

**MUNICIPALITY OF GERMANTOWN COUNCIL
MINUTES OF MEETING HELD MONDAY DECEMBER 15, 2008**

1

The Municipality of Germantown Council met in regular session on Monday, December 15, 2008 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, Mrs. Jeanne Gentry, Mr. Scott Johnson, Mr. Terry Johnson, Mr. Jim Lawson, Mr. Robert McClain and Mr. Edward Schwaberow.

MEMBERS ABSENT:

None.

ALSO PRESENT:

Also present were Tom Schiff, Law Director; Dan Alldred, Fire Chief; Roy McGill, Police Chief; Matt Burns, Police Major; Supervisor; Rebecca Jamison, Finance Director; Anna M. Sizemore, Assistant Village Manager/Clerk of Council and two visitors.

APPROVAL OF MINUTES:

None.

PUBLIC RECOGNITION:

None.

CITIZEN'S FORUM:

None.

FINANCE DIRECTOR'S REPORT:

Mrs. Jamison gave the November 2008 Budget Report.

Mr. McClain questioned the Employee Assistance Program mentioned in the November Budget Report.

Mrs. Jamison stated the program was to assist the Village employees if they need assistance with family, finance or alcohol issues.

**MUNICIPALITY OF GERMANTOWN COUNCIL
MINUTES OF MEETING HELD MONDAY DECEMBER 15, 2008**

2

Mrs. Sizemore stated the Employee Assistant Program is expensive for the Village, mainly because the Fire and Rescue employees are now included.

Mrs. Gentry questioned why the cost of the Employee Assistant Program was so expensive.

Mrs. Sizemore replied the rate increased when the Fire and Rescue merged.

Mrs. Jamison stated the rate for Workers Compensation went down by implementing the Employee Assistant Program.

Mr. McClain questioned if Workers Compensation required the Employee Assistant Program.

Mrs. Jamison stated she would look into the Workers Compensation requirements and the Employee Assistant Program.

Mrs. Jamison wished everyone a Merry Christmas.

CLERK'S REPORT:

Mrs. Sizemore announced the Village Offices would be open from 8:00 a.m. to 4:30 p.m. to accept water bills and sell dog license. The Village Offices were no longer closed for the lunch hour but would be closed Christmas Eve and Christmas Day to observe the holidays.

Mrs. Sizemore stated that Rumpke would be running a day behind to observe the Christmas Holiday.

LAW DIRECTOR'S REPORT:

None.

POLICE CHIEF'S REPORT:

Chief McGill went over the November 2008 statistical report he handed out.

Mr. Schwaberow questioned if the Police Department was concentrating on any certain areas at this time, burglaries, drugs, etc.

Chief McGill replied that property crime was down at this time but the drug issues have increased.

Chief McGill wished everyone a Merry Christmas.

**MUNICIPALITY OF GERMANTOWN COUNCIL
MINUTES OF MEETING HELD MONDAY DECEMBER 15, 2008**

3

FIRE CHIEF'S REPORT:

Chief Alldred went over the November 2008 report he handed out.

Chief Alldred read a letter he wrote to the citizens of Germantown regarding patient transporting.

Mr. Schwaberow questioned if the EMS would transport patients to only Sycamore or would they be taken where there doctors practice.

Chief Alldred stated each EMS run would be evaluated on a individual case. If a child was involved they would be taken to Children's Medical Center and adults would be accommodated to specialty hospitals if needed.

Chief Alldred stated if the EMS was called for an individual they need to be taken to the closest hospital. This frees up time for the medic and it is not out for hours.

Mr. Schwaberow stated if a fire would happen when the medic is gone; the danger level rises for the other citizens. He stated it would be a good policy to make Sycamore Hospital the primary hospital.

Chief Alldred wished everyone a Merry Christmas.

MAYOR'S REPORT:

Mayor Landis stated there was not a meeting at FRWWTC this month.

Mayor Landis stated he received a response from the EPA regarding the Twin Creek Pump Station permit. They will be meeting in January to address the issues.

Mayor Landis wished everyone a Merry Christmas.

