

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, AUGUST 20, 12**

The Municipality of Germantown Council met in regular session on August 20, 2012 at 7:04 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; Scott Brown, Police Lieutenant; Terry Klein, Finance Director; Kelli Sanders-Novak, Clerk of Council and one visitor.

**APPROVAL OF MINUTES:**

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

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

**ROLL CALL:** Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, abstain; Mr. Schwaberow, abstain; Mr. Wafzig, yes; Mayor Landis, yes. 5-yes, 2 abstentions. **MOTION CARRIED.**

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

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

**ROLL CALL:** Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, abstain; Mr. Schwaberow, abstain; Mr. Wafzig, yes; Mayor Landis, yes. 5-yes, 2 abstentions. **MOTION CARRIED.**

**PUBLIC RECOGNITION:**

None.

**CITIZEN'S FORUM:**

Wendell Adkins from DP&L informed the community on Electric Choice facts. Ohio law changed in 2001 to permit Electric Choice. This gives people the right to choose who their generation provider will be and choose from competitive rates. He encouraged residents to contact special trained representatives at DP&L at 937.331.3500 or on line at [www.dpandl.com](http://www.dpandl.com) if they have any questions.

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**FIRE CHIEF'S REPORT:**

Chief Alldred reviewed the July Fire-EMS report.

He went on by saying that he was contacted by the Manager today to respond to the questions and concerns that were being brought to the Street Department crew that were marking the fire lane on Center Street by a local business owner. He spoke with Ben Tinch the owner of Germantown Auto Supply and listened to his concerns of the loss of a parking space in front of his business and the loss of a parking space for his tenant that lives above the business. Mr. Tinch expressed concerns over the loss of customers and the inconvenience to his tenant. He explained to Mr. Tinch again that the work in progress was being done per the State Fire Marshal. There was no way the City intended to cause hardship to him, his tenant or his business but rather the life safety issues dealing with the emergency egress of 9 East Center Street. Mr. Tinch again expressed his displeasure and the Chief said he would contact the State Inspector and see if he would be able to stop by and speak with Mr. Tinch regarding this issue. Chief Alldred phoned the State Inspector and the inspector stated that he was in Miamisburg and would be in Germantown within an hour. The State Inspector, Mr. Tinch and Chief Alldred met today and the inspector listened to the concerns of Mr. Tinch and the Inspector and the Chief Alldred expressed their concerns regarding the egress coming out of the structure if there were a problem. After everyone expressed their concerns the State Inspector reassessed the situation and determined that the minimum amount of egress space that he would allow. Therefore the State Inspector stated that the City would be able to put a parking space in the remaining space from the end of the fire lane to the alley curb just east of the fire lane that the State Inspector would have no problem with that. The Street Department crews included a parking space east of the fire lane. We have not taken a space from Mr. Tinch or his tenant. We had tried to create a parking space for Mr. Tinch last week prior to the State Inspector coming out. The Public Service Director was asked to go and measure the area to see if a parking space would be able to be put in front of Mr. Tinch's business. The problem was that we were going on the facts that the State Inspector had said previously. Today we reevaluated the situation and the parking space would fit along with the required fire lane. We also asked the State Inspector last week if we could put time restrictions on the fire lane and he responded that due to the fact that 9 East Center Street is considered a night club, the State Fire Marshal's office will not allow that; it must be a fire lane 24/7. The State Inspector made it very clear that there will be no parking of any kind for any length of time.

Mr. Schwaberow questioned if 9 East Center Street becomes vacant for any reason would the fire lane be removed and parking spaces reclaimed. Chief Alldred replied that he asked the State Inspector and he stated that if the business fails the City may reclaim the parking spots.

**MANAGER'S REPORT:**

Mrs. Sizemore reviewed her report.

**CLERK'S REPORT:**

None.

**LAW DIRECTOR'S REPORT:**

The Law Director stated that he had spoken with the liaison from United Methodist Church and he has requested something in writing. He got it to him today and after speaking with the liaison he feels that it will be acceptable. The liaison will be presenting this letter to the trustees of the church on Sunday and then he will get back with the Law Director.

