

MUNICIPALITY OF GERMANTOWN COUNCIL

TUESDAY, SEPTEMBER 8, 15

The Municipality of Germantown Council met in regular session on September 8, 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. Robert Rettich, IV and Mr. Brian Wafzig.

MEMBERS ABSENT:

Mr. Michael Kuhn 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:

Mayor and Council reviewed the August 17, 2015 Regular Session minutes.

Mayor Boeder stated that he spoke with Mrs. Novak and he corrected the spelling of his grandson Beau's name.

MOTION: Mr. Heistand moved to approve the August 17, 2015 Regular Session minutes as submitted.

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

Mayor and Council reviewed the August 17, 2015 Work Session minutes.

MOTION: Mr. Wafzig moved to approve the August 17, 2015 Work Session minutes as submitted.

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

PUBLIC RECOGNITION:

None.

CITIZEN'S FORUM:

Loren Taylor, 63 Catherine Court, expressed concern of the vandalism that is occurring at the covered bridge. He would like to see more effort in patrolling the area and to catch and punish those who are doing it. He suggested having security cameras installed in the area to keep an eye on the bridge. He enjoys spending time in the parks and at the bridge but is not happy to see the vandalism.

Jenifer Shyrigh, 323 South Cherry Street and also stays with her mother on West Market Street, expressed concerns with the procedures of the Planning Commission. She feels that the meeting minutes should have been approved before the public hearing so they would be available to the public for review. They may have not been given all the information from the meeting.

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The Law Director stated that the minutes reflect what has already occurred and are not legislative. They do not have to be approved before a response or reaction can be made. Some boards do not meet for a length of time because they have no business to discuss. He feels we follow Robert's Rules for board meeting minutes.

Mrs. Shyrigh questioned if Council would still need to have a Public Hearing if the Odd Fellows have withdrawn their application. The Law Director replied that he was at that meeting and he does not recall that they withdrew their application. The Manager agrees that no one stated that they wanted to withdraw the request. They can withdraw the request and if they did, there would not be a Public Hearing.

Mayor Boeder questioned if the Planning Commission would be present at the Public Hearing on September 21. Mrs. Sizemore replied no, that Mr. Rettich is a member of the Planning Commission and should be able to answer any questions.

MANAGER'S REPORT:

Mrs. Sizemore stated that Ms. Brown's building/debris on Center Street has been removed and the site has been graded and seeded. There were no city funds that paid for the removal of Ms. Brown's building.

The Camp Miami project is approximately 95% complete. They need to complete the grading and seeding on the site. They will be repairing and improving the drive from Warren Street that they have been using. Next week Rauch Construction will clean up the north well field area.

She had information in the utility bills regarding the street levy. She would like to have a public meeting on October 21 here in Council Chambers to discuss the street levy. This would allow us to answer any questions the public may have.

The Market Street Bridge has had some work done to it and still needs a sealer applied. It should be completed soon.

The Hickory Pointe commercial area final paving project is on hold due to Associate Construction having to make their tax increment financing payment and the delay in the completion of the CVS project. She will update Council of any progress.

The basketball backboard in Veterans Park has been replaced.

The State Auditors are still working on the 2013/2014 audit but off site. We are having to fax and email information to them.

The last day of operation for the pool was Monday. Overall she feels we had a good season.

She attended a meeting to discuss the cost of the dispatch fees. The dispatch fees have drastically increased and will only continue to increase. She feels it is time to look at other options and not use the Sheriff's office. Next year's projected cost will be \$95,637 for police dispatching. The Fire/EMS projected cost will be \$20,000 for next year. She would like the Law Director to send a letter to the County asking what the payoff amount would be to get out of the current contract. She would then gather information and have a recommendation for Council.

Mr. Wafzig requested that the Manager include the numbers from when the city operated their own dispatch in the past.

Under Introduction is Resolution No. 15-52 which accepts the amounts and rates for 2015/2016 as determined by the Budget Commission at a 95% collection rate. Resolution No. 15-53 authorizes the Manager to execute the amended and restated service agreement with Veolia. She passed out the most updated contract from Veolia. Ordinance No. 15-54 is the rezoning of the Mejia property on Market Street. The Planning Commission denied the request from the Mejia's and the I.O.O.F. Lodge and it is now before Council. She explained that this legislation is written in the positive and will be up to Council after the Public Hearing if they wish to approve the application for rezoning.

