

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, DECEMBER 15, 14**

The Municipality of Germantown Council met in regular session on December 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, 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; Dan Alldred, Fire Chief; Roy McGill, Chief of Police; Matt Burns, Police Major; Terry Klein, Finance Director; Kelli Sanders-Novak, Clerk of Council and several visitors.

**APPROVAL OF MINUTES:**

**MOTION:** Mr. Kuhn moved to remove the November 17, 2014 Regular Session minutes from the table.

**ROLL CALL:** Mr. Heistand, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 7-yes, 0-no. **MOTION CARRIED.**

Mayor and Council reviewed the November 17, 2014 Regular Session minutes.

Mr. Heistand stated that the change had been made to his satisfaction.

**MOTION:** Mr. Heistand moved to adopt the November 17, 2014 Regular Session minutes as submitted.

**ROLL CALL:** Mr. Heistand, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 7-yes, 0-no. **MOTION CARRIED.**

Mayor and Council reviewed the December 1, 2014 Regular Session minutes.

**MOTION:** Mr. Kuhn moved to adopt the December 1, 2014 Regular Session minutes as submitted.

**ROLL CALL:** Mr. Heistand, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Koogle, abstained; Mr. Kuhn, yes; Mr. Wafzig, abstained; Mayor Boeder, yes. 5-yes, 2 abstentions. **MOTION CARRIED.**

**PUBLIC RECOGNITION:**

Mayor Boeder read a Proclamation thanking the Greasers Band for their many years of entertaining the Germantown community and presented each of the members a copy of the Proclamation.

He went on by presenting Mr. Scott Johnson with a plaque thanking him for many years of dedicated service to the Germantown community.

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Mr. Scott Johnson stated that he had served four years on Council previously and served on many other boards since the 90's. He feels that this is a good Council and that he is leaving the City in

very good hands. He appreciates the confidence in him and giving him another year. He thanked everyone for the plaque.

### **CITIZEN'S FORUM:**

None.

### **MANAGER'S REPORT:**

Mrs. Sizemore reviewed several of the workload items that were given to her earlier in the year. A lot of these items are ongoing issues that may take some time to get them completed.

Camp Miami is one of our main topics and she has spoken with Mr. Gardner. He is working on getting the Phase 1 report complete and should have it done by the first of the year. Then we will be able to move toward the next step.

The downtown street lights are being repainted and the electrical boxes at the bases are being replaced. We have a total of 57 lights and half have been painted and the remainder will be painted in 2015 by Mike Fleenor. Our electrician drives by daily to check the lights and performs a quarterly inspection as well. No matter how many times the outlets are replaced; they seem to always be an issue.

We are in the process of getting a quote from Bright Street for the crosswalk signals. We would like to also upgrade the signals to LED. When we receive the information we will pass it along to Council.

We have made changes to the downtown flowerpots by changing what was planted in the hanging baskets along with the size of the baskets. This seemed to work out much better and we will add more baskets as we can.

The Americans with Disabilities Act sidewalk ramps that had been done by Coate Construction that cracked have been repaired. There are still a few issues with some work that was done by Zimmerman Construction but that should all be completed when the weather allows.

We are currently setting up the next community shred day for 2015. The first one was done in May 2014 at the cost of \$600 and was a success. She will pass the date on as soon as it is determined.

We have completed the LED light conversion at the pool, Senior Center, Municipal Building and Veterans' Park. We did receive Dayton Power and Light rebates for doing the conversion. We have also converted the traffic light at Route 4 and Upper Miamisburg Road to LED bulbs. We have had a few questions pertaining to that traffic light but we have been informed by the Ohio Department of Transportation that it is functioning correctly. It seems that some people think that it may not be working properly, so we will have our Traffic Engineer look at these concerns again to make sure it is working correctly.

When the construction was done on Cherry Street some of the parking spaces and signage was never replaced. These parking spaces have been marked again, along with replacing the parking signs.

The three year ongoing issue with the bridge on East Market Street is still an issue. The Ohio Department of Transportation has looked at the situation and has asked that we do not make any adjustments to the slippery paint at this time. They have asked that we be patient and they want to make sure whatever is on the sidewalk does not cause any other issues when removed.

Online bill pay should be up and running by the end of the month. Everything is hooked-up upstairs and we will need a volunteer to try the system. We will offer residents the option to pay

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with either a debit card or a credit card on our website. We will not accept any credit cards or debit cards at the Municipal building.

We have received the copy of the deed from the Kellis estate. This was an issue with the property that the Senior Center is located on. The Law Director has the paperwork and will take care of getting it filed.

