

MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, JUNE 1, 15

The Municipality of Germantown Council met in regular session on June 1, 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: Mayor Stephen Boeder, Mr. Mark Heistand, Mr. Terry Johnson, Mr. Lynn Koogle, Mr. Michael Kuhn and Mr. Brian Wafzig.

MEMBERS ABSENT:

Mr. Robert Rettich, IV was absent.

ALSO PRESENT:

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

APPROVAL OF MINUTES:

Council reviewed the May 18, 2015 Regular Session minutes.

MOTION: Mr. Heistand moved to approve the May 18, 2015 Regular Session minutes as submitted.

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

PUBLIC RECOGNITION:

Mayor Boeder read a Proclamation honoring the Valley View Schools Symphonic Band.

Ryan Brock, sophomore student member of the band who plays the trombone, stated that he was proud of himself and his fellow band members for their superior rating they have received and thanked everyone.

John Rowland, sophomore student member of the band who plays the trumpet, stated that he was really proud to have a town that values the schools and especially the music department.

Mike Burns, Assistant Band Director, stated that the students have worked very hard for their rating and he is proud of their accomplishments.

Catherine Abner, Band Director, stated that Mr. Burns and she have had a wonderful journey with the students this year. They all have worked very diligently throughout the year and earned a superior rating at the district 12 and state competitions. She appreciates the support from the administration, the parent organization and the community. She thanked the Mayor and Council for the recognition tonight.

CITIZEN'S FORUM:

Rich Luh, Pastor at St. John's United Church of Christ, 201 West Market Street, passed out information regarding the churches Valley View Community Clothes Closet. He stated that the community was very receptive to the idea. He explained that they were forced to shut down the Clothes Closet due to an issue with the lack of a sprinkler system. It was a fire hazard to have the clothes in a storage room in the basement. He asked Council if they were aware of any spaces

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that the Church would be able to rent to continue the Community Clothes Closet mission. He asked that if anyone is aware of any location to please contact him.

Mr. Wafzig questioned if the Fire Chief was aware of this situation at St. John's United Church of Christ. Mrs. Sizemore replied that this is the first she has heard about it but will ask the Fire Chief in the morning and update Council. Mr. Wafzig stated that it is odd that the Fire Marshal would be concerned about clothes being stored in a storage room.

Lois Campbell, 12585 Oxford Road, explained her issue with one of her rental units at 137 South Butter Street concerning the outstanding water bill that she is now responsible for paying. She does not feel that she should be responsible for the bill due to the malfunction of the water meter that was installed in the property according to the City.

The Law Director advised that the Manager and Council not engage in any conversation regarding this matter due to the letter that was received from an attorney regarding Ms. Campbell's situation. The best he can tell the City did not do anything incorrect in handling this matter. The City policies, codes and regulations were all followed as far as he can tell.

Mr. Johnson suggested that Council have an Executive Session to discuss the matter regarding Ms. Campbell's water bill and the letter that was received from her attorney.

Mr. Kuhn explained that the reason that Council was not going to discuss the matter until Executive Session was because the City had received a letter from an attorney regarding the issue with the water bill.

Dave Shortt, 166 Farmersville Pike, gave some history of the Camp Miami property. He asked that Council not take lightly the disposition of the property. He has spoken with many people regarding this issue. He suggested installing a memorial for the military institute and keep the grounds in their natural state. He does not feel that selling the land to a developer would be a great benefit for the future of this town. He would like to see Council consider leaving the land as possibly an extension of Veterans' Park or maybe an entrance to the Metro Park.

MANAGER'S REPORT:

Mrs. Sizemore stated that the Senior Center has received several donations and Council needs to accept these donations of five \$15.00 Wal-Mart gift cards that she assumes are to be used for bingo prizes.

MOTION: Mr. Koogle moved to accept the donations to the Senior Center.

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

Mrs. Sizemore stated that the Fire-EMS has received a donation for \$50.00 and the Parks Department has received a donation for \$50.00. Council needs to accept these donations.

MOTION: Mr. Johnson moved to accept the donations to the Fire-EMS and the Parks Department.

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

Mrs. Sizemore shared a magazine called the Vintage Fire Truck and Equipment that Bob McClain had brought to the City Building. The magazine features Germantown and photos of Mr. McClain's son's fire truck.

The Camp Miami demolition project is scheduled to begin on June 15 on the buildings that have had the asbestos removed. The filming of the demolition will be coordinated with Miami Valley Communications Council and Rauch Construction. The City Staff will be going up to the site to remove any additional items this week. There is also an issue with the flag pole that the Mayor is going to discuss.

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The sanitary sewer rehabilitation phase 2 project relining portion is complete. There will be a subcontractor in this week to take care of the manholes.

She announced that Saturday, June 20 is the first Saturday Night Out event from 5:00 – 9:00 p.m. The Buddy Meyers Band will be performing.

