

MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, DECEMBER 21, 15

The Municipality of Germantown Council met in regular session on December 21, 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. Michael Kuhn, Mr. Robert Rettich, IV and Mr. Brian Wafzig.

MEMBERS ABSENT:

Mr. Lynn Koogle was absent.

Mayor Boeder asked that there be an Executive Session at the end of the meeting.

ALSO PRESENT:

Also present were Anna Sizemore, Municipal Manager; Tom Schiff, Law Director; Roy McGill, Chief of Police; Kelli Sanders-Novak, Clerk of Council and several visitors.

APPROVAL OF MINUTES:

Mayor and Council reviewed the December 7, 2015 Regular Session minutes.

MOTION: Mr. Heistand moved to approve the December 7, 2015 Regular Session minutes as submitted.

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

PUBLIC RECOGNITION:

None.

CITIZEN'S FORUM:

None.

MANAGER'S REPORT:

Mrs. Sizemore stated under Public Hearing is Emergency Ordinance No. 15-80. It is an amendment to the 2015 budget appropriations. This is due to the additional payroll that will have to be done this year due to the January 1 holiday. This was an unexpected change due to the fact that it only occurs every 56 years.

CLERK'S REPORT:

None.

LAW DIRECTOR'S REPORT:

The Law Director wished everyone a Merry Christmas.

He stated that he has enjoyed serving with Mr. Heistand on Council.

POLICE CHIEF'S REPORT:

Chief McGill wished everyone a Merry Christmas.

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He passed out the November Police Department Report.

He went on by commemorating the service of Detective Darryl L. Swafford who became an Auxiliary Police Officer for the City of Germantown in October of 1992, and very soon thereafter, entered the Miami Valley Regional Law Enforcement Academy, which he successfully completed in June of 1993. In January of 1995, he was sworn in as a Full Time Patrolman for the City. By December of 2001, Darryl was assigned full time as our Detective, a position that he continued to hold with true distinction until his current retirement.

Darryl's list of awards during his career include, numerous Officer of The Month Awards, at least five Good Conduct Medals, at least four Officer of The Year Medals, a Meritorious Action Medal, five Police Commendation Medals, a Unit Citation, four Police Shield Medals, two Honorable Service Medals, a Police Achievement Medal and at least 19 Blue Knight Letters of appreciation.

In addition, Detective Swafford has been commended and or recognized for outstanding police work by The West Carrollton Police Department, The Warren County Sheriff's Office, Mothers Against Drunk Driving, The Kentucky 46th Judicial Circuit's Prosecuting Attorney, The Ohio House of Representatives & The Ohio Senate, The Ohio State Auditor's Office, the City of Germantown City Council, twice and the Montgomery County Prosecuting Attorney's Office.

Along the way, Darryl pulled duty as a DUI Data Master Senior Operator, Property Room Officer, OPOTA certified basic training instructor, served in the US Marshal's fugitive Task Force, known as SOFAST (Southern Ohio Fugitive Strike Team) arresting some of the region's most violent offenders, and along with Major Burns, was instrumental in the seizure of over 539 pounds of marijuana, at that time, the largest such seizure in this region.

During Darryl's service as a Detective, he routinely investigated more than 100 new cases each year and always turned in very high clearance rates that would be the envy of most detectives. This included a high profile Homicide investigation in 2013, our first since 1980. Darryl scored 100 % perfect scores on his last three annual evaluations – if that isn't Superman, I don't know who is!

He presented Detective Swafford with a plaque commemorating his many years of dedicated service to the Municipality of Germantown.

Darryl Swafford stated that the past year and a half has been rough but he is here. He thanked his co-workers, family and friends for their support and appreciates everything that everyone has done for him.

Detective Ryan Sarver stated that he will never be able to fill Darryl's shoes but he is trying his best. He hopes to be as good as him someday.

Judge Rettich stated that Darryl is exemplary. He is honest, responsible and you could not ask for a better police officer. Detectives like him are a rarity. He will be very hard to replace and is a very upstanding police officer. He can't say enough nice things about him.

