

MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, AUGUST 4, 14

The Municipality of Germantown Council met in regular session on August 4, 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. Terry Johnson, Mr. Lynn Koogle and Mr. Brian Wafzig.

MEMBERS ABSENT:

Mr. Michael Kuhn was absent.

ALSO PRESENT:

Also present were Anna Sizemore, Municipal Manager; Tom Schiff, Law Director; Roy McGill, Chief of Police; Terry Klein, Finance Director and Kelli Sanders-Novak, Clerk of Council.

APPROVAL OF MINUTES:

Mayor and Council reviewed the July 21, 2014 Regular Session minutes.

Mr. Heistand stated on Page 2, Paragraph 1 should read "An estimated cost would be approximately \$10,000 to have an abatement contractor on site during demolition," not "An estimated cost would be approximately \$10,000," and the next sentence should be revised to read "These figures are to remove contaminated material by an asbestos contractor from the residence and the middle building only," not "These figures are just to remove the contaminated materials by an asbestos contractor."

Mayor Boeder stated on Page 2, Paragraph 4 referring to the Oversight Boards agendas, he would like to clarify that he would like to have a copy of the agendas and minutes for each Oversight Board because he is asked questions regarding the Oversight Boards. The Manager has sent an email asking if members of Council would like to have copies of the Oversight Boards sent to them as well. Mrs. Sizemore explained that at one time we did give copies of Board packets to each Council Member but Council requested that we stop. She asked that Council reply to her email either way regarding receiving Board packets.

Mayor Boeder questioned on Page 2 under the Law Directors report should we identify what alley is being referred to. The Law Director replied that we could add "North of Don's Pizza". Mayor Boeder replied also add "between Center Street and Warren Street".

MOTION: Mr. Koogle moved to adopt the July 21, 2014 Regular Session minutes as amended.

ROLL CALL: Mr. Heistand, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 6-yes, 0-no. **MOTION CARRIED.**

Mayor and Council reviewed the July 21, 2014 Work Session minutes.

Mayor Boeder stated that Mrs. Novak had brought to his attention that the date at the top of the page should read "July 21, 2014" not "July 7, 2014".

Mr. Heistand stated that he would like the discussion of the alley off of Center Street added to the minutes. He suggested adding "Council discussed a situation involving an alley North of Center Street, West of Mulberry Street. The Law Director reviewed the deed history of the alley as well as the past vacating of the alley by the Municipality. The Manager will provide a timeline to Council of the alley ownership changes."

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Mr. Heistand stated that under “Abandoned Structures” the second sentence should read “The consensus of Council was to have the Manager and the Fire Chief review and make any changes to the proposed legislation. Then have the Law Director review the changes before presenting to Council.” not “The consensus of Council was to move forward with the legislation with the few changes.”

Council agreed with the additions to the work session minutes.

MOTION: Mr. Kuhn moved to accept the July 21, 2014 Work Session minutes as amended.

ROLL CALL: Mr. Heistand, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 6-yes, 0-no. **MOTION CARRIED.**

PUBLIC RECOGNITION:

None.

CITIZEN’S FORUM:

None.

MANAGER’S REPORT:

Mrs. Sizemore stated that the Sanitary Sewer Rehabilitation Projects Phase 1 has been completed. This included Hillcrest, Rogers, Pagett, Kimberly and then Paula and East Market. The Engineering work is being done for Phase 2 currently and should be advertised for bid by February 2015. Phase 2 will include Bradley, East Market, McCall, Butter, Stewart, Bruce and Hillcrest. We are trying to take care of the ongoing issues in the Hillcrest area. Phase 3 is a grant application that is due August 14 and would include additional work on Bradley, Lisa, and then Kemp, Marshal and Pollyanna. The legislation concerning Phase 3 is on the agenda tonight and the Finance Director will be able to answer any questions regarding the funding for this project.

Mr. Wafzig questioned if all of the City lines have been cameraed. Mrs. Sizemore replied not completely but we are working on known problem areas at this time.

Mrs. Sizemore went on by saying the Street Maintenance Program which includes Paula, Catherine, Rogers, Kimberly, Pagett, Bruce, South Hillcrest, McCall, Arnold and McClure will begin in the next few weeks and hopefully be complete after Labor Day.

