

CITY OF GERMANTOWN COUNCIL

MONDAY, MAY 2, 22

The City of Germantown Council met in regular session on May 2, 2022 at 7:00 p.m. in the City Building Council Chambers.

MEMBERS PRESENT:

The following members were present at the Call to Order: Mayor Terry Johnson, Mr. Jeffrey Jones, Mrs. Bonnie Koogle, Mr. Michael Kuhn, Mr. Rick Reed and Mr. Brian Wafzig. Mr. Robert Rettich IV arrived at 7:01 p.m.

MEMBERS ABSENT:

None.

ALSO PRESENT:

Also present were Judy Gilleland, City Manager; Tom Schiff, Law Director; Pat Shively, Finance Director, Chief Alldred, Fire Department; Chief McGill, Police Department; Keith Brane, City Planner; Randy Stiver, Deputy Finance Director; Ken Conaway, Project Manager; Kelli Novak, Clerk of Council and several visitors.

PUBLIC RECOGNITION:

None.

CITIZEN'S FORUM:

Jim Lawson, 55 Scott Court, asked that residents support the JEDD that is on the upcoming agenda. He would like to have clarification of why German Township is holding \$46,000 of levy money. There is a code violation in the 100 block of Center Street that Council and Staff are aware of and are not being forced to correct. If anyone is getting a violation notice ask Staff for the same forgiveness as this resident.

MANAGER'S REPORT:

Mrs. Gilleland announced that the 2022 Street Paving Project has begun. The Butter Street Joint Project with German Township has started and we want to thank the Township for their participation. She thanked Staff for their hard work getting this project organized.

There will be a Senior Center Levy and the JEDD on the ballot tomorrow and everyone is encouraged to vote tomorrow.

The agenda has many items including, the purchase of a new pickup truck for the Service Department. We are having difficulty in locating a truck locally so this will allow us to go nationally to seek one. We plan to update our Sewer Master Plan and study our Undeveloped Area in the City. We are submitting an application for a Nature Works grant for improvements to the Kercher Park basketball courts and parking area. We are asking that the previously discussed Fire/EMS pay ordinance be passed by emergency. The fireworks legislation that was proposed by the Law Director is on the agenda for emergency passage at the June meeting. The increase of sewer tap fees is also an emergency.

We are asking for an Executive Session to discuss employee discipline and compensation.

Pat Shively reviewed proposed legislation 22-29 regarding a loan with First National Bank for the purchase of the Service Department trucks. She went on by introducing Randy Stiver, the new Deputy Finance Director.

Mr. Stiver introduced himself to Council and stated he has lived in Germantown for many years, has been in the financial industry for years and looks forward to working with Germantown.

CITY OF GERMANTOWN COUNCIL

MONDAY, MAY 2, 22

Ken Conaway stated that the city wide Fiber Project has no new updates at this time and he will update Council when there is information. The installation of the pool filtrations system is complete. The water tower project is done, we are currently waiting on T-Mobile and their installation of their new tower. The Covered Bridge Project is currently on hold. We have received correspondence from the engineering company and they feel at this time it is stable and able to be used for events. The proposed Service Department Project is moving along and we are currently waiting on a soil sample.

CLERK'S REPORT:

None.

LAW DIRECTOR'S REPORT:

None.

MAYOR'S REPORT:

Mayor Johnson read the Fire/EMS Proclamation.

The Parks Board has moved their meeting to May 5 due to a conflict in his schedule.

He was able to participate in a tour of the City with the City Manager and the Service Director. They looked at several locations in the City, upcoming projects and reviewed several Property Maintenance issues.

He encouraged everyone to vote in the election tomorrow in support of the JEDD and the Senior Center Levy.

COUNCIL MEMBERS' REPORTS:

Mr. Jones's Report:

Mr. Jones stated that he attended the MVRPC meeting with Pat Higgins and plans to attend another meeting this week. We may have an opportunity to apply for new economic grant applications.

He thanked Mr. Wafzig for his hard work on the JEDD.

He thanked the Police Department and the Fire/EMS Department for their continued hard work.

Mrs. Koogle's Report:

Mrs. Koogle encouraged everyone to vote for the Senior Center Levy and the JEDD that are on the ballot for tomorrow.

She wished everyone a Happy Memorial Day.

The Cemetery Board will be meeting next week. She advised anyone that may have flowers/items on gravesites that they may want to remove them if they wish to keep them. Staff of the Cemetery will begin spring cleaning soon and all items will be removed at that time.

