

CITY OF GERMANTOWN COUNCIL

MONDAY, MAY 3, 21

The City of Germantown Council met in regular session on May 3, 2021 at 8:00 p.m. in the City Building Council Chambers and visitors were via Zoom phone communications.

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; Jonathan Moore, Service Director; Chip Wirrig, City Engineering Department; and Kelli Sanders-Novak, Clerk of Council.

CONSENT AGENDA:

1. April 5, 2021-Regular Session Meeting Minutes
2. April 5, 2021-Work 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.**

MANAGER’S REPORT:

Mrs. Gilleland thanked the Mayor, Council and Staff for their hard work at making the new Public Safety Building possible. It has been an honor to complete it.

Pat Shively briefly discuss the legislation that was on the agenda. A depository agreement for the funds we accept for EMS services. The agreement with the Ohio Attorney General’s Office for the collection of delinquent income taxes. We will need to prepare an account to accept the funds from the American Recovery Plan.

CLERK’S REPORT:

None.

LAW DIRECTOR’S REPORT:

The Law Director has had the final meeting with the Charter Review Committee and thanked them for their time. We will have legislation at the next meeting to go before Council.

MAYOR’S REPORT:

Mayor Boeder read the EMS Week Proclamation, the National Police Week Proclamation and the Memorial Day Proclamation.

He stated that several dates have been set for the Council Retreats. He feels that Council will have positive comments and conversations regarding the many topics.

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He thanked all the members of the Charter Review Commission and the Law Director for their time. The conversations and proposed changes were good.

Mayor Boeder announced that he would not be running for another term as Mayor. He has enjoyed serving the community and working with his fellow Council Members.

COUNCIL MEMBERS' REPORTS:

Mr. Johnson's Report:

Mr. Johnson stated it was good to be back in person at City Hall.

The new Safety Building Dedication was very nice.

He sends his condolences to the families that lost loved ones in the tragic accident last week and thanked all of those who assisted with the accident.

Mrs. Koogle's Report:

Mrs. Koogle stated that the Cemetery is working hard to make the grounds look nice for Memorial Day.

The Senior Center offers a lunch program and those interested should call for further information.

She sends prayers to the families that lost their loved ones in the horrific accident.

The Safety Building Dedication was great and thank you to all who made it a success.

Mr. Kuhn's Report:

Mr. Kuhn attended the Safety Building Dedication. It was very nice.

He thanked Chief Alldred for his many years of dedication and the endless hours that he gives to his job and the community. He works all hours of the day and night every day of the week. The community is very proud and lucky to have him on our staff.

Mr. Reed's Report:

Mr. Reed stated he would send out his work schedule for the Council Retreat.

The Pool Board met and they discussed and approved the 2021 pool pass prices. They discussed the need for a new filtration system and plan to discuss it further at the end of the season.

He and his family attended the City Clean-up Day sponsored by the CBC. He thanked Tim Johnson for organizing the event.

He congratulated the Mayor on his announcement and wished him the best. He has enjoyed serving with him on Council

Mr. Rettich's Report:

Mr. Rettich attended the Safety Building Dedication and it was very nice.

His thoughts were with the families who suffered losses in the tragic car accident last week.

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Mr. Wafzig's Report:

Mr. Wafzig stated that he attended the MVCC Meeting. They discussed the fiber line. He will be meeting with the City Manager and MVCC this week to discuss the fiber line's progress coming to Germantown.

He attended the Safety Building Dedication and it all looks great. He is very happy that facility is as nice as it is for the Staff.

His thoughts are with the families and the first responders of the terrible accident last week.

LEGISLATION:

INTRODUCTION:

RESOLUTION NO. 21-18

A RESOLUTION TO DECLARE SURPLUS PROPERTY AND AUTHORIZE THE CITY MANAGER TO SELL SAID PROPERTY.

Mayor Boeder stated the Public Hearing will be held June 7, 2021.

RESOLUTION NO. 21-19

A RESOLUTION TO DESIGNATE FIFTH THIRD BANK AS A PUBLIC DEPOSITORY FOR THE CITY OF GERMANTOWN AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEPOSITORY AGREEMENT FOR ACTIVE, INTERIM AND/OR INACTIVE PUBLIC FUNDS WITH FIFTH THIRD BANK.

Mayor Boeder stated the Public Hearing will be held June 7, 2021.

ORDINANCE NO. 21-20

AN ORDINANCE REPLACING CHAPTER 161 OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE CITY OF GERMANTOWN, ADMINISTRATIVE-EMPLOYEES GENERALLY.

Mayor Boeder stated the Public Hearing will be held June 7, 2021.

ORDINANCE NO. 21-21

AN ORDINANCE ADOPTING THE CITY OF GERMANTOWN PERSONNEL POLICY MANUAL.

Mayor Boeder stated the Public Hearing will be held June 7, 2021.

RESOLUTION NO. 21-22

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ATTORNEY GENERAL COLLECTIONS ENFORCEMENT SECTION FOR THE COLLECTION OF DELINQUENT TAXES.

Mayor Boeder stated the Public Hearing will be held June 7, 2021.