The pool is currently open and we will be hosting the 6th grade class party this Friday. We will be open full time starting this Saturday.

Under Introduction we have Resolution No. 15-31 which allows the Manager to enter into a contract with Strawser Construction for the 2015 Street Maintenance Program in the amount of \$118,700.00. Resolution No. 15-32 is a request for the Montgomery County Auditor to certify the tax valuation. This would be in preparation if the levy did not pass in August. We will go through the process like we did just a few weeks ago to ensure we are on the next ballot. Resolution No. 15-33 declares Fire/EMS Department surplus property that includes the various sized outdated fire hoses that we are no longer able to use.

Under Public Hearing we have Resolution No. 15-29 which declares Senior Center surplus property. This includes the old kitchen cabinets and countertops that were removed and a Panasonic copier. Resolution No. 15-30 is the monthly transfer of funds for May in the amount of \$6,903.16.

Included in the Council packets was the current Road and Bridge Levy Report from German Township.

We are currently putting together the financial numbers for the dog park and should have them to Council at the next meeting. She met with a representative with park equipment and we are looking into a grant opportunity for either the dog park or for Veterans' Park.

Mr. Koogle asked that the Manager look into ground covering for the playground areas in the parks. Mrs. Sizemore replied that they have put some rubber mulch down but would look into adding more in Veterans' Park and at Kercher Park.

Mr. Wafzig stated that he has heard that the rubber mulch is now bad for playground use. We may want to look at alternative solutions. Mrs. Sizemore replied that she would look into the pads that are commonly used and will also discuss the matter with the insurance company.

Mr. Wafzig questioned the progress of the removal of the old brewery debris on Center Street. Mrs. Sizemore replied that she has been working on getting the report from Mr. Gardner for weeks now and is in the process of looking for a new asbestos company to handle the situation. She will make contact with Ms. Brown to let her know of any changes.

Mayor Boeder stated that he would like to discuss the demolition project of Camp Miami. He would like to know the extent of which they plan on entering the building. Mrs. Sizemore replied that the Fire Chief has entered the building before and will not go any further than he feels is safe. He knows he is to only salvage items that he can get to safely. We have an understanding with Rauch that they will remove any items if they can get to them safely during the demolition process. Rauch is also planning on salvaging the bricks from the buildings and we are planning on getting them off site the same day.

Mr. Koogle questioned how many bricks are being saved. He feels that you would not have any problem getting rid of the bricks but once they are gone we will never be able to get them back. Mrs. Sizemore replied that the Mayor had mentioned that we may want to consider getting bricks to give away or to sell in addition to the bricks for a memorial.

Council discussed the bricks from the Camp Miami property for the memorial and for the public. The Manager will speak with the Service Director and Rauch and get a plan for the collection and storage of the bricks.

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Mayor Boeder stated that he was approached by a resident regarding the flag pole from the Camp Miami property and what the intent was for the pole. He approached Glen Bowman with the Historical Society and he was not interested in obtaining the flag pole. Mayor Boeder asked what the feeling of Council would be in reference to the flag pole.

Council discussed the future of the flag pole. The consensus of Council was to have the pole removed and repaired while down, then determine where to display the pole at a later date. It was also recommended to leave the pad of concrete where the pole is currently.

CLERK'S REPORT:

None.

LAW DIRECTOR'S REPORT:

The Law Director mentioned that we briefly discussed changing the rules for people addressing Council and he asked if anyone had any questions regarding any of the memos he had sent out lately.

He announced that Detective Darryl Swafford would not be returning to work due to reasons outside of his control. This will be a tremendous loss to the Police Department. He wishes Darryl the best and he will be missed. If anyone has any additional comments we can discuss it later.

He went on by thanking Council for understanding his absence at the last Council Meeting. He has been the Law Director for approximately nine years and that was his first meeting he has missed. He attended his children's baccalaureate ceremony.

Mr. Heistand suggested that Detective Swafford be recognized at a Council Meeting.

Mrs. Sizemore stated that the Police Department has already discussed having a presentation for him.

POLICE CHIEF'S REPORT:

Chief McGill stated that he will be working on a presentation for Detective Swafford in the near future. He stated that the new police cruiser is still having the equipment installed and decaled. The cruiser should be in service by Friday.

Mr. Koogle questioned if there had been any progress in finding information in a radar sign that can be mounted to any traffic sign post. Chief McGill replied that they are looking into the radar signs and will get more information.

Mayor Boeder stated that he has received comments about the Police presence in trying to reduce the people who are speeding in Ron Heights. He thanked Chief McGill for his efforts.

MAYOR'S REPORT:

Mayor Boeder asked that residents support the Street Levy that will be on the ballot in August. This levy would support repairs to the streets that are not eligible for outside funding.

He thanked everyone who participated in the Memorial Day event.

He attended Kevin Lanich's Eagle Scout induction on Memorial Day. He wished him success.

