

MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, JUNE 16, 14

The Municipality of Germantown Council met in regular session on June 16, 2014 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 Stephen Boeder, Mr. Mark Heistand, Mr. Scott Johnson, Mr. Lynn Koogle and Mr. Brian Wafzig.

MEMBERS ABSENT:

Mr. Terry Johnson and Mr. Michael Kuhn were absent.

ALSO PRESENT:

Also present were Anna Sizemore, Municipal Manager; Tom Schiff, Law Director and Matt Burns, Police Major.

PUBLIC RECOGNITION:

None.

CITIZEN'S FORUM:

None.

APPROVAL OF MINUTES:

Mayor and Council reviewed the June 2, 2014 Regular Session minutes.

Mr. Heistand stated under the Mayor's Report on Page 2 should read "Tandoh" not "Pandoh". Under Mr. Wafzig's report when speaking of Time Warner, Charter and Comcast is not worded correctly. The Law Director questioned if the minutes reflect what was said at the last meeting. We can correct them tonight if we wish. Mr. Wafzig stated that the minutes reflect a summary of his report that was inaccurate. Mr. Wafzig requested that the word "Charter" be removed.

Mayor Boeder stated that he had left a message with the Clerk regarding Page 4 under Resolution No. 14-42 to remove the type-o of the random "f" located in the middle of the sentence when asking for a vote.

MOTION: Mr. Koogle moved to adopt the June 2, 2014 Regular Session minutes as amended.

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

Mayor and Council reviewed the June 2, 2014 Work Session minutes.

MOTION: Mr. Kuhn moved to accept the June 2, 2014 Work Session minutes as submitted.

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

MANAGER'S REPORT:

Mrs. Sizemore stated that the Fire-EMS has received several donations and Council needs to accept these donations of \$50.00, \$50.00, and \$200.00.

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

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

Mrs. Sizemore reviewed her report.

Mr. Wafzig questioned when the final paving for the Phase 1 area of Hickory Pointe will be complete. Mrs. Sizemore replied that she would look into it and get an answer to Council.

Mrs. Sizemore asked for Council's support in changing the Administrative Order regarding smoking. There has been an issue with people wanting to use e-cigarettes at the pool and she would like to include e-cigarettes in the "No Smoking Policy". Surrounding communities are banning e-cigarettes as well. Council briefly discussed the e-cigarette issue and the consensus was that the Manager includes e-cigarettes to the "No Smoking Policy".

Mrs. Sizemore stated that she has received a request for a handicap parking space to be placed at 275 North Cherry Street. Council will need to approve this amendment to the Traffic Control Map.

MOTION: Mr. Koogle moved to amend the Traffic Control Map and add a handicap parking space at 275 North Cherry Street.

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

Mayor Boeder questioned if Council would like to participate in the July 4th Parade. Mrs. Sizemore suggested that if they are interested, they could pass out the small flags to those who are in attendance. The consensus of Council was to attend the parade and pass out the flags.

Mayor Boeder questioned if there was an update from the Engineer regarding the next phase of Cherry Street, the old water tower and the proposed South Main Street project. Mrs. Sizemore replied that the grant applications are not due until August. The Finance Director is looking at the finances and will need to update the records. The South Main Street project will not be eligible for grants as far as we know. She has been working on the last details on the dog park and the parking lot on Center Street near Don's Pizza with the Engineers also. Mayor Boeder questioned if the bicentennial sign would be installed in the parking lot near Don's Pizza when it is complete. Mrs. Sizemore replied yes.

Mr. Wafzig questioned why there are closed signs (to the general public) hung at the Weber Complex continuously. Every weekend and every evening it is closed and has made a public park private. Mrs. Sizemore replied that the signs were hung by the request of the soccer groups but she will look into it.

Mr. Scott Johnson questioned if the street maintenance program is starting later than normal and will this be a problem. Mrs. Sizemore replied that the Engineer has had communication with the vendors and we should be fine on timing.

Mr. Koogle requested that the Street Department fill a pot hole in the alley between Center Street and Warren Street near Main Street in the ally. Mrs. Sizemore replied that she would have it taken care of.

Mayor Boeder encouraged the residents to call the City Building if they have any issues with the streets.

LAW DIRECTOR'S REPORT:

The Law Director stated that he had forwarded an Ordinance from Xenia regarding abandoned structures and has not had anyone respond. He would like to see this done for a safety issue for the Fire Department. He will resend the memo and it can be discussed at a later date.

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He would like to see the topics on tonight's work session postponed to a later date due to the fact that there are absent Council Members.

He would also like to include a personnel issue related to the Fire Department and the Manager's review to the Executive Session tonight.

