

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, FEBRUARY 4, 13**

The Municipality of Germantown Council met in regular session on February 4, 2013 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, and Mr. Brian Wafzig.

**MEMBERS ABSENT:**

Mr. Edward Schwaberow 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 several visitors.

**APPROVAL OF MINUTES:**

Mayor and Council reviewed the January 19, 2013 Work Session/ Retreat Meeting minutes.

**MOTION:** Mr. Koogle moved to accept the January 19, 2013 Work Session/ Retreat Meeting minutes as submitted.

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

Mayor and Council reviewed the January 22, 2013 Regular Session minutes.

**MOTION:** Mr. Wafzig moved to accept the January 22, 2013 Regular Session minutes as submitted.

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

Mayor and Council reviewed the January 22, 2013 Work Session minutes.

**MOTION:** Mr. Koogle moved to accept the January 22, 2013 Work Session minutes as submitted.

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

**PUBLIC RECOGNITION:**

None.

**CITIZEN'S FORUM:**

Glen Bowman, Germantown Historical Society, reviewed their 2013 calendar of events and asked Council to consider donating funds to help support the Historical Society.

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**MANAGER'S REPORT:**

Mrs. Sizemore stated that the Fire-EMS has received several donations and Council needs to accept these donations of \$25.00, \$100.00, and \$125.00.

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

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

Mrs. Sizemore reviewed her report.

**CLERK'S REPORT:**

None.

**LAW DIRECTOR'S REPORT:**

He questioned if Council wanted him to continue with the proposed legislation pertaining to protesting funerals.

Council agreed to move forward with the proposed legislation.

**FINANCE DIRECTOR'S REPORT:**

Mr. Klein briefly reviewed the Emergency Legislation that is on the agenda tonight.

**POLICE CHIEF'S REPORT:**

Chief McGill updated Council on the Financial Reports from the State of Ohio Attorney General's Office.

He announced that the Oasis Club opened on Saturday night. Everything went very well.

**MAYOR'S REPORT:**

He announced that the next Council meeting would be February 19, 2013 due to the holiday.

**COUNCIL MEMBER'S REPORT:**

**Mr. Boeder's Report:**

He stated that the meeting that was originally set with the forester to look at the West Market Street trees has been rescheduled to February 7. We want to look at the trees objectively and make a decision what would not interfere with the construction. Then we can go to the residents and inform them what trees have to be removed and which ones can stay.

**Mr. Johnson's Report:**

The Park Board and Park Oversight Board meetings for the month of February are cancelled.

He asked Council to look at Ordinance No. 13-05 and Ordinance No. 13-06 that is on tonight's agenda. We have discussed the water and sewer bills during Work Sessions and he was under the impression that Council would suspend the CPI's for both water and sewer. He would like Council to consider re-wording both of the Ordinances that will be introduced tonight and the Public Hearing will be held February 19. He would like the wording "for calendar year 2013" be removed from each Ordinance. This would suspend the CPI for water and sewer. If Council would like to unsuspend the rules they can do so.

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**Mr. Koogle's Report:**

None.

**Mr. Kuhn's Report:**

He stated that the Fire-EMS Oversight is no longer a monthly meeting. They are now meeting bi-monthly and will be meeting on March 4.

The Economic Development Committee will be meeting on February 20.

**Mr. Wafzig's Report:**

None.

**Legislation:**

**Introduction:**

RESOLUTION NO. 13-04

A RESOLUTION TO AUTHORIZE THE MUNICIPAL MANAGER TO ENTER INTO AN AGREEMENT WITH THE CITY OF MIDDLETOWN TO ACCEPT ADULT PRISONERS OF THE MUNICIPALITY OF GERMANTOWN WHO ARE ARRESTED ON MINOR MISDEMEANOR CHARGES.

Mayor Landis stated the Public Hearing would be February 19, 2013.

ORDINANCE NO. 13-05

AN ORDINANCE TO SUSPEND THE ANNUAL CPI INCREASE FOR WATER USAGE OVER 3,000 GALLONS AS REQUIRED BY SECTION 919.08(a)(1) OF THE STREETS AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN FOR CALENDAR YEAR 2013.

Mayor Landis questioned Mr. Johnson if he wanted to change the wording in Ordinance No. 13-05 and Ordinance No. 13-06. Mr. Johnson replied that was correct. Mayor Landis requested that Mr. Johnson give the revised wording to the Manager.

Mayor Landis stated the Public Hearing would be February 19, 2013.

ORDINANCE NO. 13-06

AN ORDINANCE TO SUSPEND THE ANNUAL CPI INCREASE FOR SEWER USAGE AS REQUIRED BY SECTION 921.21 OF THE STREETS AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN FOR CALENDAR YEAR 2013.

Mayor Landis stated the Public Hearing would be February 19, 2013.

Mr. Boeder stated that he would like to discuss the changes to the Ordinances before the next meeting. He does not have a problem with the current wording. Once we find out the cost of the projects we would be able to make additional changes.