Mr. Gardner, who was here at the last meeting discussing Camp Miami, will have proposals for demolition and for abatement to her no later than August 15. She will have this information to Council as soon as she receives it.

Council discussed the public meeting concerning Camp Miami along with the abatement and demolition proposals. Council determined to have the public meeting on August 18.

Mrs. Sizemore stated that at the August 18 Council Meeting we will have proposed legislation for a refuse increase. This will be a minimal increase to the residential accounts and a bit larger for commercial accounts to help with the deficit that has occurred. We are also looking to have proposed legislation regarding skateboarding.

Council briefly discussed the Rumpke Contract and the deficit regarding refuse.

Mr. Scott Johnson asked for an update on the Peffley Street issue. Mrs. Sizemore replied that the Engineer has looked at the situation and to correct the problem would cost approximately \$200,000. The Engineer and she would like to sit down to discuss the issue with the school to see if they would be willing to contribute to the project.

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Mrs. Sizemore went on by reviewing the legislation that is on the agenda for tonight. Under introduction is Ordinance No. 14-53 pertaining to fences. She was unable to find any explanation as to why 7' fences are allowed along alley ways. Ordinance No. 14-56 is the annual assessments for each resident for the 2015 street lighting. Resolution No. 14-57 refers to the final plat approval for Hickory Point Section Two. Resolution No. 14-58 is the approval of a replat in Hickory Pointe North. Resolution No. 14-59 is a transfer of funds. Under public hearing is Resolution No. 14-51 regarding the sale of 9 old computers from the Senior Center. Resolution No. 14-52 is the sale of a 1999 Ford truck from the Service Department. Resolution No. 14-54 is the authorization to apply for Phase 4 of the Cherry Street Improvement project. Resolution No. 14-55 is the authorization to apply for Sanitary Sewer Rehabilitation Project Phase 3. We are also asking for an Executive Session to discuss personnel matters pertaining to the Fire Department.

Mayor Boeder questioned if the reported damage to the manholes along Market Street had been corrected. Mrs. Sizemore replied that some of the issues with the manholes have been repaired and some will be repaired soon.

Mr. Koogle stated that he had received a complaint regarding the bump in Market Street near Astoria. Mrs. Sizemore replied that the State had looked at the issue but she will address it again.

CLERK'S REPORT:

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 Council will need to determine if a hearing is requested or not. There are 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:

The Law Director stated he attended the Ohio Municipal Attorney Association Meeting last week and thanked Council for allowing him to attend.

He had sent a memo pertaining to several topics and would like to review each item with Council. Skateboarding legislation will be addressed at the next meeting. Fence legislation is on the agenda tonight. It is unclear what Council would like to do with the chicken issue.

Council discussed allowing chickens within the Municipal limits. The Staff explained that residents are read the Code pertaining to livestock/kennels when they inquire about chickens. The consensus of Council was to not make any changes to the Code regarding chickens at this time.

The Law Director went on by saying that accessory structures will be addressed with the comments from the Planning Commission. He will make contact with the Planning Commission at a later date.

Mayor Boeder questioned if signage was still going to be discussed. The Law Director replied that he was not involved in that. A group was going to discuss the topic and then give it to him to review.

The Law Director questioned if Council wanted to have a moratorium in place regarding e-cigarettes sales and hookah bars. After a brief discussion Council agreed to consider a moratorium regarding hookah bars within the Municipal limits but not to include e-cigarettes sales at this time.

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FINANCE DIRECTOR'S REPORT:

Terry Klein stated a copy of the debt service schedule has been sent in the Council packets. He briefly reviewed how the debt service will affect the various funds. He then reviewed the Cherry Street Phase 4 project funding plan showing that there is adequate funding for the project.

Mr. Wafzig expressed concern regarding future projects and the overall debt load for the City. Mr. Klein replied that he intends to provide Council with a debt limitation report. He plans to get legal advice when compiling the debt limitation report. He would also like to prepare a 2 to 5 year budget to insure Council that we are stable regarding the funds.

Mr. Wafzig questioned if we were intending to place a Police Levy on the ballot this fall. Mrs. Sizemore replied that they have discussed a levy and are planning on placing a Police Levy on the ballot in the spring.

POLICE CHIEF'S REPORT:

Chief McGill stated that they met with representatives from the Sherriff's Office regarding dispatch. They are also looking into different sources to dispatch for the City.

