

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**TUESDAY, SEPTEMBER 6, 11**

The Municipality of Germantown Council met in regular session on September 6, 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. Michael Kuhn, Mr. Edward Schwaberow and Mr. Brian Wafzig.

**MEMBERS ABSENT:**

Mr. Terry Johnson and Mr. Lynn Koogler were absent.

**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; Lynette Dinkler, Legal Counsel, Ken Griffiths, City Engineer, Kelli Novak, Clerk of Council and several visitors.

**APPROVAL OF MINUTES:**

Mayor and Council reviewed the August 15, 2011 Council Meeting/Work Session minutes.

**MOTION:** Mr. Schwaberow moved to accept the August 15, 2011 Council Meeting/Work Session minutes as submitted.

**ROLL CALL:** Mr. Boeder, abstain; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 4-yes, 1 abstention. **MOTION CARRIED.**

**PUBLIC RECOGNITION:**

None.

**CITIZEN'S FORUM:**

None.

**MANAGER'S REPORT:**

Mrs. Sizemore stated that Council will need to accept the following donations. Fire/EMS Department has received a donation in the amount of \$10.00 and the Germantown Police Operation C.A.R.E. Picnic has received several donations of 3 large cinnamon breadsticks, 2 large cokes, hamburgers, hamburger and hotdog buns, \$20.00 gift card, \$25.00 gift card, \$200.00, \$50.00 Kroger gift card, \$100.00, \$25.00 gift card and cookies.

**MOTION:** Mr. Kuhn moved to accept the donations to the Fire/EMS Department and Operation C.A.R.E Picnic.

**ROLL CALL:** Mr. Boeder, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 5-yes, 0-no. **MOTION CARRIED.**

Mrs. Sizemore reviewed her report.

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**CLERK'S REPORT:**

None.

**LAW DIRECTOR'S REPORT:**

None.

**POLICE CHIEF'S REPORT:**

None.

**MAYOR'S REPORT:**

None.

**COUNCIL MEMBER'S REPORT:**

**Mr. Boeder's Report:**

He stated that the Cemetery Board is asking that people who have inherited plots to contact the Cemetery to let them know who the new owners are. They have run into some issues and this information will help the situation.

He spoke with a friend that has 10 pieces of WWII equipment such as a DUKW. He has offered to bring them down for the 4<sup>th</sup> of July Parade. He has asked for \$100.00 per truck to cover the cost of gas. He has already spoken with the Lion's Club and would like to speak with the Park Board too.

It was brought to his attention that there is only one crossing sign on Astoria Road for pedestrians and the North side needs some identification stating that it is Kercher Park. He asked the Manager and the Traffic Engineer to look into this issue.

**Mr. Kuhn's Report:**

He stated that the last Saturday Night Out was in August and went very well. He thanked all the people who participated and worked so hard.

**Mr. Schwaberow's Report:**

He questioned if the Finance Director would be attending the next meeting.

Mrs. Sizemore replied that he would be attending and he would be updating Council on the Capital Improvement Plan and the Budget Schedule.

**Mr. Wafzig's Report:**

He stated that the last Saturday Night Out went well and thanked those who helped with the event.

He updated Council from the MVCC meeting he attended.

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**Legislation:**

**Introduction:**

**RESOLUTION NO. 11-34**

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO AN AGREEMENT WITH JEFF BURTON, STEADY PACE CONSTRUCTION, 13424 HARRIS ROAD, GERMANTOWN, OH 45327, IN THE AMOUNT OF \$9,425.00 FOR THE CONSTRUCTION OF AN IDENTIFICATION SIGN AND MONUMENT.

Mayor Landis stated the Public Hearing would be September 19, 2011.

**RESOLUTION NO. 11-35**

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO AN AGREEMENT WITH DANIEL BORON TOWN PLANNERS, LLC, 5743 LESTER ROAD, CINCINNATI, OH 45213-2462, IN A NOT TO EXCEED AMOUNT OF \$3,768.00 FOR THE ANALYSIS OF DESIGN AND DEVELOPMENT STANDARDS AND ASSOCIATED PERMITTING FEES FOR RESIDENTIAL ZONING DISTRICTS.

