

MUNICIPALITY OF GERMANTOWN COUNCIL

TUESDAY, FEBRUARY 17, 15

The Municipality of Germantown Council met in regular session on February 17, 2015 at 7:00 p.m. in the Municipal Building Council Chambers.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited.

Mayor Boeder announced that Council will be having an Executive Session tonight to discuss the Manager's contract and a Work Session to discuss the proposed street levy.

MEMBERS PRESENT:

The following members were present at the Call to Order: Mayor Stephen Boeder, Mr. Mark Heistand, Mr. Terry Johnson, Mr. Lynn Koogle, Mr. Michael Kuhn, Mr. Robert Rettich, IV and Mr. Brian Wafzig.

MEMBERS ABSENT:

None.

ALSO PRESENT:

Also present were Anna Sizemore, Municipal Manager; Dan Alldred, Fire Chief; Roy McGill, Chief of Police; Matt Burns, Police Major; Scott Brown, Police Lieutenant; Kelli Sanders-Novak, Clerk of Council and several visitors. Tom Schiff, Law Director arrived at 7:04 p.m.

APPROVAL OF MINUTES:

Mayor and Council reviewed the January 31, 2015 Retreat Work Session minutes.

MOTION: Mr. Heistand moved to approve the January 31, 2015 Retreat Work Session minutes as submitted.

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

Mayor and Council reviewed the February 2, 2015 Regular Session minutes.

MOTION: Mr. Koogle moved to approve the February 2, 2015 Regular Session minutes as submitted.

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

PUBLIC RECOGNITION:

None.

CITIZEN'S FORUM:

Brian Martin with the Miami Valley Regional Planning Commission updated Council on many projects in the area and reviewed the available funding for the City. At this time the City has only six streets that qualify for funding. He encouraged the City to bring projects to him to review. He thanked the City for their support and asked that he be contacted if there were any questions.

John Wilson, 152 South Main Street, handed out photos of South Main Street. He expressed his issues with the deteriorating street and asked when the City is planning on correcting the issues. He understands that it is a very expensive project but South Main Street keeps being pushed back on the "to-do-list". He stated that people are getting injured when walking on the street; including his wife that was injured. Their vehicles are taking a beating when driving down the street as

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well. He asked that the Street Department do more patching of the potholes until the project is complete. He hopes the City is looking into any available funding to move the project along as soon as possible because he does not want to wait another 25 years to see it completed.

Jan Wallace, 203 South Main Street, stated that the crown in the street is higher than the curb. This makes parking on the street very difficult and nearly impossible to get out of your car. Her car flooded a few years ago due to the condition of the street and the drainage issues. The situation has become very dangerous for anyone who walks on South Main Street. This is a big problem since the bike path is at the end of the street. She no longer drives on Main Street to get to her home. South Main Street is the worst street in Germantown in her opinion.

Victoria Taylor, 149 South Main Street, expressed how beautiful Germantown is and how visitors come to Germantown to enjoy the Veteran's Museum on Main Street but it is a disgrace for visitors to see the condition of South Main Street. She has noticed that many kids ride their bikes down South Main Street without helmets that are going to get hurt with the deep pot holes. She is a Pediatrician and would hate to see them injured. Getting out of her car on Main Street is very difficult and it is also a safety issue. She feels it would be great to see the many issues corrected.

Ken Botts, 142 South Main Street, he was told by a neighbor in 1987 that the road was going to be repaved in 1988. That was the reason that the neighbor had a new sidewalk installed. He feels that at that time it was a priority to repave the street but it is no longer a priority. South Main Street is filled with beautiful homes and great people. The street is the trail head to the bike bath, we have a wonderful museum located on the street and many people that visit Germantown use it. It does not give a good impression of Germantown with such poor road conditions. This also creates a huge safety issue for all ages and he is surprised the City has not had any lawsuits. He would like to see this street moved up on the priority list.