POLICE CHIEF'S REPORT:

Major Burns stated that there was no report.

Mayor Boeder questioned if there had been many complaints regarding late night random knocking on doors. Major Burns replied that this time of the year kids are out of school and parents do not know where their kids are. We have not had any increase in calls regarding that issue. He asked that everyone please be aware that the kids are out and about.

MAYOR'S REPORT:

He reviewed the June 2 work session items. We discussed skateboarding and that it has become an issue/concern in the City. There has been property damage due to skateboarding and Council is looking at proposed legislation to put restrictions on skateboarding. We discussed the electric fence that contains dogs on Megan Lane. There is concern with the dogs along this public walkway. We have concern of people being intimidated by the dogs that are contained by the electric fence. The Manager and the Law Director are looking into proposed legislation for electric fencing and are looking into putting up fencing along this area. This proposed legislation would put restrictions on property owners who would want to install a pet containment system along public property. The Police Department is also looking into any issues with the dogs along this walkway. We discussed the property maintenance enforcement. We have asked that the Miamisburg Court's Probation Department keep Lisa with NIC updated on cases so Council will be updated. We also discussed chickens and fowl and are looking at possible legislation.

The Law Director stated that he has had further discussion with the Miamisburg Courts Administration and they are aware of our concerns and will be addressing them.

We are looking into making our parks smoke free environments and we will be discussing this further.

He attended the Relay for Life and it was a great celebration. He thanked all those who participated and those who had a part in the event.

Tonight during work session we may visit skateboarding, electric fences, chickens & fowl and Camp Miami. He would like to see what Council's current thoughts are on the Camp Miami property.

COUNCIL MEMBER'S REPORT:

Mr. Heistand's Report:

He attended the Valley View Graduation and the BZA meeting last week.

He encouraged residents to volunteer for the various Boards and Commission seats that are currently vacant. If anyone is interested in volunteering please contact the City Building.

He was amongst a group that met with Chef Robert with One Bistro to discuss how to promote the business and the concept. One Bistro has been very successful in Miamisburg and they would like to see the Germantown location get more attention. He encouraged everyone to visit One Bistro.

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He attended The Relay for Life and felt it was a great success. He commented on how moving Mayor Boeder's speech was at the event.

Mr. Scott Johnson's Report:

None.

Mr. Koogle's Report:

He commented on the joint meeting with the Economic Development Committee, the Chamber of Commerce and the Breakfast Group. The idea was given that everyone would help one another with advertising and recognition. By placing the One Bistro name into the public it should help get the word out.

Mr. Wafzig's Report:

He attended a BZA meeting for a hearing of a minor Conditional Use Application. At that meeting it was noted that there are many seats on our Boards and Commission that are vacant. He encouraged residents to consider volunteering.

Legislation:

Introduction:

None.

Public Hearing:

RESOLUTION NO. 14-46

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

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

MOTION: Mr. Koogle moved to adopt Resolution No. 14-46.

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

ORDINANCE NO. 14-47

AN ORDINANCE DELETING SECTION 919.03(f) OF THE STREETS AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING TAP-IN FEES; ASSESSMENT.

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

MOTION: Mr. Wafzig moved to adopt Ordinance No. 14-47.

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

ORDINANCE NO. 14-48

AN ORDINANCE AMENDING SECTION 919.03(e) OF THE STREETS AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING TAP-IN FEES; ASSESSMENT.

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

MOTION: Mr. Koogle moved to adopt Ordinance No. 14-48.

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

EXCUSE ABSENT MEMBERS:

Mr. Scott Johnson motioned to excuse Mr. Terry Johnson and Mr. Kuhn.

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

MOTION: Mr. Koogle moved to adjourn to Executive Session to discuss potential litigation involving City Property, personnel matters related to the Fire Department and personnel matters related to the Municipal Manager's evaluation.

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

Mayor and Council adjourned to Executive Session at 7:47 p.m.

EXECUTIVE SESSION:

PRESENT:

The following members were present at the start of the Executive Session: Mayor Stephen Boeder, Mr. Mark Heistand, Mr. Scott Johnson, Mr. Lynn Koogle, and Mr. Brian Wafzig.

MEMBERS ABSENT:

Mr. Terry Johnson and Mr. Michael Kuhn were absent.

ALSO PRESENT:

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

The aforementioned persons discussed potential litigation involving City Property, personnel matters related to the Fire Department and personnel matters related to the Municipal Manager's evaluation.

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

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

Mayor and Council reconvened into Regular Session at 8:40 p.m.

ADJOURNMENT:

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

The meeting adjourned at 8:40 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak
Clerk of Council

Stephen A. Boeder
Mayor