Mr. Kuhn's Report:

Mr. Kuhn stated he has helped work on the JEDD passage and encourages everyone to support the JEDD.

CITY OF GERMANTOWN COUNCIL

MONDAY, MAY 2, 22

He requested that number 4 Resolution No. 22-29 be removed from the agenda so he can abstain on the vote.

Mr. Reed's Report:

Mr. Reed stated that he was not able to attend the CBC meeting.

The Pool Board will be meeting May 18.

He thanked Mr. Lawson for his comments and his support on the JEDD.

He encouraged everyone to support the Senior Center Levy and the JEDD.

Mr. Rettich's Report:

Mr. Rettich announced that the Planning Commission would be meeting May 25.

He stated he supports the Senior Center Levy and JEDD. He encouraged everyone to vote tomorrow.

Mr. Wafzig's Report:

Mr. Wafzig encouraged everyone to support the Senior Center Levy.

He reviewed the JEDD details and how it will benefit all four entities that are included in the JEDD.

CONSENT AGENDA:

1. April 4, 2022-Regular Session Meeting Minutes
2. April 4, 2022-Work Session Meeting Minutes
3. Appointment to the Senior Oversight (Term Expires December 31, 2023).
Freda Emrick (this appointment is joint with German Township)
4. RESOLUTION NO. 22-30
A RESOLUTION APPROVING PARTICIPATION IN REGION 8 GOVERNANCE STRUCTURE UNDER THE ONEOHIO MEMORANDUM OF UNDERSTANDING.
5. RESOLUTION NO. 22-31
A RESOLUTION ESTABLISHING A POLICY THAT WOULD ALLOW GERMANTOWN CITY COUNCIL TO REMOVE A BOARD OR COMMISSION MEMBER FROM OFFICE FOR FAILURE TO ATTEND SCHEDULED MEETINGS.
6. RESOLUTION NO. 22-32
A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CT CONSULTANTS, INC. TO PERFORM AN UPDATE TO THE CURRENT SANITARY SEWER SYSTEM AND MASTER PLAN FOR THE CITY OF GERMANTOWN.
7. RESOLUTION NO. 22-36
A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A 2022 PICK-UP TRUCK IN THE AMOUNT NOT TO EXCEED \$55,000.00 FOR THE CITY OF GERMANTOWN SERVICE DEPARTMENT.
8. RESOLUTION NO. 22-37
A RESOLUTION AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN

CITY OF GERMANTOWN COUNCIL

MONDAY, MAY 2, 22

THE STATE OF OHIO NATUREWORKS GRANT PROGRAM AND
TO EXECUTE CONTRACTS AS REQUIRED.

MOTION: Mr. Reed moved to approve the Consent Agenda.

ROLL CALL: Mr. Jones, yes; Mrs. Koogle, yes; Mr. Kuhn, yes; Mr. Reed, yes; Mr. Rettich, yes;
Mr. Wafzig, yes; Mayor Johnson, yes. 7-yes, 0-no. MOTION CARRIED.

RESOLUTION NO. 22-29

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A
LOAN WITH FIRST NATIONAL BANK OF GERMANTOWN FOR THE
PURCHASE OF TWO DUMP TRUCKS AND ONE PICKUP TRUCK.

MOTION: Mr. Reed moved to approve Resolution No. 22-29.

ROLL CALL: Mr. Jones, yes; Mrs. Koogle, yes; Mr. Kuhn, abstained; Mr. Reed, yes; Mr.
Rettich, yes; Mr. Wafzig, yes; Mayor Johnson, yes. 6-yes, 1-abstention. MOTION CARRIED.

LEGISLATION:

INTRODUCTION:

ORDINANCE NO. 22-33

AN ORDINANCE AMENDING SECTION 953.07 OF THE STREETS
AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES
OF THE CITY OF GERMANTOWN REGARDING REFUSE
COLLECTION FEES.

Mayor Johnson stated the Public Hearing will be held June 6, 2022.

EMERGENCY ORDINANCE NO. 22-34

AN ORDINANCE TO REPLACE SECTION 161.015, FIRE PAY
SCHEDULE, OF THE ADMINISTRATIVE CODE OF THE CODIFIED
ORDINANCES OF THE CITY OF GERMANTOWN WITH THE
ATTACHED PAY SCHEDULE FOR FIRE/EMS PAY EFFECTIVE
JUNE 1, 2022, AND DECLARING AN EMERGENCY.

MOTION: Mr. Kuhn moved to suspend the rules on Emergency Ordinance No. 22-34.

