

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, DECEMBER 6, 10**

The Municipality of Germantown Council met in regular session on December 6, 2010 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 Theodore Landis, Mr. Steve Boeder, Mr. Terry Johnson, Mr. Lynn Koogle, Mr. Michael Kuhn, and Mr. Brian Wafzig.

**MEMBERS ABSENT:**

Mr. Edward Schwaberow was absent.

**ALSO PRESENT:**

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

**APPROVAL OF MINUTES:**

Mayor and Council reviewed the November 15, 2010 Council Meeting minutes.

**MOTION:** Mr. Boeder moved to accept the November 15, 2010 Council Meeting minutes as submitted.

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

Mayor and Council reviewed the November 18, 2010 Special Council Meeting minutes.

**MOTION:** Mr. Boeder moved to accept the November 18, 2010 Special Council Meeting minutes as submitted.

**ROLL CALL:** Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, abstained; Mr. Kuhn, abstained; Mr. Wafzig, yes; Mayor Landis, yes. 4-yes, 2-abstentions. **MOTION CARRIED.**

**PUBLIC RECOGNITION:**

None.

**CITIZEN'S FORUM:**

None.

**FINANCE DIRECTOR'S REPORT:**

None.

**MANAGER'S REPORT:**

Mrs. Sizemore stated that the Fire/EMS has received a donation for \$30.00 and Council needs to accept this donation.

**MOTION:** Mr. Koogle moved to accept the donation to the Fire/EMS.

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

Mrs. Sizemore reviewed her report.

**CLERK'S REPORT:**

Mrs. Novak stated a request from the Ohio Division of Liquor Control for a C-1 renewal liquor permit for the Ohio CVS Stores LLC, dba CVS Pharmacy # 5364 was received and Council will need to determine if a hearing is requested or not. She spoke with the Police Chief and he has no issues with the liquor permit for the CVS Pharmacy # 5364

All agreed to not have a hearing for the liquor permit for CVS Pharmacy #5364.

**LAW DIRECTOR'S REPORT:**

Tom Schiff stated that there he has received suggestions regarding the Property Maintenance Code from members of the community. He would recommend that the changes be made and Council vote on the revised ordinance in two weeks and table the legislation that is on the agenda tonight. The changes that need to be made are to clean up the language and tweaking it. The changes will be to Mrs. Novak by Wednesday so these changes will be available to the public by the end of the week.

He went on by saying that he has prepared the complaints for the people that have not paid their water bills. He will double check the list with the Manager one more time prior to sending out these notices and hopefully have them mailed by the end of the week.

He reviewed a letter regarding the FFHAA and they do not have any issues with the Village.

He stated that the residents need to be encouraged to help Council and the Village but they cannot start doing things on their own. He is not suggesting that Mr. Samworth is doing something wrong; his presentation showed he has good intentions. We cannot have changes to Village property without the input or consent of Administration or Council. He encouraged Mr. Samworth to submit the Pepsi Grant proposal to the Village as soon as possible so that the Village can look it over and make a decision.

He stated that he would be attending the Ohio Municipal Attorneys Association meeting on Friday and will update Council at the next meeting.

**POLICE CHIEF'S REPORT:**

Chief McGill thanked the Auxiliary Officers for their time spent at Veterans Memorial Park during the Christmas in the Park event.

**FIRE CHIEF'S REPORT:**

None.

**MAYOR'S REPORT:**

He reminded everyone that there are many people trying to scam people this time of the year and to be aware of these situations.

He went on by saying that Tuesday was Pearl Harbor Day.

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**COUNCIL MEMBER'S REPORT:**

**Mr. Boeder's Report:**

He thanked the Service Department for their hard work with the leaf pickup.

He thanked all the organizers with the Christmas in the Park.

**Mr. Johnson's Report:**

He questioned the Manager about the dumpster frame behind the Village office. Mrs. Sizemore replied that it had not been fixed yet but would be taken care of as soon as possible.

He thanked everyone that helped with Christmas in the Park. A special thanks to Rick and Sally Bishop for providing an overnight stay for Mr. and Mrs. Clause. The Village will be sending out thank you and appreciation letters for all the people who helped organize and who worked so hard at the event.

He went on by thanking Darrell Rhoades for 25 years of service on the Park Board. Mr. Rhoades will be retiring at the end of this year.

He thanked Jenifer Shyrigh and Ann Blackburn for all their help and organization with the Christmas in the Park.

