

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, AUGUST 17, 15**

The Municipality of Germantown Council met in regular session on August 17, 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, Mr. Robert Rettich, IV and Mr. Brian Wafzig.

**MEMBERS ABSENT:**

None.

**ALSO PRESENT:**

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

**APPROVAL OF MINUTES:**

Mayor and Council reviewed the August 3, 2015 Regular Session minutes.

**MOTION:** Mr. Heistand moved to approve the August 3, 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:**

None.

**MANAGER'S REPORT:**

Mrs. Sizemore stated that she has been asked to repeat some of the items from the last meeting.

She went on by stating that the 2013-2014 audit is underway and is going well. They should have it completed in a few weeks.

The Camp Miami project should be completed this week. Ms. Brown has signed a contract with Rauch Construction to remove her building debris at the same time. The city is not paying for the removal of the Brown building debris. The city will also have Rauch Construction clean up the north well field area while they are here.

The pool schedule will be modified due to the life guards returning to school. Starting August 17 the daily hours will be 4:00 to 7:00 p.m., weekend hours will be noon to 7:00 p.m. and September 3 thru September 7 the hours will be noon to 7:00 p.m. each day.

The city's insurance company has asked that the Law Director write a letter to the University of Cincinnati regarding the documents from the Camp Miami site. This letter will release them from any liability if there is any damage to the documents. Once a value is established they will be

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covered under the current policy under fine arts. She is working with Mr. Winning at the bank to get the coins appraised. The coins will not leave the bank for the appraisal.

Mr. Heistand explained that the University of Cincinnati will be looking for a cost to preserve the documents not the value of the documents.

The new combined newsletter should be out soon and will have a new look. The school has decided to participate but German Township and Jackson Township will not be participating. This newsletter will be sent in April, August and November and the inserts in the water bills will go out in the remaining months. Please let her know any thoughts and comments.

The grant applications for Cherry Street phase 5 and the sanitary sewer project phase 3 were submitted last week. We should know from the Ohio Public Works Commission by the end of the year if we were granted funding for those projects.

On the agenda tonight is legislation regarding the Montgomery County Regional Radio Council. She spoke with other entities and most are appointing their Manager and either their Police Chief or their Fire Chief. She spoke with both Chiefs and they feel that Lieutenant Brown would be the best match for the alternate.

Mrs. Sizemore stated that the Fire-EMS has received a donation and Council needs to accept the donation of \$80.00.

**MOTION:** Mr. Kuhn moved to accept the donation to the Fire-EMS.

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

Mrs. Sizemore stated that the City Beautiful Commission has received a donation and Council needs to accept the donation of a \$20.00 gift card from Stockslagers Nursery to be given away at their Fall Landscape seminar.

**MOTION:** Mr. Heistand moved to accept the donation to the City Beautiful Commission.

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

Mrs. Sizemore stated that the Twin Valley Heritage Group has decided to no longer meet. We have received a donation in the amount of \$10,000 to be used for the ongoing maintenance of the historical covered bridge; this will not be added to the Cover Bridge Trust Fund so the funds can be spent. A \$3,000 donation is to be used for additional names engraved to the Veterans' Memorial and the Center Street monument name plates. Council needs to accept the donations.

**MOTION:** Mr. Koogler moved to accept the donations.

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

Mrs. Sizemore thanked everyone who helped with Saturday Night Out. John Kreitzer and Tom Winning especially because they always help from start to finish. They have had a suggestion of adding a bike night and will look into this further.

She was asked by the Mayor to review her workload items at the next meeting.

Under Introduction is Resolution No. 15-48 which is the monthly transfer of funds for August in the amount of \$4,743.22.

Under Public Hearing is Ordinance No. 15-46 which is an amendment to the appropriation and expenditures Ordinance. The Finance Director explained at the last meeting the removing of dispatch fees from the Police levy fund and moving them to the general fund to avoid a negative

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balance. This is in the amount of \$86,248.00. Resolution No. 15-47 allows us to become a member of the Montgomery County Regional Radio Council.

She announced that tonight there would be an Executive Session to discuss pending litigation and a Work Session to follow to discuss the street levy and the strategy for the next election.

