

MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, DECEMBER 20, 10

The Municipality of Germantown Council met in regular session on December 20, 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, Mr. Edward Schwaberow and Mr. Brian Wafzig.

MEMBERS ABSENT:

None.

ALSO PRESENT:

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

APPROVAL OF MINUTES:

Mayor and Council reviewed the December 6, 2010 Council Meeting minutes.

MOTION: Mr. Johnson moved to accept the December 6, 2010 Council Meeting minutes as submitted.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, abstained; Mr. Wafzig, yes; Mayor Landis, yes. 6-yes, 1-abstension. **MOTION CARRIED.**

PUBLIC RECOGNITION:

Mayor Landis presented Dennis Wasson with a plaque for 30 years of dedicated service to the Village.

CITIZEN'S FORUM:

Jenifer Shyrigh, 323 S. Cherry Street, thanked all the people who participated and supported the Christmas in the Park event. Over 30 businesses, churches and organizations who participated in this event.

FINANCE DIRECTOR'S REPORT:

Mr. Klein reviewed the November finance report.

MANAGER'S REPORT:

Mrs. Sizemore stated that the Fire/EMS has received two donations for \$300.00 and \$50.00 and Council needs to accept these donations.

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

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

Mrs. Sizemore reviewed her report.

CLERK'S REPORT:

None.

LAW DIRECTOR'S REPORT:

Tom Schiff stated that he attended the Ohio Municipal Attorneys Association meeting on December 10th. He will be working with Chief McGill regarding forfeitures and domestic violence issues.

He stated that the revised Property Maintenance Code has been ironed out after the discussions of the past few months. There will be situations that will come up that are not covered in this Code.

POLICE CHIEF'S REPORT:

Chief McGill congratulated Dennis Wasson on his retirement and his help over the years.

Chief McGill presented Tom Schiff with a plaque for all his hard work that he has done for the Police Department.

FIRE CHIEF'S REPORT:

Chief Alldred congratulated Dennis Wasson on his retirement and wished him well.

Chief Alldred reviewed the November Fire/EMS report.

DIRECTOR OF PUBLIC SERVICE'S REPORT:

Mr. Moore updated Council on the projects that his department is working on in the Village.

MAYOR'S REPORT:

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

COUNCIL MEMBER'S REPORT:

Mr. Boeder's Report:

He attended the Cemetery Board meeting this month. The house that is located on the property is still vacant.

Mr. Johnson's Report:

He thanked all the volunteers that serve on the Boards and Committees, the current and recently retired employees of the Village for keeping this Village safe, secure and running on a daily basis. He thanked the community for sticking together during these rough economic times. He went on by thanking his wife Heather and his children for all they do for him and wished everyone a Merry Christmas and a happy and safe New Year.

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Mr. Koogle's Report:

He attended the Economic Development meeting and they reviewed the proposed signs for the Village. Everyone is welcome to look at the proposed signs after the meeting tonight.

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

Mr. Kuhn's Report:

He thanked Dennis Wasson for his hard work and dedication to the Village.

Then wished everyone a Merry Christmas.

Mr. Schwaberow's Report:

He attended the MVRPC meeting.

He went on by thanking Dennis Wasson for his 30 years of service and wished him a great retirement.

Mr. Wafzig's Report:

He stated that the street lighting agreement was in the Council packets and the Village will be saving approximately \$55,000 over the next five years in street lighting cost. The maintenance will be improved with the new agreement.

He stated that the Census results will be announced on Tuesday which may have a big impact on the Village.

He went on by thanking Dennis Wasson for his hard work and congratulated him on his retirement.

Legislation:

Introduction:

EMERGENCY ORDINANCE NO. 10-48

AN ORDINANCE TO AMEND SECTION 161.04(c)(1), 161.04(c)(2), 161.04(c)(3), 161.04(d) AND DELETING SECTION 161.04(c)(4) OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE VILLAGE OF GERMANTOWN TO ESTABLISH THE COMPENSATION SCHEDULE FOR THE POSITIONS THAT ARE CONTAINED IN SAID SECTIONS, EFFECTIVE JANUARY 1, 2011, AND DECLARING AN EMERGENCY.

MOTION: Mr. Koogle motioned to suspend the rules on Emergency Ordinance No. 10-48.

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

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

MOTION: Mr. Koogle motioned to adopt Emergency Ordinance No. 10-48.

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

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EMERGENCY ORDINANCE NO. 10-49

AN ORDINANCE TO DELETE SECTIONS 161.05(d)(1), 161.05(d)(2), 161.05(d)(3), AND 161.05(d)(4), AMENDING SECTIONS 161.05(d)(5), AND 161.05(d)(6) AND ESTABLISHING A NEW SECTION 161.05(d)(3) OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE VILLAGE OF GERMANTOWN TO ESTABLISH THE COMPENSATION SCHEDULE FOR THE POSITIONS THAT ARE CONTAINED IN SAID SECTIONS, EFFECTIVE JANUARY 1, 2011, AND DECLARING AN EMERGENCY.

MOTION: Mr. Schwaberow motioned to suspend the rules on Emergency Ordinance No. 10-49.

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

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

MOTION: Mr. Boeder motioned to adopt Emergency Ordinance No. 10-49.

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

EMERGENCY ORDINANCE NO 10-50

AN ORDINANCE TO AMEND SECTION 161.06(c)(1) OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE VILLAGE OF GERMANTOWN TO ESTABLISH THE COMPENSATION SCHEDULE FOR THE POSITIONS THAT ARE CONTAINED IN SAID SECTIONS, EFFECTIVE JANUARY 1, 2011, AND DECLARING AN EMERGENCY.

