

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, NOVEMBER 18, 13**

The Municipality of Germantown Council met in regular session on November 18, 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 three visitors.

**APPROVAL OF MINUTES:**

Mayor and Council reviewed the November 4, 2013 Regular Session minutes.

Mr. Boeder stated he had read the minutes and would like them to be retyped with his questions directed to the Manager included.

**MOTION:** Mr. Kuhn moved to table the November 4, 2013 Regular Session minutes.

**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.**

Council reviewed the November 4, 2013 Work Session minutes.

**MOTION:** Mr. Koogle moved to accept the November 4, 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, abstain; Mayor Landis, yes. 6-yes, 1-abstention. **MOTION CARRIED.**

Council reviewed the November 12, 2013 Special Session minutes.

**MOTION:** Mr. Koogle moved to accept the November 12, 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.**

Council reviewed the November 12, 2013 Special Session minutes.

**MOTION:** Mr. Wafzig moved to accept the November 12, 2013 Special Session minutes as submitted.

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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.

**MANAGER'S REPORT:**

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

**MOTION:** Mr. Koogle moved to accept the donations to the Senior Center.

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.

Mrs. Sizemore reviewed her report.

Mr. Schwaberow questioned if the handicap ramps on Market Street will be repaired at the contractors expense. Mrs. Sizemore replied yes.

Mr. Koogle stated he would like to see the repair work on the handicap ramps on Market Street done in the spring if it is not a safety issue. There may be more cracks/damage over the winter.

Mrs. Sizemore requested an Executive Session to discuss personnel matters related to the Police Department.

Mr. Wafzig stated the water bills may be incorrect on the graph and there is no recording of July on the graph. Mrs. Sizemore replied that she would have the company correct the graph.

**CLERK'S REPORT:**

None.

**LAW DIRECTOR'S REPORT:**

He stated that he would not be attending the OMAA in December. He does not feel the topics would be beneficial.

**POLICE CHIEF'S REPORT:**

Chief McGill handed out the October Police Department Report.

He went on by saying that there has not been a homicide in Germantown since 1980. However last week there was child of approximately 22 months transported by our EMS to the hospital for injuries. Since that time the child has passed away due to those injuries. There is an ongoing investigation by our department and other local officials. At this time there will not be any press release or any more information giving publically until he has something significant to report.

**MAYOR'S REPORT:**

Jonathan Moore and he attended the FRWWC meeting a few weeks ago. Cheryl Shields gave a summary of the monthly operations. Bill Coleman was supposed to attend the meeting and discuss upgrading the plant. He was unable to attend but will hopefully attend at a later date. We are considering negotiating with Viola to continue operations.

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Mr. Schwaberow requested a summary/outline of the status of what is happening at FRWWC or even have Ms. Shields attend a Council meeting. This information would also be beneficial to all the members of FRWWC. Mrs. Sizemore replied that she would contact FRWWC and get information for Council to review.

Mayor Landis read the highlights of Dan Nicholas's, with Hazen and Sawyer, letter. These upgrades consisted of screening of grit removal, irrigation of basins and other various items.

**COUNCIL MEMBER'S REPORT:**

**Mr. Boeder's Report:**

He stated that he attended the Cemetery Board meeting. We were dismayed by the outcome of the levy. We will bring it back at the appropriate time.

He attended the Clean Ohio Program with the Manger today. The acquisition of the area adjacent to Kercher Park was straight forward. He had mentioned the interest of a dog park somewhere. They advised purchasing the land for a dog park and not include it with this possible project. The potential of acquiring Camp Miami and the demolition of the buildings was also discussed. We possibly could get assistance for the demolition expenses of Camp Miami. This would have to then be used as a park or grass land. Council may want to consider this as an option. The browns field option is an option but we will need to apply for the Clean Ohio Funds through Montgomery County. When you apply for the browns fields program, you are in competition with all the applications throughout the state. The lady was pointing us in the direction for demolition with the Clean Ohio Program. The Clean Ohio Program, since it is bonded and approved by the State, the monies are available immediately. We can proceed with that. At this point in time Council needs to review the options and have some open discussions. The deadline is in February and they are willing to work with us in preparing the application.

He is planning on attending a meeting in Piqua regarding small community funding. He will update Council on this information at the next Council meeting.

