

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**TUESDAY, FEBRUARY 21, 12**

The Municipality of Germantown Council met in regular session on February 21, 2012 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; Dan Alldred, Fire Chief; Roy McGill, Chief of Police; Matt Burns, Police Major; Terry Klein, Finance Director; Jonathan Moore, Director of Public Service; Kelli Sanders-Novak, Clerk of Council and one visitor.

**APPROVAL OF MINUTES:**

Mayor and Council reviewed the February 6, 2012 Regular Session minutes.

**MOTION:** Mr. Wafzig moved to accept the February 6, 2012 Regular Session minutes as submitted.

**ROLL CALL:** Mr. Boeder, yes; Mr. Johnson, abstain; Mr. Koogle, abstain; Mr. Kuhn, yes; Mr. Schwaberow, abstain; Mr. Wafzig, yes; Mayor Landis, yes. 4-yes, 3 abstentions. **MOTION CARRIED.**

Mayor and Council reviewed the February 6, 2012 Work Session minutes.

**MOTION:** Mr. Boeder moved to accept the February 6, 2012 Work Session minutes as submitted.

**ROLL CALL:** Mr. Boeder, yes; Mr. Johnson, abstain; Mr. Koogle, abstain; Mr. Kuhn, yes; Mr. Schwaberow, abstain; Mr. Wafzig, yes; Mayor Landis, yes. 4-yes, 3 abstentions. **MOTION CARRIED.**

**PUBLIC RECOGNITION:**

None.

**CITIZEN'S FORUM:**

None.

**MANAGER'S REPORT:**

Mrs. Sizemore stated that the Fire/EMS has received a donation and Council needs to accept the donation of \$30.00.

**MOTION:** Mr. Kuhn moved to accept the donation to the Fire/EMS.

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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.

Mrs. Sizemore reviewed her report.

### **CLERK'S REPORT:**

Mrs. Novak stated a request from the Ohio Division of Liquor Control for a transfer of a liquor license for Dahara Drive Thru LLC was received and Council will need to determine if a hearing is requested or not. She spoke with the Police Chief and he has no issues with the liquor license transfer for Dahara Drive Thru LLC.

All agreed to not have a hearing for the liquor license transfer for Dahara Drive Thru LLC.

She went on by saying she had received an application for placement of farmland in an agricultural district made by Ralph and Alleen Moler. She asked that Mayor Landis schedule the public hearing on this application for March 5, 2012.

Mayor Landis announced that the public hearing on the application for placement of farmland in an agricultural district would be held on March 5, 2012.

### **LAW DIRECTOR'S REPORT:**

None.

### **FINANCE DIRECTOR'S REPORT:**

Mr. Klein updated Mayor and Council on the \$600,000, bond that was put out for bid. Sweeney Cartwright had the lowest bid for \$600,011, with a rate of 1.25%. Next year we are planning on combining all three bonds.

The software conversion is moving slower than what he would like, but it is underway. The utility billing will be the next portion to convert.

Mr. Schwaberow questioned if Council would be receiving a year-end report.

Mr. Klein replied that he is currently working on that report and he would get quarterly reports to Council as well.

Mr. Schwaberow questioned if the Audit Committee would be meeting soon.

Mrs. Sizemore replied that she was waiting for the Finance Director to complete his reports for the year and then schedule the meeting.

### **POLICE CHIEF'S REPORT:**

Chief McGill submitted the January Police report to Mayor and Council.

He stated that Sergeant Brown was working on the new barcode system for the property room.

Mr. Koogle asked Chief McGill to inform the residents about the current outbreak of burglaries in the City.

Chief McGill stated that Germantown is not the only city that is being burglarized. Many of the surrounding areas have been hit hard as well. He suggested that residents keep their doors locked and secure their gold jewelry. These small items are what they are looking for.

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**FIRE CHIEF'S REPORT:**

Chief Alldred reviewed the January Fire/EMS report.

**DIRECTOR OF PUBLIC SERVICE'S REPORT:**

Mr. Moore updated Mayor and Council on the various projects that are being done in the City.

**MAYOR'S REPORT:**

None.

