

MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, MARCH 7, 11

The Municipality of Germantown Council met in regular session on March 7, 2011 at 7:00 p.m. in the Municipal Building Council Chambers.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited.

MEMBERS PRESENT:

The following members were present at the Call to Order: Mayor Theodore Landis, Mr. Steve Boeder, Mr. Terry Johnson, Mr. Lynn Koogle, Mr. Michael Kuhn, Mr. Edward Schwaberow and Mr. Brian Wafzig.

MEMBERS ABSENT:

None.

ALSO PRESENT:

Also present were Anna M. Sizemore, Village Manager; Tom Schiff, Law Director; Roy McGill, Chief of Police; Matt Burns, Police Major; Scott Brown, Police Sergeant; Kelli Sanders-Novak, Clerk of Council and several visitors.

APPROVAL OF MINUTES:

Mayor and Council reviewed the February 22, 2011 Council Meeting minutes.

Mr. Boeder stated that under his report it should read "Three Valley Conservation Trust".

MOTION: Mr. Wafzig moved to accept the February 22, 2011 Council Meeting minutes as amended.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, abstained; Mr. Wafzig, yes; Mayor Landis, yes. 6-yes, 1-abstension. **MOTION CARRIED.**

Mayor and Council reviewed the February 22, 2011 Work Session minutes.

MOTION: Mr. Koogle moved to accept the February 22, 2011 Work Session minutes as submitted.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, abstained; Mr. Wafzig, yes; Mr. Boeder, yes; Mayor Landis, yes. 6-yes, 1-abstension. **MOTION CARRIED.**

PUBLIC RECOGNITION:

None.

CITIZEN'S FORUM:

Richard Pettit, 245 East Market Street, stated he heard that someone is complaining about the sign frame that is located at Dr. Mejia's Office property. He would like to know what the problem is with the frame. He installed the frame for a sign that was used for the Fire/EMS levy. If anyone tries to take the sign down he may press charges, it is private property.

Rudy Mejia, 436 West Market Street, stated that he allowed Mr. Pettit to install the frame and the sign to help promote the Fire/EMS levy. He would like to see the frame stay on his property so

MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, MARCH 7, 11

it can be used for advertising for other events, such as Saturday Night Out. The frame is on private property, if there is a real problem with the frame he would be willing to take it down if there is a reasonable reason, but he feels that it could be useful to the Village.

A brief discussion took place regarding the sign frame located at Dr. Mejia's Office. It was determined that the Administration would look into the setbacks and see if the Zoning Code would allow the sign frame to stay where it is located.

Tom Schiff questioned who would take responsibility of the sign if for some reason there would be a problem.

Rudy Mejia stated that the sign frame is located on his private property and he would take responsibility of the sign.

Rudy Mejia added that if modifications need to be done to the sign frame that he would be willing to do them. He asked that the Village let him know if anything else would need to be done.

Jerry Drumm, 1600-A Marshill Drive, West Carrollton, stated that he is the owner of The Junction food trailer located at 725 and Rt. 4. He wanted to thank the citizens of Germantown and the surrounding communities for their support this past year. On September 11, 2010 all proceeds from their homemade fries went to the Germantown First Responders in appreciation for their hard work and dedication. He looks forward to the continued support of the Village once the weather breaks.

FINANCE DIRECTOR'S REPORT:

None.

MANAGER'S REPORT:

Mrs. Sizemore stated that the Fire/EMS has received two donations and Council needs to accept these donations of \$500.00, and \$50.00.

MOTION: Mr. Johnson moved to accept the donations to the Fire/EMS.

ROLL CALL: Mr. Koogler, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Johnson, yes; Mayor Landis, yes. 7-yes, 0-no. **MOTION CARRIED.**

Mrs. Sizemore reviewed her report.

CLERK'S REPORT:

Mrs. Novak announced that the Spring Community Garage Sale would be on Saturday, May 21st and Sunday, May 22nd. If residents would like to participate they need to call the Village Office and give their address and their top three items they would like advertised.

LAW DIRECTOR'S REPORT:

Tom Schiff stated that he attended the OMAA meeting last Friday in Columbus. Several items were discussed such as public records, contracting and Senate Bill 5.

He stated that by the next meeting Council should have a draft for a policy concerning unpaid utility bill collection.

MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, MARCH 7, 11

POLICE CHIEF'S REPORT:

Chief McGill announced that Mark Miller resigned from the department and will be going to Brookville Police Department. The Manager advertised the opening for applications today to fill this position.

FIRE CHIEF'S REPORT:

None.

MAYOR'S REPORT:

Mayor Landis stated that he attended an Executive Committee meeting on Saturday. The main topic was pending legislation and Senate Bill 5.

He attended the FRWWTC last Wednesday with Jonathan Moore. There has been an increase of water flow from all the rain that we have had lately. At this time we are in compliance with the EPA but they want us to monitor the Village water for copper.

