

MUNICIPALITY OF GERMANTOWN COUNCIL

TUESDAY, JANUARY 21, 14

The Municipality of Germantown Council met in regular session on January 21, 2014 at 7:00 p.m. in the Municipal Building Council Chambers.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited.

The Law Director gave the Oath of Office to Stephen Boeder- Mayor, Michael Kuhn and Brian Wafzig- Council Members.

Mayor Boeder thanked many people who helped him become Mayor. He has been on Council for four years and in that time has gotten to know the citizens of Germantown and the other Council Members well. This is important. When you are serving on Council you hear what needs to be fixed. He thanked those who supported him with his campaign. Sitting down with certain residents who gave support with heart to heart conversations gave him inspiration. He has much respect for Terry and Mayor Landis and he feels that it would not have been bad for the City if either one of them would have been elected. He has much respect for Terry and the other Members of Council. The Mayor and Council are just seven individuals that make decisions for this community. We are only seven people and we have many Boards and Commissions that need residents to volunteer and help. Residents need to feel free to come to a Council Meeting and speak and not feel branded. At least not on his watch. Over the past years he has had a good repore with his fellow Council Members and he would like to continue that over the next four years. He wishes his wife could have been here tonight. She was a wonderful lady and has influenced him in many ways. He thanked everyone and is looking forward to getting to work.

MEMBERS PRESENT:

The following members were present at the Call to Order: Mayor Stephen Boeder, Mr. Terry Johnson, Mr. Lynn Koogle, Mr. Michael Kuhn, 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; Scott Brown, Police Lieutenant; Terry Klein, Finance Director; Kelli Sanders-Novak, Clerk of Council and several visitors.

Mayor Boeder stated that the agenda for tonight has been changed and this requires a motion from Council to move forward with the Finance Directors Report next.

MOTION: Mr. Koogle moved to change the order of the Council agenda for tonight.

VOICE VOTE ON MOTION. ALL IN FAVOR. MOTION CARRIED.

FINANCE DIRECTOR'S REPORT:

Terry Klein stated that in the near future we will need to pass proposed legislation to combine our current bond notes that would consolidate them at a low interest rate. Mr. Burns with Robert W. Baird and Company is here tonight to show the details to consolidating these notes.

Michael Burns provided Council with information regarding the proposed legislation and how consolidating these notes at a low interest rate would be beneficial to the Municipality now and in the future. We will need Council to move quickly on these interest rates and a decision; we must have these in place by February 13.

MUNICIPALITY OF GERMANTOWN COUNCIL

TUESDAY, JANUARY 21, 14

ORGANIZATION:

Mayor Boeder asked for a nomination for the President of Council for 2014.

MOTION: Mr. Wafzig moved to appoint Lynn Koogle as President of Council for 2014.

VOICE VOTE ON MOTION. ALL IN FAVOR. MOTION CARRIED.

2014 Council Liaisons

Audit Committee

Mayor Boeder stated the Audit Committee consists of the Mayor-himself, President of Council-Mr. Koogle and an appointed Council Member.

MOTION: Mr. Koogle moved to appoint Terry Johnson as the Liaison to the Audit Committee.

ROLL CALL: Mr. Johnson, abstained; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 4-yes, 1-abstension. MOTION CARRIED.

Board of Zoning Appeals

Mayor Boeder stated that Brian Wafzig currently serves as the Board of Zoning Appeals Liaison and he would like to serve again.

MOTION: Mr. Koogle moved to appoint Brian Wafzig as the Liaison to the Board of Zoning Appeals.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, abstained; Mayor Boeder, yes. 4-yes, 1-abstension. MOTION CARRIED.

Planning Commission

Mayor Boeder stated that Brian Wafzig would like to serve as the Liaison for the Planning Commission.

MOTION: Mr. Kuhn moved to appoint Brian Wafzig as the Liaison to the Planning Commission.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, abstained; Mayor Boeder, yes. 4-yes, 1-abstension. MOTION CARRIED.

Parks & Receptions

Mayor Boeder stated that Terry Johnson currently serves as the Parks & Recreation Liaison and he would like to serve again.

MOTION: Mr. Koogle moved to appoint Terry Johnson as the Liaison to the Parks & Recreation Board.

