

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, NOVEMBER 2, 15**

The Municipality of Germantown Council met in regular session on November 2, 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; Terry Klein, Finance Director; Roy McGill, Chief of Police; Kelli Sanders-Novak, Clerk of Council and two visitors.

**APPROVAL OF MINUTES:**

Council reviewed the October 19, 2015 Regular Session minutes.

**MOTION:** Mr. Kuhn moved to approve the October 19, 2015 Regular Session minutes as submitted.

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

Council reviewed the October 19, 2015 Work Session minutes.

**MOTION:** Mr. Wafzig moved to approve the October 19, 2015 Work Session minutes as submitted.

**ROLL CALL:** Mr. Heistand, abstained; Mr. Johnson, yes; Mr. Koogle, yes; 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 Bi-annual Budget, local government funding and House Bill 56 which prevents employers from asking on an employment application if someone has a criminal record.

Darlene Griffith, 127 Hickory Pointe Drive, and Nancy Dickinson, 74 Hickory Pointe Drive, both sit on the Board of the Home Owners Association for Hickory Pointe, expressed concern about the excessive speeding on Hickory Pointe Drive from Weaver Road. This is an ongoing issue and they would like to see a solution.

Mr. Koogle stated that Council is aware of this issue and are trying to get the speed monitor sign placed in the areas that have ongoing issues with speeding. He thanked them for coming and speaking.

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Mrs. Sizemore stated that the speed monitoring signs came in last week and we were discussing where to put it up first and Hickory Pointe sounds like a good starting point.

Ms. Griffith questioned if an intersection could be placed at State Route 4 and Weaver Road at the odd intersection. Mr. Koogler replied that we could ask but sometimes the State does not listen unless they feel the intersection is a problem area.

### MANAGER'S REPORT:

Mrs. Sizemore stated she has handed out several handouts to Council for them to read if they wish.

She attended the Montgomery County Solid Waste District Financial Advisory Committee quarterly meeting. They passed the proposed 2016 Budget.

Mr. Rettich had asked for additional information from the Ohio Rail Development Commission regarding the stop signs that we have been asked to install. A copy of the proposed legislation and the order to proceed has been given to Council. Please let her know if anyone has further questions.

Council discussed the legislation and the proposed stop sign locations.

We are going to have to make changes to the income tax ordinance due to the changes made by the State. These changes must be in effective by January 1, 2016. We will need to keep the old tax ordinance in place even though we will have a new ordinance as well. She explained that Council will need to have a special meeting on November 30 to have the legislation in place by January.

Under Introduction is Resolution No. 15-63 which is the agreement with the Public Defender for indigent services. The rate is \$142.44 per case. Ordinance No. 15-64 is the adoption of the 2016 Budget. Ordinance No. 15-65 is the appropriations of the budget. Ordinance No. 15-66, Ordinance No 15-67, Ordinance No. 15-68 and Ordinance No. 15-69 are the one percent increase in pay rates for the employees and were included in the budget. She stated that Mr. Heistand had questioned the wording in this legislation in section two. This legislation has been worded this way in the past but she will change it if she needs to.

Council and the Law Director discussed the wording of the proposed legislation for salary increases. It was determined that "these rates are set at 2,080 hours per year" would be included to the legislation and amended.

She continued by saying Resolution No. 15-70 which is the monthly transfer of funds for October in the amount of \$5,233.51.

Under Public Hearing is Resolution No. 15-60, 15-61 and 15-62 which all refer to the same subject for different years. These will transfer the funds that are collected from ambulance billing.

She reminded everyone that Tuesday was Election Day and encouraged everyone to vote. There is a Street Levy on the ballot and there will be three members of Council on the ballot as well.

Mr. Wafzig questioned if there had been any decisions made on the flashing school zone signs. Mrs. Sizemore replied not yet but she would look into them.

Mr. Wafzig questioned who had jurisdiction on Market Street near Astoria. He has concerns of the bump in the pavement that may cause an accident. Mrs. Sizemore replied ODOT does not see an issue with it. She will look into the issue further.

