

MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, SEPTEMBER 15, 14

The Municipality of Germantown Council met in regular session on September 15, 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 and Mr. Lynn Koogle.

MEMBERS ABSENT:

Mr. Michael Kuhn and Mr. Brian Wafzig were absent.

ALSO PRESENT:

Also present were Anna Sizemore, Municipal Manager; Tom Schiff, Law Director; Dan Alldred, Fire Chief; Roy McGill, Chief of Police; Matt Burns, Police Major and Kelli Sanders-Novak, Clerk of Council and two visitors.

APPROVAL OF MINUTES:

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

Mr. Heistand **he** would like to see several acronyms spelled out in the minutes. On Page 2 under Mrs. Sizemore's Report she mentions "OPWC" meaning "Ohio Public Works Commission". Page 4 under The Director of Public Service's Report is "FRWWTC" meaning "Franklin Regional Waste Water Treatment Cooperation". Page 5 under the Mayor's Report is "MVRPC" meaning "Miami Valley Regional Planning Commission". Under Mr. Wafzig's Report "MVCC" meaning "Miami Valley **Cable Communication** Council". Also on Page 4 the first paragraph should read "Major Burns stated that the Grand Jury is moving forward with the charges in the homicide case on the 22 month old child from last year" not "Major Burns stated that the Department is moving forward with the charges in the homicide case of the 22 month old child from last year."

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

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

PUBLIC RECOGNITION:

None.

CITIZEN'S FORUM:

John Parks with the Human Services Levy Campaign explained the importance and need of Issue #11. This Issue helps many people including children, adults and seniors in many ways and is very beneficial. This is a 7.2 mil and one additional mil levy that would increase a \$100,000 property owners taxes by approximately \$3.00 a month and would generate approximately \$70 million a year. He thanked Council for their time and encouraged everyone to support Issue #11.

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MANAGER'S REPORT:

Mrs. Sizemore stated that the Senior Center has received a donation and Council needs to accept the donation of \$500.00.

MOTION: Mr. Terry Johnson moved to accept the donation to the Senior Center.

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

Mrs. Sizemore went on by saying she has received the Time Warner franchise fees from Miami Valley Cable Council in the amount of \$5,534.49. These fees are currently down but we are still receiving some funds.

She attended the Gov Tech meeting and they passed a motion to continue with Germantown, Kettering and Centerville in the Tactical Crime Suppression Unit. We have asked that you consider leaving our officer in the program for 2015. This will be presented in the budget for next year. We will receive approximately \$22,000 in return next year. Currently we are working on preparing a 2-3 year budget for Council that would include this.

Tonight we have legislation concerning the Capital Program and we will review it later tonight. We may need to make changes to the Capital Program but our Charter requires us to pass it in September.

In the Council packets was a timeline regarding the Cruze alley issue. The timeline has a lot of detailed information. At this time she recommends that we just leave this issue as it stands. We are currently looking into the Guffey's garage that is located on City property. ~~The Engineer will be starting the process that was discussed previously.~~

She contacted the Director of the Animal Resource Center concerning the recent cat contract. He explained that if anyone wants trapping done they will need to contact the City and then the City will contact the Center. The Center will not be able to have trapping requests come directly from the residents. We ask that residents call the City building at 855-7255. If residents wish to take cats to the center, they will accept them without having to have approval. We will also be sending out letters to residents in the area of trapping to notify them to keep their pets indoors and if their cat is trapped by mistake they will know to contact the Center. The Center has a three day holding period for any trapped cats.

Mrs. Sizemore is planning on meeting with Jeremy Holbrook, the Street Director of the Township, later this week to discuss the Road Levy that will be on the November ballot. They are wanting to put the levy on the ballot early in case it were to fail they would be able to put it on in May of 2015 and November of 2015. They want to know if we are going to have our own levy.

Council discussed the Germantown/German Township Road Levy.

She will be meeting the representative with Burgess and Niple next week and then will meet with Mr. Gardner to finalize figures for Camp Miami. She will hopefully have updated numbers for Council at the next meeting.

Mrs. Sizemore went on by reviewing the legislation that is on the agenda for tonight. Under introduction is Resolution No. 14-65 which is a transfer of funds from the General fund to the Police Continuing Professional Training Fund.

Chief McGill explained how the training and funding works for the Department. These funds are given from the State. ~~whether the Department has required training or not.~~ These funds can only be used for training.

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Ordinance No. 14-66, Ordinance No. 14-67, Ordinance No. 14-68 are assessments for certain properties to the Montgomery County Auditor's Office. Resolution No. 14-69 is an advance of funds from the General Fund to the Police Levy Fund to make the Police Levy Fund in compliance and balanced. Resolution No. 14-70 is a resolution that is passed yearly regarding the levies for 2014/2015.