ROLL CALL: Mr. Johnson, abstained; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 4-yes, 1-abstension. MOTION CARRIED.

Pool Board

Mayor Boeder stated that Terry Johnson currently serves as the Pool Board Liaison and he would like to serve again.

MOTION: Mr. Kuhn moved to appoint Terry Johnson as the Liaison to the Pool Board.

MUNICIPALITY OF GERMANTOWN COUNCIL

TUESDAY, JANUARY 21, 14

ROLL CALL: Mr. Johnson, abstained; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 4-yes, 1-abstension. MOTION CARRIED.

City Beautiful Commission

Mayor Boeder stated that Mr. Koogle is not interested in serving as the City Beautiful Commission Liaison for 2014. He suggested leaving this position open until after Council has made a decision on the new Council Members.

Firemen's Dependents Board

Mayor Boeder stated that Brian Wafzig and he currently serve as the Firemen's Dependents Board Liaison and would like to serve again.

MOTION: Mr. Koogle moved to appoint Brian Wafzig and Mayor Boeder as the Liaisons to the Firemen's Dependents Board.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED.

Personnel Board

Mayor Boeder stated that Terry Johnson currently serves as the Personnel Board Liaison and he would like to serve again.

MOTION: Mr. Koogle moved to appoint Terry Johnson as the Liaison to the Personnel Board.

ROLL CALL: Mr. Johnson, abstained; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 4-yes, 1-abstension. MOTION CARRIED.

Cemetery Board

Mayor Boeder stated that Lynn Koogle would like to serve as the Liaison for the Cemetery Board.

MOTION: Mr. Johnson moved to appoint Lynn Koogle as the Liaison to the Cemetery Board.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, abstained; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 4-yes, 1-abstension. MOTION CARRIED.

Economic Development

Mayor Boeder stated that Mike Kuhn and Lynn Koogle currently serve as the Economic Development Liaison and would like to serve again.

MOTION: Mr. Johnson moved to appoint Mike Kuhn and Lynn Koogle as the Liaisons to the Economic Development Committee.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED.

Parks Oversight

Mayor Boeder stated that Terry Johnson currently serves as the Parks Oversight Liaison and he would like to serve again.

MOTION: Mr. Koogle moved to appoint Terry Johnson as the Liaison to the Parks Oversight.

MUNICIPALITY OF GERMANTOWN COUNCIL

TUESDAY, JANUARY 21, 14

ROLL CALL: Mr. Johnson, abstained; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 4-yes, 1-abstension. MOTION CARRIED.

Pool Oversight

Mayor Boeder stated that Terry Johnson currently serves as the Pool Oversight Liaison and he would like to serve again.

MOTION: Mr. Koogle moved to appoint Terry Johnson as the Liaison to the Pool Oversight.

ROLL CALL: Mr. Johnson, abstained; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 4-yes, 1-abstension. MOTION CARRIED.

Fire Oversight

Mayor Boeder stated that Mike Kuhn currently serves as the Fire Oversight Liaison and he would like to serve again.

MOTION: Mr. Johnson moved to appoint Mike Kuhn as the Liaison to the Fire Oversight.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, abstained; Mr. Wafzig, yes; Mayor Boeder, yes. 4-yes, 1-abstension. MOTION CARRIED.

Senior Oversight

Mayor Boeder stated that Lynn Koogle currently serves as the Senior Oversight Liaison and he would like to serve again.

MOTION: Mr. Johnson moved to appoint Lynn Koogle as the Liaison to the Senior Oversight.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, abstained; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 4-yes, 1-abstension. MOTION CARRIED.

MVRPC

Mayor Boeder stated that he would like to serve as the Liaison for MVRPC.

MOTION: Mr. Johnson moved to appoint Mayor Boeder as the Liaison to the MVRPC.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED.

Mayor Boeder stated that Lynn Koogle currently serves as the alternate to the MVRPC Liaison and he would like to serve again.

MOTION: Mr. Johnson moved to appoint Lynn Koogle as the alternate Liaison to the MVRPC.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, abstained; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 4-yes, 1-abstension. MOTION CARRIED.

MVRTC

Mayor Boeder stated that he would like to serve as the Liaison for MVRTC and Lynn Koogle would like to serve as the alternate.

