

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, AUGUST 6, 12**

The Municipality of Germantown Council met in regular session on August 6, 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 and Mr. Brian Wafzig.

**MEMBERS ABSENT:**

Mr. Michael Kuhn and Mr. Edward Schwaberow were absent.

**ALSO PRESENT:**

Also present were Anna M. Sizemore, Municipal Manager; Dan Alldred, Fire Chief; Roy McGill, Chief of Police; Matt Burns, Police Major; Scott Brown, Police Lieutenant; Kelli Sanders-Novak, Clerk of Council and one visitor. Tom Schiff, Law Director arrived at 7:06 p.m.

**APPROVAL OF MINUTES:**

Mayor and Council reviewed the July 16, 2012 Regular Session minutes.

Mr. Boeder stated that under the Finance Directors report should read “Mr. Klein” not “Mr. Kline”, under his report Montgomery County is receiving \$1.3 million dollars for the Clean Ohio program and under Mr. Koogle’s report should read “Army Corps of Engineers” not “Core of Engineers”.

**MOTION:** Mr. Boeder moved to accept the July 16, 2012 Regular Session minutes as amended.

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

Mayor and Council reviewed the July 16, 2012 Work Session minutes.

**MOTION:** Mr. Koogle moved to accept the July 16, 2012 Work Session minutes as submitted.

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

**PUBLIC RECOGNITION:**

None.

**CITIZEN’S FORUM:**

Mr. Boeder questioned Wendell Adkins from DP&L about the tree trimming that is being done along the power lines. Will they prune the trees back even if they are not touching the power lines and what is the distance they will trim.

Wendell Adkins replied that the tree trimmers are allowed to do the trimming because of the long time span between trimmings. They cannot trim a foot or two due to the long time between trimmings.

## MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, AUGUST 6, 12

Mr. Boeder stated that he thinks they take it all the way back to the trunk. How can he prevent this from happening.

Wendell Adkins replied that he would look into the trimming and get back with Mr. Boeder.

Mr. Boeder stated that he would like to meet with someone. They will not be able to trim the tree unless they come onto his property and climb his trees and he would like to get this straightened out before they arrive.

### **MANAGER'S REPORT:**

Mrs. Sizemore requested the Fire Chief address Council regarding the proposed fire lanes on Center Street for the Oasis and how it is affecting the auto parts store. The owner of the auto parts store is upset because he is losing a parking space. The Fire Chief, the Public Service Director and she have had conversations with Mr. Tinch regarding this issue. We would like everyone to know that the City did not request these spaces be removed. This is a regulation that is being brought on by the State Fire Marshal. We are trying to work with Mr. Tinch and we have requested that the State Fire Marshal come out to meet with him to explain to him the reasoning in this decision. We are looking into possibly remarking parking spaces in that area. Council did discuss this topic previously and then voted to amend the traffic control map. We did send letters to the business owners in the surrounding area as requested by Council to make them aware of the issue.

Chief Alldred explained that when the Fire Department was doing inspections at the Oasis he contacted the State Fire Marshal's office to have them accompany him on the inspection. The property owner was aware that the State Fire Marshal would be attending. If the State comes in to do an inspection as soon as they enter the building it is out of our hands. Prior to the State Fire Marshal coming to do the inspection he told Mr. Stacey Raisch that it would be out of his hands and he was okay with the State Fire Marshal entering. After inspecting the upstairs they exited the building and the State Fire Marshal stated that the two parking spots must be vacated due to the egress of the building. The problem with the building is that it was built in the 1800's and they were probably not anticipating 149 people in the upstairs of the building. The State Fire Marshal has requested these two parking spaces be vacated and fire lanes marked in place of these parking spaces for the new business at the Oasis. He explained that if an emergency occurred at the Oasis the customers would need the fire lanes to exit the building. Both exits dump into a common path and if there were cars parked parallel to the curb these people would be knocking each other down and people that are still at the top of the fire escape would lose. The fire escape and the full set of stairs out the double doors dump into the same path. The reason the two parking spots were chosen was because that would be the natural flow for people to exit that building. Suggestions were made by business owners and even a Council member to back the fire lane up toward the West. If that were done we would be asking people to make a u-turn when they are coming down the fire escape which would cause chaos and the outcome may not be good. He has spoken with Mr. Tinch and told him this was nothing against him. This business wants to put 149 people upstairs and we have to make it as safe as we can. Life safety is the number one priority, and getting those people out of that building would be huge. Per the State Fire Marshal we will have to mark the two parking spaces as fire lanes and no parking.

Mrs. Sizemore stated that they are trying to get the State Fire Marshal to have a meeting with Mr. Tinch to explain the reasoning in his decision. We are also looking into moving the remaining parking spaces in that area.

Mr. Boeder questioned if the Fire/EMS Department would need the use of the proposed fire lane if an emergency did occur. Chief Alldred replied that yes the Fire/EMS Department would benefit from the fire lanes giving them access to the building.

Chief Allred went on by saying that there is a similar situation on Main Street in front of the By-Jo Theater. There are fire lanes in front of the building for the exact reason as the Oasis.