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We received another petition to change the zoning code. There is a process that they will have to follow and it is almost identical to the current rezoning process. The petition was done by his legal counsel and she has made contact with them. The new request is to allow fraternal lodges in a residential district. She handed out a copy of the new petition to Council.

Mr. Wafzig clarified that the new petition was to change the language of the R-1 lots to allow fraternal organizations throughout the city.

Mrs. Sizemore stated that is what she understands but they have not officially submitted an application to change the wording yet.

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

She stated the various items that were included in the Council packets.

She will be reviewing her workload items at the next Council meeting.

She announced that there would be a Special Council Meeting on September 10.

Mr. Rettich questioned if the Vectren/Culy gas line project was complete. He has noticed that there are still sidewalks that need to be completed. This will be an issue if they are not completed before the first snow with residents shoveling. Mrs. Sizemore replied no, and they will probably be here for some time. She will contact them and get an update for Council.

CLERK'S REPORT:

None.

LAW DIRECTOR'S REPORT:

The Law Director stated he will contact the County for a payoff for dispatching.

The new income tax legislation must be approved and in place by the beginning of the year. We have been given a sample legislation to work from. He will be working with the Manager and the Finance Director to modify the legislation to the city.

Mr. Heistand stated that the new income tax law was discussed briefly a few meetings ago and he asked that the Finance Director to analyze how the tax revenue that will impact the city for Council.

Council briefly discussed the proposed changes to the tax law.

He went on by saying that at the next meeting Council will be voting on Ordinance No. 15-54. If Council wishes to vote like the Planning Commission voted and with their recommendation, members will need to vote no.

He briefly reviewed the background and reasons for having the special meetings last week and this week. The legislation has to do with actions that were taken in a 2005 lawsuit with Associate Construction and the City regarding the Hickory Pointe development site.

POLICE CHIEF'S REPORT:

Chief McGill handed out the August Police Report.

He stated that the pole speed signs that include a computer to gather data have been ordered and cost approximately \$5,000.

The DUI check point on State Route 4 went well. He thanked the many other jurisdictions that participated during the successful check point. This combine effort was from Riverside to Middletown.

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He stated that the city stopped doing in-house dispatch in 2006 and he recalls at that time the cost for the city to do dispatch was approximately \$288,000.

Mr. Koogle stated that Council had received a letter from a resident regarding the excess noise along Market Street. He asked that the Chief read the letter from the resident and look into the issue of speeding and excess noise from cars and motorcycles.

The Law Director stated that he has read the letter regarding the excess noise on Market Street and he would like to clarify that we do have a noise ordinance in place.

Mr. Wafzig noted that Chief McGill was not in chambers during citizen's forum to hear the residents' concerns of the vandalism to the covered bridge. He suggested putting officers on foot patrol to help with the vandalism at the covered bridge and other public locations.

MAYOR'S REPORT:

Mayor Boeder mentioned the letter that was in the Council packet regarding Jonathan Moore and his staff's assistance to German Township road crew. This is a great way to improve relations.

He attended the Miami Valley Regional Planning Commission meeting and encourages people to visit their website for useful information. He also attended the Montgomery County Fair opening event

He will be attending the Emergency Communication Policy Committee meeting and the Mayors and Managers meeting this week. Council will be having a special Council meeting on Thursday.

He thanked Ms. Brown for the progress of the Center Street building; it looks great.

During the work session at the last meeting we discussed the street levy and how we can do better.

He thanked Bob Rohrbach for his dedicated service with the Cemetery and at the Township.

He mentioned the letter from the resident on Market Street regarding the excessive noise and feels that the Manager and Chief McGill will look into the situation.

At the special meeting with Miami Valley Regional Planning Commission there were no decisions made. We are asking for guidance from them on what options there are for the Camp Miami property.

COUNCIL MEMBER'S REPORT:

Mr. Heistand's Report:

Mr. Heistand thanked Horticulturalist Mike Engler for hosting the City Beautiful Commission Fall landscape seminar on August 18. The program was very informative.

