

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, AUGUST 1, 11**

The Municipality of Germantown Council met in regular session on August 1, 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, Municipal Manager; Tom Schiff, Law Director; Roy McGill, Chief of Police; Matt Burns, Police Major; Scott Brown, Police Sergeant; Terry Klein, Finance Director; Kelli Novak, Clerk of Council and several visitors.

**APPROVAL OF MINUTES:**

Mayor and Council reviewed the July 18, 2011 Council Meeting/Work Session minutes.

Mr. Johnson stated that his report should read "The process to get his DD214 from the Military took approximately two years but the Ohio Veterans Bonus fund was very easy to do."

**MOTION:** Mr. Koogle moved to accept the July 18, 2011 Council Meeting/Work Session minutes as amended.

**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 RECOGNITION:**

None.

**CITIZEN'S FORUM:**

Mike Henne, State Representative, 8447 Diamond Mill Road, stated he stopped by to see what is going on in the area. He is on the Economic Development Committee that is looking into ways of helping the local communities. He would like to sit down and speak with the City's Economic Development Committee to discuss anything he may be able to help with. If there is anything he can help with please contact his office.

Mr. Johnson stated that Mr. Henne is very accessible. He has emailed and called Mr. Henne several times and he is very quick to respond. If anyone needs to contact Mr. Henne please do, he will respond.

Jeff Rieck with DMHA, 400 Wayne Ave., stated he was following up from the July 18<sup>th</sup> Council meeting and he has not heard a date for a meeting between DMHA, the City Engineers Office and the Economic Development Office.

The Law Director stated that Jeff Rieck could contact him at his office to set up that meeting.

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Jeff Rieck stated that he thought that this meeting would have already been set up following the July 18<sup>th</sup> meeting. He stated he would call the Law Director on Tuesday.

Jeff Rieck questioned that DMHA has an outstanding public records request for an Engineer's Report they have not received and questioned when they be receiving this information.

The Law Director stated that he has not received any public records request from DMHA.

Mrs. Sizemore stated that she had received an email from Jeff Rieck. The day after the meeting a gentleman from DMHA came to the office and requested/received a copy of the moratorium legislation and also requested a survey. She believes he is really looking for the Engineering report.

Jeff Rieck replied that the man who came to the office was looking for an Engineering report.

Mrs. Sizemore stated that she is unable to find an Engineering report. She has traced the moratorium back to 2005. Our current Engineer is looking at the project and how it relates to the East Market Street Hill Project. The moratorium originally started in 2005 because the Village Council was looking at the Dry Run Sewer issues, the Triangle Lift Station and the Hillcrest Lift Station. It followed through until 2010 when the Hillcrest Lift Station was redone. The new Engineer is currently looking at all the issues and how everything ties into Market Street.

Jeff Rieck questioned if there was a previous moratorium prior to the October 6, 2008.

Mrs. Sizemore replied that the moratorium dates back to 2005 when it originally started.

The Law Director questioned when did DMHA purchased the property located in the City.

Jeff Rieck replied he believes Windcliff I and the proposed grassy area where Windcliff II is proposed were purchased in 2007 or 2009.

The Law Director stated that if the properties were purchase in 2007 or 2009, there would have been a moratorium in effect when that purchase was made.

The Law Director questioned if anyone from DMHA inquired if the Village would allow construction at the Windcliff location.

Jeff Rieck replied he did not know.

Jeff Rieck stated that he did have a copy of the letter that was sent to the Law Director requesting the records request. He handed the Law Director a copy of the letter.

Jeff Rieck thanked Council for their time and stated he would contact the Law Director on Tuesday.

Mrs. Sizemore questioned if Jeff Rieck would like a copy of the moratorium dating back to 2005.

Jeff Rieck replied he would like any copies dating back before October 2008.

**FINANCE DIRECTOR'S REPORT:**

Terry Klein reviewed the financial report that was given to Council regarding the impact on the General Fund and the upcoming street and sidewalk projects. He reviewed the numbers and his concerns with the funding of the projects. He would like to come back to Council with a five to ten year financial plan covering these items. This would show the full impact to the General Fund.

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Council discussed the street and sidewalk projects and the funding for these projects. It was determined to do what needs to be done to get the projects completed.