Kim Adkins-**Flaughter**, 253 South Main Street, this is the second house she has owned on South Main Street over the years. In the 80's the City told us that we had to replace portions of the sidewalk and she did. She now wishes she would had taken her time and fixed the sidewalk as fast as the City has fixed the street that they have promised to fix. She wishes that the City would step up and take responsibility like the homeowners were required to do. They joke about having to have flood insurance due to the amount of water that collects when it rains. Only the South portion of her home is in the flood zone and she is forced to pay \$1500 for flood insurance. She is unable to get into her car when it rains hard.

Ray ~~Metcalfe~~ **Midkiff**, 265 South Main Street, stated he has lived there since 1971. Years ago he phoned the City to come and fill the hole in front of his home and he was told that they were not responsible for South Main Street and was told to call the City of Miamisburg. The City of Miamisburg patched it and the man said that was the first patching they had done on this street for many years. He has never seen any major work done on South Main Street since he has lived there.

David Shortt, 166 Farmersville Pike, stated he is the curator of the Veteran's Museum on South Main Street. He researched what a pot hole was before coming tonight and according to the Army Corps of Engineers defines that there are two requirements that allow a pothole to form, water and traffic. South Main Street is the Main Street in Germantown. We have the museum, the infirmary, the mill and the bike path at the end of the street that many people from out of town come to visit. The street is in very poor condition and he would like Council to see the priority of repairing Main Street. It really affects the entire visibility of our town and he would appreciate any help that they could offer.

Mr. Koogle replied that this Council has really concentrated on streets. Main Street is not a thru street. There are very few dollars available to us because it is not a thru street. This means that it falls back on the City to take care of the street. There is no way we can do that street unless we have a levy to do it with. We know that and we are adamant that we get something passed and have the people help us get the levy passed. We have had the Engineer look at the street and there is no base left under the street. It is probably the worst street in town and we agree with that. The entire street including the sidewalk is in need of a total redo. Main Street is a priority to this Council and we know we have to get it done and we want to do it right. This is too big of a project for the City to do on our own and we will need a levy to do it. Not only Main Street but Perry Street is in need of repair. Walnut Street and Plum Street infrastructure also need to be

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corrected at the same to eliminate the flooding nonsense. He is very sensitive to this and he ran a bed and breakfast in town for many years and people love this town but could not believe the condition of Main Street. He stated that Council is very adamant at getting something done on Main Street as soon as we can. If anyone needs to call about potholes please contact the City and the Service Director will be out the same day.

Mr. Kuhn stated that our annual street maintenance budget is approximately \$130,000. You can see that we are doing a lot of streets around town; Market Street and Cherry Street were funded by Ohio Public Works Commission money and our match. We were able to get those projects done and barely keep up with the other streets that are falling apart with our \$130,000 a year. We have two options and that is to save the \$130,000 a year for the next 15 years and not do anything else, which is not feasible because we would have a lot of South Main Streets or come to the community and get a levy passed. He has served on Council for four years and it has been a top priority street to him because he hears about it all the time working at the store. We completely understand and are working on getting a levy passed.

Mr. Wafzig suggested that the Street Department fill potholes on the next nice day. Ben Mersch did an article on the Council Retreat and explained that we are looking at doing Main Street, Perry Street and Plum Street if a levy was passed. He was unaware of all the promises that have been made and broken to the residents on South Main Street. He has spoke to many of the residents and we will ask that the residents support the levy.

The residents and Council discussed the proposed street levy, the current road levy and various other aspects to the South Main project.

Jill Lam, 264 South Main Street, asked that Council consider Endress Street also. She lives on the corner of Endress Street and South Main Street. It has extremely large potholes as well and the Street Department comes out and puts their Betty Crocker mix down and then drives their pickup truck over it but it does not work. They may need different equipment to correct the pothole problem. The school busses drive Endress Street twice a day.

