

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, JULY 16, 12**

The Municipality of Germantown Council met in regular session on July 16, 2012 at 7:11 p.m. in the Municipal Building Council Chambers.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was recited.

Mayor Landis stated that Richard with MVCC was delayed due to a car accident, which is the reason we are running late tonight.

**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; Scott Brown, Police Lieutenant; 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 July 2, 2012 Regular Session minutes.

**MOTION:** Mr. Kuhn moved to accept the July 2, 2012 Regular Session minutes as submitted.

**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 and Council reviewed the July 2, 2012 Work Session minutes.

**MOTION:** Mr. Boeder moved to accept the July 2, 2012 Work Session minutes as submitted.

**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:**

None.

**MANAGER'S REPORT:**

Mrs. Sizemore stated that the Fire/EMS has received a donation and Council needs to accept the donation of \$50.00.

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

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

Mrs. Sizemore reviewed her report.

She went on by saying that she had more topics to review later in the work session.

**CLERK'S REPORT:**

None.

**LAW DIRECTOR'S REPORT:**

The Law Director stated that the State of Ohio is going to address the internet café issue. He will update Council with the progress.

He has filed several property maintenance complaints with the Court. Some of them have contacted him and they are working on correcting the issues.

There is an ordinance on the agenda tonight pertaining to mobile food vendors that Council will need to table due to a few minor changes that he will have to make.

**FINANCE DIRECTOR'S REPORT:**

Mr. Klein addressed the Street Capital Improvement Fund. The Local Government Funds and Estate Tax will be placed into this fund along with the levy funds. At this time we have approximately \$230,000 and we had only budgeted \$130,000. We should also be receiving an additional \$70,000, which would be a total of approximately \$300,000 by the end of the year.

Mrs. Sizemore reminded those on the Audit Committee that there will be a meeting on July 23<sup>rd</sup>.

She went on by saying that we need to keep in mind the additional funds that the Finance Director was speaking of may be needed to fund the paving project on Market Street. The State is requiring the City to install handicap ramps at each corner. We may be awarded CDBG money and be able to use the same contractor for the ramps.

**POLICE CHIEF'S REPORT:**

Chief McGill reviewed the June Police Report.

**FIRE CHIEF'S REPORT:**

Chief Alldred reviewed the June Fire/EMS report.

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

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

Mr. Wafzig stated there was an issue with a hole on West Market that needs to be addressed.

Mr. Schwaberow questioned if they are doing any drill downs. Mr. Moore replied that we just had a well cleaned and there have not been any issues with being able to produce enough water.

Mr. Boeder questioned if the old water tower is still being used. Mr. Moore replied that it is still being used.

A brief discussion took place regarding the old water tower and the new water tower.

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Mr. Moore stated he has concerns with lightning striking at the well fields. He is looking into a solution to correct the lightning strikes.

He went on by saying that the other concern he has is the location used to inject the chlorine and fluoride into the water system. It is very dangerous and he would like to see it redone due to the safety issues. He is looking into prices to correct the problem.

Mr. Schwaberow questioned the name of the Engineer that is doing the water study and when they are doing the study. Mrs. Sizemore replied that she has that information and will update Council on the water study.

**MAYOR'S REPORT:**

None.

**COUNCIL MEMBER'S REPORT:**

**Mr. Boeder's Report:**

He stated that he did not know if we were going to participate in the Clean Ohio program this year. The Clean Ohio program has become a \$1.3 million dollar fund for Montgomery County. It is targeting park expansion and area streams. If something materializes there is an opportunity for funding.

**Mr. Johnson's Report:**

He thanked everyone who participated in the July 4<sup>th</sup> parade. It was very nice. He thanked Katie Burton, Kylie Burton, Gavin DeGroat, Carly Goins, Austin Johnson, TJ Johnson and Patrick Scott for helping the Boy Scouts pass out flags. They all did a really great job.

The Pool Board meeting for July has been cancelled.

He announced the Arthur Huffer, Jr. Memorial Hot Air Balloon Festival and Germantown Founders Day event will be August 4<sup>th</sup> at Kercher Park.

He announced the Thomas Howard baseball camp on July 19<sup>th</sup> for elementary and middle school age children.

He congratulated the Valley View High School Class of 1982 on celebrating their 30 year class reunion this past weekend. He is hoping that the Class of 1983 will have a reunion next year. Vicki Mink Hall is in charge of the reunion and is doing a really nice job.

**Mr. Koogler's Report:**

He stated that the CBC met and is planning ahead for next year. They discussed the Christmas trees for the downtown area. The August meeting will be cancelled but they are planning on meeting in September.

The Economic Development meeting for July has been cancelled.

He would like the staff to contact the U.S. Army Corps of Engineers to clean up the river beds. This needs to be address now before it causes real problems.

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**Mr. Kuhn's Report:**

He reminded everyone that Saturday Night Out will be July 21<sup>st</sup>. The antique tractors will be there and the Greasers will be performing.

**Mr. Schwaberow's Report:**

None.

**Mr. Wafzig's Report:**

None.

**Legislation:**

**Introduction:**

RESOLUTION NO. 12-40

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR ELECTRIC GENERATION SUPPLY WITH A COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER.

Mayor Landis stated the Public Hearing would be August 6, 2012.

EMERGENCY RESOLUTION NO. 12-41

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN EMPLOYMENT CONTRACT WITH ANNA M. SIZEMORE FOR HER APPOINTMENT AS MUNICIPAL MANAGER, AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Koogle moved to suspend the rules on Emergency Resolution No. 12-41.

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:** Mayor Landis moved to adopt Emergency Resolution No. 12-41.

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. 12-35

A RESOLUTION DECLARING THE INTENT AND RESOLVE OF THE COUNCIL TO ENACT UNIFORM PROVISIONS IN THE MUNICIPALITY OF GERMANTOWN TAX ORDINANCES UPON REVISION OF CHAPTER 718 OF THE OHIO REVISED CODE.

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

**MOTION:** Mr. Schwaberow motioned to adopt Resolution No. 12-35.

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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.

**RESOLUTION NO. 12-36**

**A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE MONTGOMERY COUNTY SOLID WASTE MANAGEMENT DISTRICT.**

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

**MOTION:** Mr. Koogle motioned to adopt Resolution No. 12-36.

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. 12-37**

**AN ORDINANCE VACATING THE CURRENT SECTION 505.15 OF THE GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING DANGEROUS AND VICIOUS DOGS AND ADOPTING A NEW SECTION 505.15 OF THE GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING DANGEROUS AND VICIOUS DOGS.**

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. 12-37.

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. 12-38**

**AN ORDINANCE CREATING SECTION 509.21 OF THE GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING SOLICITING FOR MONEY.**

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. 12-38.

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. 12-39**

**AN ORDINANCE CREATING CHAPTER 703 OF THE BUSINESS REGULATIONS CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING MOBILE FOOD VENDORS.**

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

**MOTION:** Mr. Johnson motioned to table Ordinance No. 12-39.

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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**EXCUSE ABSENT MEMBERS:**

None.

**ADJOURNMENT:**

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

The meeting adjourned at 8:05 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak  
Clerk of Council

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Theodore E. Landis  
Mayor