**COUNCIL MEMBER'S REPORT:**

**Mr. Boeder's Report:**

He gave background information on Emergency Resolution No. 12-13 and encouraged everyone to support the Montgomery County Farm Service Agency staying in its current location.

**Mr. Johnson's Report:**

He sent his condolences to the Wilhoit family.

**Mr. Koogler's Report:**

None.

**Mr. Kuhn's Report:**

None.

**Mr. Schwaberow's Report:**

None.

**Mr. Wafzig's Report:**

He attended the MVCC meeting.

He attended the BZA meeting last month. The Board approved a home occupation for a cupcake business on Lindell Drive. The Camp Miami Hearing has been postponed.

He attended the Charter Review Commission meeting last week. We are making progress and are planning to meet next month.

There will be a Saturday Night Out meeting Thursday night at 6:00 p.m.

**Legislation:**

**Introduction:**

**RESOLUTION NO. 12-14**

A RESOLUTION EXTENDING THE MORATORIUM ON THE GRANTING OF ANY PERMITS ALLOWING THE OPERATION OF INTERNET CAFES OR OF BUSINESSES DEVOTING FLOOR SPACE TO INTERNET-BASED SWEEPSTAKES GAMES WITHIN THE MUNICIPALITY OF GERMANTOWN FOR A PERIOD OF SIX (6) MONTHS.

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Mayor Landis stated the Public Hearing would be March 5, 2012.

**RESOLUTION NO.12-15**

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO PURCHASE A 2012 DODGE CHARGER FROM GREVE CHRYSLER, 756 WEST ERVIN ROAD, VAN WERT, OHIO 45891 FOR THE PURCHASE PRICE OF \$24,505.00 FOR USE BY THE MUNICIPALITY OF GERMANTOWN POLICE DEPARTMENT.

Mayor Landis stated the Public Hearing would be March 5, 2012.

**EMERGENCY ORDINANCE NO. 12-11**

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

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

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. 12-11.

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. 12-12**

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO AN AGREEMENT WITH THE MIAMI VALLEY COMMUNICATIONS COUNCIL FOR CODERED SERVICES FROM FEBRUARY 9, 2012 TO FEBRUARY 9, 2013, AND DECLARING AN EMERGENCY.

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

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. Wafzig moved to adopt Emergency Resolution No. 12-12.

Mr. Schwaberow questioned how much we use the CodeRed system.

Mrs. Sizemore stated that we do not use the system very much. It is mainly used for water main breaks or snow emergencies. We try to only use the system for true emergencies in the City.

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. 12-13**

A RESOLUTION IN SUPPORT OF THE MONTGOMERY COUNTY FARM SERVICE AGENCY OFFICE REMAINING AT ITS PRESENT LOCATION AT THE

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CORNER OF AMITY ROAD AND DIAMOND MILL ROAD, AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Koogle moved to suspend the rules on Emergency Resolution No. 12-13.

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.

Mr. Koogle questioned how long the Montgomery County Farm Service Agency has been at this location.

Mr. Boeder replied he believes they have been there since 2001. This was a move that was encouraged by the USDA.

**MOTION:** Mr. Boeder moved to adopt Emergency Resolution No. 12-13.

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. 12-16**

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$355,000, BY THE MUNICIPALITY OF GERMANTOWN, MONTGOMERY COUNTY, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF ACQUIRING AND CONSTRUCTING PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE HICKORY POINTE AREA, INCLUDING IMPROVEMENTS TO STATE ROUTE 4 IN THE MUNICIPALITY, AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Koogle moved to suspend the rules on Emergency Ordinance No. 12-16.

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. 12-16.

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. 12-17**

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$200,000, BY THE MUNICIPALITY OF GERMANTOWN, MONTGOMERY COUNTY, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING PART OF THE COST OF RECONSTRUCTING CHERRY STREET INCLUDING PAVEMENT, CURB, GUTTER, STORM SEWER AND WATERLINE IMPROVEMENTS, AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Koogle moved to suspend the rules on Emergency Ordinance No. 12-17.

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.

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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 Ordinance No. 12-17.

