

MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, DECEMBER 3, 12

The Municipality of Germantown Council met in regular session on December 3, 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. Michael Kuhn, Mr. Edward Schwaberow and Mr. Brian Wafzig.

MEMBERS ABSENT:

Mr. Lynn Koogle was absent.

ALSO PRESENT:

Also present were Anna Sizemore, Municipal Manager; Tom Schiff, Law Director; Roy McGill, Chief of Police; Matt Burns, Police Major; Scott Brown, Police Lieutenant; Terry Klein, Finance Director; Kelli Sanders-Novak, Clerk of Council and two visitors.

APPROVAL OF MINUTES:

Mayor and Council reviewed the November 19, 2012 Regular Session minutes.

MOTION: Mr. Kuhn moved to accept the November 19, 2012 Regular Session minutes as submitted.

ROLL CALL: Mr. Boeder, abstain; Mr. Johnson, abstain; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 4-yes, 2 abstentions. **MOTION CARRIED.**

Mayor and Council reviewed the November 19, 2012 Work Session minutes.

MOTION: Mr. Wafzig moved to accept the November 19, 2012 Work Session minutes as submitted.

ROLL CALL: Mr. Boeder, abstain; Mr. Johnson, abstain; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 4-yes, 2 abstentions. **MOTION CARRIED.**

PUBLIC RECOGNITION:

None.

CITIZEN'S FORUM:

None.

MANAGER'S REPORT:

Mrs. Sizemore stated that the Fire-EMS has received two donations and Council needs to accept the donations of \$200.00 and \$600.00.

MOTION: Mr. Kuhn moved to accept the donations to the Fire-EMS.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 6-yes, 0-no. **MOTION CARRIED.**

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Mrs. Sizemore reviewed her report.

CLERK'S REPORT:

None.

LAW DIRECTOR'S REPORT:

He asked if Council would like anything completed by the end of the year to please let him know.

He went on by asking for an Executive Session to discuss personnel matters related to the Police Department before the Work Session.

FINANCE DIRECTOR'S REPORT:

Mr. Klein and Council discussed the proposed 2013 Municipal Budget.

POLICE CHIEF'S REPORT:

None.

MAYOR'S REPORT:

None.

COUNCIL MEMBER'S REPORT:

Mr. Boeder's Report:

He stated that he attended the Cemetery Board meeting. They are finalizing the plans for the expansion to the West of the cemetery and will be working on it in sections. They will start the paths in this area soon and he will keep Council updated with the progress.

Mr. Johnson's Report:

He stated that the Park Board and Oversight will be meeting on Wednesday. We will be finalizing the plans for the arrival of Mr. and Mrs. Claus on Saturday at 7:00 p.m.

He sends his condolences to the Steinmetz Family for their loss.

Mr. Kuhn's Report:

He attended the Fire Oversight meeting tonight. The Oasis Night Club has passed their inspections and should be opening soon.

Mr. Schwaberow's Report:

None.

Mr. Wafzig's Report:

Mr. Wafzig stated that the unofficial results from the Charter amendments have been posted online and the results were up by one vote. On November 27th they reposted semi official results and the results were down by two. There is a mandatory recount in the process right now. We should have those results soon.

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Legislation:

Introduction:

RESOLUTION NO. 12-52

A RESOLUTION RESCINDING RESOLUTION NO. 11-36 AND AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO A NEW CONSENT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE STATE ROUTE 725 RESURFACING PROJECT, PID NO. 87732, SCHEDULED FOR BID LETTING IN STATE FISCAL YEAR 2014.

Mayor Landis stated the Public Hearing would be December 17, 2012.

RESOLUTION NO. 12-53

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO AN AGREEMENT WITH THE MONTGOMERY COUNTY PUBLIC DEFENDER COMMISSION AND THE MONTGOMERY COUNTY PUBLIC DEFENDER OFFICE FOR 2013 SERVICES FOR THE MUNICIPAL COURT.

Mayor Landis stated the Public Hearing would be December 17, 2012.

ORDINANCE NO. 12-54

AN ORDINANCE ADOPTING THE 2013 MUNICIPAL BUDGET.

Mayor Landis stated the Public Hearing would be December 17, 2012.

ORDINANCE NO. 12-55

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND EXPENDITURES OF THE MUNICIPALITY OF GERMANTOWN, STATE OF OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2013.

Mayor Landis stated the Public Hearing would be December 17, 2012.

ORDINANCE NO. 12-56

AN ORDINANCE TO AMEND SECTION 161.04(c)(1), 161.04(c)(2), AND 161.04(c)(3) OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN TO ESTABLISH THE COMPENSATION SCHEDULE FOR THE POSITIONS THAT ARE CONTAINED IN SAID SECTIONS EFFECTIVE JANUARY 1, 2013.