Cassandra Cotterman, 105 South Main Street, questioned if the sidewalks were going to be included too. They are currently a rollercoaster and you can't walk down them without tripping.

Mayor Boeder encouraged the residents to stay for the work session to listen to the discussion of the proposed street levy.

Residents that were present signed a sheet with contact information that was given to the Manager.

MANAGER'S REPORT:

Mrs. Sizemore stated that she is currently updating the work load items that she received from the Council Retreat.

She went on by reviewing the legislation that is on the agenda for tonight. Under Introduction is Resolution No. 15-09 which is the yearly agreement with the Miami Valley Communications Council for CodeRed services. It is a cost of \$625 which is an increase of \$75 from last year. Resolution No. 15-10 is a transfer of funds from the General Fund to the Street Fund for 2014. This is for the Cable Franchise fees. The Auditor requires us to transfer because it is General Fund money in the amount of \$11,191.93. Resolution No. 15-11 through 15-14 deal with the same thing. Resolution No. 15-11 is a transfer of funds from the Fire Fund to the Fire Capital Improvements Fund for calendar year 2013 in the amount of \$100,000. Resolution No. 15-12 is a transfer of funds from the Fire Fund to the Fire Capital Improvements Fund for calendar year 2014 in the amount of \$100,000. Resolution No. 15-13 is a transfer of funds from the EMS Fund to the EMS Capital Improvements Fund for calendar year 2013 in the amount of \$200,000. Resolution No. 15-14 is a transfer of funds from the EMS Fund to the EMS Capital Improvements Fund for calendar year 2014 in the amount of \$100,000. Resolution No. 15-15 is authorizing the contract with Miller Pipeline, LLC for the Phase 2 Sanitary Sewer project in the amount of \$153,986.95. This includes Bradley Drive, East Market Street, McCall Road, Butter Street, Stewart Lane, Bruce Court and in Hillcrest Park.

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Under Public Hearing is Resolution No. 15-04 which is to designate First National Bank as a public depository. This agreement will be for a five year renewal period. Resolution No. 15-05 is for the purchase of a 2015 Dodge Charger for the Police Department. This purchase was included in the 2015 Budget. Resolution No. 15-06 is the transfer of funds for January in the amount of \$5,508.79.

She asked that Resolution No. 15-07 be tabled tonight by Council till the next meeting. We have a few issues to discuss in Work Session regarding this resolution.

Mayor Boeder asked for a motion to table Resolution No. 15-07.

MOTION: Mr. Kuhn moved to table Resolution No. 15-07.

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

Mr. Koogle stated that Council discussed the transfers but there was a Council Member that was disputing them. They were never brought back up for discussion.

Mrs. Sizemore replied that the transfers are part of the finance report that the Finance Director is working on.

CLERK'S REPORT:

None.

LAW DIRECTOR'S REPORT:

He apologized for being late. He attended an important school function with his daughter.

POLICE CHIEF'S REPORT:

Chief McGill reviewed the 2014 year end presentation for the Police Department.

FIRE CHIEF'S REPORT:

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

He went on by reminding everyone who burns a wood burning fireplace to place their excess ashes in a metal container and place the container away from any structure or vehicle. It takes a long time for the ashes and embers to cool, so always assume they are hot and never place them near any structure.

DIRECTOR OF PUBLIC SERVICE'S REPORT:

Mrs. Sizemore stated that Mr. Moore is not here tonight because he had been working throughout the night last night and all day today. Our salt is okay and we are not having any problems getting our deliveries. She will address the pothole issues on South Main with him. The Service Department worked on clearing the trees and brush along the bike path last week when the weather was nicer.

MAYOR'S REPORT:

Mayor Boeder stated he has two Proclamations for tonight but may postpone them to another evening.

He attended the Science Fair this past weekend and congratulated those who participated. He enjoys seeing how the kids are thinking.

