Kyle Wells has started at the dept.
- V. Chief Wilcox updated the Board on the outcome of the Commission Accreditation of Law Enforcement Agencies re-certification process. He thanked the Trustee's for their support. He noted that the Assessors were very complimentary of the department and the Township overall. No issues or implied discretions were found.
- VI. Chief Wilcox reported that the OTARMA Insurance Risk Management Group has recommended that the new weapon range be restricted for use only by German Township Police, due to liability issues. The Board agreed.
- VII. Chief Wilcox reported on the receipt of a thank you note from former Trustee Frank Kozarec regarding the use of the vacation house check program used during his vacation and the efforts of Officer Wadham.
- VIII. Chief Wilcox requested a resolution to declare the attached listing of

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items as surplus and to authorize their disposal.

Mr. Hanahan introduced **RESOLUTION 2011-14**, seconded by Mr. DeGroat to declare the attached list of items as surplus and to authorize their disposal. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Hanahan – Yes. **RESOLUTION 2011-14** passed.

- IX. Chief Wilcox requested a resolution to recognize May 15th as Peace Officer Memorial Day.

Mr. Hanahan introduced **RESOLUTION 2011-15**, seconded by Mr. DeGroat to recognize May 15th as Peace Officer Memorial Day and to thank and recognize the hard work and commitment of the employees of the German Township Police Department in their continued efforts to serve this community with integrity, dedication, and honor. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Hanahan – Yes. **RESOLUTION 2011-15** passed.

- X. Chief Wilcox requested a resolution to authorize the purchase of dress jackets for all officers to be paid from the Law Enforcement Trust Fund.

Mr. Hanahan introduced **RESOLUTION 2011-16**, seconded by Mr. DeGroat to approve the purchase of jackets from the Law Enforcement Trust fund as outlined above. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Hanahan – Yes. **RESOLUTION 2011-16** passed.

- XI. Chief Wilcox requested that the Board authorize a Police Reunion on May 21st for all current and past German Township Police Officers and approve the expenses from the General Fund.

Mr. Hanahan introduced **RESOLUTION 2011-17**, seconded by Mr. DeGroat to authorize the Police Reunion on May 21st for all current and past German Township Police Officers and approve the expenses to be paid from the General Fund. After discussion, the adoption vote was as follows: Mr. Benson–Yes, Mr. DeGroat–Yes, Mr. Hanahan–Yes. **RESOLUTION 2011-17** passed.

ROAD/SERVICE DEPARTMENT REPORT –

- I. Mr. Holbrook, in his written report, requested authorization to purchase a

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General Cut-R-Tach asphalt cutting wheel to be mounted on the John Deere Backhoe, at a cost of \$1,575.00.

Mr. DeGroat introduced a **MOTION**, seconded by Mr. Hanahan to authorize the purchase a General Cut-R-Tach asphalt cutting wheel to be mounted on the John Deere Backhoe, at a cost not to exceed \$1,575.00. After discussion, all present voted in favor, **MOTION** passed.

- II.** Mr. Holbrook, in his written report, noted that the snow removal equipment has been cleaned and stored; and the mowing equipment has been prepped for the upcoming mowing season.

ZONING & TRASH COLLECTION REPORT -

- I.** Mrs. Rohrbach reported that Mr. Bartlett of 11536 Oxford Rd. has responded to the letter and will repair the building as requested.
- II.** Mrs. Rohrbach distributed information regarding a request from Weidle Corp. for a modification of the PD-4 on Sugar St. to allow for a concrete batch plant. The Zoning Commission has reviewed and approved the modification to be sent to the Board for final approval. The Board discussed scheduling a hearing. Mrs. Rohrbach will contact Mr. Weidle to check on the time table and schedule a special meeting for a hearing if necessary.

OLD BUSINESS:

- I.** Mr. Hanahan updated the Board on the Valley View Water and Sewer Dist. activities. The agreement with attorney Albers & Albers has been finalized and the agreement with the Engineering Firm CESA is being finalized. Areas identified as potential projects are: Farmersville Pike, Eby Rd., Sunbury, Little forest, and German Twp. West (PCLR, Baden Rd., Kiefer Rd., etc. He also noted that Montgomery County has the old Cranes Run Water District water tower for sale.

Mr. Hanahan opened a discussion regarding the potentially expanding the water district to include all of German Township. No action was taken, just general discussion.

Mr. Hanahan distributed a draft of a loan agreement with the Valley View Water & Sewer District that would authorize German Township to advance funds to the water district as available and for the water district to be able to repay the township. He requested a resolution for approval.

RECORD OF PROCEEDINGS

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Minutes of

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Mr. Hanahan introduced **RESOLUTION 2011-18**, seconded by Mr. DeGroat, to enter into the loan agreement with the Valley View Water and Sewer District that would authorize German Township to advance funds to the district and for the district to repay those funds to the township. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Hanahan – Yes, RESOLUTION 2011-018 passed. The agreement will be forwarded to the water district for action.

NEW BUSINESS: none

PURCHASE ORDERS AND BANK RECONCILIATIONS were signed.

Meeting Adjourned at 8:47 P. M.

Signed: Randy R. Benson

Attest: 