

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, OCTOBER 1, 12**

The Municipality of Germantown Council met in regular session on October 1, 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; Roy McGill, Chief of Police; Matt Burns, Police Major; Terry Klein, Finance Director; Kelli Sanders-Novak, Clerk of Council and several visitors.

**APPROVAL OF MINUTES:**

Mayor and Council reviewed the September 17, 2012 Regular Session minutes.

**MOTION:** Mr. Kuhn moved to accept the September 17, 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 September 17, 2012 Work Session minutes.

**MOTION:** Mr. Schwaberow moved to accept the September 17, 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:**

William Henry Young, 130 West Warren, stated he had two issues he would like to address to Council tonight. One pertains to the community/area of Germantown. Last March he began to notice that certain items were missing from the IGA's shelves. He returned a month ago and he was shocked to see all the empty shelves. This community absolutely needs a full service supermarket. He spoke with Mr. Finke this afternoon and he stated the situation is in the hands of attorneys now and another supermarket will be coming. There is a problem with this new situation. If the community/area does not support this new supermarket, it will close just like the IGA did. We need to think "Hometown" when it comes to that issue. If we would have looked at this a year ago and pushed hard for the citizens of the Germantown area, maybe we could have saved the IGA.

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When he was on Council he had made a motion for the five points to be made into a five way stop. At that time Council did not agree with his motion and it did not pass. Looking back it would have been a mistake to make the five points into a five way stop. Mr. Schwaberow was the City Manager at that time and he promised that there would be a Police Officer at that five way intersection whenever it would be possible. The problem at that time was high school students coming down the hill very fast. Now the problem is people on their cell phones that are not paying any attention to the five way intersection. When the elementary students are out at the intersection there should be a Police Officer at that intersection making sure the students are safe when crossing. He has not seen a Police Officer at that intersection for a while. He would like Council to take into consideration of having a Police Officer at that intersection as much as possible before we have someone seriously injured.

He thanked Council for their time.

**MANAGER'S REPORT:**

Mrs. Sizemore stated that the Senior Center has received a donation and Council needs to accept the donation of \$25.00.

**MOTION:** Mr. Kuhn moved to accept the donation to the Senior Center.

**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.

**CLERK'S REPORT:**

None.

**LAW DIRECTOR'S REPORT:**

None.

**FINANCE DIRECTOR'S REPORT:**

Mr. Klein stated that the audit has begun. He was not planning for this to be underway until 2013. The Manager and he met with the Senior Auditor today to review the three options that we must choose from for this audit. He went on by explaining the three choices: Regulatory Cash Basis, which is what we have been on, OCBOA-Other Comprehensive Basis of Accounting and the Modified GAAP. He would recommend the Modified GAAP. He will get Council numbers and information on the Modified GAAP option; we only have 30 days to make this decision.

**POLICE CHIEF'S REPORT:**

Chief McGill reviewed the August Police Department report.

**MAYOR'S REPORT:**

He announced that Trick-or-Treat would be Tuesday, October 30 from 6:00-8:00 p.m.

**COUNCIL MEMBER'S REPORT:**

**Mr. Boeder's Report:**

None.

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**Mr. Johnson's Report:**

The Park Board will meet on October 3.

The Pretzel Festival was a great success. He thanked everyone who participated and the Municipal Staff for their hard work.

He reminded everyone that the leaf pickup for the residents will begin in a few weeks and will run through December.

The dates for the Christmas in the Park are being discussed and he will update Council at the next Council meeting.

**Mr. Koogler's Report:**

The IGA has been in business for 12 years in Germantown and it is very sad to see him close his doors. Mr. Finke has been community oriented and every organization that would ask for a discount got it and was treated with respect. He thanked Mr. Finke for his time in Germantown and he will personally miss him. He hopes the next store/owner is half as good as Mr. Finke was.

**Mr. Kuhn's Report:**

He attended the Fire-EMS Oversight meeting tonight. Chief Alldred reviewed his report. They discussed hydrant flushing. The Manager, Chief Alldred and the Public Service Director are working on a plan to do this effectively.

He thanked the Police Department for a job well done on a burglary that happened to a family friend last week.

**Mr. Schwaberow's Report:**

He thanked the Manager and the Staff for removing the tree braces on the trees in the island on Route 4 after he had sent her an email.

He stated to Mr. Young that Council and the Administration did try to work with the owner of IGA. We offered our assistance to the extent that we could; realize that this is a private business. We had resources in town that were available to the owner. He hopes that the community will support the new store. It does bother him every time he has to drive out of town to purchase the simplest of things.

**Mr. Wafzig's Report:**

He attended the MVCC meeting a few weeks ago. The biggest topic was the electric aggregation that Council voted on at the last Council meeting. Germantown will save approximately \$8,000.00 next year.

The speed limit through West Carrollton's downtown area will be reduced to 25 mph. This change should occur sometime in October.

He thanked everyone who participated in the Pretzel Festival. It was a great turn out. The Manager and the Staff did a great job preparing the park for the event. He received many nice comments regarding the park.

He questioned the Manager regarding the parks in the City. Has anyone ever reviewed our parks and made a recommendation/plan for the park space. We need to make the best use of the space we have. Kercher has soccer fields in-between the baseball diamonds, it seems like we should

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have a plan for the best use of our space. Mr. Johnson replied that the issue was discussed several years ago. He does not recall anyone making a recommendation/plan for the parks. If soccer becomes exclusive on the West side then we may want to look into a new plan. We would have to revamp the entire park and would move the fields we have currently. He has a friend that has big ideas for the Kercher Park area. He would like to see the large soccer tournaments spread out here to use our fields for their events.

**Legislation:**

**Introduction:**

None.

**Public Hearing:**

**RESOLUTION NO. 12-48**

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

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. 12-48.

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. 12-49**

A RESOLUTION TO DECLARE POLICE SURPLUS PROPERTY AND AUTHORIZE THE MUNICIPAL MANAGER TO ADVERTISE FOR BIDS TO SELL SAID PROPERTY.

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. 12-49.

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 (AS AMENDED)**

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

**MOTION:** Mr. Boeder motioned to remove Ordinance No. 12-39 from the table.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, no; Mr. Wafzig, yes; Mayor Landis, yes. 6-yes, 1-no. MOTION CARRIED.

Council briefly discussed Ordinance no. 12-39. It was determined that the wording in Section (e) General Requirements. (8) would read "No mobile food vendors shall use any outside sound amplifying equipment, music, or noisemakers such as bells, horns, or whistles."

**MOTION:** Mr. Schwaberow motioned to adopt Ordinance No. 12-39 as amended as per the Law Directors direction.

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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.

**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 7:48 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak  
Clerk of Council

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Theodore E. Landis  
Mayor