

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, MAY 6, 13**

The Municipality of Germantown Council met in regular session on May 6, 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; Kelli Sanders-Novak, Clerk of Council and several visitors.

**APPROVAL OF MINUTES:**

Mayor and Council reviewed the April 15, 2013 Regular Session minutes.

**MOTION:** Mr. Kuhn moved to accept the April 15, 2013 Regular Session minutes as submitted.

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

Mayor and Council reviewed the April 15, 2013 Work Session minutes.

**MOTION:** Mr. Koogle moved to accept the April 15, 2013 Work Session minutes as submitted.

**ROLL CALL:** Mr. Boeder, yes; Mr. Johnson, abstain; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Landis, yes. 5-yes, 1-abstention. **MOTION CARRIED.**

**PUBLIC RECOGNITION:**

Mayor Landis, Mr. Koogle and Jerry Ginter presented Margaret Phelps a plaque for 13 years of dedicated service to the Germantown Senior Center.

**CITIZEN'S FORUM:**

None.

**MANAGER'S REPORT:**

Mrs. Sizemore reviewed her report.

**CLERK'S REPORT:**

None.

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**LAW DIRECTOR'S REPORT:**

The Municipal Engineer has been looking into the Wetz Lane issue and he found a court case dated from 1891. The Law Director will be at the Court House on Tuesday and will follow up on this issue and get back with Council.

At the last meeting he updated Council on how the State of Ohio was handling Internet Cafes. Apparently that information was wrong. He recommends that the Municipality continue with the moratorium until a decision is made at the State level.

The two pieces of legislation that is on the agenda tonight regarding the annexation of property is due to a timing error. We were one day late with filing the original paperwork.

**POLICE CHIEF'S REPORT:**

He handed out the March Police Department Report.

**MAYOR'S REPORT:**

Jonathan Moore and he attended the FRWWTC meeting last week. They are continuing to review the contract with Veolia that will be expiring in 2015.

**COUNCIL MEMBER'S REPORT:**

**Mr. Boeder's Report:**

The Cemetery Board meeting is May 13.

He encouraged everyone to exercise their right to vote on May 7. Understand the issues and make a logical decision.

Next year he will be the Lions Club President. One of the interest points is to combine their time and efforts with other organizations in the community. He would like to see us show off our community and will update Council with any new information.

**Mr. Johnson's Report:**

Pool Board will be meeting on May 15.

The VVBase Opening Day Parade will be May 11.

He went on by reminding everyone to get out and vote tomorrow.

**Mr. Koogle's Report:**

He asked everyone to get out and vote tomorrow.

**Mr. Kuhn's Report:**

The Economic Development meeting for last month was cancelled. The next meeting will be on May 15.

He attended the Fire Oversight meeting tonight and briefly reviewed the April report. They are performing hydrant checks. He reminded everyone to run their water for a few minutes if they are experiencing any discoloration. The Fire Department is also in the process of painting hydrants. Drivers need to be aware of them and take caution.

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**Mr. Wafzig's Report:**

He was unable to attend the last MVCC meeting so Mr. Schwaberow attended in his place. He briefly reviewed the information from the meeting Mr. Schwaberow attended. MVCC is working on various building repairs. Centerville has completed their video on how to choose an electric provider. He encouraged anyone who may want to change their supplier to watch this show. The next meeting will be May 15.

The next Saturday Night Out meeting will be May 9.

**Legislation:**

**Introduction:**

RESOLUTION NO. 13-25

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

Mayor Landis stated the Public Hearing would be May 20, 2013.

RESOLUTION NO. 13-26

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

Mayor Landis stated the Public Hearing would be May 20, 2013.

ORDINANCE NO. 13-27

AN ORDINANCE AMENDING SECTION 161.08(d)(3) OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING SEASONAL EMPLOYEES.

Mayor Landis stated the Public Hearing would be May 20, 2013.

EMERGENCY RESOLUTION NO. 13-28

A RESOLUTION ADOPTING A STATEMENT INDICATING SERVICES THE MUNICIPALITY OF GERMANTOWN, OHIO, WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE MUNICIPALITY OF GERMANTOWN PURSUANT TO A PETITION FILED WITH THE BOARD OF COUNTY COMMISSIONERS BY THE MUNICIPALITY OF GERMANTOWN AS PROVIDED BY THE OHIO REVISED CODE SECTION 709.023, AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Johnson moved to suspend the rules on Emergency Resolution No. 13-28.

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.

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. 13-28.

Mrs. Sizemore stated that this is the resolution that is required by the Ohio Revised Code that states the services the Municipality will provide to a property that we are looking to annex into the Municipality. This is the old north wellfield property that is owned by the Municipality but currently lies in the Township.

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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.

**EMERGENCY RESOLUTION NO. 13-29**

A RESOLUTION ADOPTING A STATEMENT INDICATING SERVICES THE MUNICIPALITY OF GERMANTOWN, OHIO, WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE MUNICIPALITY OF GERMANTOWN PURSUANT TO A PETITION FILED WITH THE BOARD OF COUNTY COMMISSIONERS BY THE MUNICIPALITY OF GERMANTOWN AS PROVIDED BY THE OHIO REVISED CODE SECTION 709.023, AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Johnson moved to suspend the rules on Emergency Resolution No. 13-29.

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. Johnson moved to adopt Emergency Resolution No. 13-29.

Mrs. Sizemore stated that this is the resolution that is required by the Ohio Revised Code that states the services the Municipality will provide to a property that we are looking to annex into the Municipality. The back portion of the Service Building lies in the Township.

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 RESOLUTION NO. 13-30**

A RESOLUTION DECLARING THE OFFICIAL INTENT AND REASONABLE EXPECTATION OF THE MUNICIPALITY OF GERMANTOWN ON BEHALF OF THE STATE OF OHIO (THE BORROWER) TO REIMBURSE ITS STREET CAPITAL IMPROVEMENT FUND FOR THE CHERRY STREET IMPROVEMENT PROJECT PHASE 3, OPWC PROJECT NUMBER CD08P/CD09P WITH THE PROCEEDS OF TAX EXEMPT DEBT OF THE STATE OF OHIO, AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Koogle moved to suspend the rules on Emergency Resolution No. 13-30.

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 Resolution No. 13-30.

Mrs. Sizemore stated this is a requirement from OPWC and it is simply so that the City can go ahead and pay the contractor when the contractor makes a draw. It does not hold up the time it takes for the paper work to be sent to the State. This allows us to pay the contractor and then the State will reimburse the Municipality.

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.

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**Public Hearing:**

RESOLUTION NO. 13-22

A RESOLUTION TO DECLARE A MEYER CAMEL JET SEWER JETTER TRAILER AS PUBLIC SERVICE DEPARTMENT 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. Boeder motioned to adopt Resolution No. 13-22.

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.

**EXCUSE ABSENT MEMBERS:**

Mr. Johnson motioned to excuse Mr. Schwaberow.

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.

**ADJOURNMENT:**

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

The meeting adjourned at 7:34 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak  
Clerk of Council

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Theodore E. Landis  
Mayor