MAYOR'S REPORT:

Mayor Boeder congratulated Mr. Swafford and he will be missed here in Germantown.

He thanked Tammy Hogg for decorating the Municipal Offices.

He thanked Mark Heistand for his willingness to serve as a Council Member.

He wished everyone a Merry Christmas and a Happy New Year.

COUNCIL MEMBER'S REPORT:

Mr. Heistand's Report:

Mr. Heistand wished Detective Swafford a wonderful retirement. He is a walking miracle.

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The City Beautiful Commission met on December 15 to decide the winners of the coloring contest. Jayden Bledsoe was the winner of the 2 to 5 year old group and Celeste Como was the winner of the 6 to 9 year old group. The winners of the Christmas Decorating Contest were the residents of 261 North Main Street and the residents of 305 East Center Street. He encouraged everyone to drive by and enjoy the displays of each home. The Commission was pleased to see all the beautiful Christmas light displays throughout the city. The Snow Sculpture Contest is underway, if we ever get any snow. Nominations can be emailed to the Municipal website. The next City Beautiful Commission meeting will be January 5 to remove the decorations from the Toll House and Veterans' Park. The Park looks great with all the decorations.

He expressed sympathies to Vicki Benson. Randy Benson, German Township Trustee, passed away yesterday.

This will be his last meeting and he will take the time to voice his opinions to Council on several issues that they will be facing in the upcoming year. He would like to see a portion of the Camp Miami property used as a public area so residents can enjoy and reflect what was once there. He feels that tax payer's money should be used to do repairs to Kercher Park instead of creating a new dog park. He would encourage Council to look at State Treasure Josh Mandel's online checkbook again and consider moving forward with it. He would ask that Council consider rewording the ballot language concerning the road levy. He would not recommend running it as a continuing levy.

He thanked Council and staff for their support during his time as a Council Member.

He wished Mr. Reed the best of luck during his time on Council.

He went on by wishing everyone a Merry Christmas and Happy New Year.

Mr. Johnson's Report:

Mr. Johnson sends his condolences to the Benson family.

He congratulated Darryl Swafford on a great career and his retirement.

He thanked the Municipal staff, Mayor and Council for their dedication to the City.

He thanked Mark Heistand for his time serving on Council.

He wished everyone a Merry Christmas and a safe and Happy New Year.

Mr. Kuhn's Report:

Mr. Kuhn stated that we have a lot of good police officers in our town but some take it a step further. Darryl took a personal interest in the community. He thanked Darryl for his years of service.

He thanked Mark Heistand for his time with Council.

Mr. Rettich's Report:

Mr. Rettich thanked Darryl for being a great police officer and helping the community.

He thanked Mark Heistand for being on Council with him this past year.

He wished everyone a very Merry Christmas and Happy and Safe New Year.

Mr. Wafzig's Report:

Mr. Wafzig thanked Mark Heistand for serving on Council.

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He congratulated Detective Swafford on his retirement and wished him the best of luck in his retirement.

Legislation:

Introduction:

RESOLUTION NO. 15-79

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 January 4, 2016.

EMERGENCY ORDINANCE NO. 15-80

AN ORDINANCE AMENDING ORDINANCE NO. 15-46 APPROPRIATIONS FOR CURRENT EXPENSES AND EXPENDITURES OF THE MUNICIPALITY OF GERMANTOWN, STATE OF OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2015, AND DECLARING AN EMERGENCY.

MOTION: Mr. Kuhn moved to suspend the rules on Emergency Ordinance No. 15-80.

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

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

MOTION: Mr. Heistand moved to adopt Emergency Ordinance No. 15-80.

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

Public Hearing:

ORDINANCE NO. 15-72

AN ORDINANCE LEVYING ASSESSMENTS FOR THE CUTTING AND REMOVAL OF WEEDS AND/OR PLANT GROWTH FOR CERTAIN PROPERTIES IN THE MUNICIPALITY OF GERMANTOWN, OHIO.