COUNCIL MEMBER'S REPORT:

Mrs. Gentry wished everyone a Merry Christmas.

Mr. Scott Johnson asked the Village to clean up the Hillcrest Park. He has noticed a large amount of trash and debris in the park.

Mayor Landis stated the Hillcrest Park has been a problem for some time.

Mrs. Sizemore stated she would look into cleaning the Hillcrest Park.

**MUNICIPALITY OF GERMANTOWN COUNCIL
MINUTES OF MEETING HELD MONDAY DECEMBER 15, 2008**

4

Mr. Terry Johnson thanked the Village staff, Fire/EMS, and Council Members for doing a good job this year.

Mr. Terry Johnson stated he attended the Park Board meeting on December 3rd. They discussed Christmas in the Park and it was a success this year. He thanked all the volunteers who helped with Christmas in the Park.

Mr. Terry Johnson wished everyone a Merry Christmas.

Mr. Lawson stated he attended the Cemetery Board meeting on December 8th. A representative from AFLAC attended the meeting and would like to meet with the employees.

Mr. Lawson wished everyone a Merry Christmas.

Mr. McClain thanked Mrs. Sizemore for keeping the Council members informed.

Mr. McClain thanked the Historical Society for the wonderful Holiday Home Tour on December 7th. He also thanked the homeowners for allowing the visitors to tour the homes.

Mr. McClain shared a photo of Arlington Heights Cemetery with a wreath on each headstone. He asked that everyone keep those who have fought for this County in their thoughts this Holiday Season.

Mr. McClain stated Dean Phillips from Germantown was recognized in the Miamisburg newspaper for his organ playing talent.

Mr. McClain thanked all the Village Employees for their hard work and wished everyone a Merry Christmas.

Mr. Schwaberow stated he attended the MVRPC Board of Directors on December 4th. The main topic was the upcoming 2010 Census. He was hoping that Germantown would be considered a city by now, but with the vacant homes throughout the Village it was not looking promising to become a city this next year either.

Mr. Schwaberow stated MVPRC adopted the Comprehensive Bikeway Plan. Now when roads are improved they are setting aside area for the bike path. They are wanting to link communities together, Germantown, Farmersville, and Miamisburg.

LEGISLATION:

**MUNICIPALITY OF GERMANTOWN COUNCIL
MINUTES OF MEETING HELD MONDAY DECEMBER 15, 2008**

5

Introduction:

Mayor Landis introduced Emergency Ordinance No. 08-83

AN ORDINANCE ESTABLISHING THE WATER DEBT RETIREMENT FUND,
AND DECLARING AN EMERGENCY.

MOTION: Mr. Schwaberow motioned to suspend the rules on Ordinance No. 08-83,
second by Mr. Scott Johnson.

ROLL CALL: Mrs. Gentry, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr.
Lawson, yes; Mr. McClain, yes; Mr. Schwaberow, 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 Ordinance No. 08-83, second by Mr.
Scott Johnson.

ROLL CALL: Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Lawson, yes; Mr.
McClain, yes; Mr. Schwaberow, yes; Mrs. Gentry, yes; Mayor Landis, yes. 7-yes, 0-no.
MOTION CARRIED.

Mayor Landis introduced Emergency Ordinance No. 08-84

AN ORDINANCE AMENDING ORDINANCE NO. 08-73 WHICH ESTABLISHED
AN INCREASE IN THE WATER RATES AND AN ANNUAL CPI INCREASE FOR
WATER USAGE OVER 3,000 GALLONS, TO DIRECT THAT THE \$1.00 INCREASE
IN THE BASE WATER RATE AND \$.93 INCREASE PER 1,000 GALLONS OF
WATER BE PLACED IN THE WATER DEBT RETIREMENT FUND, AND
DECLARING AN EMERGENCY.

MOTION: Mr. McClain motioned to suspend the rules on Ordinance No. 08-84, second
by Mr. Scott Johnson.

ROLL CALL: Mr. Terry Johnson, yes; Mr. Lawson, yes; Mr. McClain, yes; Mr.
Schwaberow, yes; Mrs. Gentry, yes; Mr. Scott 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.