MOTION: Mr. Koogle motioned to suspend the rules on Emergency Ordinance No. 10-50.

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

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

MOTION: Mr. Schwaberow motioned to adopt Emergency Ordinance No. 10-50.

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

EMERGENCY ORDINANCE NO. 10-51

AN ORDINANCE TO AMEND SECTION 161.07(d)(1) AND DELETE SECTION 161.07(d)(2) OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE VILLAGE OF GERMANTOWN TO ESTABLISH THE COMPENSATION SCHEDULE FOR THE POSITIONS THAT ARE CONTAINED IN SAID SECTIONS, EFFECTIVE JANUARY 1, 2011, AND DECLARING AN EMERGENCY.

MOTION: Mr. Johnson motioned to suspend the rules on Emergency Ordinance No. 10-51.

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

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

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MOTION: Mr. Boeder motioned to adopt Emergency Ordinance No. 10-51.

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

EMERGENCY RESOLUTION NO. 10-52

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE RANGE TASK FORCE BOARD FOR PARTICIPATION IN THE REGIONAL AGENCIES NARCOTICS AND GUN ENFORCEMENT TASK FORCE (“RANGE”), AND DECLARING AN EMERGENCY.

MOTION: Mr. Koogle motioned to suspend the rules on Emergency Resolution No. 10-52.

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

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

MOTION: Mr. Schwaberow motioned to adopt Emergency Resolution No. 10-52.

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

EMERGENCY RESOLUTION NO. 10-53

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO APPLY FOR CREDIT IN THE AMOUNT OF UP TO \$12,500.00 ON A VISA CREDIT CARD THROUGH FIRST NATIONAL BANK OF GERMANTOWN, AND DECLARING AN EMERGENCY.

MOTION: Mr. Koogle motioned to suspend the rules on Emergency Resolution No. 10-53.

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

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

MOTION: Mr. Boeder motioned to adopt Emergency Resolution No. 10-53.

Mr. Koogle stated that he would like to see a procedure on how these credit cards will be handled and used. And also exactly who may use them.

Mrs. Sizemore replied that she would get a credit card procedure in place.

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

EMERGENCY RESOLUTION NO. 10-54

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO THE ECONOMIC DEVELOPMENT/GOVERNMENT EQUITY (ED/GE) PROGRAM PARTICIPATION AGREEMENT FOR 2011-2019, AND DECLARING AN EMERGENCY.

MOTION: Mr. Koogle motioned to suspend the rules on Emergency Resolution No. 10-54.

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

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

MOTION: Mr. Boeder motioned to adopt Emergency Resolution No. 10-54.

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

EMERGENCY RESOLUTION NO. 10-55

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO A CONTRACT WITH DPL ENERGY (DPLE) FOR STREET LIGHTING SERVICES FOR USE ON PUBLIC GROUNDS AND STREETS IN THE MUNICIPALITY OF GERMANTOWN, OHIO FOR A PERIOD OF FIVE (5) YEARS COMMENCING JANUARY 1, 2011 AND EXPIRING ON DECEMBER 31, 2015 AND DECLARING AN EMERGENCY.

MOTION: Mr. Kuhn motioned to suspend the rules on Emergency Resolution No. 10-55.

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

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

MOTION: Mr. Boeder motioned to adopt Emergency Resolution No. 10-55.

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

ORDINANCE NO. 10-56

AN ORDINANCE AMENDING SECTION 1139.07 OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF GERMANTOWN REGARDING POLITICAL SIGNS.

Mayor Landis stated the Public Hearing would be January 17, 2011.

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. Johnson motioned to remove Ordinance No. 10-41 from the table.

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

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

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MOTION: Mr. Schwaberow motioned to adopt Ordinance No. 10-41.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mayor Landis, yes. 7-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.

MOTION: Mr. Johnson motioned to remove Ordinance No. 10-42 from the table.

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

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

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

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

ORDINANCE NO. 10-44

AN ORDINANCE ADOPTING THE 2011 MUNICIPAL BUDGET.

MOTION: Mr. Koogle motioned to adopt Ordinance No. 10-44.

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

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.

MOTION: Mr. Johnson motioned to adopt Ordinance No. 10-45.

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

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.

MOTION: Mr. Johnson motioned to adopt Resolution No. 10-46.

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

RESOLUTION NO. 10-47

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

MOTION: Mr. Johnson motioned to adopt Resolution No. 10-47.

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

Mr. Johnson thanked Tom Schiff for all his time he has put into the new Property Maintenance Code

OTHER BUSINESS:

EXCUSE ABSENT MEMBERS:

None.

WORK SESSION:

Boards and Commission.

Council discussed the number of Boards/Commissions that each resident should be allowed to serve on at one time. Tom Schiff recommended that residents not be allowed to serve on more than two Boards/Commissions at one time. It was determined that the Village Charter would be reviewed in 2011 and this may want to be addressed.

Community Survey.

Council discussed the proposed Community Survey. It was determined that Mr. Wafzig would forward Mr. Boeder's questions to UD and they will begin compiling a general survey for Council and the Manager to review.

Council Retreat.

Council determined that their retreat would be on Saturday, January 29th and that the Village Engineer would need to be present.

Mrs. Sizemore asked that Council have all questions and concerns to her by January 21st for the retreat agenda.

ADJOURNMENT:

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

The meeting adjourned at 8:16 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Theodore E. Landis
Mayor