MOTION: Mr. Johnson moved to appoint Mayor Boeder as the Liaison to the MVRTC and Lynn Koogle as the alternate.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED.

MUNICIPALITY OF GERMANTOWN COUNCIL

TUESDAY, JANUARY 21, 14

MVRPC Technical

Mayor Boeder stated that Anna Sizemore as the MVRPC Technical Liaison and Jonathan Moore as the alternate.

MOTION: Mr. Koogle moved to appoint Anna Sizemore as the Technical Liaison to the MVRPC and Jonathan Moore as the alternate.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED.

MVCC

Mayor Boeder stated that Brian Wafzig currently serves as the MVCC Liaison and Mike Kuhn as the alternate.

MOTION: Mr. Koogle moved to appoint Brian Wafzig as the Liaison to MVCC and Mike Kuhn as the alternate.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED.

FRWWTC

Mayor Boeder stated that Jonathan Moore has been asked to serve by the FRWWTC Board and Mayor Boeder would like to serve as the alternate.

MOTION: Mr. Johnson moved to appoint Jonathan Moore as the Liaison to FRWWTC and Mayor Boeder as the alternate.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED.

2014 Committee Appointments

Mayor Boeder announced that the Board of Tax Appeals has a vacant seat with a term that expires in 2016.

Board of Zoning Appeals

Mayor Boeder stated that Jeff Jones currently serves and would like to serve again. This term will expire in 2014. Scott Johnson currently serves and would like to serve again. This term will expire in 2017.

MOTION: Mr. Koogle moved to reappoint Jeff Jones and Scott Johnson to the Board of Zoning Appeals.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED.

City Beautiful Commission

Mayor Boeder stated that Kristen Alsip currently serves and would like to serve again. This term will expire in 2016.

MOTION: Mr. Kuhn moved to reappoint Kristen Alsip to the City Beautiful Commission.

MUNICIPALITY OF GERMANTOWN COUNCIL

TUESDAY, JANUARY 21, 14

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED.

Economic Development

Mayor Boeder stated that Tom Winning currently serves and would like to serve again. This term will expire in 2016.

MOTION: Mr. Kuhn moved to reappoint Tom Winning to the Economic Development.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED.

Fire Oversight Committee

Mayor Boeder stated that Ron Comer, Richard Pettit and Glenn Jirka currently serve and would like to serve again. These terms will expire in 2015.

MOTION: Mr. Wafzig moved to reappoint Ron Comer, Richard Pettit and Glenn Jirka to the Fire Oversight Board.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED.

Parks and Recreation Board

Mayor Boeder stated that Ryan Waits currently serves and would like to serve again. This term will expire in 2018.

MOTION: Mr. Johnson moved to reappoint Ryan Waits to the Parks and Recreation Board.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED.

Planning Commission

Mayor Boeder stated that Andrew Rohrbach currently serves and would like to serve again. This term will expire in 2017.

MOTION: Mr. Kuhn moved to reappoint Andrew Rohrbach to the Planning Commission.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED

Personnel Board

Mayor Boeder stated that Jim Wafzig and Mark Heistand currently serve and would like to serve again. These terms will expire in 2015.

The Personnel Board does have a vacant seat that expires in 2014.

MOTION: Mr. Koogle moved to reappoint Jim Wafzig and Mark Heistand to the Personnel Board.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED

MUNICIPALITY OF GERMANTOWN COUNCIL

TUESDAY, JANUARY 21, 14

Pool Board

Mayor Boeder stated that Jay Phares and Jon Harvey currently serve and would like to serve again. These terms will expire in 2016.

MOTION: Mr. Johnson moved to reappoint Jay Phares and Jon Harvey to the Pool Board.

ROLL CALL: Mr. Johnson, yes; Mr. Koogler, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED

Records Commission

Mayor Boeder stated that Terry Klein, Tom Schiff, Kelli Novak and he are on the Records Commission. Gail Githens currently serve and would like to serve again. This term will expire in 2014.

MOTION: Mr. Koogler moved to appoint Mayor Boeder, Terry Klein, Tom Schiff, Kelli Novak and Gail Githens to the Records Commission.

ROLL CALL: Mr. Johnson, yes; Mr. Koogler, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED

Senior Oversight

Mayor Boeder stated that Ron Fox currently serves and would like to serve again. This term will expire in 2015.