Mayor Landis stated the Public Hearing would be September 19, 2011.

**RESOLUTION NO. 11-36**

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO A CONSENT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE STATE ROUTE 725 RESURFACING PROJECT, PID NO. 87732, SCHEDULED FOR BID LETTING IN STATE FISCAL YEAR 2013.

Mayor Landis stated the Public Hearing would be September 19, 2011.

**RESOLUTION NO. 11-37**

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO A CONTRACT WITH NORTH AMERICAN SALT CO., 9900 WEST 109<sup>TH</sup> ST., SUITE 600, OVERLAND PARK, KANSAS 66210 FOR THE PURCHASE OF HIGHWAY ROCK SALT IN THE AMOUNT OF \$63.23 PER TON.

Mayor Landis stated the Public Hearing would be September 19, 2011.

**ORDINANCE NO. 11-38**

AN ORDINANCE AMENDING SECTION 919.08 OF THE STREETS AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING OVERPAYMENT OF FINAL UTILITY BILLS.

Mayor Landis stated the Public Hearing would be September 19, 2011.

**RESOLUTION NO. 11-39**

A RESOLUTION TO DESIGNATE FIFTH THIRD BANK AS THE PUBLIC DEPOSITORY FOR THE MUNICIPALITY OF GERMANTOWN EMS BILLING AND AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO A DEPOSITORY AGREEMENT FOR ACTIVE, INTERIM AND/OR INACTIVE PUBLIC FUNDS WITH FIFTH THIRD BANK.

Mayor Landis stated the Public Hearing would be September 19, 2011.

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**Public Hearing:**

**RESOLUTION NO.11-33**

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO AN AGREEMENT BY AND AMONG THE MIAMI VALLEY COMMUNICATIONS COUNCIL AND THE CITIES OF CENTERVILLE, GERMANTOWN, KETTERING, MIAMISBURG, MORaine, OAKWOOD, SPRINGBORO AND WEST CARROLLTON FOR THE OPERATION OF A TACTICAL CRIME SUPPRESSION UNIT.

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

**MOTION:** Mr. Wafzig motioned to adopt Resolution No. 11-33.

**ROLL CALL:** Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mayor Landis, yes. 5-yes, 0-no. **MOTION CARRIED.**

**EXCUSE ABSENT MEMBERS:**

Mr. Boeder motioned to excuse Mr. Koogle and Mr. Johnson.

**ROLL CALL:** Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Kuhn, yes; Mayor Landis, yes. 5-yes, 0- no. **MOTION CARRIED.**

**OTHER BUSINESS:**

**WORK SESSION:**

Work Session began at 7:34 p.m.

**Franklin Regional Wastewater Treatment Plant to Evaluate Moratorium**

Lynette Dinkler questioned Dan Miklos from Franklin Regional Wastewater and Ken Griffiths, City Engineer, regarding the issues with the infrastructure of the City. They each suggested that if the funds were available to the City many tests would need to be performed such as smoke tests, manhole surveys and flow meter testing. Dan Miklos stated that the total estimated cost for just testing the City's sewer issues would be approximately \$180,000 to \$200,000.

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

**ROLL CALL:** Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mayor Landis, yes. 5-yes, 0-no. **MOTION CARRIED.**

Mayor and Council adjourned to Executive Session at 8:40 p.m.

**EXECUTIVE SESSION:**

**PRESENT:**

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

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**MEMBERS ABSENT:**

Mr. Terry Johnson and Mr. Lynn Koogle were absent.

**ALSO PRESENT:**

Also present were Anna M. Sizemore, Municipal Manager, 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 9:37 p.m.

**ADJOURNMENT:**

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

The meeting adjourned at 9:38 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak  
Clerk of Council

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Theodore E. Landis  
Mayor