

MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, SEPTEMBER 16, 13

The Municipality of Germantown Council met in regular session on September 16, 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, Mr. Edward Schwaberow and Mr. Brian Wafzig.

MEMBERS ABSENT:

None.

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; Kelli Sanders-Novak, Clerk of Council and two visitors.

APPROVAL OF MINUTES:

Mayor and Council reviewed the September 3, 2013 Regular Session minutes.

MOTION: Mr. Kuhn moved to accept the September 3, 2013 Regular Session minutes as submitted.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 7-yes, 0-no. **MOTION CARRIED.**

Mayor and Council reviewed the September 3, 2013 Work Session minutes.

MOTION: Mr. Kuhn moved to accept the September 3, 2013 Work Session minutes as submitted.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 7-yes, 0-no. **MOTION CARRIED.**

Mayor and Council reviewed the September 6, 2013 Special Session minutes.

MOTION: Mr. Johnson moved to accept the September 6, 2013 Special Session minutes as submitted.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 7-yes, 0-no. **MOTION CARRIED.**

PUBLIC RECOGNITION:

None.

CITIZEN'S FORUM:

None.

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MANAGER'S REPORT:

Mrs. Sizemore reviewed her report.

CLERK'S REPORT:

Mrs. Novak stated a request from the Ohio Division of Liquor Control for a transfer of a C-2 & C-2X (beer and wine) liquor license for Super Food Services Inc. dba Germantown Fresh Market was received and Council will need to determine if a hearing is requested or not. She spoke with the Police Chief and he has no issues with the transfer.

All agreed to not have a hearing for the liquor license transfer for Super Food Services Inc. dba Germantown Fresh Market.

LAW DIRECTOR'S REPORT:

When he was attending the OMAA convention he was made aware of an ordinance that the City of Dublin has put into place regarding texting while driving. He discussed this with our Police Department and they would like Council to review it. He will forward a copy of this ordinance for Council to review.

He has given the Manager a copy of changes made to the current peddlers/vendors legislation for her to review.

He handed out the Home Occupation information for Council to discuss during the work session on tonight's agenda.

He went on by saying that there is an executive session on the agenda tonight to discuss the Managers evaluation and we will also need to discuss litigation regarding the cemetery.

POLICE CHIEF'S REPORT:

Chief McGill apologized for the delay in the Police Department monthly report. He will have it to Council by the next meeting. He has been discussing the school zone signage with the Law Director and will be meeting the school officials as well regarding new signs that would have times as to when the 20 mph is enforced. Many drivers are confused as to when the school zone speed limit is in effect.

MAYOR'S REPORT:

Mayor Landis stated that Kristina Alsip is interested in serving on the City Beautiful Committee.

MOTION: Mr. Johnson moved to appoint Kristina Alsip to the City Beautiful Committee.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 7-yes, 0-no. **MOTION CARRIED.**

He went on by saying that he attended the First National Bank Celebration of 150 years on Saturday and it was great. Tom Winning from the bank has stated that the bank was involved in financing the Civil War. We have on record from past Council meetings that Council approved \$17.00 to repair the hitching post in front of the bank.

COUNCIL MEMBER'S REPORT:

Mr. Boeder's Report:

He stated that the Cemetery will have the 0.5 mil levy on the ballot in November. He explained that the current levy would be expiring this year and that the Cemetery Board will be handling the levies themselves from now on. Overall the Cemetery is looking good and we are trying to move forward with the land that was purchased to the west of the Cemetery.

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Mr. Johnson's Report:

He stated that the celebration at the bank this past weekend was very nice. He reminded everyone that the Pretzel Festival would be coming up soon and encouraged everyone to attend.

Mr. Koogle's Report:

He said "Hi" to his grandson.

Mr. Kuhn's Report:

The Economic Development meeting will be Wednesday.

He was out of town for the celebration at the bank but he heard it was a huge success. He thanked all those who were involved with the celebration.

Mr. Schwaberow's Report:

None.

Mr. Wafzig's Report:

He thanked Gold Star Chili for inviting Council to their ribbon cutting event last week.

Legislation:

Introduction:

RESOLUTION NO. 13-45

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES FOR TAX YEAR 2013/2014 AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

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

RESOLUTION NO. 13-46

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED.

