

**CITY OF GERMANTOWN COUNCIL**

**MONDAY, JANUARY 4, 21**

The City of Germantown Council met in regular session on January 4, 2021 at 7:00 p.m. via Zoom phone communications and live on MVCC.

Judge Robert Rettich gave the Oath of Office to Bonnie Koogle.

**MEMBERS PRESENT:**

The following members were present at the Call to Order: Mayor Stephen Boeder, Mr. Terry Johnson, Mrs. Bonnie Koogle, Mr. Michael Kuhn, Mr. Rick Reed, Mr. Robert Rettich IV and Mr. Brian Wafzig.

**MEMBERS ABSENT:**

None.

**ALSO PRESENT:**

Also present were Judy Gilleland, City Manager; Tom Schiff, Law Director; Pat Shively, Finance Director; Lynette Dinkler, City Attorney; Ken Conaway, Project Manager; Chip Wirrig, City Engineer; Cody Brem, City Intern; Kelli Sanders-Novak, Clerk of Council and several visitors.

**ORGANIZATION:**

Mayor Boeder recommended that Mr. Johnson be nominated for Council President for 2021.

**MOTION:** Mayor Boeder moved to appoint Terry Johnson as President of Council for 2021.

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

**2021 Council Liaisons**

Liaison to Boards and Commissions:

- BZA-Brian Wafzig
- Planning Commission-Robert Rettich
- Parks & Recreation-Terry Johnson
- Pool Board-Rick Reed
- City Beautiful Commission-Rick Reed
- Firemen’s Dependents Board-Steve Boeder and Brian Wafzig
- Personnel Board-Terry Johnson
- Cemetery Board-Bonnie Koogle
- Volunteer Peace Officers Dependents Fund-Mike Kuhn and Rob Rettich
- Economic Development-Mayor Boeder and Mike Kuhn

Appointments to Oversight:

- Parks Oversight-Terry Johnson
- Pool Oversight-Rick Reed
- Fire Oversight-Mike Kuhn
- Senior Oversight-Bonnie Koogle

Liaisons to other Boards and Commission:

- MVRPC-Steve Boeder, Alternate-Pat Higgins
- MVRPC TAC-Steve Boeder, Alternate-Jonathan Moore
- MVCC-Brian Wafzig, Alternate-Mike Kuhn
- FRWWTC- Jonathan Moore, Alternate-Steve Boeder

**MOTION:** Mr. Johnson moved to appoint the Council Members Liaisons as submitted for 2021.

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

**2021 Committee Appointments**

Appointment of Citizens to Boards and Commission

Board of Tax Appeals – VACANT SEAT – Term Expires 12-31-23  
Board of Zoning Appeals–Planning Commission Liaison-Jeff Jones - Term Expires 12-31-21  
Board of Zoning Appeals – Robert Treiber – Term Expires 12-31-24  
City Beautiful Commission-Robin Alsip - Terms Expires 12-31-23  
City Beautiful Commission-Shelly Powers - Terms Expires 12-31-23  
Economic Development – Jeff Fannin - Term Expires 12-31-23  
Park Board-William Heistand - Term Expires 12-31-25  
Park Board Oversight-VACANT SEAT - Term Expires 12-31-21  
Personnel Board-Kasandra Cotterman - Term Expires 12-31-21  
Personnel Board-Mark Heistand - Term Expires 12-31-21  
Personnel Board-Tom Geglein - Term Expires 12-31-21  
Planning Commission-Larry Wisner - Term Expires 12-31-24  
Pool Board-VACANT SEAT - Term Expires 12-31-22  
Pool Board-VACANT SEAT - Term Expires 12-31-23  
Records Commission-Terry Dalton- Term Expires 12-31-21  
Senior Oversight Board- VACANT SEAT - Term Expires 12-31-21

**MOTION:** Mr. Rettich moved to appoint the citizens to the Boards and Commission as submitted for 2021.

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

**CONSENT AGENDA:**

1. December 7, 2020-Regular Session Meeting Minutes

**MOTION:** Mr. Kuhn moved to approve the Consent Agenda.

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

**PUBLIC RECOGNITION:**

None.