MOTION: Mr. Johnson moved to reappoint Ron Fox to the Senior Oversight Board.

ROLL CALL: Mr. Johnson, yes; Mr. Koogler, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED

APPROVAL OF MINUTES:

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

MOTION: Mr. Johnson moved to adopt the December 16, 2013 Regular Session minutes as submitted.

ROLL CALL: Mr. Johnson, yes; Mr. Koogler, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED

Mayor and Council reviewed the December 16, 2013 Work Session minutes.

MOTION: Mr. Kuhn moved to accept the December 16, 2013 Work Session minutes as submitted.

ROLL CALL: Mr. Johnson, yes; Mr. Koogler, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED

Mayor and Council reviewed the December 19, 2013 Special Session minutes.

MOTION: Mr. Koogler moved to accept the December 19, 2013 Special Session minutes as submitted.

ROLL CALL: Mr. Johnson, yes; Mr. Koogler, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED

Mayor and Council reviewed the December 23, 2013 Special Session minutes.

MUNICIPALITY OF GERMANTOWN COUNCIL

TUESDAY, JANUARY 21, 14

MOTION: Mr. Wafzig moved to accept the December 23, 2013 Special Session minutes as submitted.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED

Mayor and Council reviewed the December 30, 2013 Special Session minutes.

MOTION: Mr. Johnson moved to accept the December 30, 2013 Special Session minutes as submitted.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED

PUBLIC RECOGNITION:

None.

CITIZEN'S FORUM:

Jay Hunter, 7 Sunset Place, shared photos with Council regarding the debris and trash that travel in the creek that is located behind his property. This creek bed runs behind the pool and all the way behind Sunset to Twin Creek. We have been told that it is in the works of being cleaned out this year. The debris that is causing a problem is cut limbs and trunks that people are dumping into the waterway. This causes problems for the properties in our area. We have had the Police out to look at the problem of the dumping and they found a syringe laying in the debris that had washed down the creek. Could the City send the residents that back up to the creek notification to let them know it is illegal to dump into the creek. When this debris clogs the creek it causes backups/damage to the home/property.

Mrs. Sizemore stated that she would look into it and report back to Council regarding this matter.

Mr. Koogle asked that this topic be put on the next work session. The dumping has been going on for a long time and Council is aware of the situation.

Ron Butler, 26 Moler Avenue, stated that he has had three issues with the sump overflowing. When the creek backs up it causes saturation and when this occurs water comes up from the bottom of our basements. He suggested the creek be redone and a smooth bottom put in to correct the problem.

Mr. Wafzig stated that the Engineer is looking into this issue and how to correct the grade of the creek.

Dixie McGee, 425 South Walnut Street, stated that her basement percolates when the water backs up. We would like to know who is responsible for maintaining the creek and who owns it. We keep our property maintained. The problem is a rental property down the street.

Lavon Butler, 26 Moler Avenue, stated that this has been a stressful issue. In 2011-2012 our back yard was half covered with water and we ended up with a backup in our basements. We would like your consideration on correcting the problem. We have wanted to address this issue with Council for some time and we are very passionate about this. This issue affects the value of our properties.

Dixie McGee stated that we also have a problem that there is no one to contact after 5:00 p.m. We have been reprimanded by 911 for calling them.

Mrs. Sizemore replied that they need to contact the non emergency dispatch number 855-6567 that will contact the Service Department Director and if he is not available Dispatch will call her cell phone.

MUNICIPALITY OF GERMANTOWN COUNCIL

TUESDAY, JANUARY 21, 14

Mr. Wafzig stated he would like to see the Service Department keep an eye on this situation especially during the spring months.

Mr. Butler stated this creek is not capable to hold this water. It needs to be corrected soon.

Mayor Boeder stated that we need to get a positive grade and possibly replace the culvert. We will need to look into the property and see if there is an easement.

The Law Director stated that first we need to determine exactly who owns this area and who is responsible before the City does anything.

MANAGER'S REPORT:

Mrs. Sizemore stated that the Fire-EMS has received several donations and Council needs to accept these donations of \$25.00, \$50.00, \$50.00, \$25.00, \$50.00 \$50.00, \$50.00, \$100.00, \$20.00, \$25.00, \$400.00, \$25.00 and \$50.00.