He attended a meeting at Franklin Regional Waste Water Treatment Cooperation with the Manager and Mr. Moore. He has identified some issues that are quite lacking such as the way

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they present the financial report. He feels the Board needs to take more leadership with the decisions of the plant. We should be able to see where we will be in the next 5-10 years. He has emailed his comments to them and has not had any response yet.

He received a handout from the Mayor of Fairborn regarding people in their community that were in need of assistance and how they took applications from those residents. This could be for various needs and chores then put them in touch with organizations to assist them. He would like to consider this for Germantown and asked that the Manager give each Council Member a copy of the handout in the next Council packet.

He will be giving the State of the City address at the March 2 meeting.

He has really enjoyed watching the Valley View Basketball this year. Both the boys and girls have done really well and he wished them all good luck.

There will be a round table meeting with Representative Turner on February 23 that he is planning on attending. If anyone has any items to discuss at this meeting please let him know.

He will postpone the Proclamations for this evening for a later date.

COUNCIL MEMBER'S REPORT:

Mr. Heistand's Report:

Mr. Heistand stated that the City Beautiful Commission met last week. He reminded everyone of the snow sculpture contest that is currently going on and the Easter coloring contest.

He attended the first 2015 Twisted Pretzel Tour meeting. They are going to meet the first Thursday of each month at the library at 6:30 p.m.

He had sent Council a link to the article in the Dayton Daily News regarding the request from **Ohio State** Treasure Josh Mandel who is asking that all local governments post their check book online. He requested that when the City receives their formal letter that Council is made aware and at that time Council will need to make a decision.

Mr. Johnson's Report:

Mr. Johnson congratulated the Valley View Youth Wrestling on their performance at the regional meet. They did very well and he wishes them all well at the State meet this Sunday.

The VV Base registration is still going on through March 31 but there may be late fees the later you register. Please sign up as soon as possible.

The Pool Board meeting will be February 18.

Mr. Koogle's Report:

Mr. Koogle stated that he attended the Cemetery Board meeting and it was business as normal. They are in the process of purchasing plaques for approximately 70 trees that have been donated. These plaques will identify who has donated each tree.

He stated that he is very interested in the volunteer program for the elderly. He received a call from the First Church of God that has a group that would like to do projects such as these this summer.

Mr. Kuhn's Report:

Mr. Kuhn reminded everyone of the Economic Development meeting on Thursday.

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Mr. Rettich's Report:

Mr. Rettich thanked all the residents for attending the Council Meeting tonight to express their thoughts and concerns about South Main Street.

Mr. Wafzig's Report:

Mr. Wafzig stated that the legislation that is on the agenda tonight regarding CodeRed is a very good deal for a great price. This is a service that is handled by Miami Valley Communications Council and there are currently 26 cities involved. There are more cities joining that will keep the cost down in the future.

He went on by saying that the interview committee for the new Director at Miami Valley Communications Council will be underway soon. Hopefully there will be an announcement of a new Director soon.

Mayor Boeder informed the Law Director that Council would like to only receive a yearly report on his work. The Manager will get with him for more details.

Legislation:

Introduction:

RESOLUTION NO. 15-09

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO AN AGREEMENT WITH THE MIAMI VALLEY COMMUNICATIONS COUNCIL FOR CODERED SERVICES FROM FEBRUARY 9, 2015 TO FEBRUARY 8, 2016.

Mayor Boeder stated the Public Hearing would be March 2, 2015.

RESOLUTION NO. 15-10

A RESOLUTION TO AUTHORIZE THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE STREET FUND FOR CALENDAR YEAR 2014.

Mayor Boeder stated the Public Hearing would be March 2, 2015.

RESOLUTION NO. 15-11

A RESOLUTION TO AUTHORIZE THE TRANSFER OF FUNDS FROM THE FIRE FUND TO THE FIRE CAPITAL IMPROVEMENTS FUND FOR CALENDAR YEAR 2013.

Mayor Boeder stated the Public Hearing would be March 2, 2015.