He reminded everyone that Pearl Harbor Day was December 7<sup>th</sup>.

**Mr. Koogler's Report:**

None.

**Mr. Kuhn's Report:**

He stated that he attended the Fire Oversight meeting earlier tonight. The Fire Chief reviewed his report and it did show a natural slow down as we come out of the warm months and into the cold months.

He went on by thanking all that helped with the Christmas in the Park event.

**Mr. Wafzig's Report:**

He attended the MVCC meeting and the 2011 Budget was passed.

He thanked all the volunteers who helped with the Christmas in the Park.

**Legislation:**

**Introduction:**

ORDINANCE NO. 10-44

AN ORDINANCE ADOPTING THE 2011 MUNICIPAL BUDGET.

Mayor Landis stated the Public Hearing would be December 20, 2010.

ORDINANCE NO. 10-45

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND EXPENDITURES OF THE MUNICIPALITY OF GERMANTOWN, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2011.

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Mayor Landis stated the Public Hearing would be December 20, 2010.

**RESOLUTION NO. 10-46**

A RESOLUTION AUTHORIZING THE REQUEST FOR ADVANCE OF TAXES FOR 2011 COLLECTED BY THE TREASURER OF MONTGOMERY COUNTY, STATE OF OHIO.

Mayor Landis stated the Public Hearing would be December 20, 2010.

**RESOLUTION NO. 10-47**

A RESOLUTION AUTHORIZING THE MUNICIPAL MANGER TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT FOR THE BUSINESSFIRST! PROGRAM FOR 2011 – 2015.

Mayor Landis stated the Public Hearing would be December 20, 2010.

**Public Hearing:**

**ORDINANCE NO. 10-41**

AN ORDINANCE TO REPEAL CHAPTER 1130 OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN KNOWN AS THE PROPERTY MAINTENANCE CODE AND TO ADOPT A REPLACEMENT CHAPTER 1130 WHICH SHALL HEREAFTER BE KNOWN AS CHAPTER 1130 PROPERTY MAINTENANCE CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN.

**MOTION:** Mr. Koogle motioned to table Ordinance No. 10-41.

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

**ORDINANCE NO. 10-42**

AN ORDINANCE DELETING SECTION 1129.19 OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING RECREATIONAL VEHICLES, WATERCRAFT, DIRT BIKES, MOTORIZED SPORT VEHICLES, AND UTILITY TRAILERS.

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

**MOTION:** Mr. Koogle motioned to adopt Ordinance No. 10-42.

Tom Schiff recommended that Council table Ordinance No. 10-42 till the December 20<sup>th</sup> meeting to prevent a lapse.

Mr. Koogle withdrew his motion to adopt Ordinance No. 10-42.

Mr. Boeder withdrew his second to adopt Ordinance No. 10-42.

**MOTION:** Mr. Koogle motioned to table Ordinance No. 10-42.

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

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ORDINANCE NO. 10-43

AN ORDINANCE AMENDING SECTION 1129.02 OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING ACCESSORY STRUCTURES.

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

**MOTION:** Mr. Johnson motioned to adopt Ordinance No. 10-43.

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

Tom Schiff stated that he has been looking into the issue with political signs.

A brief discussion took place regarding political signs. It was determined that Tom Schiff would have an answer at the next meeting.

**OTHER BUSINESS:**

**EXCUSE ABSENT MEMBERS:**

Mr. Koogle motioned to excuse Mr. Schwaberow.

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

**WORK SESSION:**

Mrs. Sizemore announced that there has been a problem with the Village dumpsters being used to dispose of deer carcasses. She reminded the public that they are not to be used for this purpose.

She went on by saying that she will have legislation for employee salary increases on the next agenda. There was a lot of cleaning up that needed to be done.

**Boards and Commission.**

A brief discussion took place regarding the terms for the Boards and Commissions that will be expiring at the end of the year. It was determined that the Planning Commission vacancy would be on the next agenda.

**Community Survey.**

A brief discussion took place regarding the community survey. It was determined that Council would need to move quickly and have a list of questions to Mrs. Sizemore that Council would like to see on the Village survey by December 16<sup>th</sup> so they can be discussed at the next Council meeting.

**ADJOURNMENT:**

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

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The meeting adjourned at 9:50 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak  
Clerk of Council

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Theodore E. Landis  
Mayor