EMERGENCY ORDINANCE NO. 21-23

AN ORDINANCE CREATING A NEW FUND PREPARING FOR THE AMERICAN RECOVERY PLAN (ARP) PAYMENTS, AND DECLARING AN EMERGENCY.

MOTION: Mr. Johnson moved to suspend the rules on Emergency Ordinance No. 21-23.

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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.

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

MOTION: Mr. Johnson moved to adopt Emergency Ordinance No. 21-23.

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. 21-08

A RESOLUTION APPROVING THE BERRYVIEW ESTATES SECTION FOUR HEREBY RENAMED CREEKSIDE AT BERRYVIEW ESTATES SECTION FOUR FINAL PLAT, LOCATED WITHIN THE CITY OF GERMANTOWN.

Keith Brane, City Planner, reviewed the proposed application. He stated that the Planning Commission had reviewed the preliminary and final plans and recommending approval of this final plat.

Mayor Boeder opened the Public Hearing.

Etta Reed with Bayer-Becker, 6900 Taylorsville Road, Mason, briefly explained that Cristo wants to place 38 lots in Section 4 of Berryview Estates. They have satisfied all the requests of Staff and are asking for final approval of Council

Paul Hensley, 501 East Market Street, stated he has concerns with people trespassing. He also has concerns and questions regarding the easement on his property in that the development would need to use to connect to the utilities.

Staff will contact Mr. Hensley to discuss the easement on his property.

Gene Frame, 111 Strawberry Fields Drive, questioned if marking on Strawberry Fields could be done late in the project.

Staff will contact Mr. Frame regarding the parking restriction marking.

The Public Hearing was then closed.

MOTION: Mr. Rettich moved to adopt Resolution No. 21-08.

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. 21-09

A RESOLUTION APPROVING THE WALNUT HILL FINAL PLAT, LOCATED WITHIN THE CITY OF GERMANTOWN.

Keith Brane, City Planner, reviewed the proposed application. He stated that the Planning Commission had reviewed the preliminary and final plans and recommending approval of this final plat.

Mayor Boeder opened the Public Hearing.

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There was no comments made by the public.

The Public Hearing was then closed.

MOTION: Mr. Kuhn moved to adopt Resolution No. 21-09.

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.

ORDINANCE NO. 21-10

AN ORDINANCE TO REZONE PROPERTY OWNED BY MCM EXCAVATING PLUS, INC. BEING PROPERTY ID NUMBER D13-00108-0023 AND LOCATED AT 279 SOUTH MAIN STREET FROM C-2 DOWNTOWN BUSINESS DISTRICT TO C-1 COMMERCIAL BUSINESS DISTRICT.

Keith Brane, City Planner, reviewed the proposed application. He stated that the Planning Commission had reviewed the preliminary and final plans and are recommending to deny this request. The location is located in a residential area and would not be ideal for this proposed rezoning for the proposed business.

Mayor Boeder opened the Public Hearing.

There was no comments made by the public.

The Public Hearing was then closed.

Council briefly discussed the proposed zoning change of 279 South Main Street and it was determined that they want to keep the business in Germantown but this location was not ideal since it lays in a residential area.

MOTION: Mr. Kuhn moved to adopt Ordinance No. 21-10.

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

RESOLUTION NO. 21-11

A RESOLUTION TO DECLARE SURPLUS PROPERTY AND AUTHORIZE THE CITY MANAGER TO SELL SAID PROPERTY.

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

MOTION: Mr. Kuhn moved to adopt Resolution No. 21-11.

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.

ORDINANCE NO. 21-12

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

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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 Ordinance No. 21-12.

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

RESOLUTION NO. 21-13

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A TRAILER MOUNTED ASPHALT HOTBOX.

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

MOTION: Mr. Kuhn moved to adopt Resolution No. 21-13.

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

EMERGENCY RESOLUTION NO. 21-14

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH INSIGHT PIPE CONTRACTING LLC, FOR THE SANITARY SEWER REHABILITATION PROJECT PHASE 5, AND DECLARING AN EMERGENCY.

MOTION: Mr. Kuhn moved to suspend the rules on Emergency Resolution No. 21-14.

ROLL CALL: Mr. Johnson, yes; Mrs. Koogler, 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. Kuhn moved to adopt Emergency Resolution No. 21-14.

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

EMERGENCY ORDINANCE NO. 21-16

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, 2021, AND DECLARING AN EMERGENCY.

MOTION: Mr. Kuhn moved to suspend the rules on Emergency Ordinance No. 21-16.

ROLL CALL: Mr. Johnson, yes; Mrs. Koogler, 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. Kuhn moved to adopt Emergency Ordinance No. 21-16.

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

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ORDINANCE NO. 21-17

AN ORDINANCE AMENDING SECTION 123.02 OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE CITY OF GERMANTOWN ORDINANCES AND RESOLUTIONS – POSTING PLACES.

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

MOTION: Mr. Reed moved to adopt Ordinance No. 21-17.

ROLL CALL: Mr. Johnson, yes; Mrs. Koogler, 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.

ADJOURNMENT:

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

The meeting adjourned at 9:34 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Stephen A. Boeder
Mayor