**CITIZEN’S FORUM:**

The following letter was read by Cody Brem into the record:

*12/28/2020  
5 minute Public Input Letter for council meeting dated 01/04/2021  
From Mark Ketzler and Kile Genslinger  
Owners TC River Adventures, Twin Creek Kayak and Canoe Livery and  
Tippecanoe and Kayaks Too.  
Good Evening,  
This is a proposal for a new recreational business opportunity within the City  
located at the currently zoned commercial property at 279 S.Main St  
Germantown, OH. The proposed business will benefit existing businesses and  
provide customers with a unique recreational experience to rent boats and bikes  
to float on Twin Creek, bike tour the City, and patronize the businesses in the  
downtown area. The proposed business will be conveniently located just blocks  
from downtown Germantown. The advantage to the City is that this new business  
venture will generate new tax revenue and new jobs within the City limits. The*

*new business will add increased business opportunities for other established businesses in the downtown area especially those in the restaurant and retail categories. The proposed improvements that will be made to the current property will increase the property's value that will increase tax revenue for current and future levies.*

*We have spoken to the 22 neighboring homes and all properties that but up to the property lines support the rezoning and welcome the proposal of a seasonal kayak/bike rental operations business in the proposed location to revitalize the area.*

*We have 1.5 acres that will provide off street parking for 45-60 cars. We have talked to the neighboring Shuey Mill who also support our endeavor to open a kayak/bike/rental business. We will be working with the Shuey Mill to allow their business to use the 279 lot for off street parking for their events throughout the year.*

*Upon request. We will supply the City with a letter of agreement with signatures of the neighbors in support of the zoning change and rental business proposal for 279 South Main St from Commercial - 2 (C-2) to Commercial - 1 (C-1) to allow for a kayak/bike rental facility.*

*We can also provide you with daily operational procedures for running a kayak/bike rental business. It's not as easy as saying here is your boat or here is your bike.*

*As many of you know the property was formerly a boat marina that included the sale and services of boats. It's currently zoned as C-2 which allows for to name a few, event centers, bars, nightclubs, dance clubs, and clothing rental and many other businesses but not kayak or bike rentals.*

*I know that the council could take into consideration an amendment to the C-2 (personal services) categories that currently allows clothing rental but not kayak or bicycle rentals. The existing buildings were used for Studebaker car sales, tractor sales, and then boat sales and servicing. The existing buildings would then allow for a kayak and bike rental business since previous zoning of the property did allow for these types of businesses.*

*Currently in the City there is a drive-thru, and store and lock facilities that are not permitted in a C-2 zoned district, however, it is permitted because of the pre-existing buildings that allowed it to be zoned industrial due to the pre-existing businesses that were located in the area. This allows a potential factory to open right in the middle of a residential area but not a seasonal kayak and bike rental business that has the backing of its neighbors and is in a zoned commercial property several blocks away from the zoned industrial area.*

*Since 1977 there have been 35 zoning changes that have taken place within the City and several involved C-2 and C-1 zoning changes.*

*It makes sense to us from a business standpoint to operate our business from the 279 location for several reasons, it is close to our pickup points and to the "put in" location at the Germantown Dam plus the bike tour route and bike path. Second we don't have to pay additional monthly rent as we would elsewhere as they would require a lease or rent for an entire year. Thirdly we are close to Cherry St which is a thoroughfare street and that our business vehicles and customers will use to enter and exit the business. We are open on the average 75 - 100 days from 9am to 6pm.*

*In closing we would like to thank you for your time and consideration for the opportunity to revitalize the commercial area at 279 S. Main St Germantown, OH 45327 and bring a family oriented business to town.*

*Sincerely,*

*Mark Ketzel and Kile Genslinger*

#### **MANAGER'S REPORT:**

Mrs. Gilleland wished everyone a Happy New Year.

She briefly reviewed the agenda items including a proposed change to the Charter to go before the electorate. The CDBG façade grant legislation is on the agenda for our local businesses to consider for improvements.

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Our first responders have received their first dose of the COVID vaccine and will be monitored closely.

She wished Bev Campbell of the Fire-EMS Department a relaxing retirement and thanked her for her 40 years of service to our community.

City Hall is currently closed to the public except for appointments only due to Covid. Staff is continuing to work.

**CLERK'S REPORT:**

None.

**LAW DIRECTOR'S REPORT:**

None.

