

MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, DECEMBER 2, 13

The Municipality of Germantown Council met in regular session on December 2, 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; Kelli Sanders-Novak, Clerk of Council and three visitors.

APPROVAL OF MINUTES:

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

MOTION: Mr. Boeder moved to adopt 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, abstain; Mayor Landis, yes. 6-yes, 1-abstension. **MOTION**

Mayor and Council reviewed the November 18, 2013 Regular Session minutes.

Mr. Boeder stated on page 3 under his report, second paragraph mid way is a sentence that needs to be complete. It just ends with the word "of". Mrs. Novak replied that she would look into it and complete the sentence.

MOTION: Mr. Koogle moved to adopt the November 18, 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.**

Mayor and Council reviewed the November 18, 2013 Work Session minutes.

MOTION: Mr. Koogle moved to accept the November 18, 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 November 21, 2013 Special Session minutes.

MOTION: Mr. Boeder moved to accept the November 21, 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:

Mindy Inloes, 1098 East Market Street, passed out photos of her property reflecting the views of the new Windcliff II project. Her property was the only property that was directly affected by the new Windcliff project. DMHA removed a portion of a brush/tree line at the rear of her property exposing the complex's playground. The brush/tree line was on the property of Windcliff. She is disheartened that the City did not let her know that the second phase of the project was moving forward. She would have liked to have been informed that a playground was being installed 15 feet from her property. Windcliff has installed trees and four foot fencing but it does not camouflage the tall playground equipment. If she would have been told about the location of the playground she would have tried to fight DMHA. She requested a six foot fence from DMHA and they did not do it. She feels that she is left with the financial burden to regain her privacy again. If she would have seen the plans before hand, she would have been able to budget money for fencing and trees of her own.

She went on by saying the water pressure at her home is very low. She would like to know what will happen when all the units in the Windcliff project are filled. Will this cause even less water pressure.

Mr. Koogle replied that the City is currently having a water study done. He thanked Mrs. Inloes for informing them of the problem so they can make the Engineer aware of it.

Mr. Boeder stated that he has the same problem with water pressure on Lindell at his home.

Mrs. Sizemore stated that the Engineer is to have the water study to Council by the end of the year.

Mr. Wafzig questioned if this was the original location of the playground. Mrs. Inloes replied that she understood that the plans had changed and it was originally somewhere else but was moved to its current location.

Mr. Schwaberow stated the staff would have to look at the original plans to see if there was a change in the location of the playground.

Mrs. Inloes questioned if Center Street was at one time to be extended to Market Street. She had noticed this on old site plans. Mr. Koogle replied that he was not aware of anything.

Mr. Schwaberow questioned what would satisfy Mrs. Inloes regarding the situation with the Windcliff project. Mrs. Inloes replied that she would possibly like a mound/barrier or fence installed or a tax abatement for a year.

Mr. Johnson stated that we tried to get DMHA to purchase some of the vacant homes/properties throughout the City. They insisted on building the new units and our hands were tied. We exhausted everything we could.

Mrs. Inloes went on by saying that the next time this occurs to please inform the residents/tax payers of the community so they have the right to fight for themselves if they feel it is necessary.

Council briefly discussed the placement of the Windcliff playground.

MANAGER'S REPORT:

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Mrs. Sizemore stated that the Fire-EMS has received several donations and Council needs to accept these donations of \$25.00, \$30.00, \$50.00 and \$20.00.

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

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. Wafzig stated he would like to see a complete financial report from FRWWC. Mrs. Sizemore replied she will contact FRWWC to see if they can provide us with this report and she will pass it along to Council.

Mrs. Sizemore reminded everyone that there would be a vacant Council seat as of January 1.

Council discussed the vacant Council seat. Staff was directed to advertise in the Germantown Press, Twin Valley Publications, the Germantown website, Channel 5 and have Ben Mersch, with the Germantown Press, do a press release. The deadline for applicants will be December 20 so Council will have time to review the information and make a selection as soon as possible.