He would like to discuss the minutes again during work session.

**Mr. Johnson's Report:**

He attended the Park Board meeting this month. The Christmas in the Park event was discussed and plans are still being finalized. Santa and Mrs. Clause will arrive at 6:00 p.m. on December 7.

The Pool Board will meet on November 20.

He went on to congratulate Mr. Boeder on becoming Mayor.

He wished everyone a Happy Thanksgiving.

**Mr. Koogler's Report:**

The CBC met on November 13 to work on the fluffing and decorating of the potted Christmas trees. They are also meeting tonight to continue working on this project.

**Mr. Kuhn's Report:**

The Economic Development meeting will be November 20.

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**Mr. Schwaberow's Report:**

He attended the MVRPC meeting this month. It was a fairly quick meeting. We did congratulate the winners of the election and said good bye to those who were leaving. There was no real business discussed pertaining to Germantown.

**Mr. Wafzig's Report:**

He will be attending the MVCC meeting on November 20. They will be discussing the proposed budget and various other topics. He will update Council at the next meeting.

**Legislation:**

**Introduction:**

ORDINANCE NO. 13-68

AN ORDINANCE AMENDING SECTION 1123.02 OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN TO ADD THE DEFINITION OF LANDSCAPING BUSINESS.

Mayor Landis stated the Public Hearing would be December 2, 2013.

ORDINANCE NO. 13-69

AN ORDINANCE AMENDING SECTION 1127.12(d) OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING PRINCIPAL PERMITTED USES IN AN AGRICULTURAL DISTRICT.

Mayor Landis stated the Public Hearing would be December 2, 2013.

ORDINANCE NO. 13-70

AN ORDINANCE AMENDING SECTION 135.12 OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING UNCLAIMED MONEY.

Mayor Landis stated the Public Hearing would be December 2, 2013.

RESOLUTION NO. 13-71

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO AN AGREEMENT WITH THE MONTGOMERY COUNTY PUBLIC DEFENDER COMMISSION AND THE MONTGOMERY COUNTY PUBLIC DEFENDER OFFICE FOR 2014 SERVICES FOR THE MUNICIPAL COURT.

Mayor Landis stated the Public Hearing would be December 2, 2013.

ORDINANCE NO. 13-72

AN ORDINANCE TO REPEAL CHAPTER 725 OF THE BUSINESS REGULATION CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN KNOWN AS THE CANVASSING AND DOOR-TO-DOOR SOLICITATION CODE AND TO ADOPT A REPLACEMENT CHAPTER 725 WHICH SHALL HEREAFTER BE KNOWN AS CHAPTER 725 PEDDLERS, VENDORS, CANVASSERS AND CHARITABLE SOLICITATIONS CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN.

Mayor Landis stated the Public Hearing would be December 2, 2013.

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ORDINANCE NO. 13-73  
AN ORDINANCE ESTABLISHING THE EMS CAPITAL IMPROVEMENTS  
FUND.

Mayor Landis stated the Public Hearing would be December 2, 2013.

ORDINANCE NO. 13-74  
AN ORDINANCE ESTABLISHING THE FIRE CAPITAL IMPROVEMENTS  
FUND.

Mayor Landis stated the Public Hearing would be December 2, 2013.

**Public Hearing:**

RESOLUTION NO. 13-64  
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. Koogle moved to adopt Resolution No. 13-64.

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. 13-65  
A RESOLUTION TO AUTHORIZE THE TRANSFER OF FUNDS FROM THE  
GENERAL FUND TO THE STREET FUND FOR CALENDAR YEAR 2012.

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. 13-65.

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. 13-66  
A RESOLUTION TO AUTHORIZE THE TRANSFER OF FUNDS FROM THE  
GENERAL FUND TO THE STREET FUND FOR CALENDAR YEAR 2013.

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

**MOTION:** Mr. Wafzig moved to adopt Resolution No. 13-66.

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 Police Department.

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 and Council adjourned to Executive Session at 7:37 p.m.

**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 Police Department.

**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 8:27 p.m.

**ADJOURNMENT:**

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

The meeting adjourned at 8:27 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak  
Clerk of Council

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Theodore E. Landis  
Mayor