Relay for Life is on June 12 and he encouraged everyone to have the necessary medical checkups to prevent cancer. He encouraged everyone to put purple ribbons on their homes to show support for the upcoming event.

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COUNCIL MEMBER'S REPORT:

Mr. Heistand's Report:

Mr. Heistand thanked everyone that was involved in the Memorial Day program. It was a wonderful event. Not one person left even though it was raining and got chilly. David Shortt gave a very emotional speech honoring Veterans' from Germantown. The choir, band, Scouts, the Police Honor Guard and the gentleman who recited the Gettysburg Address did an excellent job. This is one of his favorite events in Germantown.

The City Beautiful Commissions 2015 Spring and Summer Flower Contest is underway and will continue through July 31. This year's theme is Best Flower and Landscape. We encourage everyone to submit photos and addresses to the City.

The Friends of the Library are hosting their annual Taste of Valley View on June 27. Tickets are available from any member, at the local banks or contact the library for information.

He stated that the purple bows to show support for the Relay for Life can be purchased from Germantown United Methodist Church during office hours.

He congratulated the 2015 Valley View Senior Class who will be having their ceremony on Thursday evening.

The City Beautiful Commission will be meeting on June 9.

Mayor Boeder reminded everyone that the Memorial Day program will be on the Miami Valley Communications Council channel.

Mr. Johnson's Report:

Mr. Johnson thanked Dave Shortt and everyone involved in the Memorial Day event.

He noticed a solar powered flashing stop sign on his way home today in another jurisdiction. He suggested the City look into purchasing these for some of the intersections throughout the City. They were very visible and could make some of our intersections safer.

Mr. Koogle's Report:

Mr. Koogle thanked the First Church of God for hosting the baccalaureate ceremony. This is a very special event and well attended.

He encouraged everyone to participate in the Relay for Life event. He is a cancer survivor and this is very near and dear to his heart.

He announced that the Germantown Alumni is June 13 and the last day to register would be June 6. Contact him for additional information.

Mr. Kuhn's Report:

None.

Mr. Wafzig's Report:

Mr. Wafzig stated that he attended the Miami Valley Communications Council meeting. They passed a resolution supporting funding for the Tactical Crime Suppression Unit for radio replacement. They also passed a resolution to authorize the Executive Director to enter into a contract for the fiber network. This network ~~should~~ could be brought to Germantown in the future. Pavement marking bids were down by 3% this year. There will be a cost savings due to the number of cities that are participating this year. Miami Valley Communications Council in is the process of planning open houses this fall to celebrate their 40th anniversary.

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Mr. Koogle questioned how the buyout will affect the Time Warner customers. Mr. Wafzig replied that he has not heard but will get information and update Council.

Mayor Boeder stated that he attended the Emergency Communication Committee meeting. They are currently having issues with high turnover of employees at the dispatch. They passed a motion to ask the County to get some numbers to see what it will cost to stabilize the turnover problem. He will update Council with information as he gets it.

Legislation:

Introduction:

RESOLUTION NO. 15-31

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO A CONTRACT WITH STRAWSER CONSTRUCTION, INC., 8600 BERK BLVD., HAMILTON, OHIO 45015 IN THE AMOUNT OF \$118,700.00 FOR THE 2015 STREET MAINTENANCE PROGRAM.

Mayor Boeder stated the Public Hearing would be June 15, 2015.

RESOLUTION NO. 15-32

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.

Mayor Boeder stated the Public Hearing would be June 15, 2015.

RESOLUTION NO. 15-33

A RESOLUTION TO DECLARE FIRE/EMS DEPARTMENT SURPLUS PROPERTY AND AUTHORIZE THE MUNICIPAL MANAGER TO ADVERTISE FOR BIDS TO SELL SAID PROPERTY.

Mayor Boeder stated the Public Hearing would be June 15, 2015.

Public Hearing:

RESOLUTION NO. 15-29

A RESOLUTION TO DECLARE SENIOR CENTER SURPLUS PROPERTY AND AUTHORIZE THE MUNICIPAL MANAGER TO ADVERTISE FOR BIDS TO SELL SAID PROPERTY.

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. 15-29.

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

RESOLUTION NO. 15-30

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. Johnson moved to adopt Resolution No. 15-30.

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

EXCUSE ABSENT MEMBERS:

Mr. Koogle motioned to excuse Mr. Rettich.

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

MOTION: Mr. Heistand moved to adjourn to Executive Session to discuss possible imminent litigation and the water bill issue at 137 South Butter Street.

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

Council adjourned to Executive Session at 8:15 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 and Mr. Brian Wafzig.

MEMBERS ABSENT:

Mr. Robert Rettich, IV was absent.

ALSO PRESENT:

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

The aforementioned persons discussed possible imminent litigation and the water bill issue at 137 South Butter Street.

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

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

Council reconvened into Regular Session at 8:47 p.m.

ADJOURNMENT:

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

The meeting adjourned at 8:47 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Stephen A. Boeder
Mayor