Last week the Engineer, the Mayor and she met with the School Superintendent to discuss the Peffley Street issue. The street has seriously deteriorated. The Engineer is looking at getting cost estimates for repairing the street. The Superintendent will be meeting with the School Board to discuss funding and legal issues if they were to help with the project.

She will continue reviewing the work load items at the next meeting.

We will have several projects in 2015 and Council will need to prioritize what they are wanting done. The North well field is in need of being cleared of debris. There has been discussion of a dog park and also a parking lot on Center Street with the Bicentennial sign. She would like to discuss these projects at a work session or at the Council Retreat.

Mr. Koogle questioned if the School Superintendent was aware of the amount of water that comes onto the property on Peffley Street. Mrs. Sizemore replied yes, he has looked at the situation and is willing to try and help. The Engineers initial estimate would be approximately \$200,000. He is currently breaking down the cost of the project. We would have to wait until school is out to complete the project. We are considering combining the Peffley Street project with the 2015 Street Maintenance Project. We are looking at part of the Hillcrest concrete streets as the 2015 Street Maintenance Project. We will need to break the Hillcrest area into maybe three or four phases. The concrete streets are going to be very expensive to repair. Once the Engineer has final numbers for the project we will bring them to Council to discuss. We have allotted \$130,000 for the Street Maintenance Project for 2015. The Engineer is also looking into the best way to take care of the concrete street problems.

Mr. Wafzig questioned what the next step of the Camp Miami project would consist of. Mrs. Sizemore replied it should be the bidding for the demolition of the first two buildings.

Mayor Boeder questioned if the school would be able to use a new traffic pattern temporarily so we would be able to start working on Peffley Street. Mrs. Sizemore replied that she would think so. It was also suggested that we consider a temporary "no parking" policy on Peffley Street, so the busses do not have to dodge the cars and the holes.

Mayor Boeder stated that there were many strides made at Kercher Park this year. Mrs. Sizemore replied that concrete was installed in the dugouts and under the bleachers. Crosswalks and signage was installed to safely cross Astoria Road. Kercher Park is an ongoing issue and there are many projects that need to be completed. We need to do something with the baseball fields, the tennis courts and the parking lots.

Mr. Scott Johnson suggested installing two more tennis courts for the kids.

She went on by reviewing the legislation that is on the agenda for tonight. Under Introduction is Resolution No. 14-86 which is authorizing the request for the advance of taxes for 2015 collected by the Treasurer of Montgomery County. We are required by the County to do this legislation each year along with a request letter. Resolution No. 14-87 is the monthly transfer of funds for December in the amount of \$4,980.30.

Under Public Hearing is Ordinance No. 14-79 as amended. There were several questions regarding the amendment to this Ordinance. When she was reading she found some discrepancies from 1995-1998. We were originally going to amend the legislation so it would read February 1, 2015 as the effective date and be active on the March utility bills. After discussing this issue with the Law Director they decided to handle it this way. The Law Director explained that we have always done it this way and he has always recommended doing it this way. This way it is all done and taken care of in one Ordinance. There is a possibility of more risk if done separately.

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Mr. Heistand stated that he had several concerns on how this amendment was handled. The amended title/Ordinance is so much different than the original title that was read at the last meeting and that was originally published.

The Law Director explained that notice was given to the public for the amendments and that this is a cleanup of the Ordinance not a total rewrite.

After a brief discussion regarding the wording of Ordinance No. 14-79, Mr. Heistand stated that he was okay with how the amended ordinance was handled.

Ordinance No. 14-80 as amended is the amendment to the sewer rates that changes the effective date. These increases will now be seen on the March bills. Resolution No. 14-81 is the authorization of an advance of funds from the general fund to the police levy fund in the amount of \$15,000. Resolution No. 14-82 is the authorization of an advance of funds from the general fund to the refuse fund in the amount of \$75,000. Resolution No. 14-83 is the authorization for a transfer of funds from the sewer debt service fund to the sewer fund in the amount of \$250,000. Ordinance No. 14-84 is an amendment to our appropriations for 2014. One change is in the sewer fund in the amount of \$67,688 for the additional money that is owed to Franklin Regional Waste Water Treatment Cooperation. These funds are considered our true-up fees and all these fees must be paid for the 2015 Budget. The other change was in the refuse fund in the amount of \$32,000 due to a 13<sup>th</sup> payment that had to be made this year. Resolution No. 14-85 is the November transfer of funds from the general fund to the street capital improvement fund in the amount of \$5,562.75.