Skateboarding, ATV and mini-bikes are all issues and the Department is dealing with them.

He encouraged everyone to attend National Night Out on August 5.

The Law Director stated that he has sent a letter to the County Prosecutors Office regarding the buy-out for the City's dispatch contract. As of today he has not received a response from the County. When he does get information he will update Council.

MAYOR'S REPORT:

Mayor Boeder stated that he received a letter recognizing Chief Alldred for a job well done from a resident. This makes us all very proud.

He congratulated the Historical Society for hosting The Arthur Huffer, Jr., Memorial Hot Air Balloon event. He felt it was a huge success.

He will be attending the MVRPC meeting this week and will update Council at the next meeting.

During the last meetings work session we discussed electric fences which is on the agenda tonight. The Camp Miami public meeting has been discussed and we will plan on discussing all the numbers at the next meeting along with a public meeting. Proposed legislation regarding abandoned structures was discussed and decided to move forward with a few changes.

He received a comment regarding the dog situation along the Megan Lane public path. This resident was very frightened by the dogs barking. He asked that the Manager discuss the matter with the homeowner about installing a fence along their property. The Law Director stated he can find no issues with the City installing a fence as long as it is installed on the City's property.

He stated that Council will not have a work session after tonight's meeting.

He received a letter from a Miami University student that would like to volunteer at the City. He will pass the information on to the Manger to follow up with.

He asked if Council would consider moving the Council Retreat to the end of the year. He will work with the Manager to get information to Council to move the Council Retreat to the beginning of December after the approval of the 2015 Budget in November.

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COUNCIL MEMBER'S REPORT:

Mr. Heistand's Report:

Mr. Heistand stated that the Historical Society's Arthur Huffer, Jr., Memorial Hot Air Balloon Festival and Germantown Founders Day event was phenomenally successful. He thanked the community for all their support with the concessions and complimented the community on how well they picked up their trash.

He encouraged everyone to attend National Night Out and the Festival of Churches on Tuesday. The local Churches will be handing out school supplies.

He went on by saying that he will not be attending the August 18 Council Meeting. He has concerns regarding the fence ordinance that will be voted on during that meeting. He is confused about the 7' height allowance and would consider changing the wording to allow only 6' fences in the Municipality. He also had questions if a public walkway would include a sidewalk along a resident's property. The Law Director replied that Council could clarify public walkway however they would like to do so.

Mr. Scott Johnson's Report:

Mr. Scott Johnson stated that he attended the Planning Commission meeting and the Board approved the two Hickory Pointe proposed plans that are on the agenda tonight. The contractor commented that they would like to start on these projects before the end of the year.

Mr. Terry Johnson's Report:

Mr. Terry Johnson thanked everyone with their involvement with the Memorial Hot Air Balloon Festival. Everyone seemed to have a great time. He did notice that there were several kids playing on the equipment that belongs to the VV Jr. Spartan Football Association and we may want to ask them to remove any equipment to avoid an accident during any large event at the Park.

He attended the VV Base organizational meeting last week to discuss the 2015 season and the details of the organization. We are looking for a place to meet regularly and the Manger is helping look for a place for them too.

He has not heard back from the MAC Athletic representative regarding Kercher Park and he plans to find another source to help with the Kercher Park renovation plan. He will update Council regarding this as he gets information.

He thanked everyone who will be participating with the National Night Out and the Festival of Churches on August 5.

Mr. Koogle's Report:

Mr. Koogle thanked everyone for their participation in the Arthur Huffer Memorial Balloon Festival this past weekend. Glen Bowman did an exceptional job hosting the event and the event was very beneficial.

He attended the Senior Oversight meeting. Many items were discussed. The kitchen remodel is complete and they want to add sliding shelves to some of the cabinets to make getting items easier. They will be getting estimates to do this project. The new computers have been installed and they are working on getting some software issues corrected with the Manager.

He has a comment regarding the trash man who picks up the trash. This guy goes above and beyond by helping with his aunt at her home and by always making sure all of his trash is taken care of each week. We can tell when our regular guy is on vacation due to the lack of perfection. He went on by suggesting that Rumpke management provide a map to assist the fill-in drivers.

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The Cemetery Board will be meeting next week and he will update Council at the next meeting.

