

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, MARCH 16, 15**

The Municipality of Germantown Council met in regular session on March 16, 2015 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: Mr. Mark Heistand, Mr. Terry Johnson, Mr. Lynn Koogle, Mr. Michael Kuhn, Mr. Robert Rettich, IV and Mr. Brian Wafzig.

**MEMBERS ABSENT:**

Mayor Stephen Boeder was absent.

**ALSO PRESENT:**

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

**APPROVAL OF MINUTES:**

Council reviewed the March 2, 2015 Regular Session minutes.

Mr. Wafzig stated on Page 1 under the approval of minutes "Treasure" should be spelled "Treasurer".

**MOTION:** Mr. Kuhn moved to approve the March 2, 2015 Regular Session minutes as amended.

**ROLL CALL:** Mr. Heistand, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Rettich, yes; Mr. Wafzig, yes. 6-yes, 0-no. **MOTION CARRIED.**

Council reviewed the March 2, 2015 Work Session minutes.

**MOTION:** Mr. Kuhn moved to approve the March 2, 2015 Work Session minutes as submitted.

**ROLL CALL:** Mr. Heistand, yes; Mr. Johnson, yes; Mr. Koogle, abstained; Mr. Kuhn, yes; Mr. Rettich, yes; Mr. Wafzig, yes. 5-yes, 1-abstention. **MOTION CARRIED.**

**PUBLIC RECOGNITION:**

None.

**CITIZEN'S FORUM:**

Ohio House Representative Niraj Antani updated Council on various topics that included the Governors Budget, Current Agricultural Use Value (CAUV) rates for farmers and their land, Valley View Schools and the decrease in funding and concerns with algae blooms on Lake Erie. He asked that people contact him if they have any questions or concerns. He would like to visit Council every quarter.

**MANAGER'S REPORT:**

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

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**MOTION:** Mr. Johnson moved to accept the donations to the Senior Center.

ROLL CALL: Mr. Heistand, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Rettich, yes; Mr. Wafzig, yes. 6-yes, 0-no. MOTION CARRIED.

Mrs. Sizemore stated that we have been discussing Peffley Street for the past several weeks and we now know that the school will not be able to contribute any funds towards the Peffley Street project. The school does not own any of the street so they would not be allowed to help fund a project for something they do not own. She is working with the Finance Director to try and find a way to fund the project. She would like to see the project started when school is out for the summer. She asked that the Council members look at Peffley Street again and give their thoughts at the next meeting. She would like to move forward with the plans with the Engineer and figure out how we will pay for the project and have a report at the next meeting. We have asked that the school reroute all the bus traffic off of Peffley Street. They will need to use Arnold Street and we will be keeping a close eye on it while they are using it. Some of the neighbors have reported damage to their yards from the busses. The school will fix any damage to the yards. Once we have removed all bus traffic from Peffley Street we may want to lift the no parking restriction.

Mr. Koogle asked that the Engineer look at the water run-off from the school parking lot. He does not feel the school is clear of this matter. They have a responsibility of the water draining down the street.

Mr. Johnson stated that he had received phone calls from residents on Peffley Street regarding the damage done by the drivers that are trying to avoid the pot holes. He has looked at the street and in some spots it is just gravel. The Street Department is working on it but the road is completely gone in places.

Mrs. Sizemore stated that the Street Department has tried to temporarily fix the holes but we really need to move forward with the project. We are not forgetting the other streets at all; this is just a much smaller project that needs to be done.

She went on by saying that the refuse collection bid packets are in the process of being completed and should be advertised next week. She is meeting with a representative from West Carrollton to discuss the bids for the demolition of Camp Miami and get bid packets together. We are hoping to award both the refuse bid and the demolition bid at the April 6, 2015 meeting.

There was a Gov Tech meeting on March 9 and we discussed the regional radio system and the new council of governments that is being developed. There are some questions on funding for the new council of governments.

There is a letter going to the Montgomery County Coroner questioning a transportation removal fee that we are now being charged for indigent burials. We are required to take care of any indigent burials in the city and Dalton Funeral Home handles those for us. We normally have one or two burials a year. Once we have an answer she will update Council.

