

MUNICIPALITY OF GERMANTOWN COUNCIL

TUESDAY, FEBRUARY 19, 13

The Municipality of Germantown Council met in regular session on February 19, 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. Michael Kuhn, and Mr. Brian Wafzig.

MEMBERS ABSENT:

Mr. Lynn Koogle and Mr. Edward Schwaberow 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; 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 February 4, 2013 Regular Session minutes.

MOTION: Mr. Johnson moved to accept the February 4, 2013 Regular Session minutes as submitted.

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

Mayor and Council reviewed the February 4, 2013 Work Session minutes.

MOTION: Mr. Wafzig moved to accept the February 4, 2013 Work Session minutes as submitted.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Kuhn, 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 stated that the Municipality has received a donation and Council needs to accept the donation of \$20.00.

MOTION: Mr. Kuhn moved to accept the donation to the Municipality.

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

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Mrs. Sizemore stated that the Fire-EMS has received several donations and Council needs to accept these donations of \$50.00, \$20.00, \$20.00, \$50.00, \$35.00, and \$25.00.

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

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

Mrs. Sizemore reviewed her report.

She went on by saying that the Service Director was unable to attend the meeting tonight, but she had a few updates for Council. The installation of the new water meters is underway. We do have approximately 500 residents that have not contacted the Utility Sales Company to schedule their installation. She encouraged residents to call and schedule their appointment if they have not done so to avoid their water from being disconnected.

The current software company that we use for utility billing is not cooperating with us or our new company. These delays are causing the utility bills to be estimated, but when the new software is implemented the bills will be adjusted if the residents have overpaid.

The Service Department has been doing routine storm drain and sewer cleaning.

There is a good supply of road salt.

She thanked the City of Franklin for their assistance last week with the valve issue on Route 4.

CLERK'S REPORT:

None.

LAW DIRECTOR'S REPORT:

None.

FINANCE DIRECTOR'S REPORT:

Mr. Klein stated that we are having difficulty with the utility department file conversion. Our current company Donald Frey is not working with us or our new company Software Solutions. This difficulty is costing us time and money. Donald Frey has done nothing to help us with the conversion and this will stop. We will get through this but it will take some time.

POLICE CHIEF'S REPORT:

Chief McGill gave a presentation on the 2012 Annual Police Department Report.

FIRE CHIEF'S REPORT:

Chief Alldred reviewed the January Fire-EMS report.

MAYOR'S REPORT:

He attended the FRWWC meeting with Jonathan Moore. They discussed options of what to do when the Veolia contract expires in 2015. They are working on updating a service agreement and a property evaluation. The Municipality's flow rates have been down which is good news.

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COUNCIL MEMBER'S REPORT:

Mr. Boeder's Report:

He attended the meeting with the forester to look at the West Market Street project. The forester did not support saving the trees along West Market but did give solutions to planting new trees, a selection of trees to plant and soil preparation tips. The Emerald Ash Borer has done much harm to many of the trees in this area, making it difficult to save them. After the initial shock of losing all the trees, in the end we do not want to create a liability for ourselves.

The Forester recommended the Municipality becoming a Tree City USA. This could give us eligibility on other projects to come. This would be a Council decision but he personally is very much in favor for it. It would be a good example to what could be done on our future projects and other communities could learn as well.

Mr. Johnson's Report:

The Pool Board and the Pool Oversight will meet on Wednesday.

Mr. Kuhn's Report:

The Economic Development Committee will be meeting on Wednesday.

Mr. Wafzig's Report:

He will be attending the MVCC meeting on Wednesday. He will have an update at the next meeting.

The first Saturday Night Out meeting will be held in February.

He asked the Manager to notify the residents that will be affected by the West Market Street project before they start any spring projects.

Legislation:

Introduction:

ORDINANCE NO. 13-13
AN ORDINANCE CREATING SECTION 509.21 OF THE GENERAL
OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE
MUNICIPALITY OF GERMANTOWN REGARDING FUNERAL PROTESTS.

Mayor Landis stated the Public Hearing would be March 4, 2013.

RESOLUTION NO. 13-14
A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER
INTO A TWO-YEAR EXTENSION OF THE CURRENT CONTRACT WITH
RUMPKE OF OHIO, INC., 10795 HUGHES ROAD, CINCINNATI, OH 45251,
FOR SOLID WASTE AND CURBSIDE RECYCLING SERVICES FOR THE
PERIOD OF MAY 1, 2013 THROUGH APRIL 30, 2015.

Mayor Landis stated the Public Hearing would be March 4, 2013.

EMERGENCY RESOLUTION NO. 13-15
A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER
INTO A CONTRACT WITH BRUMBAUGH CONSTRUCTION, INC., 3520
ST. RT. 49, BOX 309, ARCANUM, OH 45304, FOR THE CHERRY STREET
IMPROVEMENT PROJECT PHASE 3, OPWC PROJECT NUMBER

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CD08P/CD09P, IN THE AMOUNT OF \$411,193.00, AND DECLARING AN EMERGENCY.

MOTION: Mr. Johnson moved to suspend the rules on Emergency Resolution No. 13-15.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Landis, yes. 5-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 Resolution No. 13-15.

Mr. Boeder questioned if there was any acceptable protocol to allow other bidders to review the lowest bid that was accepted. Mrs. Sizemore stated at the bid opening anyone may view the lowest bid. She went on by saying that OPWC must approve the bid the Municipality has accepted before Council may vote on it.

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

Public Hearing:

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

MOTION: Mr. Kuhn motioned to adopt Resolution No. 13-04.

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

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

MOTION: Mr. Johnson motioned to amend Ordinance No. 13-05 by removing “for calendar year 2013” from the Title, the second Whereas and in Section 1 of the legislation.

ROLL CALL: Mr. Boeder, no; Mr. Johnson, yes; Mr. Kuhn, no; Mr. Wafzig, yes; Mayor Landis, yes. 3-yes, 2-no. MOTION CARRIED.

MOTION: Mr. Johnson motioned to adopt Ordinance No. 13-05 as amended.

ROLL CALL: Mr. Boeder, no; Mr. Johnson, yes; Mr. Kuhn, no; Mr. Wafzig, yes; Mayor Landis, yes. 3-yes, 2-no. MOTION CARRIED.

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

MOTION: Mr. Johnson motioned to amend Ordinance No. 13-06 by removing “for calendar year 2013” from the Title, the second Whereas and in Section 1 of the legislation.

ROLL CALL: Mr. Boeder, no; Mr. Johnson, yes; Mr. Kuhn, no; Mr. Wafzig, yes; Mayor Landis, yes. 3-yes, 2-no. MOTION CARRIED.

MOTION: Mr. Johnson motioned to adopt Ordinance No. 13-06 as amended.

ROLL CALL: Mr. Boeder, no; Mr. Johnson, yes; Mr. Kuhn, no; Mr. Wafzig, yes; Mayor Landis, yes. 3-yes, 2-no. MOTION CARRIED.

EXCUSE ABSENT MEMBERS:

Mr. Johnson motioned to excuse Mr. Koogle and Mr. Schwaberow.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Landis, yes. 5-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 7:45 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Theodore E. Landis
Mayor