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. 15-72.

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

RESOLUTION NO. 15-73

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. Wafzig moved to adopt Resolution No. 15-73.

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

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RESOLUTION NO. 15-74

A RESOLUTION TO DECLARE POLICE DEPARTMENT SURPLUS PROPERTY AND AUTHORIZE THE MUNICIPAL MANAGER TO ADVERTISE FOR BIDS TO SELL SAID PROPERTY.

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

MOTION: Mr. Kuhn moved to adopt Resolution No. 15-74.

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

RESOLUTION NO. 15-75

A RESOLUTION AUTHORIZING THE REQUEST FOR ADVANCE OF TAXES FOR 2016 COLLECTED BY THE TREASURER OF MONTGOMERY COUNTY, STATE OF OHIO.

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

MOTION: Mr. Wafzig moved to adopt Resolution No. 15-75.

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

ORDINANCE NO. 15-76

AN ORDINANCE TO AMEND SECTION 1127.52 R-1 SINGLE-FAMILY DISTRICT PRINCIPAL PERMITTED USES OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN, OHIO TO ALLOW A FRATERNAL LODGE HALL AS A PRINCIPAL PERMITTED USE.

Mayor Boeder opened the Public Hearing.

Wilma Hamilton, 520 West Market Street, expressed concern that the Planning Commission and the Council has heard this request before and denied the application, why is it being discussed again. She feels that we are here tonight due to a loop hole to try to do spot zoning. The neighbors should not have to bear the fallout of the zoning change so a resident can get monetary gain. She would like Council to deny this request.

James Willis, 421 West Market Street, stated that the surrounding residents signed a petition against the change in zoning for the said property two months ago. The Planning Commission has met and decided that they are not in favor of this zoning change. Jeff Jones, a member of the Planning Commission, stated at the last Planning Commission meeting that he did extensive research and did not recommend the change be allowed. This change would affect all R-1 zoning districts throughout the City and if that is the case why were all R-1 zoning districts not made aware of this potential change since it could affect them.

Judy Bush, 93 North Maple Street, stated she has concerns about the alley's that are located behind her home. They are currently in very good condition but if the lodge is using them constantly what kind of shape will they be in. We have difficulty repairing our streets, what are the ally's going to look like. She asked that Council vote "no".

Janet Withrow, 452 West Market Street, stated she lives next door to the property. She does not want to see any business next door to her. The traffic is already terrible and would only be worse.

Dwain Eckman, 404 West Market Street, stated he feels this is a slippery slope. He feels that the proposed lodge could have activities that could cascade into a number of events. His judgment is that this is backdoor zoning. He questioned if the City has conducted any studies or assessments of what the impact would be if this were allowed. If so he would like to see the conclusions. He

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feels that the traffic and the additional noise would be a nuisance to the surrounding neighbors. He requested that Council vote against the request.

The Public Hearing was then closed.

MOTION: Mr. Wafzig moved to adopt Ordinance No. 15-76.

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

EXCUSE ABSENT MEMBERS:

Mr. Kuhn motioned to excuse Mr. Koogle.

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

MOTION: Mr. Johnson moved to adjourn to Executive Session to discuss personnel matters.

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

Council adjourned to Executive Session at 7:44 p.m.

EXECUTIVE SESSION:

PRESENT:

The following members were present at the Call to Order: Mayor Stephen Boeder, Mr. Mark Heistand, Mr. Terry Johnson, Mr. Michael Kuhn, Mr. Robert Rettich, IV and Mr. Brian Wafzig.

MEMBERS ABSENT:

Mr. Lynn Koogle was absent.

ALSO PRESENT:

Also present was Tom Schiff, Law Director.

The aforementioned persons discussed personnel matters.

MOTION: Mr. Rettich motioned to return to regular session.

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

Council reconvened into Regular Session at 8:47 p.m.

ADJOURNMENT:

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

The meeting adjourned at 8:50 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Stephen A. Boeder
Mayor