Under Public Hearing is Resolution No. 14-61 which is a transfer of funds for the month of August in the amount of \$4,844.88. Resolution No. 14-62 is pertaining to a moratorium to operate "hookah bars" in the Municipality. Resolution No. 14-63 is a resolution to adopt the 2015-2017 Capital Program. The Capital Program is simply a wish list. She went on by reviewing each item on the list for each department. Ordinance No. 14-64 is an Ordinance regarding the refuse collection fees that has been amended. The amendment includes commercial toters for multi-family units and the effective date of November 1, 2014.

Mr. Heistand requested additional numbers from the Finance Director reflecting the increase of the refuse collection fees. He is uncomfortable passing Ordinance No. 14-64 without that information.

Mrs. Sizemore stated that the dumpster at Southard Insurance Company located on Plum Street is not able to be enclosed. Due to parking for employees in the parking lot and the dumpster driver unable to maneuver his truck, it is not possible to enclose the dumpster. We had the same issue with the By-Jo's dumpster and Council's consensus was to not enforce them the requirement. She asked that Council consider waiving the Southard building from having an enclosure.

Council discussed the Southard Insurance dumpster enclosure issue.

MOTION: Mr. Koogle moved to not enforce a dumpster enclosure at the Southard Insurance Company.

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

She went on by explaining an issue with the deed and the Senior Center parking lot that was never filed/transferred many years ago. She had the Engineer verify all the information that was sent by the **John C. "Jack" Ellis** estate. The deed is still in the original owners name and he has been paying taxes on the property for several years that totals \$1,677.75. The original owner has passed away and the estate would like to clear the matter up. The estate is asking that the City pay the \$1,677.75 that was paid in taxes. This issue was neglected by a previous City Manager and is just now being brought to our attention.

Council and the Law Director discussed the issue with the deed and taxes for the Senior Center parking lot.

MOTION: Mr. Scott Johnson moved to correct and clear the issue with the Senior Center parking lot by paying the \$1,677.75 to the estate and have the deed transferred into the City's name.

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

Mr. Scott Johnson questioned if there was a time limit that a vehicle is allowed to be parked on the street. Mrs. Sizemore replied that vehicles are allowed to park on the street 48 hours and then they must be moved.

Mr. Scott Johnson stated that he had a resident contact him regarding this issue. They have lived here for many years and have no off street parking available to them. The street is the only place to park their vehicles. They were recently asked to move their vehicle and had never been asked in the past.

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Council briefly discussed the issue of parking vehicles on the street and discussed the possibility of bringing parking passes back into effect. Staff will look into gathering information regarding parking passes.

CLERK'S REPORT:

None.

LAW DIRECTOR'S REPORT:

The Law Director stated that there are certain residents that feel that they do not have to comply with the Zoning Code in reference to dumpster enclosures. Kelli has been sending notices asking certain residents/companies to comply with the Code. He asked that people take these notices seriously or he will send a letter asking for compliance. If these notices are ignored we will go to court and get compliance.

FINANCE DIRECTOR'S REPORT:

Mrs. Sizemore stated that the Finance Director is currently working on the Budget and is hoping to present at least a two year, if not a three year budget to go along with the Capital Program. She will send the Budget Work Session schedule out again so everyone can mark their calendar.

POLICE CHIEF'S REPORT:

Major Burns stated that there was no Police Report.

FIRE CHIEF'S REPORT:

Chief Alldred reviewed the August Fire-EMS report and reviewed recent events.

He went on by saying that he had an incident with a cell phone 911 call. He reminded residents that if they use a cell phone when calling 911, to please give very detailed information-detailed location/address, city you are in, name, phone number and any other details. Cell phone providers are working to improve the system but it makes it a challenge when first responders do not have all the details.

MAYOR'S REPORT:

Mayor Boeder stated that Rob Richter is interested in serving on the Board of Zoning Appeals and the Planning Commission.

MOTION: Mr. Scott Johnson moved to appoint Rob Richter to the Board of Zoning Appeals with a term ending in 2017 and the Planning Commission with a term ending in 2016.

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

Mayor Boeder read the Pretzel Festival Proclamation.

He commended the Street Department for their hard work and commitment. He encouraged residents to call the City if they see any street issues that need to be corrected. They are very prompt at getting jobs done.

He receives phone calls pertaining to property maintenance issues. He encouraged everyone to take care of their own property. Some of the issues that are on our National Inspection Cooperation report could be prevented with minimal effort.

He attended the Farm Bureau meeting on September 8. The students did an excellent job with their presentation.

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He attended the Mayors and Managers meeting. The Air Force Museum gave a wonderful presentation. He encouraged everyone to visit the Museum.