Council briefly discussed the issue of the bump on Market Street.

Mr. Wafzig stated that he has noticed a dip in the east bound lane of West Market Street. Mrs. Sizemore replied that she will have it looked at.

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Mr. Wafzig questioned if there was an answer from ODOT on the crosswalk at Market Street and State Route 4. Mrs. Sizemore replied that we have not received an affirmative answer but she will follow up with them.

She announced that the paving marking will be done either this week or the following week.

**CLERK'S REPORT:**

None.

**LAW DIRECTOR'S REPORT:**

None.

**FINANCE DIRECTOR'S REPORT:**

Mr. Klein stated the 2016 Municipal Budget is on the agenda and that he has included the projected 2017 and 2018 Budgets too. We are currently asking to approve only the 2016 Budget.

He reminded Council that when we transfer funds to the Capital Improvement Fund that that is the Local Government Fund. Years ago we decided to not to depend on Local Government Funds because of its volatility, so we are using it for street work.

**POLICE CHIEF'S REPORT:**

Chief McGill stated that he assisted in a heroin overdose issue today when traveling back to the Municipality.

He stated that the speed monitoring sign has come in and asked for suggestions on where to put it. Mr. Koogle replied that there were residents in the audience from the Hickory Pointe area who would like to see it placed in that area.

**COUNCIL MEMBER'S REPORT:**

**Mr. Heistand's Report:**

Mr. Heistand thanked Council for excusing him for the October meetings.

He was unable to participate in the Meet the Candidates forum in the Germantown Press due to being out of town. He announced that he was part of the voters guide done by the League of Woman Voters and the Dayton Daily News.

He thanked the Lions for hosting the Ghost and Goblins Contest this past Saturday evening. It was a great time.

The City Beautiful Commission met October 27 and chose the winner for the Halloween Decorating Contest-the owner of 98 Paula Drive and the winner of the Fall Decorating Contest-the owner of 45 North Circle Drive. The next City Beautiful Commission meeting will be November 10. The Christmas Decorating Contest and Coloring Contest are coming up and the deadline for nominations will be December 14.

The Lions Club will have their Pancake Breakfast November 14 at the Senior Center and the proceeds from this event will support the local food pantries.

He watched 60 Minutes this past weekend and they reported on the heroin epidemic in Columbus, Ohio. This is a serious problem and is everywhere.

He encouraged everyone to vote tomorrow and to support Issue #18-the Germantown Street Levy.

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**Mr. Johnson's Report:**

Mr. Johnson stated the Parks and Recreation Board will meet November 4.

He encouraged everyone to get out and vote tomorrow.

He congratulated the 5<sup>th</sup> Grade Jr. Spartan football team for their 3<sup>rd</sup> consecutive super bowl win. He read the team members names and thanked all the coaches and the team mom.

**Mr. Kuhn's Report:**

Mr. Kuhn stated the Fire Oversight Committee was unable to meet tonight due to not having a quorum. Chief Alldred should present his report later this month.

He encouraged residents to vote for Issue #18-Germantown Street Levy. Mr. Antani stated earlier that budgets are tight and local governments cannot depend on the State for funding.

**Mr. Rettich's Report:**

Mr. Rettich encouraged everyone to vote tomorrow.

**Mr. Wafzig's Report:**

Mr. Wafzig encouraged everyone to vote tomorrow and support Issue #18-Germantown Street Levy.

He thanked the Miami Valley Communications Council Director and staff for hosting the 40<sup>th</sup> Anniversary open house. If anyone was unable to attend and wishes to have a tour of the facility he encouraged them to contact him.

Miami Valley Communications Council is continuing to negotiate for the street lighting contracts with Miami Valley Lighting for the members. Germantown saves thousands of dollars through these negotiations. They are also looking to have the LED conversion to the street lights done.

At the last meeting they discussed the Budget and finances are fine and the franchise fees are currently up.