ROLL CALL: Mr. Jones, yes; Mrs. Koogle, yes; Mr. Kuhn, yes; Mr. Reed, yes; Mr. Rettich, yes;
Mr. Wafzig, yes; Mayor Johnson, yes. 7-yes, 0-no. MOTION CARRIED.

Mayor Johnson opened the Public Hearing, Council was not addressed. The Public Hearing was
then closed.

MOTION: Mr. Kuhn moved to adopt Emergency Ordinance No. 22-34.

ROLL CALL: Mr. Jones, yes; Mrs. Koogle, yes; Mr. Kuhn, yes; Mr. Reed, yes; Mr. Rettich, yes;
Mr. Wafzig, yes; Mayor Johnson, yes. 7-yes, 0-no. MOTION CARRIED.

EMERGENCY ORDINANCE NO. 22-35

AN ORDINANCE OPTING-OUT OF H.B. 172 AND REAFFIRMING
THE BAN ON DISCHARGING, IGNITING OR EXPLODING
FIREWORKS IN THE CITY OF GERMANTOWN, AS SET FORTH IN
CHAPTER 515 OF THE CODIFIED ORDINANCES OF THE CITY OF
GERMANTOWN, AND DECLARING AN EMERGENCY.

Mayor Johnson stated the Public Hearing will be held June 6, 2022 with proposed passage
by Emergency with suspended rules.

CITY OF GERMANTOWN COUNCIL

MONDAY, MAY 2, 22

PUBLIC HEARING

EMERGENCY ORDINANCE NO. 22-22

AN ORDINANCE TO AMEND SECTION 921.03(e) OF THE STREETS AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF GERMANTOWN TO INCREASE THE SEWER TAP IN FEES, EFFECTIVE APRIL 1, 2022, AND DECLARING AN EMERGENCY.

MOTION: Mr. Wafzig moved to suspend the rules on Emergency Ordinance No. 22-22.

ROLL CALL: Mr. Jones, yes; Mrs. Koogle, yes; Mr. Kuhn, yes; Mr. Reed, yes; Mr. Rettich, yes; Mr. Wafzig, yes; Mayor Johnson, yes. 7-yes, 0-no. MOTION CARRIED.

Mayor Johnson opened the Public Hearing, Council was not addressed. The Public Hearing was then closed.

MOTION: Mrs. Koogle moved to adopt Emergency Ordinance No. 22-22.

ROLL CALL: Mr. Jones, yes; Mrs. Koogle, yes; Mr. Kuhn, yes; Mr. Reed, yes; Mr. Rettich, yes; Mr. Wafzig, yes; Mayor Johnson, yes. 7-yes, 0-no. MOTION CARRIED.

ORDINANCE NO. 22-23

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY OF GERMANTOWN CODIFIED ORDINANCES.

Mayor Johnson opened the Public Hearing, Council was not addressed. The Public Hearing was then closed.

MOTION: Mr. Rettich moved to adopt Ordinance No. 22-23.

ROLL CALL: Mr. Jones, yes; Mrs. Koogle, yes; Mr. Kuhn, yes; Mr. Reed, yes; Mr. Rettich, yes; Mr. Wafzig, yes; Mayor Johnson, yes. 7-yes, 0-no. MOTION CARRIED.

ORDINANCE NO. 22-24

AN ORDINANCE TO REZONE PROPERTY OWNED BY BEARCREEK FARMS, INC., BEING PROPERTY ID NUMBER D13-00201-0140 AND LOCATED AT 826 DAYTON GERMANTOWN PIKE, FROM PUD-PLANNED UNIT DEVELOPMENT AS RE-ZONED UNDER ORDINANCE 17-36 TO PUD-PLANNED UNIT DEVELOPMENT AS SET FORTH AND DESCRIBED IN EXHIBIT "A" ATTACHED HERETO.

Mayor Johnson opened the Public Hearing at 7:36 p.m.

George Reinke Sr., with Reinke Group on behalf of Bearcreek Inc., reviewed a PowerPoint presentation reviewing the proposed Bearcreek Project (Twin Creek Reserve) and its history to the present.

Ron Smith, HER Realty, he is a representative for the Bearcreek Project, he explained the history of the project and how it has developed over the past several years. He explained that the project would be beneficial to the City for additional income.

Steve Lisle, Reinke Group, stated that the plans have changed due to the streams that would flow through rear yards and they would have to be altered. The new plan avoids making many alterations.