COUNCIL MEMBER'S REPORT:

Mr. Boeder's Report:

He stated that he has received comments from the public stating they are not happy that we are no longer televising the Council Work Session. He encouraged Council to keep track of anyone who is seriously upset with the decision of not televising the Work Session.

Tom Schiff stated that when he attended the OMMA meeting last week he spoke with other Law Directors of various cities and asked them if they televise their Council Work Sessions. All of them stated they do not televise their Council Work Sessions.

Mr. Boeder went on by saying that he prepared a letter for the Mayors signature regarding the support of the Farmland Preservation Program. He shared a map with Council showing where the farms are located.

Mr. Johnson's Report:

He thanked our State Representative from the 36th district. They met with a small group of people this past Saturday and discussed Senate Bill 5. There was a miscommunication with the meeting being cancelled and some people were unable to attend.

Mr. Koogler's Report:

He has also had people call and complain that the Work Session is not being televised. One resident said "If I didn't care, I wouldn't watch it".

He attended the MVRPC meeting since Mr. Schwaberow was out of town. They discussed the lack of money and the planning of projects in the future. They also discussed a new program that Dayton is doing with the homes that need to be demolished. They are teaching unskilled people how to dismantle these homes and remove all the useful material from them and recycle and resell these architectural items.

Mr. Kuhn's Report:

He attended the Fire Oversight meeting tonight and they discussed the proposal regarding the pay for Fire/EMS \$2.00 hourly pay. This would be an incentive for people to sign up for the Saturday and Sunday night shifts and be on call.

MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, MARCH 7, 11

Fire Oversight did discuss the upcoming billing program. This will be a soft billing program that will bill the insurance companies. Most residents will not see a bill from the Village. If anyone has any questions please call someone to clarify exactly how the billing program will work.

Mr. Schwaberow's Report:

He thanked Mr. Koogle for going to the MVRPC meeting while he was out of town.

He questioned Tom Schiff if Home Rule would override Senate Bill 5.

Tom Schiff replied that he would get a copy of the handout from the OMAA meeting that references Senate Bill 5 and Home Rule.

Mr. Wafzig's Report:

He stated that the surveys are going out and if someone has not received a survey they can get on the Village website and fill one out by using their Village utility account number.

Legislation:

Introduction:

EMERGENCY RESOLUTION NO. 11-11

A RESOLUTION ENACTING A MORATORIUM ON NEW CONSTRUCTION ON THE EAST SIDE OF THE MUNICIPALITY AS SHOWN ON EXHIBIT "A" WITH THE EXCEPTION OF PREVIOUSLY APPROVED SECTIONS IN THE EXISTING HILLCREST, HICKORY POINTE AND TRIANGLE STATION SERVICE AREAS OF THE MUNICIPALITY OF GERMANTOWN FOR A PERIOD OF SIX (6) MONTHS FOR THE PURPOSE OF PROTECTING THE EXISTING INFRASTRUCTURE AND PRESERVATION OF SAID INFRASTRUCTURE FOR THE REASON THAT THE MUNICIPAL ENGINEER'S OPINION IS THAT THE CURRENT INFRASTRUCTURE IS INCAPABLE OF HANDLING ANY ADDITIONAL FLOW NOTWITHSTANDING THAT SPECIFICALLY REFERENCED ABOVE, AND DECLARING AN EMERGENCY.

MOTION: Mr. Johnson moved to suspend the rules on Emergency Resolution No. 11-11.

ROLL CALL: Mr. Kuhn, yes; Mr. Schwaberow, no; Mr. Wafzig, yes; Mr. Boeder, no; Mr. Johnson, yes; Mr. Koogle, yes; Mayor Landis, yes. 5-yes, 2-no. **MOTION CARRIED.**

Mayor Landis opened the Public Hearing, Mayor and Council were not addressed. The Public Hearing was then closed.

MOTION: Mr. Johnson moved to adopt Emergency Resolution No. 11-11.

Mr. Boeder stated that he did not understand the urgency in passing Resolution No. 11-11 by emergency. He questioned if the residents affected by the moratorium had been notified.

Mrs. Sizemore stated that this was put in affect when Mr. Bukus was here. It was overlooked and lapsed from May of 2009 till now. The Engineer would like to review the existing infrastructure and it should not take the entire six months to do this.

A brief discussion took place regarding Emergency Resolution No. 11-11.

MOTION: Mr. Schwaberow moved to table Emergency Resolution No. 11-11.

MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, MARCH 7, 11

ROLL CALL: Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Johnson, no; Mr. Koogle, yes; Mr. Kuhn, yes; Mayor Landis, no. 5-yes, 2-no. MOTION CARRIED.

