

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, DECEMBER 17, 12**

The Municipality of Germantown Council met in regular session on December 17, 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. Terry Johnson, Mr. Michael Kuhn, Mr. Edward Schwaberow and Mr. Brian Wafzig.

**MEMBERS ABSENT:**

Mr. Steve Boeder and Mr. Lynn Koogle were absent.

**ALSO PRESENT:**

Also present were Anna Sizemore, Municipal Manager; Tom Schiff, Law Director; Dan Alldred, Fire Chief; Roy McGill, Chief of Police; Matt Burns, Police Major; Jonathan Moore, Director of Public Service; Kelli Sanders-Novak, Clerk of Council and one visitor.

**APPROVAL OF MINUTES:**

Mayor and Council reviewed the December 3, 2012 Regular Session minutes.

**MOTION:** Mr. Schwaberow moved to accept the December 3, 2012 Regular Session minutes as submitted.

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

Mayor and Council reviewed the December 3, 2012 Work Session minutes.

Mr. Kuhn stated that the Work Session minutes should read “Mr. Ranson” not “Mr. Ransom”.

**MOTION:** Mr. Kuhn moved to accept the December 3, 2012 Work Session minutes as amended.

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

**PUBLIC RECOGNITION:**

None.

**CITIZEN’S FORUM:**

None.

**MANAGER’S REPORT:**

Mrs. Sizemore reviewed her report.

**CLERK’S REPORT:**

None.

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**LAW DIRECTOR'S REPORT:**

He attended the OMAA Civil Seminar last week. He will meet with the Manager to discuss the information from the seminar.

He went on by wishing everyone a Merry Christmas.

**POLICE CHIEF'S REPORT:**

Chief McGill gave Council the November Police Department report.

He wished everyone a Merry Christmas.

Mayor Landis read a letter honoring Chief McGill from Chief Morbitzer with the City of Westerville.

**FIRE CHIEF'S REPORT:**

Chief Alldred reviewed the November Fire-EMS report.

He went on by wishing everyone a Happy Holiday Season.

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

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

He wished everyone a Merry Christmas.

**MAYOR'S REPORT:**

He wished everyone a Merry Christmas and Happy New Year.

He went on by saying that our prayers are with the families who were involved in the tragedy in Connecticut.

**COUNCIL MEMBER'S REPORT:**

**Mr. Johnson's Report:**

He announced that the Pool Board and Pool Oversight meetings for Wednesday had been cancelled.

He thanked Rick and Sally Bishop for housing Mr. and Mrs. Claus.

He thanked all the City employees and Board and Committee members for their services throughout the year. He wished everyone a very Merry Christmas and a safe, healthy and Happy New Year.

**Mr. Kuhn's Report:**

He announced that the Economic Development Meeting would be Wednesday at 1:00 p.m.

**Mr. Schwaberow's Report:**

He attended the annual Planning and Zoning Conference at Sinclair last week. They provided a lot of good information and he will share that with the Manager.

He went on by wishing everyone a Merry Christmas and a Happy New Year.

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**Mr. Wafzig's Report:**

He attended the BZA meeting tonight. The Board approved a variance for 1934 Dayton Germantown Pike.

**Legislation:**

**Introduction:**

RESOLUTION NO. 12-63

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

Mayor Landis stated the Public Hearing would be January 7, 2013.

RESOLUTION NO. 12-64

A RESOLUTION AUTHORIZING THE REQUEST FOR ADVANCE OF TAXES FOR 2013 COLLECTED BY THE TREASURER OF MONTGOMERY COUNTY, STATE OF OHIO.

Mayor Landis stated the Public Hearing would be January 7, 2013.

**Public Hearing:**

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

**MOTION:** Mr. Johnson motioned to adopt Resolution No. 12-52.

ROLL CALL: Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 5-yes, 0-no. MOTION CARRIED.

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

**MOTION:** Mr. Johnson motioned to adopt Resolution No. 12-53.

ROLL CALL: Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 5-yes, 0-no. MOTION CARRIED.

ORDINANCE NO. 12-54

AN ORDINANCE ADOPTING THE 2013 MUNICIPAL BUDGET.

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

**MOTION:** Mr. Kuhn motioned to adopt Ordinance No. 12-54.

ROLL CALL: Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 5-yes, 0-no. MOTION CARRIED.

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

**MOTION:** Mr. Kuhn motioned to adopt Ordinance No. 12-55.

ROLL CALL: Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 5-yes, 0-no. MOTION CARRIED.

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

**MOTION:** Mr. Wafzig motioned to adopt Ordinance No. 12-56.

ROLL CALL: Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 5-yes, 0-no. MOTION CARRIED.

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

**MOTION:** Mr. Schwaberow motioned to adopt Ordinance No. 12-57.

ROLL CALL: Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 5-yes, 0-no. MOTION CARRIED.

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 ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN TO

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ESTABLISH THE COMPENSATION SCHEDULE FOR THE POSITIONS THAT ARE CONTAINED IN SAID SECTIONS EFFECTIVE JANUARY 1, 2013.

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

**MOTION:** Mr. Johnson motioned to adopt Ordinance No. 12-58.

ROLL CALL: Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 5-yes, 0-no. MOTION CARRIED.

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

**MOTION:** Mr. Johnson motioned to adopt Ordinance No. 12-59.

ROLL CALL: Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 5-yes, 0-no. MOTION CARRIED.

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

**MOTION:** Mr. Johnson motioned to adopt Ordinance No. 12-60.

ROLL CALL: Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 5-yes, 0-no. MOTION CARRIED.

**EXCUSE ABSENT MEMBERS:**

Mr. Johnson motioned to excuse Mr. Steve Boeder and Mr. Lynn Koogle.

ROLL CALL: Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 5-yes, 0-no. MOTION CARRIED.

**MOTION:** Mr. Johnson moved to adjourn to Executive Session to discuss imminent litigation.

ROLL CALL: Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 5-yes, 0-no. MOTION CARRIED.

Mayor and Council adjourned to Executive Session at 7:26 p.m.

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**EXECUTIVE SESSION:**

**PRESENT:**

The following members were present at the start of the Executive Session: Mayor Theodore Landis, Mr. Terry Johnson, Mr. Mike Kuhn, Mr. Edward Schwaberow and Mr. Brian Wafzig.

**MEMBERS ABSENT:**

Mr. Steve Boeder and Mr. Lynn Koogler were absent.

**ALSO PRESENT:**

Also present were Anna M. Sizemore, Municipal Manager; Tom Schiff, Law Director and Kelli Sanders-Novak, Clerk of Council.

The aforementioned persons discussed imminent litigation.

**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,

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Kelli R. Sanders-Novak  
Clerk of Council

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Theodore E. Landis  
Mayor