CITY OF GERMANTOWN COUNCIL

MONDAY, MAY 2, 22

Mayor Johnson asked if anyone would like to speak on behalf of the Bearcreek Project. No one came forward.

Mayor Johnson asked if anyone would like to speak against the Bearcreek Project.

Kirby Strayer, 1250 Dayton Pike, questioned if the Planning Commission was for or against this project. Mr. Rettich stated that all members of the Planning Commission voted against this project for many reasons and can be found in the minutes of the meetings.

Mr. Reed stated that he sees some positive points to the new plan and encouraged the visitors to speak.

Mr. Jones was on the Planning Commission when it was originally voted on and failed. He will be abstaining in the vote with Council for that reason. He had various concerns with the project but his greatest concern was the increase in lots.

Keith Brane, City Planner, read letters from residents that were opposed to the project. John and Sheila Gorkis at 826 Dayton Pike and Greg Hurley and Dorothy Hooper at 915 Dayton Pike.

Mr. Wafzig stated he had reviewed the minutes and several issues were discussed. The density, the fear that it would not be built out, the removal of the trees and the injector pumps. If these issues were reevaluated he feels a middle ground could be found. He would like to see the Bearcreek Team return with a new proposal to the Planning Commission for review.

Mr. Rettich stated his concerns were the private streets that has been resolved but feels in 2017 they assured them the original project would do well. They since have changed the project and it hard to believe what they really want.

Mr. Jones assured everyone that density was not a bad thing but there are some lots that are a challenge.

George Reinke Sr., with Reinke Group on behalf of Bearcreek Inc., he assured everyone there would not be any private street and no lots would have private grinder pumps. The market has changed from the original plan in 2017, the current plans has been reevaluated and would work with the current market. The density is less than 1 lot per acer. A PUD near this site was approved with 40 lots on a much smaller piece of property.

The Law Director stated that the legislation that is being voted on was written in the positive. He stated that the Planning Commission did vote on this proposed plan and it was a unanimous no.

Mr. Rettich stated that the name that is on the proposed plan has not been approved, it is Bearcreek.

Ms. Flory, 1013 Dayton Pike, has concerns with the additional traffic with an addition 84 lots. Route 4 and Weaver intersection will only get worse.

George Reinke Sr., with Reinke Group on behalf of Bearcreek Inc., stated that a traffic study was asked to be done by the City, it was, and the City Engineers agreed with the results.

Tim Strayer, 9151 Eby Road, stated his father lives near this area and he feels that traffic will increase along with the back up at the Weaver Road intersection.

Mayor Johnson closed the Public Hearing at 8:38 p.m.

MOTION: Mr. Kuhn moved to adopt Emergency Ordinance No. 22-24.

ROLL CALL: Mr. Jones, abstained; Mrs. Koogle, no; Mr. Kuhn, no; Mr. Reed, no; Mr. Rettich, no; Mr. Wafzig, no; Mayor Johnson, no. 6-no, 1-abstention. MOTION CARRIED.

CITY OF GERMANTOWN COUNCIL

MONDAY, MAY 2, 22

EXCUSE ABSENT MEMBERS:

None.

MOTION: Mr. Kuhn moved to adjourn to Executive Session under the authority of O.R.C. § 121.22 (G)(1) to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official – specifically employee discipline and compensation.

ROLL CALL: Mr. Jones, yes; Mrs. Koogle, yes; Mr. Kuhn, yes; Mr. Reed, yes; Mr. Rettich, yes; Mr. Wafzig, yes; Mayor Johnson, yes. 7-yes, 0-no. MOTION CARRIED.

Council adjourned to Executive Session at 8:48 p.m.

EXECUTIVE SESSION:

PRESENT:

The following members were present at the start of the Executive Session: Mayor Terry Johnson, Mr. Jeffrey Jones, Mrs. Bonnie Koogle, Mr. Michael Kuhn, Mr. Rick Reed, Mr. Robert Rettich IV and Brian Wafzig.

MEMBERS ABSENT:

None.

ALSO PRESENT:

Also present were Judy Gilleland, City Manager; Tom Schiff, Law Director; Chief McGill, Police Department Pat Shively, Finance Director, Chief Alldred, Fire Department and Kelli Novak, Clerk of Council

The aforementioned persons had discussion under the authority of O.R.C. § 121.22 (G)(1) to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official – specifically employee discipline and compensation.

MOTION: Mr. Kuhn moved to return to regular session.

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

Council reconvened into Regular Session at 9:26 p.m.

ADJOURNMENT:

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

The meeting adjourned at 9:26 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Terry Johnson
Mayor