Mr. Schwaberow asked Mrs. Jamison to explain Ordinance No. 08-84.

**MUNICIPALITY OF GERMANTOWN COUNCIL
MINUTES OF MEETING HELD MONDAY DECEMBER 15, 2008**

6

Mrs. Jamison stated the increase was for the water debt retirement fund not for operating expenses for the water fund.

MOTION: Mr. Schwaberow motioned to adopt Ordinance No. 08-84, second by Mr. Scott Johnson.

ROLL CALL: Mr. Lawson, yes; Mr. McClain, yes; Mr. Schwaberow, yes; Mrs. Gentry, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mayor Landis, yes. 7-yes, 0-no.
MOTION CARRIED.

Mayor Landis introduced Emergency Resolution No. 08-85

A RESOLUTION TO REPAY THE GENERAL FUND FOR A PREVIOUS ADVANCE TO THE E. MARKET STREET HILL FUND AND DECLARING AN EMERGENCY.

MOTION: Mr. Scott Johnson motioned to suspend the rules on Resolution No. 08-85, second by Mr. Lawson

ROLL CALL: Mr. McClain, yes; Mr. Schwaberow, yes; Mrs. Gentry, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Lawson, 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. Scott Johnson motioned to adopt Resolution No. 08-85, second by Mr. Schwaberow.

ROLL CALL: Mr. Schwaberow, yes; Mrs. Gentry, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Lawson, yes; Mr. McClain, yes; Mayor Landis, yes. 7-yes, 0-no.
MOTION CARRIED.

Mayor Landis introduced Emergency Ordinance No. 08-86

AN ORDINANCE TO REPAY THE GENERAL FUND FOR A PREVIOUS ADVANCE TO THE DOWNTOWN STREETScape FUND, CLOSING THE FUND AND DECLARING AN EMERGENCY.

MOTION: Mr. Scott Johnson motioned to suspend the rules on Ordinance No. 08-86, second by Mr. Schwaberow.

**MUNICIPALITY OF GERMANTOWN COUNCIL
MINUTES OF MEETING HELD MONDAY DECEMBER 15, 2008**

7

ROLL CALL: Mrs. Gentry, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Lawson, yes; Mr. McClain, yes; Mr. Schwaberow, 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. Scott Johnson motioned to adopt Ordinance No. 08-86, second by Mr. Lawson.

ROLL CALL: Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Lawson, yes; Mr. McClain, yes; Mr. Schwaberow, yes; Mrs. Gentry, yes; Mayor Landis, yes. 7-yes, 0-no.
MOTION CARRIED.

Mayor Landis introduced Emergency Ordinance No. 08-87

AN ORDINANCE TO REPAY THE GENERAL FUND FOR A PREVIOUS TRANSFER TO THE CENTER STREET STREETScape FUND, CLOSING THE FUND AND DECLARING AN EMERGENCY.

MOTION: Mr. Scott Johnson motioned to suspend the rules on Ordinance No. 08-87, second by Mr. Schwaberow.

ROLL CALL: Mr. Terry Johnson, yes; Mr. Lawson, yes; Mr. McClain, yes; Mr. Schwaberow, yes; Mrs. Gentry, yes; Mr. Scott 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. Scott Johnson motioned to adopt Ordinance No. 08-87, second by Mr. Lawson.

ROLL CALL: Mr. Lawson, yes; Mr. McClain, yes; Mr. Schwaberow, yes; Mrs. Gentry, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mayor Landis, yes. 7-yes, 0-no.
MOTION CARRIED.

Mayor Landis introduced Emergency Resolution No. 08-88

A RESOLUTION TO REPAY THE GENERAL FUND FOR A PREVIOUS TRANSFER TO THE SIDEWALK IMPORVEMENT FUND AND DECLARING AN EMERGENCY.

**MUNICIPALITY OF GERMANTOWN COUNCIL
MINUTES OF MEETING HELD MONDAY DECEMBER 15, 2008**

8

MOTION: Mr. Scott Johnson motioned to suspend the rules on Resolution No. 08-88, second by Mr. Lawson.

