

MUNICIPALITY OF GERMANTOWN COUNCIL

THURSDAY, SEPTEMBER 3, 15

The Municipality of Germantown Council met in special session on September 3, 2015 at 5:00 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. Lynn Koogle, Mr. Michael Kuhn and Mr. Brian Wafzig.

MEMBERS ABSENT:

Mr. Terry Johnson and Mr. Robert Rettich, IV were absent.

ALSO PRESENT:

Also present were Anna Sizemore, Municipal Manager; Tom Schiff, Law Director; Lynnette Dinkler, Legal Counsel, and several visitors.

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

ROLL CALL: Mr. Heistand, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. **MOTION CARRIED.**

Mayor and Council adjourned to Executive Session at 5:01 p.m.

EXECUTIVE SESSION:

PRESENT:

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

MEMBERS ABSENT:

Mr. Terry Johnson and Mr. Robert Rettich, IV were absent.

ALSO PRESENT:

Also present was Anna Sizemore, Municipal Manager; Tom Schiff, Law Director and Lynnette Dinkler, Legal Counsel.

The aforementioned persons discussed pending litigation.

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

ROLL CALL: Mr. Heistand, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. **MOTION CARRIED.**

Mayor and Council reconvened into Regular Session at 5:34 p.m.

Legislation:

Introduction:

EMERGENCY RESOLUTION NO. 15-49
A RESOLUTION AUTHORIZING LYNNETTE DINKLER, ATTORNEY AT
LAW, TO EXECUTE AN AGREED MODIFICATION TO AGREED ORDER

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ON BEHALF OF THE MUNICIPALITY OF GERMANTOWN IN THE
CASE OF ASSOCIATE CONSTRUCTION, INC., VS. VILLAGE OF
GERMANTOWN, OHIO, AND DECLARING AN EMERGENCY.

MOTION: Mr. Koogle moved to suspend the rules on Emergency Resolution No. 15-49.

ROLL CALL: Mr. Heistand, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED.

Mayor Boeder opened the Public Hearing.

Mr. Greg O'Connor, 2625 Commons Blvd., Beavercreek, 45431, and representing Triangle Station, registered his appearance and objections to the legislation.

The Public Hearing was then closed.

MOTION: Mr. Heistand moved to adopt Emergency Resolution No. 15-49.

ROLL CALL: Mr. Heistand, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED.

EMERGENCY RESOLUTION NO. 15-50

A RESOLUTION EXPRESSING INTENT OF COUNCIL REGARDING 2005
CONTRACTUAL SETTLEMENT OF FEDERAL COURT LITIGATION
GOVERNING HICKORY POINTE DEVELOPMENT, AND DECLARING AN
EMERGENCY.

MOTION: Mr. Wafzig moved to suspend the rules on Emergency Resolution No. 15-50.

ROLL CALL: Mr. Heistand, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED.

Mayor Boeder opened the Public Hearing.

Mr. Greg O'Connor, 2625 Commons Blvd., Beavercreek, 45431, and representing Triangle Station, registered his appearance and the same objections.

The Public Hearing was then closed.

MOTION: Mr. Wafzig moved to adopt Emergency Resolution No. 15-50.

ROLL CALL: Mr. Heistand, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED.

ORDINANCE NO. 15-51

AN ORDINANCE TO REZONE PROPERTY OWNED BY ASSOCIATE
CONSTRUCTION, INC. AND THEN TRANSFERRED TO HICKORY POINTE,
LTD., BEING PROPERTY KNOWN AS LOT NOS. 1089, 1100 AND 1101 AND
LOCATED IN GERMANTOWN, MONTGOMERY COUNTY, OHIO, AND
KNOWN AS HICKORY POINTE DEVELOPMENT, FROM AGRICULTURAL
TO R1-AA AND C-1 WITH A PLANNED UNIT DEVELOPMENT OVERLAY,
AS INTENDED BY THE PARTIES IN ACCORDANCE WITH THEIR
SETTLEMENT OF LITIGATION IN 2005.

Mayor Boeder stated the Public Hearing would be September 10, 2015.

EXCUSE ABSENT MEMBERS:

Mr. Heistand motioned to excuse Mr. Terry Johnson and Mr. Robert Rettich, IV.

ROLL CALL: Mr. Heistand, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Wafzig, yes; Mayor Boeder, yes. 5-yes, 0-no. MOTION CARRIED.

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ADJOURNMENT:

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

The meeting adjourned at 5:42 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Stephen A. Boeder
Mayor