Mr. Johnson stated that this wording is not what was agreed upon during a previous Work Session.

Mr. Boeder stated that he recalls that Council decided to do away with the CPI increase but he does not recall it to be suspended indefinitely.

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Mr. Johnson stated that either way it is done it will need to be brought back to Council to vote on again.

Mr. Boeder stated he would like to see the wording in both Ordinances left as it is written now with no changes.

Council and the Law Director briefly discussed the options of how to handle the Public Hearing scheduled for February 19 for Ordinance No. 13-05 and Ordinance No. 13-06.

**EMERGENCY RESOLUTION NO. 13-07**

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO AN AGREEMENT WITH THE MIAMI VALLEY COMMUNICATIONS COUNCIL FOR CODERED SERVICES FROM FEBRUARY 9, 2013 TO FEBRUARY 9, 2014, AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Koogle moved to suspend the rules on Emergency Resolution No. 13-07.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, 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. Boeder moved to adopt Emergency Resolution No. 13-07.

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

**EMERGENCY ORDINANCE NO. 13-08**

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$335,000, BY THE MUNICIPALITY OF GERMANTOWN, MONTGOMERY COUNTY, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF ACQUIRING AND CONSTRUCTING PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE HICKORY POINTE AREA, INCLUDING IMPROVEMENTS TO STATE ROUTE 4 IN THE MUNICIPALITY, AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Boeder moved to suspend the rules on Emergency Ordinance No. 13-08.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, 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. Boeder moved to adopt Emergency Ordinance No. 13-08.

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

**EMERGENCY ORDINANCE NO. 13-09**

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$180,000, BY THE MUNICIPALITY OF GERMANTOWN, MONTGOMERY COUNTY, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING PART OF THE COST OF RECONSTRUCTING CHERRY STREET INCLUDING PAVEMENT, CURB, GUTTER, STORM SEWER AND WATERLINE IMPROVEMENTS, AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Koogle moved to suspend the rules on Emergency Ordinance No. 13-09.

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ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, 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. Kuhn moved to adopt Emergency Ordinance No. 13-09.

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

**EMERGENCY ORDINANCE NO. 13-10**

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$412,000, BY THE MUNICIPALITY OF GERMANTOWN, MONTGOMERY COUNTY, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF ACQUIRING AND INSTALLING WATER SYSTEM IMPROVEMENTS AND PARTICULARLY, NEW WATER METERS IN THE MUNICIPALITY, AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Johnson moved to suspend the rules on Emergency Ordinance No. 13-10.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, 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. Koogle moved to adopt Emergency Ordinance No. 13-10.

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

**EMERGENCY ORDINANCE NO. 13-11**

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$580,000, BY THE MUNICIPALITY OF GERMANTOWN, MONTGOMERY COUNTY, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING PART OF THE COST OF RECONSTRUCTING THE EAST MARKET STREET WATER MAIN AND SANITARY SEWER FORCE MAIN, AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Johnson moved to suspend the rules on Emergency Ordinance No. 13-11.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, 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. Kuhn moved to adopt Emergency Ordinance No. 13-11.

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

**EMERGENCY ORDINANCE NO. 13-12**

AN ORDINANCE CONSOLIDATING FOUR BOND ANTICIPATION NOTE ISSUES OF THE MUNICIPALITY OF GERMANTOWN, MONTGOMERY COUNTY, OHIO INTO A CONSOLIDATED NOTE ISSUE, AND

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ESTABLISHING THE TERMS OF SUCH CONSOLIDATED NOTE ISSUE,  
AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Koogle moved to suspend the rules on Emergency Ordinance No. 13-12.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, 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. Boeder moved to adopt Emergency Ordinance No. 13-12.

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

**Public Hearing:**

RESOLUTION NO. 13-01

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO PURCHASE A DODGE CHARGER FROM GREVE CHRYSLER, 756 WEST ERVIN ROAD, VAN WERT, OHIO 45891 FOR THE PURCHASE PRICE OF \$22,814.00 FOR USE BY THE MUNICIPALITY OF GERMANTOWN POLICE 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 Resolution No. 13-01.

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

RESOLUTION NO. 13-02

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO ANY AGREEMENT FOR FINANCIAL ASSISTANCE AS REQUIRED BY THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM FOR THE SANITARY SEWER REHABILITATION PROJECT PHASE 1.

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. 13-02.

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

RESOLUTION NO. 13-03

A RESOLUTION AUTHORIZING THE MUNICIPAL MANGER TO ENTER INTO ANY AGREEMENT FOR FINANCIAL ASSISTANCE AS REQUIRED BY THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM FOR THE WEST MARKET STREET IMPROVEMENT PROJECT PHASE 1.

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. 13-03.

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

**EXCUSE ABSENT MEMBERS:**

Mr. Johnson motioned to excuse Mr. Schwaberow.

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

**ADJOURNMENT:**

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

The meeting adjourned at 7:36 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak  
Clerk of Council

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Theodore E. Landis  
Mayor