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, AUGUST 6, 12**

Mrs. Sizemore stated that the Fire/EMS has received several donations and Council needs to accept these donations of \$10.00, \$100.00, \$200.00, \$200.00, \$50.00, \$10.00 and \$35.00.

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

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

Mrs. Sizemore reviewed her report.

She went on by asking for an Executive Session to discuss the possible sale of public property.

**CLERK'S REPORT:**

Mrs. Novak announced the upcoming Fall Community Garage Sale on September 8<sup>th</sup> and September 9<sup>th</sup>.

**LAW DIRECTOR'S REPORT:**

None.

**POLICE CHIEF'S REPORT:**

None.

**MAYOR'S REPORT:**

There was a FRWWC meeting scheduled for last week but it was cancelled due to lack of a quorum. They are still working on the dollar amount that will be distributed amongst the three communities.

**COUNCIL MEMBER'S REPORT:**

**Mr. Boeder's Report:**

None.

**Mr. Johnson's Report:**

He announced that National Night Out and the Festival of Churches would be August 7<sup>th</sup>.

He sent his condolences to the Daffen family and the Metcalf family.

**Mr. Koogle's Report:**

He asked that everyone remember the Rohrbach family. The sons live here in town and have lost their mother.

**Mr. Wafzig's Report:**

He stated that if Council had any questions regarding Legislation 12-43 he would be able to answer them. The Charter Review Commission made only minor changes to the Charter.

He had asked that the Manager put dumpster regulations on the work session agenda for tonight. The law passed ten years ago and was not enforced until now. He would like Council to discuss the topic.

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, AUGUST 6, 12**

**Legislation:**

**Introduction:**

**ORDINANCE NO. 12-42**

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 2013 IN THE MUNICIPALITY OF GERMANTOWN.

Mayor Landis stated the Public Hearing would be August 20, 2012.

**ORDINANCE NO. 12-43**

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE THE QUESTION OF MAKING CERTAIN AMENDMENTS TO THE CHARTER OF THE MUNICIPALITY OF GERMANTOWN AS RECOMMENDED BY THE CHARTER REVIEW COMMISSION.

Mayor Landis stated the Public Hearing would be August 20, 2012.

**RESOLUTION NO. 12-44**

A RESOLUTION AUTHORIZING THE MUNICIPAL MANGER TO ENTER INTO A CONTRACT WITH AMERICAN ROCK SALT CO., LLC, P.O. BOX 190, MT. MORRIS, NY 14510 FOR THE PURCHASE OF HIGHWAY ROCK SALT IN THE AMOUNT OF \$62.55 PER TON.

Mayor Landis stated the Public Hearing would be August 20, 2012.

**RESOLUTION NO. 12-45**

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO EXECUTE A PERMANENT EASEMENT AGREEMENT WITH ENTERPRISE LIQUIDS PIPELINE LLC, AS TENANT IN COMMON OF THE FRANKLIN REGIONAL WASTEWATER TREATMENT CORPORATION.

Mayor Landis stated the Public Hearing would be August 20, 2012.

**EMERGENCY RESOLUTION NO. 12-46**

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO SIGN A GRANT APPLICATION SUBMITTED TO THE OHIO PUBLIC WORKS COMMISSION FOR THE SANITARY SEWER REHABILITATION PROJECT PHASE 1, AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Koogle moved to suspend the rules on Emergency Resolution No. 12-46.

**ROLL CALL:** Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Wafzig, yes; Mayor Landis, yes. 5-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. Koogle moved to adopt Emergency Resolution No. 12-46.

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

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, AUGUST 6, 12**

**EMERGENCY RESOLUTION NO. 12-47**

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO SIGN A GRANT APPLICATION SUBMITTED TO THE OHIO PUBLIC WORKS COMMISSION FOR THE WEST MARKET STREET IMPROVEMENT PROJECT PHASE 1, AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Johnson moved to suspend the rules on Emergency Resolution No. 12-47.

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

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

**MOTION:** Johnson moved to adopt Emergency Resolution No. 12-47.

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

**Public Hearing:**

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

**MOTION:** Mr. Johnson motioned to adopt Resolution No. 12-40.

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

**EXCUSE ABSENT MEMBERS:**

Mr. Johnson motioned to excuse Mr. Kuhn and Mr. Schwaberow.

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

**MOTION:** Mr. Johnson moved to adjourn to Executive Session to discuss the possible sale of public property.

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

Mayor and Council adjourned to Executive Session at 7:29 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, and Mr. Brian Wafzig.

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, AUGUST 6, 12**

**MEMBERS ABSENT:**

Mr. Michael Kuhn and Mr. Edward Schwaberow were absent.

**ALSO PRESENT:**

Also present was Anna M. Sizemore, Municipal Manager and Tom Schiff, Law Director

The aforementioned persons discussed the possible sale of public property.

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

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

Mayor and Council reconvened into Regular Session at 7:55 p.m.

**ADJOURNMENT:**

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

The meeting adjourned at 7:56 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak  
Clerk of Council

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Theodore E. Landis  
Mayor