COUNCIL MEMBER’S REPORT:

Mr. Heistand’s Report:

Mr. Heistand stated that he was appointed to the City Beautiful Commission but the September meeting was cancelled.

The Valley View Athletic Boosters 5th Annual Golf Tournament is September 21 at Jamaica Run Golf Course.

The Greasers will be performing their final performance at the Pretzel Festival on September 28. He encouraged everyone to attend.

The Twisted Pretzel Bike Ride will be the morning of September 27. There will be three different routes for participants and all wind through the county. This event is sponsored by the Lions Club, the Rotary, the Valley View ABC Club, the National Honor Society and many other organizations.

There will be a beer garden in the parking lot of the Library after the Twisted Pretzel Bike Ride. They will have several local breweries’ from the Dayton area featuring their own craft beers and root beers.

The Valley View Alumni Band will be performing with the High School Band at the Valley View Homecoming on October 3. We welcome any former band member to perform with us. Please contact him if you are interested.

Mr. Scott Johnson’s Report:

Mr. Johnson stated that the Planning Commission met and cleaned up some final details to the Gold Star Chili and approved the new **Hickory Pointe storage buildings**. A representative from CVS was present and proposed a relocation of their store.

Mr. Terry Johnson’s Report:

Mr. Johnson stated that he attended the Parks Board meeting last week. They are working on their final “wish list”. The next meeting will be October 1.

VV Base committee will be meeting at El Rancho Grande Restaurant on September 18

Mr. Koogle’s Report:

Mr. Koogle attended the Cemetery Board meeting and they discussed normal business. They are in the process of getting estimates to remove several dead trees on the property.

Legislation:

Introduction:

RESOLUTION NO. 14-65
A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE
GENERAL FUND TO THE POLICE CONTINUING PROFESSIONAL
TRAINING (CPT) FUND.

Mayor Boeder stated the Public Hearing would be October 6, 2014.

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ORDINANCE NO. 14-66

AN ORDINANCE LEVYING ASSESSMENTS FOR UTILITY/WATER SERVICE FOR CERTAIN PROPERTIES IN THE MUNICIPALITY OF GERMANTOWN, OHIO.

Mayor Boeder stated the Public Hearing would be October 6, 2014.

ORDINANCE NO. 14-67

AN ORDINANCE LEVYING AN ASSESSMENT FOR UTILITY/SEWER SERVICE FOR A CERTAIN PROPERTY IN THE MUNICIPALITY OF GERMANTOWN, OHIO.

Mayor Boeder stated the Public Hearing would be October 6, 2014.

ORDINANCE NO. 14-68

AN ORDINANCE LEVYING ASSESSMENTS FOR UTILITY/TRASH SERVICE FOR CERTAIN PROPERTIES IN THE MUNICIPALITY OF GERMANTOWN, OHIO.

Mayor Boeder stated the Public Hearing would be October 6, 2014.

RESOLUTION NO. 14-69

A RESOLUTION AUTHORIZING THE ADVANCE OF FUNDS FROM THE GENERAL FUND TO THE POLICE LEVY FUND.

Mayor Boeder stated the Public Hearing would be October 6, 2014.

RESOLUTION NO. 14-70

A RESOLUTION ACCEPTING THE AMOUNT AND RATES FOR TAX YEAR 2014/2015 AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

Mayor Boeder stated the Public Hearing would be October 6, 2014.

Public Hearing:

RESOLUTION NO. 14-61

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. 14-61.

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

RESOLUTION NO. 14-62

A RESOLUTION TO ENACT A SIX MONTH MORATORIUM TO SUSPEND CONSIDERATION OF APPLICATIONS FOR ZONING OR OCCUPANCY PERMITS TO OPERATE "HOOKAH BARS" AND SIMILAR BUSINESSES THROUGH MARCH 31, 2015.

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. 14-62.

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

RESOLUTION NO. 14-63

A RESOLUTION ADOPTING THE 2015-2017 CAPITAL PROGRAM.

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. 14-63.

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

ORDINANCE NO. 14-64

AN ORDINANCE AMENDING SECTION 953.07 OF THE STREETS AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING REFUSE COLLECTION FEES. AS AMENDED.

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. 14-64 as amended.

Mr. Heistand stated he was uncomfortable moving forward and adopting Ordinance No 14-64 until they receive additional information from the Finance Director.

MOTION: Mr. Heistand moved to table Ordinance No. 14-64. No Second-Motion Died.

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

EXCUSE ABSENT MEMBERS:

Mr. Koogle motioned to excuse Mr. Michael Kuhn and Mr. Brian Wafzig.

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

ADJOURNMENT:

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

The meeting adjourned at 8:51 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Stephen A. Boeder
Mayor