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

RESOLUTION NO. 13-47

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED.

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

RESOLUTION NO. 13-48

A RESOLUTION GRANTING TO THE DAYTON POWER AND LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE IN THE CITY OF GERMANTOWN, STATE OF OHIO, FOR A PERIOD OF FIVE (5) YEARS, AUTOMATICALLY RENEWING FOR

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ADDITIONAL PERIODS OF TWO (2) YEARS UNLESS NOTICE IS GIVEN,
COMMENCING ON THE EFFECTIVE DATE OF THIS RESOLUTION.

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

EMERGENCY RESOLUTION NO. 13-49

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO A CONTRACT WITH CULY CONTRACTING, 5 INDUSTRIAL PARK DRIVE, P.O. BOX 29, WINCHESTER, INDIANA 47394, IN THE AMOUNT OF \$41,400.00 FOR ADDITIONAL WATER VALVES AS PART OF THE WEST MARKET STREET IMPROVEMENT PROJECT PHASE 1, AND DECLARING AN EMERGENCY.

MOTION: Mr. Koogle moved to suspend the rules on Emergency Resolution No. 13-49.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 7-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. 13-49.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

EMERGENCY RESOLUTION NO. 13-50

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO A CONTRACT WITH CULY CONTRACTING, 5 INDUSTRIAL PARK DRIVE, P.O. BOX 29, WINCHESTER, INDIANA 47394, IN THE AMOUNT OF \$8,230.00 FOR CLEANING SILT FROM UNDER THE BRIDGE AS PART OF THE WEST MARKET STREET IMPROVEMENT PROJECT PHASE 1, AND DECLARING AN EMERGENCY.

MOTION: Mr. Johnson moved to suspend the rules on Emergency Resolution No. 13-50.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 7-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. 13-50.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

EMERGENCY RESOLUTION NO. 13-51

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO A CONTRACT WITH ZIMMERMAN CONCRETE, P.O. BOX 1, GERMANTOWN, OHIO 45327, IN THE AMOUNT OF \$34,500.00 FOR THE CDBG HANDICAPPED ACCESS INFRASTRUCTURE PHASE 1 PROJECT, AND DECLARING AN EMERGENCY.

MOTION: Mr. Johnson moved to suspend the rules on Emergency Resolution No. 13-51.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

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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. 13-51.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

Public Hearing:

RESOLUTION NO. 13-41

A RESOLUTION EXTENDING A MORATORIUM ON THE GRANTING OF ANY PERMITS ALLOWING THE OPERATION OF INTERNET CAFES OR OF BUSINESSES DEVOTING FLOOR SPACE TO INTERNET-BASED SWEEPSTAKES GAMES WITHIN THE MUNICIPALITY OF GERMANTOWN FOR A PERIOD OF SIX (6) MONTHS.

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

MOTION: Mr. Kuhn moved to adopt Resolution No. 13-41.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

RESOLUTION NO. 13-42

A RESOLUTION ADOPTING THE 2014-2016 CAPITAL PROGRAM.

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

MOTION: Mr. Koogle moved to adopt Resolution No. 13-42.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

RESOLUTION NO. 13-43

A RESOLUTION TO AUTHORIZE THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE STREET CAPITAL IMPROVEMENT FUND.

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

MOTION: Mr. Johnson moved to adopt Resolution No. 13-43.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

EXCUSE ABSENT MEMBERS:

None.

MOTION: Mr. Kuhn moved to adjourn to Executive Session to discuss personnel matters related to the Municipal Manager and litigation regarding the cemetery.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

Mayor and Council adjourned to Executive Session at 7:39 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. Steve Boeder, Mr. Terry Johnson, Mr. Lynn Koogle, Mr. Mike Kuhn, Mr. Edward Schwaberow and Mr. Brian Wafzig.

MEMBERS ABSENT:

None.

ALSO PRESENT:

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

The aforementioned persons discussed personnel matters related to the Municipal Manager and litigation regarding the cemetery.

Mrs. Sizemore excused herself at 7:52 p.m.

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 8:43 p.m.

ADJOURNMENT:

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

The meeting adjourned at 8:51 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Theodore E. Landis
Mayor