She went on by reviewing the legislation that is on the agenda for tonight. Under Introduction is Resolution No. 15-17 that levy's assessments for grass and weed removal. These are invoices that have not been paid from 2014 after many attempts by the staff and Law Director to collect. Resolution No. 15-18 is the monthly transfer of funds for February in the amount of \$6,306.90. Ordinance No. 15-19 is an amendment to the Streets and Public Service Code to increase the sewer tap in fees. This is a fee that is paid to Franklin Regional Waste Water Treatment Committee when the developer pays their tap in fees. This was increased by \$15.00 for the year. Resolution No. 15-20 is for the County Auditor to certify the total current tax valuation in anticipation of a new 4.00 mill levy for street repair and construction. Resolution No. 15-21 is the transfer of funds for calendar year 2015. This is the cable franchise fees for the year in the amount of \$5,683.20 that we received from Miami Valley Communication Council. Resolution No. 15-22 is the monthly transfer of funds for March in the amount of \$4,262.14.

Under Public Hearing is Resolution 15-16 that supports the Big Hoopla and the NCAA First Four.

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We do have Resolution No. 15-07 as tabled legislation and she believes Council would be able to remove this from the table tonight. At this time we are not moving forward with the project.

She stated that the Law Director has requested an executive session to discuss the Manager's contract and she has no items for a work session tonight.

**CLERK'S REPORT:**

None.

**LAW DIRECTOR'S REPORT:**

The Law Director stated that he had neglected to inform Council of a meeting with representatives from the Odd Fellows Lodge and Dr. Mejia a few weeks ago regarding the purchase of property. As far as he knows there is no longer an issue.

**FINANCE DIRECTOR'S REPORT:**

Mr. Klein handed out the 2015 budget binders to Council. He pointed out a couple minor corrections that have been made and reflected in the binders. There will be an amendment that will come before Council on April 6 regarding the Sanitary Sewer Rehabilitation Phase 1 debt service on page 19.

**FIRE CHIEF'S REPORT:**

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

He went on by praising his crews for their quick response to a structure fire in February and keeping the damage to a minimum. The crews have been undergoing training and testing and have been doing well. Tanker 63 has returned from the routine maintenance work that was done in January. Everything seems to be in good working order for the age of the tanker. We are planning on doing quarterly CPR classes for the public; our first class went well.

He stated last week was very busy with a fire at the school and a building that collapsed. Both issues went as well as they could have.

Mr. Koogle thanked the Manager for the efficiency in how she handled the situation and everyone that was involved with the building collapsing. He questioned if the debris needed to be inspected before it is removed. Chief Alldred replied that the Environmental Protection Agency has been notified and the property owner is aware they will need an asbestos specialist involved before any of the rubble can be removed. He and a couple of National Inspection Corporation staff were present when the structure was torn down and made sure it was okay during demolition.

**POLICE CHIEF'S REPORT:**

Chief McGill handed out the February Police Department report.

**COUNCIL MEMBER'S REPORT:**

**Mr. Heistand's Report:**

Mr. Heistand stated that the City Beautiful Committee met last week. They reviewed the entries from the Easter coloring contest and selected two winners; 2-5 year old winner is Brigham McClain and 6-9 year old winner is Sierra Adkins. They will be recognized at the April 6 Council meeting and also have a yard sign placed in their yards. All the entries will be displayed at the Municipal Building and a letter will be sent to all the entries. We have received a couple of entries for the snow sculpture contest. He encouraged everyone to send photo entries to the website by April 13. The Committee will make a decision at their meeting on April 14.

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He went on by commending the Manager, National Inspection Corporation and Chief Alldred for their quick response at the brewery on Thursday. It was a sad occasion to see the building come down. Because of everyone's quick response no one was hurt and no damage was done to any other surrounding buildings. Scott Weidle and his crew responded quickly and did a great job at not damaging the adjacent buildings. Anytime we lose a significant building it is sad. Once again it just states that it is important that property owners maintain their buildings to avoid this kind of demolition by neglect.

He announced that the Lions Club would be hosting a pancake breakfast at the Senior Center March 28. Proceeds will go to the Juvenile Diabetes Research Foundation. There will be a movie night at the By-Jo on April 2 and the fundraiser will support the Ronald McDonald House. We will be showing Field of Dreams.

**Mr. Johnson's Report:**

Mr. Johnson reminded everyone of the Pool Board meeting on March 18.

He reminded everyone that they can still sign up for softball and baseball with VV Base.

**Mr. Kuhn's Report:**

Mr. Kuhn stated he was at the demolition of the building on Thursday and he wanted to thank the Manager for getting it all together, Chief Alldred for securing the area and Scott Weidle for having such a quick turnaround to come down unannounced and get all the equipment and manpower there to get the building on the ground as quickly as they did.