Mr. Wafzig's Report:

Mr. Wafzig stated that August 16 will be the last Saturday Night Out event for the year. "Reload" will be the band performing that evening and encourages everyone to attend.

He has a concern setting precedence by installing a fence at the Megan Lane walkway. We could have to build a fence for anybody. He feels this issue could be resolved by the Police Department enforcing the dog ordinance.

Council briefly discussed the issue of Megan Lane and the electric fence containing the dogs.

Legislation:

Introduction:

ORDINANCE NO. 14-53
AN ORDINANCE AMENDING SECTION 1129.09 OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING FENCES.

Mayor Boeder stated the Public Hearing would be August 18, 2014.

ORDINANCE NO. 14-56
AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON THE LOTS OF THE MUNICIPALITY OF GERMANTOWN TO PAY THE COST AND EXPENSES OF FURNISHING AND MAINTAINING A STREET LIGHTING SYSTEM FOR 2015 IN THE MUNICIPALITY OF GERMANTOWN.

Mayor Boeder stated the Public Hearing would be August 18, 2014.

RESOLUTION NO. 14-57
A RESOLUTION APPROVING THE HICKORY POINTE ESTATES SECTION TWO FINAL PLAT, LOCATED WITHIN THE MUNICIPALITY OF GERMANTOWN.

Mayor Boeder stated the Public Hearing would be August 18, 2014.

RESOLUTION NO. 14-58
A RESOLUTION APPROVING THE REPLAT OF THE PROPERTY KNOWN AS HICKORY POINTE NORTH, LOTS 2166 AND 2167, CONTAINING 2.755 ACRES, LOCATED ON BUTTER STREET AND BEECHWOOD DRIVE WITHIN THE MUNICIPALITY OF GERMANTOWN.

Mayor Boeder stated the Public Hearing would be August 18, 2014.

RESOLUTION NO. 14-59
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 August 18, 2014.

Public Hearing:

RESOLUTION NO. 14-51
A RESOLUTION TO DECLARE SENIOR CENTER SURPLUS PROPERTY AND AUTHORIZE THE MUNICIPAL MANGER TO SELL SAID PROPERTY.

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

MOTION: Mr. Wafzig moved to adopt Resolution No. 14-51.

ROLL CALL: Mr. Heistand, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 6-yes, 0-no. MOTION CARRIED.

RESOLUTION NO. 14-52

A RESOLUTION TO DECLARE SERVICE DEPARTMENT SURPLUS PROPERTY AND AUTHORIZE THE MUNICIPAL MANGER TO SELL SAID PROPERTY.

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

MOTION: Mr. Terry Johnson moved to adopt Resolution No. 14-52.

ROLL CALL: Mr. Heistand, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 6-yes, 0-no. MOTION CARRIED.

RESOLUTION NO. 14-54

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 EXECUTE CONTRACTS AS REQUIRED.

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

MOTION: Mr. Heistand moved to adopt Resolution No. 14-54.

ROLL CALL: Mr. Heistand, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 6-yes, 0-no. MOTION CARRIED.

RESOLUTION NO. 14-55

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 EXECUTE CONTRACTS AS REQUIRED.

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

MOTION: Mr. Scott Johnson moved to adopt Resolution No. 14-55.

ROLL CALL: Mr. Heistand, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 6-yes, 0-no. MOTION CARRIED.

EXCUSE ABSENT MEMBERS:

Mr. Scott Johnson motioned to excuse Mr. Michael Kuhn.

ROLL CALL: Mr. Heistand, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 6-yes, 0-no. MOTION CARRIED.

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MOTION: Mr. Koogle moved to adjourn to Executive Session to discuss personnel matters related to the Fire Department.

ROLL CALL: Mr. Heistand, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 6-yes, 0-no. **MOTION CARRIED.**

Mayor and Council adjourned to Executive Session at 8:35 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. Terry Johnson, Mr. Lynn Koogle and Mr. Brian Wafzig.

MEMBERS ABSENT:

Mr. Michael Kuhn was absent.

ALSO PRESENT:

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

The aforementioned persons discussed personnel matters related to the Fire Department.

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

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

Mayor and Council reconvened into Regular Session at 9:10 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 9:10 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Stephen A. Boeder
Mayor