Mr. Rettich questioned if the backboard for the basketball court will be replaced in Veterans Park this year. Mrs. Sizemore replied yes.

Mr. Johnson questioned if the residents on Peffley Street have been notified with an explanation that the street project has been delayed and has it been discussed with the Engineer. Mrs. Sizemore replied no, but she will get the notices out. She was asked to postpone the Engineers visit until after we have had further discussion.

Mr. Wafzig questioned if she had gotten a final answer on the final paving at the Hickory Pointe commercial area. Mrs. Sizemore replied that she has not but will.

**CLERK'S REPORT:**

None.

**LAW DIRECTOR'S REPORT:**

The Law Director stated he was unaware that Council received the Cities and Villages Magazine and has been sending memos with articles from that magazine. Mr. Koogle suggested that the Law Director send an email with the articles that he would suggest Council pay attention to.

He went on by advising Council to follow the rules when citizens want to come and speak; that Council not interact with speakers. These rules are in the Ordinance book and should be followed. If Council members would like to respond to a speaker during their report that is up to them. He thought about having copies of the rules for speakers placed with the agendas for the public to read.

A brief break was taken due to microphone issues.

The Law Director briefly reviewed his report again so the audience viewing could hear it.

The Mayor briefly reviewed the Managers report so the audience viewing could hear it.

**POLICE CHIEF'S REPORT:**

Chief McGill handed out the July Police Report.

He went on by announcing that August 21 will be the department's first DUI check point on State Route 4 in the 2500 block between 8:00 – 10:00 p.m. Many other local departments will be participating and will have cars on patrol along State Route 4.

Mr. Rettich questioned why the DUI check point was for only two hours. Chief McGill replied that since it is the first one they chose just two hours and it will tie up the roadway for a length of time.

Mayor Boeder questioned what people will need when they go through the DUI check point. Chief McGill replied that they will need a valid driver's license, the registration to the vehicle would be helpful and proof of insurance.

**FINANCE DIRECTOR'S REPORT:**

Mr. Klein stated that the State Audit is going well.

He has started working on the 2016 Budget and it should be ready in October.

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Mr. Wafzig questioned if anyone has asked the Auditors if we are able to use Channel 5 and/or the newsletter to help support and notify the residents of the street levy. He knows that city funds are not to be used to help pay and support any levy. Mrs. Sizemore replied that they are waiting to discuss the matter with the head auditor when she returns. The Law Director and she discussed it tonight and feel that we would be able to use Channel 5 and the newsletter as long as no additional funds are used.

Mayor Boeder attended a meeting with the Finance Director and the Manager regarding Josh Mandel's online checkbook request. He asked what Mr. Klein's thoughts were on it. Mr. Klein replied that he is hesitant at this time to participate. At anytime he will provide information that is public record to anyone. We have nothing to hide. He does have concern of the cost of the program in the future and the security of the site. If it becomes a mandate we will obviously participate or if Council wishes to participate he will do it.

Mr. Heistand questioned if there was a way to black out account numbers and sensitive material. Mr. Klein replied yes, but he has concerns with hackers. Hackers are able to get into some very impressive records.

Mr. Heistand questioned if any other entities that are currently participating have had any issues with the checkbook program. Mr. Klein replied that there is concern if the State will continue to pay for the program in the future and if the cities will be left with the bill. He would like to look into it further and then get back with Council.

### **FIRE CHIEF'S REPORT:**

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

He went on by saying that all of the medic units have been installed with the Stryker EMS power load systems. These were purchased for the department by Germantown Rescue Squad, Inc. and we are very thankful for their donation. Equipment and staff was present at the July and August Saturday Night Out. We also were present during the Antique Fire Apparatus Show in July and National Night Out in August. The tornado siren in Hillcrest has been repaired and is working fine. We will be offering a CPR class on August 19. He reminded everyone that school is in session and to please drive safely.

He stated that Bev Campbell's mother passed away and we all extend our condolences.

### **MAYOR'S REPORT:**

Mayor Boeder announced that the next Council meeting would be September 8, 2015 due to the holiday.

There will be a special Council meeting tomorrow with Miami Valley Regional Planning Commission to discuss the future of the Camp Miami property.