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

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. **MOTION CARRIED**

Mrs. Sizemore asked Council to entertain a motion to support an EDGE Grant application for Steve Mersch's Company Point Source. We will have official legislation at a later date. By perusing this grant we would be encouraging a local business to move and expand their business.

Mr. Wafzig stated that he would like to discuss this EDGE Grant during the Work Session.

MOTION: Mr. Wafzig moved to support an EDGE Grant for Point Source.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. **MOTION CARRIED**

Mrs. Sizemore went on by asking for Council to entertain a motion to write off abatement charges for the listed properties that were unable to be collected or any assessment put against the properties. We have exhausted our means of collecting these charges and the Auditor will want to see this list.

MOTION: Mr. Kuhn moved to allow the listed abatement charges to be written off.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. **MOTION CARRIED**

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 liquor license for Shree Gopi, Inc. dba Spartan Mart 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 Shree Gopi, Inc. dba Spartan Mart.

Mrs. Novak stated a request from the Ohio Division of Liquor Control for a change of corporate stock ownership of a liquor license for FMJHH, Inc. dba El Rancho Grande was received and

MUNICIPALITY OF GERMANTOWN COUNCIL

TUESDAY, JANUARY 21, 14

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 change.

All agreed to not have a hearing for the liquor license change for FMJHH, Inc. dba El Rancho Grande.

LAW DIRECTOR'S REPORT:

He had sent Council an email regarding the sign issue that has been lingering for a while. He suggested forming a small committee to evaluate the information and move forward. This issue is a community issue and would be best if designed by the community. Jeff Jones, Brian Wafzig and possibly another person would form the committee.

Mr. Koogle stated he would like to see the BZA involved in the process also. He is also in favor of forming a committee to design the new sign legislation.

The Law Director stated that he has had stunning lack of cooperation with subpoenas. This is not a joke and it is not an option to appear in court. By not showing up to Court he has the power to issue a warrant for arrest and possible jail time. The process is very lengthy for staff and him and is also costly. This is a serious matter. Those who are watching please note this.

He went on by asking for an Executive Session to discuss pending litigation before Council goes into Work Session.

POLICE CHIEF'S REPORT:

Chief McGill congratulated Mayor Boeder, Mr. Kuhn and Mr. Wafzig.

Chief McGill briefly reviewed the December Police Department report.

The Germantown Honor Guard attended the Montgomery County Chiefs of Police Ceremony. They did an excellent job.

Regarding the homicide investigation from November 2013, a suspect has been arrested. He read the article regarding the details of the arrest. He went on by thanking and commending all the staff for their hard work on this case.

MAYOR'S REPORT:

He attended the Mayors and Managers Meeting in January. He found it very interesting and met the Mayor of Dayton.

Due to weather we did not have a January 6 meeting. This meeting would have been Mr. Schwaberow's last meeting. He suggested having a plaque made for Ed acknowledging his years of service.

Mr. Koogle stated he would like to see a plaque made for Mr. Schwaberow. He has been a very active part of this community not only being the City Manager and Council but also through his church and the Lions Club. He has done a lot of good for this community.

Mrs. Sizemore stated that she would take care of ordering the plaque.

He received an invitation for Council to attend a Wright State basketball game. Please let him know if you are interested in attending.

COUNCIL MEMBER'S REPORT:

Mr. Johnson's Report:

He thanked the Service Department for their hard work at keeping the roads clear this season.

MUNICIPALITY OF GERMANTOWN COUNCIL

TUESDAY, JANUARY 21, 14

The Park Board meeting was cancelled for January.

He presented a framed flag/letter that was given by Derek Schell with the Service Department. While serving in Afghanistan, Derek had this flag flown in honor of Germantown. We will be hanging this for display in the Municipal Building.

Mr. Koogle's Report:

None.

Mr. Kuhn's Report:

The Economic Development Committee met last week. Everyone was able to attend and many great ideas were tossed around. We are moving forward in the right direction. The Bicentennial sign still needs to find a permanent home and we are considering the parking lot next to Don's Pizza. We would like to see the parking lot developed with benches and trash cans added. This would be a great improvement to that area.