Mr. Boeder questioned if the property at Center Street and Cherry Street is underway and when is the deadline for the company to cease operations on Plum Street. Mrs. Sizemore replied that they are working very hard and were even working on Thanksgiving Day. Mr. Green understands that he must be out of his Plum Street location by the end of December.

Mrs. Sizemore stated that she has asked that the Engineers to look at the Megan Lane path issue. If we are going to install a fence she would like to make sure that we do so on our property and have no future issues. Associate Construction confirmed that it is a public walkway and we now need to determine where exactly the lines are.

Council discussed the proposed fencing that would be installed at the Megan Lane path. It was determined that the Police Chief will look at the situation and take photos. He will report back to the Manager with his concerns/opinions. The Manager will also get a map of the property showing where the proposed fence would be located along with a cost to install a fence.

CLERK'S REPORT:

None.

LAW DIRECTOR'S REPORT:

None.

POLICE CHIEF'S REPORT:

None.

MAYOR'S REPORT:

He warned everyone about the scam phone calls that are being made this time of the year. He stated that he had received two disturbing phone calls regarding his banking accounts and his home address. He doesn't want to see anyone get scammed, especially at this time of the year.

COUNCIL MEMBER'S REPORT:

Mr. Boeder's Report:

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He attended a work shop in Piqua on November 19 regarding Strong Towns and funding for small communities. He advised members to visit strongtowns.org for more information. During the meeting they stressed that cities need to be aware of the choices/projects that are done today and how they will affect the future. Good choices today will avoid failure in the future. We need to consider how we invest funds in the community.

The recount for the Cemetery Levy will be December 4 in the morning. We were 6 votes short of the levy passing.

He would like to discuss the parking spaces on North Cherry Street during Work Session tonight.

Mr. Johnson's Report:

The Christmas in the Park event will be December 7. Santa and Mrs. Clause will arrive at 6:00 p.m. He hopes to see everyone there.

Mr. Koogle's Report:

None.

Mr. Kuhn's Report:

None.

Mr. Schwaberow's Report:

None.

Mr. Wafzig's Report:

He attended the MVCC meeting on November 20. He explained in detail the reason why some residents are not able to view channels they once were able to view. He listed the channels and solutions to this problem. Contact TWC or visit the local store for more information.

He reminded Council Members that "New Council Member Training" will be on February 5. We are invited to attend for refresher training if we are currently serving.

He briefly updated Council on various other topics of the November 20 MVCC meeting.

He encouraged everyone to shop local and dine local. We need to support our local businesses because if we do not, we could lose them.

Legislation:

Introduction:

ORDINANCE NO. 13-75

AN ORDINANCE AMENDING SECTION 101.08 OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING FEE WHEN CHECK NOT HONORED BY BANK.

Mayor Landis stated the Public Hearing would be December 16, 2013.

RESOLUTION NO. 13-76

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO AN AGREEMENT WITH THE MIAMI VALLEY COMMUNICATIONS

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COUNCIL FOR CODERED SERVICES FROM FEBRUARY 9, 2014 TO
FEBRUARY 9, 2015.

Mayor Landis stated the Public Hearing would be December 16, 2013.

Public Hearing:

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

MOTION: Mr. Wafzig moved to adopt Ordinance No. 13-68.

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.

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

MOTION: Mr. Schwaberow moved to adopt Ordinance No. 13-69.

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.

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

MOTION: Mr. Kuhn moved to adopt Ordinance No. 13-70.

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. 13-71

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

MOTION: Mr. Koogle moved to adopt Resolution No. 13-71.

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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.

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

MOTION: Mr. Kuhn moved to adopt Ordinance No. 13-72.

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.

ORDINANCE NO. 13-73

AN ORDINANCE ESTABLISHING THE EMS CAPITAL IMPROVEMENTS FUND.

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

MOTION: Mr. Boeder moved to adopt Ordinance No. 13-73.

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.

ORDINANCE NO. 13-74

AN ORDINANCE ESTABLISHING THE FIRE CAPITAL IMPROVEMENTS 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 Ordinance No. 13-74.

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.

ADJOURNMENT:

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

The meeting adjourned at 8:02 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak
Clerk of Council

Theodore E. Landis
Mayor