**Legislation:**

**Introduction:**

**RESOLUTION NO. 15-63**

**A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO AN AGREEMENT WITH THE MONTGOMERY COUNTY PUBLIC DEFENDER COMMISSION AND THE MONTGOMERY COUNTY PUBLIC DEFENDER OFFICE FOR 2016 SERVICES FOR THE MUNICIPAL COURT.**

Mr. Koogle stated the Public Hearing would be November 16, 2015.

**ORDINANCE NO. 15-64**

**AN ORDINANCE ADOPTING THE 2016 MUNICIPAL BUDGET.**

Mr. Koogle stated the Public Hearing would be November 16, 2015.

**ORDINANCE NO. 15-65**

**AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND EXPENDITURES OF THE MUNICIPALITY OF GERMANTOWN, STATE OF OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016.**

Mr. Koogle stated the Public Hearing would be November 16, 2015.

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ORDINANCE NO. 15-66

AN ORDINANCE TO AMEND SECTION 161.04(c)(1), 161.04(c)(2) AND 161.04(c)(3) OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN TO ESTABLISH THE COMPENSATION SCHEDULE FOR THE POSITIONS THAT ARE CONTAINED IN SAID SECTIONS EFFECTIVE JANUARY 1, 2016.

Mr. Koogle stated the Public Hearing would be November 16, 2015.

ORDINANCE NO. 15-67

AN ORDINANCE TO AMEND SECTION 161.05(d)(1), 161.05(d)(2), AND 161.05(d)(3) OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN TO ESTABLISH THE COMPENSATION SCHEDULE FOR THE POSITIONS THAT ARE CONTAINED IN SAID SECTIONS, EFFECTIVE JANUARY 1, 2016.

Mr. Koogle stated the Public Hearing would be November 16, 2015.

ORDINANCE NO. 15-68

AN ORDINANCE TO AMEND SECTION 161.06(c)(1) AND 161.06(c)(2) OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN TO ESTABLISH THE COMPENSATION SCHEDULE FOR THE POSITIONS THAT ARE CONTAINED IN SAID SECTIONS, EFFECTIVE JANUARY 1, 2016.

Mr. Koogle stated the Public Hearing would be November 16, 2015.

ORDINANCE NO. 15-69

AN ORDINANCE TO AMEND SECTIONS 161.07(c)(1) AND 161.07(c)(2) OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN TO ESTABLISH THE COMPENSATION SCHEDULE FOR THE POSITIONS THAT ARE CONTAINED IN SAID SECTIONS, EFFECTIVE JANUARY 1, 2016.

Mr. Koogle stated the Public Hearing would be November 16, 2015.

RESOLUTION NO. 15-70

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 November 16, 2015.

**Public Hearing:**

RESOLUTION NO. 15-60

A RESOLUTION TO AUTHORIZE THE TRANSFER OF FUNDS FROM THE EMS FUND TO THE EMS CAPITAL IMPROVEMENTS FUND FOR CALENDAR YEAR 2012.

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

**MOTION:** Mr. Johnson moved to adopt Resolution No. 15-60.

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.

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**RESOLUTION NO. 15-61**

**A RESOLUTION TO AUTHORIZE THE TRANSFER OF FUNDS FROM THE EMS FUND TO THE EMS CAPITAL IMPROVEMENTS FUND FOR CALENDAR YEAR 2013.**

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

**MOTION:** Mr. Wafzig moved to adopt Resolution No. 15-61.

**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.**

**RESOLUTION NO. 15-62**

**A RESOLUTION TO AUTHORIZE THE TRANSFER OF FUNDS FROM THE EMS FUND TO THE EMS CAPITAL IMPROVEMENTS FUND FOR CALENDAR YEAR 2014.**

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

**MOTION:** Mr. Kuhn moved to adopt Resolution No. 15-62.

**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.**

**EXCUSE ABSENT MEMBERS:**

Mr. Rettich motioned to excuse Mayor Stephen 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.**

**ADJOURNMENT:**

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

The meeting adjourned at 7:50 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak  
Clerk of Council

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Stephen A. Boeder  
Mayor