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. 12-18**

AN ORDINANCE CONSOLIDATING TWO BOND ANTICIPATION NOTE ISSUES OF THE MUNICIPALITY OF GERMANTOWN, MONTGOMERY COUNTY, OHIO INTO A CONSOLIDATED NOTE ISSUE, AND ESTABLISHING THE TERMS OF SUCH CONSOLIDATED NOTE ISSUE, AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Koogle moved to suspend the rules on Emergency Ordinance No. 12-18.

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 Ordinance No. 12-18.

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:**

**ORDINANCE NO. 12-03**

AN ORDINANCE CREATING CHAPTER 1148 GARAGE SALES OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN.

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

**MOTION:** Mr. Wafzig motioned to adopt Ordinance No. 12-03.

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.

The Law Director asked the Manager to explain why Ordinance No. 12-04 has been amended.

Mrs. Sizemore stated that the original ordinance read that the alley was located North of Walnut Street and it should have read North of Market Street.

**ORDINANCE NO. 12-04 (AS AMENDED)**

AN ORDINANCE TO VACATE A CERTAIN ALLEY LOCATED NORTH OF WEST MARKET STREET, SOUTH OF WARREN STREET AND WEST OF WALNUT STREET WHICH RUNS BETWEEN LOT 199 AND LOT 200 AND ADJACENT TO LOT 196, LOT 197, LOT 198, LOT 199, LOT 200, LOT 201 AND LOT 202 AND FURTHER DESCRIBED HEREIN.

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

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**MOTION:** Mr. Kuhn motioned to adopt Ordinance No. 12-04.

Mr. Schwaberow questioned if this was being done for the transfer of the park property.

Mrs. Sizemore stated that this is being done for the transfer of the deed of Veterans Memorial Park Committee to the City. This alley has never been vacated and it runs thru the park.

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. 12-05**

A RESOLUTION TO AUTHORIZE THE MUNICIPAL MANAGER TO ENTER INTO AN AGREEMENT WITH THE CITY OF MIDDLETOWN TO ACCEPT ADULT PRISONERS OF THE MUNICIPALITY OF GERMANTOWN WHO ARE ARRESTED ON MINOR MISDEMEANOR CHARGES.

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

**MOTION:** Mr. Koogle motioned to adopt Ordinance No. 12-05.

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.

**RESOLUTION NO. 12-06**

A RESOLUTION TO DESIGNATE FARMERS & MERCHANTS BANK AS A PUBLIC DEPOSITORY FOR THE MUNICIPALITY OF GERMANTOWN AND AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO A DEPOSIT AGREEMENT FOR ACTIVE, INTERIM AND/OR INACTIVE PUBLIC FUNDS WITH FARMERS & MERCHANTS BANK.

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. 12-06.

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. 12-07**

AN ORDINANCE DELETING SECTIONS 919.08 (a)(1), 919.08 (a)(2), 919.08 (a)(3), AND 919.08 (a)(4) OF THE STREETS AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING RATES; RULES FOR UTILITY BILL ADJUSTMENTS.

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

**MOTION:** Mr. Boeder motioned to adopt Ordinance No. 12-07.

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. 12-08**

AN ORDINANCE AMENDING SECTIONS 919.08 (a)(5) AND 919.08 (a)(6) OF THE STREETS AND PUBLIC SERVICES CODE OF THE CODIFIED

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**ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING RATES; RULES FOR UTILITY BILL ADJUSTMENTS.**

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

**MOTION:** Mr. Schwaberow motioned to adopt Ordinance No. 12-08.

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. 12-09**

AN ORDINANCE AMENDING SECTION 921.21 OF THE STREETS AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING SANITARY SEWER RATES.

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

**MOTION:** Mr. Schwaberow motioned to adopt Ordinance No. 12-09.

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. 12-10**

AN ORDINANCE AMENDING SECTION 509.04 OF THE GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING DISTURBING A LAWFUL MEETING.

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

**MOTION:** Mr. Koogle motioned to adopt Ordinance No. 12-10.

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.

**EXCUSE ABSENT MEMBERS:**

None.

**ADJOURNMENT:**

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

The meeting adjourned at 7:45 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak  
Clerk of Council

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Theodore E. Landis  
Mayor