Mr. Schwaberow questioned if the content of the letter was consistent to what was discussed in previous Council meetings. The Law Director replied that the Clerk gave him a copy of the exact wording of the motion that was made in the previous meeting.

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The Law Director went on by saying that he would have the mobile food vendor ordinance ready for the next meeting. He is also working on a drug and alcohol policy for the City employees. He announced that he had received communication that Toni Lewis has been denied unemployment.

**FINANCE DIRECTOR'S REPORT:**

Mr. Klein stated that the Capital Improvement Program has a balance of \$320,000.00. We have received an additional \$52,000.00 in estate tax in July which was an advance. Since it was an advance that leads him to believe that there will be more funds to come in the future.

**POLICE CHIEF'S REPORT:**

Chief McGill gave Council the July Police Department report.

He thanked everyone who participated in National Night Out.

**MAYOR'S REPORT:**

He announced that the next Council meeting would be September 4, 2012 due to the holiday.

**COUNCIL MEMBER'S REPORT:**

**Mr. Boeder's Report:**

He stated that if you read the Dayton paper today the Local section mentioned the Safe Route to School upgraded near schools set for 2014. This covers what Riverside received from ODOT. The program about safe sidewalks from schools. Since we were talking about sidewalks tonight, it would be great if we could just tie everything together. That would be a huge administrative task but, if we could utilize this program we may be able to get quite a bit of money.

**Mr. Johnson's Report:**

It is that wonderful time of the year again; as the schools start to go back. He reminded everyone to please be careful with the buses and the kids starting to get out there again.

He sent his condolences to the Cope family on the loss of Corby and the Fittz family for their loss of Josh. He had the privilege to have taught both of them science and to have coached them in football.

**Mr. Koogle's Report:**

None.

**Mr. Kuhn's Report:**

He thanked Chief Alldred, Chief McGill and their staffs for working at Saturday Night Out and bringing their equipment. He went on by thanking Steve Boeder for helping park cars and Annie Sizemore and her husband for helping with the stage and all that goes along with the set-up and teardown of the stage.

**Mr. Schwaberow's Report:**

None.

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**Mr. Wafzig's Report:**

He wanted to thank the Lion's Club for helping with Saturday Night Out all summer. The Saturday Night Out Committee would welcome any new members who would like to help out next year. They will start meeting in February for the 2013 season. We could use help parking cars, organizing booths in the downtown area and help with set-up and clean up.

Mrs. Sizemore stated that the Public Service Director had a prior commitment and was unable to make the meeting tonight. He would like Council to know that the water line to the soccer field is complete and we will be installing the water fountain shortly. We are waiting for the concrete pad for the water fountain to be poured by Mr. Zimmerman. The grading has begun but we will need to wait until after the crops are removed to finish. The Street Department has taken care of the fire lane on Center Street. The crews will also be taking care of the walkway at McClure.

**Legislation:**

**Introduction:**

None.

**Public Hearing:**

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

Mr. Johnson stated that this is one of the ongoing items that must be reviewed every year.

**MOTION:** Mr. Johnson motioned to adopt Ordinance No. 12-42.

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.

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

Mr. Johnson thanked the Charter Review Commission for taking on this task.

**MOTION:** Mr. Wafzig motioned to adopt Ordinance No. 12-43.

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.

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

**MOTION:** Mr. Koogle motioned to adopt Resolution No. 12-44.

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. 12-45**

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

**MOTION:** Mr. Kuhn motioned to adopt Resolution No. 12-45.

Mayor Landis stated that the City of Franklin and the Village of Carlisle have already signed their legislation pertaining to this pipeline. In the meeting coming up in September we will be looking at the contract.

The Law Director stated that this is the resolution that Mr. Wafzig had asked for him to review. He stated that he has reviewed it and everything looks fine.

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. Johnson moved to adjourn the meeting.

The meeting adjourned at 7:59 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak  
Clerk of Council

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Theodore E. Landis  
Mayor