**MAYOR'S REPORT:**

Mayor Boeder congratulated Mrs. Koogle and stated she has been doing a fantastic job.

He wished a Happy New Year to all and best wishes to 2021.

He stated that Mayor Ted Landis has passed away. He was a wonderful person and will be missed.

He strongly suggested that everyone wear their masks and social distance.

He congratulated Bev Campbell on her retirement and thanked her for her many years of service.

**COUNCIL MEMBERS' REPORTS:**

**Mr. Johnson's Report:**

Mr. Johnson sent his condolences to the Landis and the Dupps families for their losses.

The Park Board Meeting has been cancelled for January.

He wished everyone a Happy New Year and a safe 2021.

**Mrs. Koogle's Report:**

Mrs. Koogle attended the Cemetery Board Meeting. The Cemetery has hired Julie Delph as the new Fiscal Officer.

She thanked Bev Campbell for her many years of service with the City and the Township.

**Mr. Kuhn's Report:**

Mr. Kuhn announced that the Economic Development meeting had been cancelled.

He thanked Mayor Landis for his many years of service with the city and stated he would be missed.

He thanked Bev Campbell for the many years of service.

He sends his condolences to the Dupps family for their loss.

**Mr. Reed's Report:**

Mr. Reed stated that the CBC met and are planning for spring.

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He stated that the city has had two very important people pass, Mayor Landis and Mr. Dupps.

He congratulated Mrs. Koogle and looks forward to working with her.

He congratulated Bev Campbell on her retirement and thanked her for the many years of dedicated service.

**Mr. Rettich's Report:**

Mr. Rettich wished everyone a Happy New Year since last year was so difficult.

He sends his condolences to the Dupps and Landis families for their losses.

He thanked Bev Campbell for her many years of service with our Fire Department.

**Mr. Wafzig's Report:**

Mr. Wafzig stated that he attended the MVCC Zoom meeting. They discussed and passed the 2021 budget and pay scales. They were updated on the fiber line and there was a slight loss on the franchise fees.

He congratulated Mrs. Koogle and looks forward to working with her for many years.

He thanked Bev Campbell for her years of service and countless calls she has been on.

He sends his condolences to the Landis and Dupps families for their losses.

**LEGISLATION:**

**INTRODUCTION:**

**EMERGENCY RESOLUTION NO. 21-01**

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE THE QUESTION OF MAKING CERTAIN AMENDMENTS TO THE CHARTER OF THE MUNICIPALITY OF GERMANTOWN AS RECOMMENDED BY THE MUNICIPAL COUNCIL, AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Reed moved to suspend the rules on Emergency Resolution No. 21-01.

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

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

**MOTION:** Mr. Reed moved to adopt Emergency Resolution No. 21-01.

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

**PUBLIC HEARING**

**RESOLUTION NO. 20-42**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO, NOT TO EXCEED \$25,000.00 FOR THE CDBG DOWNTOWN FAÇADE IMPROVEMENT PROGRAM.

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

**MOTION:** Mr. Kuhn moved to adopt Resolution No. 20-42.

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

**RESOLUTION NO. 20-46**

**A RESOLUTION TO AUTHORIZE THE TRANSFER OF FUNDS FROM THE SEWER DEBT FUND TO THE SEWER FUND.**

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

**MOTION:** Mrs. Koogle moved to adopt Resolution No. 20-46.

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

**EXCUSE ABSENT MEMBERS:**

None.

**MOTION:** Mr. Reed moved to adjourn to Executive Session under the authority of O.R.C. § 121.22 (G)(3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action.

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

Council adjourned to Executive Session at 7:39 p.m.

**EXECUTIVE SESSION:**

**PRESENT:**

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

**MEMBERS ABSENT:**

None.

**ALSO PRESENT:**

Also present were Judy Gilleland, City Manager; Tom Schiff, Law Director; Lynette Dinkler, City Attorney; Ken Conaway, Project Manager; Cody Brem, City Intern and Kelli Sanders-Novak, Clerk of Council.

The aforementioned persons had discussion under the authority of O.R.C. § 121.22 (G)(3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action.

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

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

Council reconvened into Regular Session at 7:57 p.m.

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**ADJOURNMENT:**

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

The meeting adjourned at 7:57p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak  
Clerk of Council

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Stephen A. Boeder  
Mayor