The Law Director stated the letter Mr. Reick handed him dated July 18, 2011 addressed to Tom Schiff, which is correct, from Christopher Green was not delivered to him. He has reviewed all of his information regarding DMHA and the only letter he has received from Mr. Green is a letter dated July 25, 2011. He has not seen the letter that Mr. Reick handed him until tonight. He will contact Mr. Green on Tuesday regarding the letter dated July 18, 2011.

**MANAGER'S REPORT:**

Mrs. Sizemore reviewed her report.

**CLERK'S REPORT:**

None.

**LAW DIRECTOR'S REPORT:**

None.

**POLICE CHIEF'S REPORT:**

None.

**MAYOR'S REPORT:**

Mayor Landis encouraged everyone to attend National Night Out at Veterans Park on Tuesday evening. This event is to make citizens aware of crime and to help reduce crime. He felt he was in a low crime area but recently he was a victim of crime.

**COUNCIL MEMBER'S REPORT:**

**Mr. Boeder's Report:**

He stated that he has been watching C-Span cover the debate of raising the debt. They are speaking of trillions of dollars, but we are a representative of a form of government right here in the City of Germantown. We are the people's voice here in this City. He appreciates what Council is doing and we are responding to the people who are questioning what we are doing. He encourages the citizens to participate in the process. There are rules, policies and Ordinances that are put in place for a reason. The Manager and staff get swamped with calls regarding many issues in the City. We do have order in this Community and he is proud of the people who are becoming involved in the process. He encourages the people who do not like it to come before Council and say why they do not like it and how they would change it. This is the only way this system will ever work. The system works at the Federal level, the State level and for this City level of approximately 5,000 people. He found the Congress debate interesting and there are good points to both sides. He hopes everything at the Federal level works out because it will eventually come down to us.

**Mr. Johnson's Report:**

The thing he enjoys about serving on Council is that there are individuals that have different ideas, thoughts and processes on how things should be done. The best thing about it is most of the time it boils down to compromise. With seven different people there is no perfect way and we must compromise. As the organization gets larger it is more difficult to compromise, but at our level we have been able to compromise. The State level is starting to compromise. Mr. Henne has met with him several times regarding Senate Bill 5. Something has to be done to the State Budget. Senate Bill 5 went through with a rush and now we need to fine tune it.

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Eventually we will get to a Bill that everyone can live with. He appreciates Mr. Heene meeting with the teachers to discuss Senate Bill 5. He thanked Mr. Heene for attending the Council meeting.

The Park Board meeting is scheduled for August 3<sup>rd</sup>. Many of the Board members are out of town and we may not have the meeting due to lack of attendance.

**Mr. Koogle's Report:**

He stated he has been touring the City's alleys and getting information that the Street Department needs to follow up on. The Street Department needs to look at the alleys and see what needs to be done.

**Mr. Kuhn's Report:**

None.

**Mr. Schwaberow's Report:**

None.

**Mr. Wafzig's Report:**

None.

**Legislation:**

**Introduction:**

EMERGENCY RESOLUTION NO. 11-27

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO A CONTRACT WITH STRAWSER CONSTRUCTION, INC., 8600 BERK BLVD., HAMILTON, OHIO 45015, FOR THE 2011 STREET MAINTENANCE PROGRAM, AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Koogle moved to suspend the rules on Emergency Resolution No. 11-27.

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.

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

**MOTION:** Mr. Schwaberow moved to adopt Emergency Resolution No. 11-27.

Mrs. Sizemore stated that the regular street maintenance program would come out of what was in the Capital Budget for this year. We will have a carryover of around \$20,000. The Cherry Street and the Main Street project will be funded through the note.

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 ORDINANCE NO. 11-28

AN ORDINANCE DELETING SECTION 511.15 OF THE GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING EMERGENCY MEDICAL SERVICE FEES, AND DECLARING AN EMERGENCY.

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**MOTION:** Mr. Koogle moved to suspend the rules on Emergency Ordinance No. 11-28.

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.**

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

**MOTION:** Mr. Boeder moved to adopt Emergency Ordinance No. 11-28.

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. 11-29**

A RESOLUTION ESTABLISHING THE PRACTICE OF CHARGING A USER FEE FOR EMERGENCY AMBULANCE TRANSPORT SERVICES PROVIDED BY THE MUNICIPALITY OF GERMANTOWN FIRE/EMS DEPARTMENT AND ESTABLISHING COLLECTION PROCEDURES FOR THIS SERVICE FEE, AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Koogle moved to suspend the rules on Emergency Resolution No. 11-29.

