

MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, NOVEMBER 16, 15

The Municipality of Germantown Council met in regular session on November 16, 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. Robert Rettich, IV.

MEMBERS ABSENT:

Mr. Brian Wafzig was absent.

ALSO PRESENT:

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

APPROVAL OF MINUTES:

Mayor and Council reviewed the November 2, 2015 Regular Session minutes.

MOTION: Mr. Koogle moved to approve the November 2, 2015 Regular Session minutes as submitted.

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

PUBLIC RECOGNITION:

None.

CITIZEN'S FORUM:

None.

MANAGER'S REPORT:

Mrs. Sizemore stated that the Senior Center has received a donation and Council needs to accept the donation of \$50.00.

MOTION: Mr. Kuhn moved to accept the donation to the Senior Center.

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

She attended the Gov Tech meeting last week. They did accept a proposal from the Police Chiefs to continue with the Tactical Crime Suppression Unit. The Tactical Crime Suppression Unit will be done on a smaller scale than in the past and will be looking for a new director as well. She will keep Council updated. We are continuing with street light negotiations for the entities. Miami Valley Communications Council will be hosting the Elected Official Program on February 3.

The building plans for the new O'Reilly's Auto Parts store are currently being reviewed.

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The Board of Zoning Appeals met tonight and approved a Conditional Use Permit for a new daycare business at Hickory Pointe. The next step will be to go before the Planning Commission Board for approval.

Mrs. Sizemore went on by asking for Council to entertain a motion to write off uncollectable utility bills. We have exhausted our means of collecting these charges.

MOTION: Mr. Kuhn moved to allow the uncollectable utility bills to be written off.

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

Under Introduction is Ordinance No. 15-71. This is the new income tax ordinance that will go in effect January 1, 2016. We will be holding a special meeting on November 30 to pass this legislation.

Under Public Hearing is Resolution No. 15-63 which is the agreement with the Public Defender for indigent services. 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. Ordinance No. 15-66, Ordinance No. 15-67 and Ordinance No. 15-68 have been amended since the last meeting to clarify that this is an hourly rate for employees. Resolution No. 15-70 is the monthly transfer of funds for October in the amount of \$5,233.51.

Christmas in the Park will be December 5 in Veterans' Memorial Park. Choirs will be singing before the arrival of Santa and Mrs. Clause at 6:00 p.m.

CLERK'S REPORT:

None.

LAW DIRECTOR'S REPORT:

The Law Director handed out information regarding community entertainment districts for Council to review.

He has reviewed the new income tax legislation and asked if anyone has any questions or comments to please let him know. The State has mandated that the City move forward with the new income tax legislation.

FINANCE DIRECTOR'S REPORT:

None.

POLICE CHIEF'S REPORT:

Chief McGill handed out the October Department Report.

He went on by saying the Project Impact meeting will be hosted here on December 8 and he invited Council to attend. We are currently discussing dispatch with the City of Kettering and the City of Centerville. He will keep Council updated with any progress. He also passed out the report from the speed monitoring sign. This report will show the information that the speed monitoring sign is gathering.

MAYOR'S REPORT:

Mayor Boeder asked Council to let him know their thoughts on having a Council Retreat in 2016.

He would like to discuss the Camp Miami market analysis at the next meeting.

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He thanked Jo Ann Botts for her hard work with the Street Levy and all the voters who supported the levy.

The Audit Committee met tonight and the finances are doing well.

He was at Kercher Park and noticed it looks really nice. There were several people there enjoying themselves.

COUNCIL MEMBER'S REPORT:

Mr. Heistand's Report:

Mr. Heistand congratulated Mr. Reed, Mr. Koogle and Mr. Johnson on being elected to City Council. He thanked the voters that voted for him and for those who supported the Street Levy. He suggested that Council consider re-wording the language of the Street Levy to read a specific number of years and not as an indefinite.

The City Beautiful Commission met last week and decorated the Toll House for the holidays and are working on the new holiday decorations for the park this year. They will be meeting at the service garage on Tuesday to work on the downtown holiday decorations and continue working on the new decorations for Veterans' Park. The Christmas Decorating Contest and Coloring Contest are coming up and the deadline for nominations will be December 14.

He announced that the Valley View High School Choir will be performing on November 23.

The Historical Society will be hosting a home tour of the Rohrer Mansion on December 6.

Mr. Johnson's Report:

Mr. Johnson stated that he and his family were at Kercher Park this past weekend and compliment how nice the park was looking. He thanked the Manager and Scott Roberts for their hard work this year.

The Park Board met on November 4 to finalize the plans for Christmas in the Park that will be held on December 5.

VV Base will be meeting on November 17.

He thanked everyone for voting and supporting the election. He thanked Jo Ann Botts for her hard work with the Street Levy. Council will need to look into changing the language of the text for the next ballot.

He congratulated Rick Reed on being elected to the City Council.

He wished everyone a Happy Thanksgiving holiday.

Mr. Koogle's Report:

Mr. Koogle stated that he attended the Cemetery Board meeting and everything is running well.

Mr. Kuhn's Report:

Mr. Kuhn announced that KJ's Restaurant will be hosting a free Thanksgiving Dinner for those who would like to join them. They are also looking for volunteers to help serve dinner.

Mr. Rettich's Report:

Mr. Rettich stated that he attended the Planning Commission meeting. They discussed a petition to allow R-1 Zoning District to include fraternal lodges as permitted uses. The Board voted "no" against the petition and it will be brought before Council during a public hearing in December.

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Legislation:

Introduction:

ORDINANCE NO. 15-71

AN ORDINANCE ADOPTING CHAPTER 182, INCOME TAX, OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN TO IMPLEMENT A NEW TAX ORDINANCE FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2016, AND LIMITING THE APPLICATION OF EXISTING CHARTER 181 TO TAX YEARS PRIOR TO 2016.

Mayor Boeder stated the Public Hearing would be November 30, 2015.

Public Hearing:

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.

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. 15-63.

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

ORDINANCE NO. 15-64

AN ORDINANCE ADOPTING THE 2016 MUNICIPAL BUDGET.

Mayor Boeder opened the Public Hearing, Mayor and Council were not addressed. The Public Hearing was then closed.

MOTION: Mr. Koogle moved to adopt Ordinance No. 15-64.

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

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.

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. 15-65.

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

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.

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Mayor Boeder opened the Public Hearing, Mayor and Council were not addressed. The Public Hearing was then closed.

MOTION: Mr. Koogle moved to adopt Ordinance No. 15-66.

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

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.

Mayor Boeder opened the Public Hearing, Mayor and Council were not addressed. The Public Hearing was then closed.

MOTION: Mr. Rettich moved to adopt Ordinance No. 15-67.

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

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.

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. 15-68.

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

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.

Mayor Boeder opened the Public Hearing, Mayor and Council were not addressed. The Public Hearing was then closed.

MOTION: Mr. Kuhn moved to adopt Ordinance No. 15-69.

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

RESOLUTION NO. 15-70

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.

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MOTION: Mr. Heistand moved to adopt Resolution No. 15-70.

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

EXCUSE ABSENT MEMBERS:

Mr. Kuhn motioned to excuse Brian Wafzig.

ROLL CALL: Mr. Heistand, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Rettich, 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 7:36 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Stephen A. Boeder
Mayor