Mrs. Sizemore went on by saying that there would be a Work Session tonight to discuss a canine for the Police Department and she would also like to add the Mersch building as a topic of discussion.

Mr. Scott Johnson questioned what the new refuse rates were and if they were in effect yet. Mrs. Sizemore explained the refuse, sewer and water rate increase along with why these increases were being placed on the residents. The City is having large increases from Franklin Regional Waste Water Treatment Cooperation. The residents have already seen the increase in the refuse rates.

Mr. Heistand volunteered to be the test account for the online bill pay for utility bills. Mrs. Sizemore went on by explaining the process of the new online bill pay option for residents.

Mrs. Sizemore wished everyone Happy Holidays.

**CLERK'S REPORT:**

None.

**LAW DIRECTOR'S REPORT:**

The Law Director briefly discussed the memo he had sent out regarding minutes. This will take effect with the minutes from tonight.

He questioned if the Council was okay with the amended electronic fence legislation being placed on the next agenda. This would add a clause at the end of one of the paragraphs. Council agreed to the legislation being placed on the next agenda.

**FINANCE DIRECTOR'S REPORT:**

Mr. Klein stated that the reason for the increase in the water and sewer funds is all the major projects that have been completed. We have had a large increase to the debt service to support these projects over the past few years. The large increases from Franklin Regional Waste Water Treatment Cooperation have made us make budget amendments for last year in the amount of over \$66,000. We have no choice but to increase the utility bills.

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**POLICE CHIEF'S REPORT:**

Chief McGill stated that the Department has been very busy getting the Officers their annual continuing training completed by the end of the year.

Mayor Boeder stated that he has been receiving calls regarding speeding. A new resident in the Hickory Pointe area has claimed that there is a big problem with people speeding. He suggested installing speed bumps and signage in that area to deter people from speeding. Chief McGill replied that he had been in the Hickory Pointe area and has not observed any real speeding but would continue to observe. He would have to check with the Law Director concerning speed bumps and signage.

The Law Director suggested having the Engineer look at the speed bumps and signage issue on Hickory Pointe.

**FIRE CHIEF'S REPORT:**

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

He went on by reviewing safety tips for the upcoming holidays and wished everyone a happy and safe holiday season.

**MAYOR'S REPORT:**

Mayor Boeder stated he attended the Miami Valley Regional Planning Commission meeting. They passed a resolution pertaining to the discharge of phosphorus. This has become a huge issue in some of the surrounding areas and has caused problems with their water. The proposed practices done by the farmers would be a fraction of the cost of what House Bill 490 had proposed. This would be a huge savings to the Germantown residents because Franklin Regional Waste Water Treatment Cooperation would not have to implement new improvements and pass the cost onto us.

He spoke with the Federal Emergency Management Association regarding the floodplain and the launch of the new program "Discovery". This will help with any new issues with water and flooding in our area. He asked that if anyone in the City has issues with flooding to please contact the City. We will attend a meeting in January regarding the City's flood maps.

He participated in a food drive with the schools that helped 128 local families. We are very blessed to have such a giving community.

The Audit Committee met tonight.

He wished everyone a Happy Holiday Season and commented that we have a lot to be thankful for. We look forward to serving the community in 2015.

**COUNCIL MEMBER'S REPORT:**

**Mr. Heistand's Report:**

Mr. Heistand stated it was a pleasure and an honor to be on Council with Mr. Scott Johnson. He had also sat on the Board of Zoning Appeals with Mr. Johnson and thanked him for his contribution. He will miss him.

The deadline for the City Beautiful Commission's Christmas decorating contest is today. If anyone has a nomination please email it to the Manager by tomorrow morning. The City Beautiful Commission will be meeting tomorrow evening to choose a winner.

He went on by wishing everyone a blessed Christmas holiday.

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**Mr. Scott Johnson's Report:**

Mr. Scott Johnson wished everyone a Merry Christmas.

He went on by saying thank you for the opportunity of serving again on Council. He feels that this is a good functioning Council and the City is in good hands. He plans on concentrating on his work with the Masonic Lodge for now and maybe later he will serve on another Board.

He thanked everyone for the plaque.

**Mr. Terry Johnson's Report:**

Mr. Terry Johnson thanked everyone that was involved with the Christmas in the Park event.

He attended the VV Base organization meeting last week. They are preparing for the upcoming 2015 season. The Manager and he are looking at a new material that can be applied to the fields and the complex by a new company.