ROLL CALL: Mr. McClain, yes; Mr. Schwaberow, yes; Mrs. Gentry, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Lawson, 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 Resolution No. 08-88, second by Mr. Scott Johnson.

ROLL CALL: Mr. Schwaberow, yes; Mrs. Gentry, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Lawson, yes; Mr. McClain, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

Mayor Landis introduced Ordinance No. 08-89.

AN ORDINANCE TO REZONE PROPERTY OWNED BY HICKORY POINTE DEVELOPMENT LTD, BEING PARCEL ID NUMBER D13-003-07-0011 AND LOCATED AT 7047 WEAVER ROAD FROM R-1AA PUD TO AGE RESTRICTED HOUSING OVERLAY DISTRICT.

Mayor Landis stated the Public Hearing will be held January 5, 2009.

Mrs. Sizemore stated Ordinance Number 08-89 should had been a public hearing for December 15th but can not pass with an emergency vote.

Public Hearing:

Mayor Landis introduced Ordinance No. 08-81 for Public Hearing.

AN ORDINANCE TO ADOPT THE 2009 MUNICIPAL BUDGET.

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

MOTION: Mr. Scott Johnson motioned to adopt Ordinance No. 08-81, second by Mr. Schwaberow.

ROLL CALL: Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Lawson, yes; Mr. McClain, yes; Mr. Schwaberow, yes; Mrs. Gentry, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

**MUNICIPALITY OF GERMANTOWN COUNCIL
MINUTES OF MEETING HELD MONDAY DECEMBER 15, 2008**

9

Mayor Landis introduced Ordinance No. 08-82 for Public Hearing.

AN ORDINANCE FOR APPROPRIATIONS FOR CURRENT EXPENSES AND EXPENDITURES OF THE MUNICIPALITY OF GERMANTOWN, STATE OF OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2009.

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

MOTION: Mr. Scott Johnson motioned to adopt Ordinance No. 08-82, second by Mr. Schwaberow.

Mr. Terry Johnson stated the Village needs to do a better job next year regarding funds. The Manager needs to do what the Council wishes.

ROLL CALL: Mr. Terry Johnson, yes; Mr. Lawson, yes; Mr. McClain, yes; Mr. Schwaberow, yes; Mrs. Gentry, yes; Mr. Scott Johnson, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

Mr. McClain stated he had many citizens ask him exactly what it means when the Council votes legislation as an emergency. He asked if Tom Schiff would explain.

Tom Schiff stated that the Charter designated what can and cannot be passed on an emergency vote.

Mr. Terry Johnson stated some items are time sensitive matters, and cannot wait to have a public hearing.

Mr. Schwaberow stated it could take up to nine weeks from introducing legislation to adopting legislation. These time sensitive items cannot always wait that long.

OTHER BUSINESS:

MOTION: Mr. Terry Johnson moved to adjourn to executive session to discuss personnel matters, second by Mrs. Gentry,

ROLL CALL: Mr. Terry Johnson, yes; Mr. Lawson, yes; Mr. McClain, yes; Mr. Schwaberow, yes; Mrs. Gentry, yes; Mr. Scott Johnson, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

Mayor and Council adjourned to Executive Session at 7:55 p.m.

**MUNICIPALITY OF GERMANTOWN COUNCIL
MINUTES OF MEETING HELD MONDAY DECEMBER 15, 2008**

10

EXECUTIVE SESSION:

PRESENT:

The following members were present at the start of the Executive Session: Mayor Theodore Landis, Mrs. Jeanne Gentry, Mr. Scott Johnson, Mr. Terry Johnson, Mr. Jim Lawson, Mr. Robert McClain, and Mr. Edward Schwaberow.

MEMBERS ABSENT:

None.

ALSO PRESENT:

Also present was Tom Schiff, Law Director.

The aforementioned persons discussed personnel matters.

Mayor and Council reconvened into Regular Session at 8:30 p.m.

ADJOURNMENT:

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

The meeting adjourned at 8:31 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Theodore E. Landis
Mayor