Saturday Night Out was well attended and he had a great time.

He has signed the Manager's employment contract and asked that the Law Director give each Council Member a final copy.

He thanked everyone who got out and voted in this past election.

He became a grandpa for the third time. His new grandsons name is Beau Sherwood Tyra.

There will be a Work Session tonight to discuss the street levy and how to improve it.

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**COUNCIL MEMBER'S REPORT:**

**Mr. Heistand's Report:**

Mr. Heistand thanked the citizens who came out to vote. The street levy will be on the November ballot.

The City Beautiful Commission met on August 11. They selected 50 Mary Place and 231 Lindell Drive as the winners of the 2015 Spring and Summer Flower Contest. Ms. Forney, 231 Lindell Drive, is 90 years old and does her landscape by herself, which is incredible. The Fix Up Award went to Integra Financial Services at 103 East Market Street for their work done on their building. He announced that there will be a hands on seminar on August 18 that will address Fall landscape with Horticulturalist Mike Engler.

He attended the National Night Out and the Festival of Churches on August 4 and was blown away at the attendance.

He attended the German Township Trustee meeting last week and found it to be enlightening.

**Mr. Johnson's Report:**

Mr. Johnson thanked everyone who came out and voted on the street levy. Hopefully it will pass in November.

The VV Base Board will meet on August 19.

He thanked everyone who attended his surprise 50<sup>th</sup> birthday party.

**Mr. Koogle's Report:**

Mr. Koogle stated that he was amazed at the rumors that have been floating around regarding the street levy. Council has a lot of work to do at getting correct information out to the public. We must explain how we are going to use the money and make it very clear.

**Mr. Kuhn's Report:**

None.

**Mr. Rettich's Report:**

None.

**Mr. Wafzig's Report:**

None.

**Legislation:**

**Introduction:**

RESOLUTION NO. 15-48

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 September 8, 2015.

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**Public Hearing:**

ORDINANCE NO. 15-46

AN ORDINANCE AMENDING ORDINANCE NO. 15-24 APPROPRIATIONS FOR CURRENT EXPENSES AND EXPENDITURES OF THE MUNICIPALITY OF GERMANTOWN, STATE OF OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 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 Ordinance No. 15-46.

Mr. Rettich stated he had a fear of the money being in the General Fund for next year's budget and he questioned why the money was not split between the Police Department and the Fire/EMS Department. Mr. Klein replied that the expense is budgeted between the Police Department and the Fire/EMS Department. He went on by explaining the need for the transfer of funds and that we cannot have a negative balance in the Police Levy Fund. It is coming out of the Police Department within the General Fund.

Council briefly discussed the transfer of funds to the General Fund.

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

RESOLUTION NO. 15-47

A RESOLUTION AGREEING THAT THE MUNICIPALITY OF GERMANTOWN SHALL BECOME A MEMBER OF THE PROPOSED MONTGOMERY COUNTY REGIONAL RADIO COUNCIL AND TO AUTHORIZE THE MUNICIPAL MANAGER TO EXECUTE THE AGREEMENT FOR PARTICIPATION IN A REGIONAL COUNCIL OF GOVERNMENTS KNOWN AS THE MONTGOMERY COUNTY REGIONAL RADIO COUNCIL.

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. 15-47.

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

**MOTION:** Mr. Heistand moved to appoint Mrs. Sizemore, Municipal Manager as the delegate and Scott Brown, Police Lieutenant as the alternate for the Montgomery County Regional Radio Council.

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

**EXCUSE ABSENT MEMBERS:**

None.

**MOTION:** Mr. Wafzig moved to adjourn to Executive Session to discuss pending litigation.

ROLL CALL: Mr. Heistand, yes; Mr. Johnson, yes; Mr. Koogler, 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 8:03 p.m.

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**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 Anna Sizemore, Municipal Manager and Tom Schiff, Law Director.

The aforementioned persons discussed pending litigation.

**MOTION:** Mr. Kuhn motioned to return to Regular Session.

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

Mayor and Council reconvened into Regular Session at 8:41 p.m.

**ADJOURNMENT:**

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

The meeting adjourned at 8:41 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak  
Clerk of Council

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Stephen A. Boeder  
Mayor