EMERGENCY RESOLUTION NO. 11-12

A RESOLUTION ENACTING A MORATORIUM ON THE GRANTING OF ANY PERMITS ALLOWING THE OPERATION OF INTERNET CAFES OR OF BUSINESSES DEVOTING FLOOR SPACE TO INTERNET-BASED SWEEPSTAKES GAMES WITH THE MUNICIPALITY OF GERMANTOWN FOR A PERIOD OF SIX (6) MONTHS, AND DECLARING AN EMERGENCY.

MOTION: Mr. Koogle moved to suspend the rules on Emergency Resolution No. 11-12.

ROLL CALL: Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

Mayor Landis opened the Public Hearing, Mayor and Council were not addressed. The Public Hearing was then closed.

MOTION: Mr. Johnson moved to adopt Emergency Resolution No. 11-12.

Tom Schiff stated that they are anticipating that there will be some Legislation out of Columbus in the next six months that will deal with internet cafes.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

EMERGENCY RESOLUTION NO. 11-13

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO A CONTRACT WITH SOFTWARE SOLUTIONS, 420 E. MAIN STREET, LEBANON, OH 45036, IN THE AMOUNT OF \$77,630.00 FOR FINANCIAL SOFTWARE INCLUDING PAYROLL, UTILITY BILLING, INCOME TAX, ASSET MANAGEMENT AND ACCOUNTING FOR THE MUNICIPALITY OF GERMANTOWN, AND DECLARING AN EMERGENCY.

MOTION: Mr. Johnson moved to suspend the rules on Emergency Resolution No. 11-13.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

Mayor Landis opened the Public Hearing, Mayor and Council were not addressed. The Public Hearing was then closed.

MOTION: Mr. Johnson moved to adopt Emergency Resolution No. 11-13.

ROLL CALL: Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Johnson, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

EMERGENCY RESOLUTION NO. 11-14

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO AN ELECTRIC GENERATION SUPPLY AGREEMENT WITH DPL ENERGY RESOURCES (DPLER) FOR MUNICIPAL ACCOUNTS AND DECLARING AN EMERGENCY.

MOTION: Mr. Koogle moved to suspend the rules on Emergency Resolution No. 11-14.

ROLL CALL: Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, MARCH 7, 11

Mayor Landis opened the Public Hearing, Mayor and Council were not addressed. The Public Hearing was then closed.

MOTION: Mr. Johnson moved to adopt Emergency Resolution No. 11-14.

ROLL CALL: Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

EMERGENCY ORDINANCE NO. 11-15

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE MUNICIPALITY OF GERMANTOWN CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

MOTION: Mr. Johnson moved to suspend the rules on Emergency Ordinance No. 11-15.

ROLL CALL: Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

Mayor Landis opened the Public Hearing, Mayor and Council were not addressed. The Public Hearing was then closed.

MOTION: Mr. Johnson moved to adopt Emergency Ordinance No. 11-15.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

Public Hearing:

RESOLUTION NO. 11-09

A RESOLUTION TO DECLARE A 1993 CHEVROLET AMBULANCE AS FIRE/EMS SURPLUS PROPERTY AND AUTHORIZE THE MUNICIPAL MANAGER TO ADVERTISE FOR BIDS TO SELL SAID PROPERTY.

MOTION: Mr. Koogle moved to adopt Resolution No. 11-09.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

RESOLUTION NO. 11-10

A RESOLUTION TO DECLARE A 1996 FORD F-350 TRUCK, A 1998 DODGE DAKOTA TRUCK AND A 2000 CHEVROLET 3500 TRUCK AS DEPARTMENT OF PUBLIC SERVICE SURPLUS PROPERTY AND AUTHORIZE THE MUNICIPAL MANAGER TO ADVERTISE FOR BIDS TO SELL SAID PROPERTY.

MOTION: Mr. Schwaberow moved to adopt Resolution No. 11-10.

ROLL CALL: Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Johnson, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

OTHER BUSINESS:

EXCUSE ABSENT MEMBERS:

None.

MOTION: Mr. Johnson moved to adjourn to executive session to discuss imminent litigation.

MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, MARCH 7, 11

ROLL CALL: Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

Mayor and Council adjourned to Executive Session at 8:25 p.m.

EXECUTIVE SESSION:

PRESENT:

The following members were present at the start of the Executive Session: Mayor Theodore Landis, Mr. Steve Boeder, Mr. Terry Johnson, Mr. Lynn Koogle, Mr. Michael Kuhn, Mr. Edward Schwaberow and Mr. Brian Wafzig.

MEMBERS ABSENT:

None.

ALSO PRESENT:

Also present were Anna M. Sizemore, Village Manager and Tom Schiff, Law Director.

The aforementioned persons discussed imminent litigation.

Mayor and Council reconvened into Regular Session at 8:35 p.m.

ADJOURNMENT:

There being no further business to come before the Council, Mr. Johnson moved to adjourn the meeting.

The meeting adjourned at 8:36 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Theodore E. Landis
Mayor