**Mr. Rettich's Report:**

None.

**Mr. Wafzig's Report:**

None.

**Mr. Koogle's Report:**

Mr. Koogle stated that we as a Council will do everything in our power to maintain the historical buildings in the city if given the chance. But we need to know the situation and have a chance to respond. We are on the National Historical Registry because of our downtown area and alley layout. We need to quit losing buildings and concentrate on maintaining the buildings we currently have.

**Legislation:**

**Introduction:**

ORDINANCE NO. 15-17

AN ORDINANCE LEVYING ASSESSMENTS FOR THE CUTTING AND REMOVAL OF WEEDS AND/OR PLANT GROWTH FOR CERTAIN PROPERTIES IN THE MUNICIPALITY OF GERMANTOWN, OH.

Mr. Koogle stated the Public Hearing would be April 6, 2015.

RESOLUTION NO. 15-18

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

Mr. Koogle stated the Public Hearing would be April 6, 2015.

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**ORDINANCE NO. 15-19**

**AN ORDINANCE TO AMEND SECTION 921.03(e) OF THE STREETS AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN TO INCREASE THE SEWER TAP IN FEES, EFFECTIVE APRIL 1, 2015.**

Mr. Koogle stated the Public Hearing would be April 6, 2015.

**RESOLUTION NO. 15-20**

**A RESOLUTION TO REQUEST THE MONTGOMERY COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION IN ANTICIPATION OF A NEW 4.00 MILL LEVY FOR GENERAL CONSTRUCTION, RECONSTRUCTION, RESURFACING AND REPAIR OF STREETS, ROADS, AND BRIDGES.**

Mr. Koogle stated the Public Hearing would be April 6, 2015.

**RESOLUTION NO. 15-21**

**A RESOLUTION TO AUTHORIZE THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE STREET FUND FOR CALENDAR YEAR 2015.**

Mr. Koogle stated the Public Hearing would be April 6, 2015.

**RESOLUTION NO. 15-22**

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

Mr. Koogle stated the Public Hearing would be April 6, 2015.

**Public Hearing:**

**RESOLUTION NO. 15-16**

**A RESOLUTION IN SUPPORT OF THE BIG HOOPLA AND THE NCAA FIRST FOUR.**

Mr. Koogle opened the Public Hearing, Council was not addressed. The Public Hearing was then closed.

**MOTION:** Mr. Wafzig moved to adopt Resolution No. 15-16.

**ROLL CALL:** Mr. Heistand, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Rettich, yes; Mr. Wafzig, yes. 6-yes, 0-no. **MOTION CARRIED.**

Mr. Koogle asked for a motion to remove Resolution No. 15-07 from the table.

**MOTION:** Mr. Heistand moved remove Resolution No. 15-07 from the table.

**ROLL CALL:** Mr. Heistand, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Rettich, yes; Mr. Wafzig, yes. 6-yes, 0-no. **MOTION CARRIED.**

Mr. Koogle opened the Public Hearing, Council was not addressed. The Public Hearing was then closed.

**MOTION:** Mr. Wafzig moved to adopt Resolution No. 15-07.

**ROLL CALL:** Mr. Heistand, no; Mr. Johnson, no; Mr. Koogle, no; Mr. Kuhn, no; Mr. Rettich, no; Mr. Wafzig, no. 0-yes, 6-no. **MOTION FAILED.**

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**EXCUSE ABSENT MEMBERS:**

Mr. Johnson motioned to excuse Mayor Boeder.

ROLL CALL: Mr. Heistand, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Rettich, yes; Mr. Wafzig, yes. 6-yes, 0-no. MOTION CARRIED.

**MOTION:** Mr. Johnson moved to adjourn to Executive Session to discuss personnel matters related to the Municipal Manager's contract.

ROLL CALL: Mr. Heistand, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Rettich, yes; Mr. Wafzig, yes. 6-yes, 0-no. MOTION CARRIED.

Council adjourned to Executive Session at 7:34 p.m.

**EXECUTIVE SESSION:**

**PRESENT:**

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

**MEMBERS ABSENT:**

Mayor Stephen Boeder was absent.

**ALSO PRESENT:**

Also present was Tom Schiff, Law Director.

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

**MOTION:** Mr. Johnson motioned to return to regular session.

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

Council reconvened into Regular Session at 8:20 p.m.

**ADJOURNMENT:**

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

The meeting adjourned at 8:20 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak  
Clerk of Council

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Stephen A. Boeder  
Mayor