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.**

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

**MOTION:** Mr. Boeder moved to adopt Emergency Resolution No. 11-29.

Mrs. Sizemore stated the sample rates show how low Germantown's rates currently are. This will allow Med3000 to take a look at the rates and when there is a Federal increase we will be able to go ahead with the increase. We will keep Council informed of the fees.

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.**

**ORDINANCE NO. 11-30**

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON THE LOTS OF THE MUNICIPALITY OF GERMANTOWN TO PAY THE COST AND EXPENSES OF FURNISHING AND MAINTAINING A STREET LIGHTING SYSTEM FOR 2012 IN THE MUNICIPALITY OF GERMANTOWN.

Mayor Landis stated the Public Hearing would be August 15, 2011.

**Public Hearing:**

None.

**EXCUSE ABSENT MEMBERS:**

None.

**OTHER BUSINESS:**

**WORK SESSION:**

Work Session began at 7:38.m.

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## MEMBERS PRESENT:

The following members were present: 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, Municipal Manager; Tom Schiff, Law Director; Scott Brown, Police Sergeant; Terry Klein, Finance Director and Kelli Novak, Clerk of Council.

### City Alleys

Mr. Koogle stated he asked for this topic to be added to the Work Session. He has been driving around looking at the alleys and the alleys that have been paved are in pretty good shape. He has informed the Street Department on the location of the alleys with pot holes so they can be patched. Today he noticed that the Street Department has already started patching them. Quite a few of the alleys are paved and they look good. The alleys that seem to have the major problems are the really old alleys that will need to be changed over to chips and dust. The older alleys are in such bad shape that they may not be able to be paved because the base is too far gone. He gave the Manager a list of alleys that need attention.

Mrs. Sizemore stated that the Engineer is aware of the issues in the alleys and has plans of looking into the alleys after the Street Maintenance Programs are underway.

Council briefly discussed the alleys in the City that are in need of repair. It was determined that the Engineer would look into the alleys and give Council a recommendation of what is needed.

### Agricultural Zoning Issues

Mr. Koogle stated he asked for this item to be put on the agenda also. He received a call from the Carpenters Baptist Church regarding the property they are growing alfalfa on. The Church received a notice from NIC to mow the alfalfa area according to the new property maintenance code. The Church has an agreement with the person who mow their main yard so they can plant and harvest the alfalfa area at the Church. This situation is all over town. We have many people that are located in residential areas that are raising crops. We are a farming community and people will farm their land whether it is zoned residential or not. He would like to see something in the Zoning Code that allows Council to grant these farming residents to be controlled agricultural. We have no control over what is going on with these properties right now.

Mrs. Sizemore stated that this was a neighbor complaint that was given to NIC. NIC posted the property and no one from the Church contacted the City Office to discuss the matter. Once we have not been contacted and we know nothing that is going on, we follow procedures and get our contractor in to cut it.

Council discussed the areas in the City that are being farmed in residential areas. It was determined that the staff would work on modifying the Code to allow residential areas to plant crops for harvest and will update Council.

### Water Meters

Mrs. Sizemore stated she would like to see all the meters that are not already master meters converted to master meters. This process would involve a lot of time, but would end up saving

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more time. We should be able to drive by the residents and get a reading electronically. If Council would be willing to consider this conversion, she will get details and prices.

Council discussed the old water meters in the City. It was determined that the Manager would get prices and bring the information back to Council for review.

Mr. Koogle requested that the City Engineer be present at a Council meeting to explain the East Market Street project in detail.

**MOTION:** Mr. Kuhn moved to adjourn to Executive Session to discuss imminent litigation.

**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.**

Mayor and Council adjourned to Executive Session at 8:11 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. Mike Kuhn, Mr. Edward Schwaberow and Mr. Brian Wafzig.

**MEMBERS ABSENT:**

None.

**ALSO PRESENT:**

Also present were Anna M. Sizemore, Municipal Manager and Tom Schiff, Law Director and Lynette Dinkler, Legal Counsel.

The aforementioned persons discussed imminent litigation.

**MOTION:** Mr. Kuhn motioned to return to regular session.

**VOICE VOTE ON MOTION. ALL IN FAVOR. MOTION CARRIED.**

Mayor and Council reconvened into Regular Session at 9:10 p.m.

**ADJOURNMENT:**

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

The meeting adjourned at 9:11 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak  
Clerk of Council

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Theodore E. Landis  
Mayor