The Pretzel Festival will be coming up very soon and the Lions Club will be hosting the second annual Twisted Pretzel Bike Tour. All the money that is raised will be distributed to local charities. The Friends of the Library will be hosting the Twisted Pretzel Beer Garden in the library parking lot. He encouraged everyone to participate.

The Lions Club is considering the feasibility of a restroom facility at the Weber Sports Complex. The Lions Club has met with the Parks Board to discuss the project and the Parks Board is in favor of the project. Before any final decisions are made the Lions Club will come before Council for approval.

He stated that the street levy committee is working to get the information to the residents. They are looking to raise funds to help support the levy by possibly purchasing signs to be placed in yards. Please contact Jo Ann Botts to donate to the street levy at 142 South Main Street.

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Mr. Johnson's Report:

Mr. Johnson stated that the restroom project that the Lions want to do at Weber Sports Complex will be a facility that is hooked into the sewer system with water and the building will have the potential of an addition. He thanked the Lions Club and feels that this will be a really nice addition.

He attended that Parks Board meeting and the VV Base Board meeting. VV Base has decided to give up the Little League sanctioning. They will play against other neighboring communities.

VV Base wanted to thank the Manager for looking into the purchase of a new freezer.

He reviewed a long list of needs and repairs for each field at Kercher Park and will provide a copy to the Manager.

The Park Board did discuss the potential dog park and the Board unanimously voted against it at this time. They feel the funds need to be used in other areas of maintenance.

Mr. Koogle's Report:

Mr. Koogle thanked Bob Rohrbach for all his help with the Cemetery. Bob will be volunteering at the cemetery since he has retired.

He went on by saying that the City Beautiful Commission needs to look at 30 West Market Street. They have painted the building and it looks very nice.

Mr. Rettich's Report:

None.

Mr. Wafzig's Report:

Mr. Wafzig stated that water fountain on the west bike trail loop is not working.

Mr. Johnson stated that the Manager may want to look into seeing if there are removable water fountains that would be able to be removed during the winter months to avoid having to winterize them.

Mr. Wafzig went on by saying that he would had like to have seen the minutes approved by the Planning Commission before the public hearing regarding the issue on West Market Street. This situation does not happen often but he does depend on the minutes as part of his decision making process.

He felt that the insert in the utility bill was very good. It had great information that would be good to hang on the refrigerator for a quick reference.

He suggested adding small, plastic crosswalk signs that could be installed at Main Street and Market Street that would possibly make drivers slow down. These are used in Yellow Springs and Oxford and breakaway if they are struck. They also have thick yellow lines marked on the pavement. He feels that if we bring their attention to the area they may slow down.

We have talked about the school zone signs that state restricted hours and he would like to have some solar flashing lights to indicate that it is during the restricted hours.

Miami Valley Communications Council is having their 40th anniversary celebration in October. He encouraged guests to come to the event for a tour of the facility.

He expressed concern regarding the vandalism at the covered bridge. He would like to see it really cleaned up so it looks nice for the Twisted Pretzel Bike Tour.

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Legislation:

Introduction:

RESOLUTION NO. 15-52

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES FOR TAX YEAR 2015/2016 AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

Mayor Boeder stated the Public Hearing would be September 21, 2015.

RESOLUTION NO. 15-53

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO EXECUTE THE AMENDED AND RESTATED SERVICE AGREEMENT WITH VEOLIA WATER FOR THE OPERATION OF THE FRANKLIN AREA WASTEWATER TREATMENT PLANT.

Mayor Boeder stated the Public Hearing would be September 21, 2015.

ORDINANCE NO. 15-54

AN ORDINANCE TO REZONE PROPERTY OWNED BY RODOLFO AND COLETTE MEJIA, BEING PROPERTY ID NUMBER D13 00106 0010 AND LOCATED AT 436 W. MARKET STREET, FROM R-1 SINGLE-FAMILY RESIDENTIAL TO C-1 COMMERCIAL BUSINESS.

Mayor Boeder stated the Public Hearing would be September 21, 2015.

Public Hearing:

RESOLUTION NO. 15-48

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 Ordinance No. 15-48.

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

EXCUSE ABSENT MEMBERS:

Mr. Koogle motioned to excuse Mr. Michael Kuhn.

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

ADJOURNMENT:

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

The meeting adjourned at 8:35 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Stephen A. Boeder
Mayor