He went on by thanking the Fire-EMS Department, Police Department, Service Department, Administration and Council for their hard work throughout the year. He thanked Mr. Scott Johnson for serving on Council. He thanked his family for allowing him to do what he does.

He wished everyone a Merry Christmas and a safe and Happy New Year.

**Mr. Koogle's Report:**

Mr. Koogle wished everyone a Merry Christmas.

He stated he would miss Mr. Scott Johnson.

**Mr. Kuhn's Report:**

Mr. Kuhn stated he has noticed that the retail spaces in the downtown area are almost all full along Main Street. This has been a goal for the joint groups and it is quite impressive for a town of this size. It is incredible to see all these people give it their all and start a small business here in Germantown. He asked that everyone please support these businesses during the holidays. We have something special here in our downtown area.

**Mr. Wafzig's Report:**

Mr. Wafzig stated he attended the Miami Valley Communications Council meeting and they passed their 2015 budget. Franchise fees were down again by approximately \$10,000. The Director John Weithofer announced that he will be retiring. He has done an excellent job over the years and will be missed. He will be serving on a committee as they find the next Director.

He stated it had been great working with Mr. Scott Johnson. He wished him the best of luck.

He went on by wishing everyone Happy Holidays.

**Legislation:**

**Introduction:**

RESOLUTION NO. 14-86  
A RESOLUTION AUTHORIZING THE REQUEST FOR ADVANCE OF  
TAXES FOR 2015 COLLECTED BY THE TREASURER OF MONTGOMERY  
COUNTY, STATE OF OHIO.

Mayor Boeder stated the Public Hearing would be January 5, 2015.

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**RESOLUTION NO. 14-87**

**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 January 5, 2015.

**Public Hearing:**

**ORDINANCE NO. 14-79 (AS AMENDED)**

**AN ORDINANCE REPEALING SECTION 919.08(a)(1), 919.08(a)(2), 919.08(a)(3), 919.08(a)(4), 919.08(a)(1) AND 919.08(a)(2) AND CREATING A NEW SECTIONS 919.08(a)(1) AND 919.08(a)(2) OF THE STREETS AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING RATES; RULES FOR UTILITY BILL ADJUSTMENTS EFFECTIVE FEBRUARY 1, 2015.**

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

The Law Director stated that if you are reading this piece of legislation it may look like there are typographical errors but it is correct. There were duplicate numbers and that was part of the problem we are trying to correct.

**MOTION:** Mr. Wafzig moved to adopt Ordinance No. 14-79.

**ROLL CALL:** Mr. Heistand, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 7-yes, 0-no. **MOTION CARRIED.**

**ORDINANCE NO. 14-80 (AS AMENDED)**

**AN ORDINANCE AMENDING SECTION 921.21 OF THE STREET AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING SANITARY SEWER RATES EFFECTIVE FEBRUARY 1, 2015.**

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. 14-80.

**ROLL CALL:** Mr. Heistand, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 7-yes, 0-no. **MOTION CARRIED.**

**RESOLUTION NO. 14-81**

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

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. 14-81.

**ROLL CALL:** Mr. Heistand, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 7-yes, 0-no. **MOTION CARRIED.**

**RESOLUTION NO. 14-82**

**A RESOLUTION AUTHORIZING THE ADVANCE OF FUNDS FROM THE GENERAL FUND TO THE REFUSE FUND.**

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

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**MOTION:** Mr. Scott Johnson moved to adopt Resolution No. 14-82.

ROLL CALL: Mr. Heistand, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 7-yes, 0-no. MOTION CARRIED.

**RESOLUTION NO. 14-83**

**A RESOLUTION TO AUTHORIZE THE TRANSFER OF FUNDS FROM THE SEWER DEBT SERVICE FUND TO THE SEWER FUND.**

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. 14-83.

ROLL CALL: Mr. Heistand, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 7-yes, 0-no. MOTION CARRIED.

**ORDINANCE NO. 14-84**

**AN ORDINANCE TO AMEND EMERGENCY ORDINANCE NO. 13-78 APPROPRIATIONS FOR CURRENT EXPENSES AND EXPENDITURES FOR THE MUNICIPALITY OF GERMANTOWN, STATE OF OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2014.**

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

**MOTION:** Mr. Heistand moved to adopt Ordinance No. 14-84.

ROLL CALL: Mr. Heistand, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 7-yes, 0-no. MOTION CARRIED.

**RESOLUTION NO. 14-85**

**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. 14-85.

ROLL CALL: Mr. Heistand, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, 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 8:27 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak  
Clerk of Council

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Stephen A. Boeder  
Mayor