

MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, OCTOBER 7, 13

The Municipality of Germantown Council met in regular session on October 7, 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; Terry Klein, Finance Director; Kelli Sanders-Novak, Clerk of Council and several visitors.

APPROVAL OF MINUTES:

Mayor and Council reviewed the September 16, 2013 Regular Session minutes.

Mr. Wafzig stated that page 2 under, Law Director's Report second paragraph should read "given" not "giving", under Mayor's Report last sentence remove "a", under Mr. Boeder's Report should read "ballot" not "ballet". On page 3 under his report should read "Council" not "them".

MOTION: Mr. Wafzig moved to accept the September 16, 2013 Regular Session minutes as amended.

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:

Brian Martin, Executive Director with Miami Valley Regional Planning Commission, introduced himself to Council. He thanked Germantown for their support of "Going Places". He thanked everyone for their involvement with MVRPC. He encouraged the City to use MVRPC for information/data they may need.

He introduced Mike Lucas, employee of MVRPC, who is a resident of Germantown and works on the MVRPC website.

Mr. Koogle questioned if there was any new information on the relocation of the Montgomery County Fairgrounds. Mr. Martin replied that MVRPC is not involved in that but he has heard that other communities are interested in this move as well.

Mr. Schwaberow stated that he has enjoyed being the representative for Germantown at MVRPC. He likes the collaborative feeling with all the communities working together.

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Mr. Martin thanked everyone for their time and encouraged everyone to visit the MVRPC website.

Celeste French, Executive Director of the Germantown Senior Center, introduced herself to Council and updated everyone on the activities and events that are occurring at the Center.

MANAGER'S REPORT:

Mrs. Sizemore stated that the Fire-EMS has received a donation and Council needs to accept this donation of \$50.00.

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

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

Mrs. Sizemore stated that the Senior Center has received a donation and Council needs to accept this donation of \$5.00.

MOTION: Mr. Koogler moved to accept the donation to the Senior Center.

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

Mrs. Sizemore reviewed her report.

CLERK'S REPORT:

None.

LAW DIRECTOR'S REPORT:

He stated that the State has finally enacted the Internet Café statute.

There is an Executive Session on the agenda tonight to discuss a few items.

He attended the Pretzel Festival and had a really nice time.

FINANCE DIRECTOR'S REPORT:

The Audit Committee met tonight and we discussed the third quarter finance report. We are up to date on all of our financials. At the next Audit Committee meeting we will be discussing the water/sewer rate study.

He briefly explained Emergency Ordinance No. 13-58 that is on the agenda. The reason for the emergency is due to the short time this note will be in existence and a short timing issue.

POLICE CHIEF'S REPORT:

The August report was in the Council packets and he will have the September report at the next meeting.

He thanked his staff for all their hard work with the various construction projects and the Pretzel Festival. They all did a great job.

MAYOR'S REPORT:

October is Breast Cancer Awareness Month. He encouraged women to have mammograms regularly.

He announced that Trick-or-Treat would be Thursday, October 31 from 6:00-8:00 p.m.

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He attended the FRWWTC meeting last week. They have not passed the budget yet. The flow rates are down at this time. We will be receiving a true-up check this year for approximately \$22,000.00.

He also attended the ECPC meeting with Chief McGill last week. They discussed the system going to digital and the cost of this upgrade.

COUNCIL MEMBER'S REPORT:

Mr. Boeder's Report:

He stated that the Cemetery Board is sending out mailers to the residents informing them of the 0.5 mil levy that will be on the ballot in November. If you have any questions please feel free to contact him, Greg Hanahan, Steve Wright or Bob Rohrbach. It is very important that this levy gets passed. This is a very little amount of money but it does so much good at keeping the Cemetery the way everyone wants it kept.

Mr. Johnson's Report:

He attended the Pretzel Festival and had a great time. He thanked everyone for their hard work to make it a great success.

He attended the Audit Committee Meeting tonight and Council will be receiving a copy of the report soon. The Committee will meet again on October 21.

He thanked the Allen Family, owners of the By-Jo Theater, for the digital upgrade to the theater. He took his family there to watch a movie and it was awesome.

Mr. Koogle's Report:

The Senior Oversight Committee will meet on Thursday.

Mr. Kuhn's Report:

None.

Mr. Schwaberow's Report:

None.

Mr. Wafzig's Report:

None.

Legislation:

Introduction:

RESOLUTION NO. 13-52

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

Mayor Landis stated the Public Hearing would be October 21, 2013.

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RESOLUTION NO. 13-53

A RESOLUTION AUTHORIZING THE PICK-UP OF PAYROLL CONTRIBUTIONS BY THE EMPLOYEES WHO ARE MEMBERS OF THE OHIO POLICE AND FIRE PENSION FUND BY PAYING THE CONTRIBUTIONS THROUGH A PAYROLL REDUCTION.

Mayor Landis stated the Public Hearing would be October 21, 2013.

RESOLUTION NO. 13-54

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO COLLECT UNCLAIMED FUNDS FROM THE DEPARTMENT OF COMMERCE DIVISION OF UNCLAIMED FUNDS ON BEHALF OF THE MUNICIPALITY OF GERMANTOWN.

Mayor Landis stated the Public Hearing would be October 21, 2013.

MOTION: Mr. Koogle moved to remove Emergency Resolution No. 13-55, Emergency Resolution No. 13-56 and Emergency Resolution No. 13-57.

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 ORDINANCE NO. 13-58

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$450,000 BY THE MUNICIPALITY OF GERMANTOWN, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF ACQUIRING AND CONSTRUCTING VARIOUS STREET IMPROVEMENTS INCLUDING DRAINAGE IMPROVEMENTS IN THE MUNICIPALITY, AND DECLARING AN EMERGENCY.

MOTION: Mr. Koogle moved to suspend the rules on Emergency Ordinance No. 13-58.

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 Ordinance No. 13-58.

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. 13-45

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

MOTION: Mr. Johnson moved to adopt Resolution No. 13-45.

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

MOTION: Mr. Kuhn moved to adopt Resolution No. 13-46.

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. 13-47

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

MOTION: Mr. Koogle moved to adopt Resolution No. 13-47.

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. 13-48

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

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

MOTION: Mr. Boeder moved to adopt Resolution No. 13-48.

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 Pending Litigation and Personnel Matters Related to the Municipal Manager's Evaluation.

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 7:44 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 pending litigation and personnel matters related to the Municipal Manager's evaluation.

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 8:10 p.m.

ADJOURNMENT:

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

The meeting adjourned at 8:11 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Theodore E. Landis
Mayor