When he first became a Council Member he looked up to Mr. Schwaberow to get them through the old budget reports. This has improved now that we have Mr. Klein but in the beginning it was bad. He was a great influence to him and he thanked him for his service to the community.

Mr. Wafzig's Report:

The MVCC meeting was cancelled for January. The next meeting will be February 19.

He commented on the 2013/2014 property tax rates. These rates are low in comparison to neighboring communities.

He has spoken to some members of the Business Breakfast group. The group would like to become more involved in the Community. He suggested they bring their ideas to Council to see if Council would like to help/support them. He also suggested that they contact the local Chamber of Commerce and the Economic Development Committee. They currently have over 20 members and it is good to see citizens wanting to help and volunteer.

Mr. Kuhn stated that he attends the Business Breakfast group and he thinks it would be beneficial if the Business Breakfast group, Chamber of Commerce and the Economic Development Committee would meet every few months to share ideas.

Legislation:

Introduction:

RESOLUTION NO. 14-01

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

Mayor Boeder stated the Public Hearing would be February 3, 2014.

RESOLUTION NO. 14-04

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

Mayor Boeder stated the Public Hearing would be February 3, 2014.

MUNICIPALITY OF GERMANTOWN COUNCIL

TUESDAY, JANUARY 21, 14

EMERGENCY ORDINANCE NO. 14-02

AN ORDINANCE LEVYING ASSESSMENTS FOR THE CUTTING AND REMOVAL OF WEEDS AND/OR PLANT GROWTH FOR CERTAIN PROPERTIES IN THE MUNICIPALITY OF GERMANTOWN, OHIO, AND DECLARING AN EMERGENCY.

MOTION: Mr. Koogle moved to suspend the rules on Emergency Ordinance No. 14-02.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. **MOTION CARRIED**

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

MOTION: Mr. Kuhn moved to adopt Emergency Ordinance No. 14-02.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. **MOTION CARRIED**

EMERGENCY RESOLUTION NO. 14-03

A RESOLUTION STRONGLY OPPOSING THE PASSAGE OF AMENDED SUBSTITUTE HOUSE BILL 5 BY THE OHIO GENERAL ASSEMBLY, ENCOURAGING THE ADOPTION OF CHANGES RECOMMENDED BY THE OHIO MUNICIPAL LEAGUE, AND DECLARING AN EMERGENCY.

MOTION: Mr. Kuhn moved to suspend the rules on Emergency Ordinance No. 14-03.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. **MOTION CARRIED**

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

MOTION: Mr. Kuhn moved to adopt Emergency Ordinance No. 14-03.

The Law Director briefly explained that House Bill 5 would give the State of Ohio the power to control the collection of local taxes.

Mr. Boeder stated that there are pages and pages related to this Bill. This would not be beneficial to the Cities for the State to take this over. We have seen this with the Estate Tax situation.

Mr. Wafzig stated that many Cities would lose money and would force the Cities to pass levies. This language is to compromise the language in the Bill.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. **MOTION CARRIED**

Public Hearing:

RESOLUTION NO. 13-77

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

Mrs. Sizemore stated that this is a transfer of monthly funds that the City receives and the State Auditor has asked that we do this monthly.

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

MOTION: Mr. Kuhn moved to adopt Resolution No. 13-77.

MUNICIPALITY OF GERMANTOWN COUNCIL

TUESDAY, JANUARY 21, 14

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED

EXCUSE ABSENT MEMBERS:

None.

MOTION: Mr. Kuhn moved to adjourn to Executive Session to discuss pending litigation.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED

Mayor and Council adjourned to Executive Session at 8:33 p.m.

EXECUTIVE SESSION:

PRESENT:

The following members were present at the start of the Executive Session: Mayor Stephen Boeder, Mr. Terry Johnson, Mr. Lynn Koogle, Mr. Michael Kuhn, 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.

MOTION: Mr. Wafzig motioned to return to regular session.

VOICE VOTE ON MOTION. ALL IN FAVOR. MOTION CARRIED.

Mr. Koogle excused himself at 8:53 p.m.

Mayor and Council reconvened into Regular Session at 8:54 p.m.

ADJOURNMENT:

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

The meeting adjourned at 8:55 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Stephen A. Boeder
Mayor