RESOLUTION NO. 15-12

A RESOLUTION TO AUTHORIZE THE TRANSFER OF FUNDS FROM THE FIRE FUND TO THE FIRE CAPITAL IMPROVEMENTS FUND FOR CALENDAR YEAR 2014.

Mayor Boeder stated the Public Hearing would be March 2, 2015.

RESOLUTION NO. 15-13

A RESOLUTION TO AUTHORIZE THE TRANSFER OF FUNDS FROM THE EMS FUND TO THE EMS CAPITAL IMPROVEMENTS FUND FOR CALENDAR YEAR 2013.

Mayor Boeder stated the Public Hearing would be March 2, 2015.

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RESOLUTION NO. 15-14

A RESOLUTION TO AUTHORIZE THE TRANSFER OF FUNDS FROM THE EMS FUND TO THE EMS CAPITAL IMPROVEMENTS FUND FOR CALENDAR YEAR 2014.

Mayor Boeder stated the Public Hearing would be March 2, 2015.

RESOLUTION NO. 15-15

A RESOLUTION AUTHORIZING THE MUNICIPAL MANGER TO ENTER INTO A CONTRACT WITH MILLER PIPELINE, LLC, 8850 CRAWFORDSVILLE ROAD, INDIANAPOLIS, IN 46234, FOR THE SANITARY SEWER REHABILITATION PROJECT PHASE 2, OPWC PROJECT NUMBER CD05R, IN THE AMOUNT OF \$153,986.95.

Mayor Boeder stated the Public Hearing would be March 2, 2015.

Public Hearing:

RESOLUTION NO. 15-04

A RESOLUTION TO DESIGNATE FIRST NATIONAL BANK OF GERMANTOWN AS THE PUBLIC DEPOSITORY FOR THE MUNICIPALITY OF GERMANTOWN AND AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO A DEPOSITORY AGREEMENT FOR ACTIVE, INTERIM AND/OR INACTIVE PUBLIC FUNDS WITH FIRST NATIONAL BANK OF GERMANTOWN.

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

MOTION: Mr. Johnson moved to adopt Resolution No. 15-04.

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

RESOLUTION NO. 15-05

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO PURCHASE A 2015 DODGE CHARGER FROM KEY CHRYSLER, 2020 NORTH DETROIT STREET, XENIA, OH 45385 FOR THE PURCHASE PRICE OF \$22,843.00 FOR USE BY THE MUNICIPALITY OF GERMANTOWN POLICE DEPARTMENT.

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. 15-05.

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

RESOLUTION NO. 15-06

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. 15-06.

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

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EXCUSE ABSENT MEMBERS:

None.

MOTION: Mr. Koogle moved to adjourn to Executive Session to discuss personnel matters related to the Municipal Manger's contract.

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

Mayor and Council adjourned to Executive Session at 8:52 p.m.

EXECUTIVE SESSION:

PRESENT:

The following members were present at the start of the Executive Session: Mayor Stephen Boeder, Mr. Mark Heistand, Mr. Terry Johnson, Mr. Lynn Koogle, Mr. Michael Kuhn, Mr. Robert Rettich, IV and Mr. Brian Wafzig.

MEMBERS ABSENT:

None.

ALSO PRESENT:

Also present was Tom Schiff, Law Director.

The aforementioned persons discussed personnel matters related to the Municipal Manger's contract.

MOTION: Mr. Johnson motioned to return to Regular Session.

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

Mayor and Council reconvened into Regular Session at 9:45 p.m.

MEMBERS PRESENT:

The following members were present: Mayor Stephen Boeder, Mr. Mark Heistand, Mr. Terry Johnson, Mr. Lynn Koogle, Mr. Michael Kuhn, Mr. Robert Rettich, IV and Mr. Brian Wafzig.

MEMBERS ABSENT:

None.

ALSO PRESENT:

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

ADJOURNMENT:

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

The meeting adjourned at 9:46 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Stephen A. Boeder
Mayor