Mayor Landis stated the Public Hearing would be December 17, 2012.

ORDINANCE NO. 12-57

AN ORDINANCE TO AMEND SECTIONS 161.05(d)(1), 161.05(d)(2), AND 161.05(d)(3) OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN TO ESTABLISH THE COMPENSATION SCHEDULE FOR THE POSITIONS THAT ARE CONTAINED IN SAID SECTIONS EFFECTIVE JANUARY 1, 2013.

Mayor Landis stated the Public Hearing would be December 17, 2012.

ORDINANCE NO. 12-58

AN ORDINANCE TO AMEND SECTIONS 161.06(c)(1) AND 161.06(c)(2) OF THE ADMINISTRATIVE CODE OF THE CODIFIED

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ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN TO ESTABLISH THE COMPENSATION SCHEDULE FOR THE POSITIONS THAT ARE CONTAINED IN SAID SECTIONS EFFECTIVE JANUARY 1, 2013.

Mayor Landis stated the Public Hearing would be December 17, 2012.

ORDINANCE NO. 12-59

AN ORDINANCE TO AMEND SECTIONS 161.07(d)(1) AND 161.07 (d)(2) OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN TO ESTABLISH THE COMPENSATION SCHEDULE FOR THE POSITIONS THAT ARE CONTAINED IN SAID SECTIONS EFFECTIVE JANUARY 1, 2013.

Mayor Landis stated the Public Hearing would be December 17, 2012.

ORDINANCE NO. 12-60

AN ORDINANCE TO DELETE SECTIONS 161.07(c) AND 161.07(e) OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING THE FIRE/EMS DEPARTMENT.

Mayor Landis stated the Public Hearing would be December 17, 2012.

EMERGENCY ORDINANCE NO. 12-61

AN ORDINANCE CREATING SECTION 161.07(c)(3) OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN TO ESTABLISH THE COMPENSATION SCHEDULE FOR THE POSITIONS THAT ARE CONTAINED IN SAID SECTION, EFFECTIVE NOVEMBER 1, 2012, AND DECLARING AN EMERGENCY.

MOTION: Mr. Johnson moved to suspend the rules on Emergency Ordinance No. 12-61.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 6-yes, 0-no. MOTION CARRIED.

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

Mr. Boeder questioned the wording of Emergency Ordinance No. 12-61 regarding the pay for on call employees.

Council discussed the wording of Emergency Ordinance No. 12-61. It was determined that Section 1 (3), fifth (5th) paragraph would have the following sentence added "Personnel that respond to a call for service shall also receive their normal rate of pay."

MOTION: Mr. Boeder moved to amend Emergency Ordinance No. 12-61 as stated.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 6-yes, 0-no. MOTION CARRIED.

MOTION: Mr. Boeder moved to adopt Emergency Ordinance No. 12-61 as amended.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 6-yes, 0-no. MOTION CARRIED.

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EMERGENCY RESOLUTION NO. 12-62

A RESOLUTION OPPOSING THE PASSAGE OF HB 601 BY THE OHIO GENERAL ASSEMBLY WHICH WOULD SIGNIFICANTLY AND NEGATIVELY IMPACT GERMANTOWN'S MUNICIPAL INCOME BY INCLUDING UNFUNDED MANDATES AND SPECIAL TAX BREAKS WHILE CREATING NEW BURDENS, BARRIERS AND STATE BUREAUCRACY IN DIRECT CONTRADICTION TO THE STATED GOAL OF UNIFORMITY AND SIMPLIFICATION IN THE NAME OF ECONOMIC DEVELOPMENT AND DECLARING AN EMERGENCY.

MOTION: Mr. Johnson moved to suspend the rules on Emergency Ordinance No. 12-62.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 6-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. Johnson moved to adopt Emergency Ordinance No. 12-62.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 6-yes, 0-no. **MOTION CARRIED.**

Public Hearing:

None.

EXCUSE ABSENT MEMBERS:

Mr. Schwaberow motioned to excuse Mr. Lynn Koogle.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 6-yes, 0-no. **MOTION CARRIED.**

MOTION: Mr. Johnson moved to adjourn to Executive Session to discuss personnel matters related to the Police Department.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 6-yes, 0-no. **MOTION CARRIED.**

Mayor and Council adjourned to Executive Session at 7:41 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. Mike Kuhn, Mr. Edward Schwaberow and Mr. Brian Wafzig.

MEMBERS ABSENT:

Mr. Lynn Koogle was absent.

ALSO PRESENT:

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

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The aforementioned persons discussed personnel matters related to the Police Department.

MOTION: Mr. Kuhn 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. Kuhn moved to adjourn the meeting.

The meeting adjourned at 7:56 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Theodore E. Landis
Mayor