

**MUNICIPALITY OF GERMANTOWN COUNCIL
MINUTES OF MEETING HELD MONDAY FEBRUARY 17, 2009**

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The Municipality of Germantown Council met in regular session on Monday, February 17, 2009 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; Scott Brown, Police Sergeant; Steve Fugate, Water Department Supervisor; Rebecca Jamison, Finance Director and Anna M. Sizemore, Assistant Village Manager/Clerk of Council.

APPROVAL OF MINUTES:

Mayor and Council reviewed the October 6, 2009 Council Meeting minutes.

MOTION: Mr. Scott Johnson moved to accept the October 6, 2009 Council Meeting minutes as submitted, second by Mr. Lawson.

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 and Council reviewed the October 20, 2009 Council Meeting minutes.

MOTION: Mr. Schwaberow moved to accept the October 20, 2009 Council Meeting minutes as submitted, second by Mr. Lawson.

ROLL CALL: Mrs. Gentry, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Lawson, Yes; Mr. McClain, abstained; Mr. Schwaberow, yes; Mayor Landis, yes. 6-yes, 1-abstention. **MOTION CARRIED.**

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PUBLIC RECOGNITION:

Mayor Landis gave the Oath of Office of Fire Chief to Dan Alldred.

CITIZEN'S FORUM:

Mr. Matt Samworth at 50 Bruce Court stated that his son is legally deaf and asked the Village to install a deaf child at play sign on their street.

Mr. McClain stated he would like to see the sign installed for the Samworth Family.

Dennis Watson stated the Village had installed a sign like this one on the North side of Hillcrest several years ago.

Mayor Landis stated that the sign would be installed at the Village expense.

All agreed to install the sign for the Samworth Family.

Mr. Samworth and his family thanked the Council for the sign.

FINANCE DIRECTOR'S REPORT:

Mrs. Jamison gave the December 2008 Year End Report.

ACTING MANAGER'S REPORT:

Dennis Watson, Street Department Supervisor reported on the snowfall and removal.

Dennis Watson reported that the Village has enough temporary stop signs for the Police Department.

Dennis Watson stated he has been looking into a hot patch trailer for the Village.

He will be looking into the availability of funds from the stimulus package for infrastructure.

Dennis Watson stated that the stimulus funds would go to the projects that are already lined up to be done. He stated that he does not have any projects that are ready to go right this minute, but is hoping to get funds for the Cherry Street project.

Steve Fugate, Water Department Supervisor reported that the pool heater and the slide need to be replaced. He is also looking into alternate heating for the pool.

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He is also looking into the East Market Street bridge sewer problem and getting new flow meters.

Mr. Scott Johnson questioned what type of meter Steve Fugate is looking into.

Steve Fugate stated he was looking into a stainless steel type, which he described.

Mr. Scott Johnson questioned how long the new meters would last.

Steve Fugate stated since they are built from stainless steel they should last a long time. He also explained that these are temporary test meters that are designed for six to eight usages at a time.

Mr. Schwaberow questioned if it is necessary to use the flow meters for six to eight weeks to determine what the problems is.

Steve Fugate stated he would like at least four weeks of testing in March, when the Village receives the most rainfall.

Steve Fugate announced that a tornado siren test would be Tuesday February 24th at 11:00 a.m. He will also let Montgomery County aware that the siren will sound on and off all day.

Mrs. Sizemore stated that National Inspection has completed their peel and paint sweep and the notices will not go out until March. NIC is also requesting that the Village consider a new Property Maintenance Code.

Mrs. Sizemore announced that Pool Oversight Committee is in need of another member. She received a letter of interest from Scott Anding for the Fire Oversight Committee.

Mr. McClain stated that Council must confirm the appointment of members of Oversight Committees. He also read a section of the Charter in reference to the appointment of new members.

Tom Schiff stated he would also look into the section regarding new members.

Mr. Lawson stated he would meet with Randy Benson to discuss the new members.

LAW DIRECTOR'S REPORT:

None

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POLICE CHIEF'S REPORT:

Chief McGill discussed the budget.

Chief McGill stated they are investigating the vandalism to the Covered Bridge. Charges were presented on two juveniles for vandalism.

MAYOR'S REPORT:

Mayor Landis gave his State of the Village address as follows:

I need to tell everyone about the state of the Village through 2008. With your support, Germantown is still the best place to live and do business in all of Ohio. We have several major projects Council is working on. Last week at a special Council meeting we discussed our sanitary sewer problem. This problem has been discussed for quite a few years. Hopefully we can move forward on this very important project. Our water pressure problem will be corrected with the new water tower on State Route 4. We have been unable to complete these projects due to a shortfall of revenue; as a result the process is somewhat slow. We will continue to maintain our streets and water system, as we are able. Council is working very hard toward these goals. I would like to thank our employees for their hard work and our residents for your understanding and patience.

COUNCIL MEMBER'S REPORT:

Mrs. Gentry reported that the City Beautiful Committee met on the February 9th and welcomed two new members. The City Beautiful Committee will be participating in the Arbor Day Tree Give Away. The Committee is still looking for one new member.

Mr. Scott Johnson announced he would be meeting with MVCC on February 18th.

Mr. Terry Johnson reported he attended the Park Board and Oversight Meeting on February 9.

Mr. Terry Johnson reviewed the agreement with Kercher Park, Item #4, letter B. He asked to include that each coach be responsible for hazardous weather conditions.

Mr. Terry Johnson requested a discussion about National Inspection Corporation be added to the next work session.

Mr. McClain announced that the Economic Development Committee mailed letters and questionnaires to 149 local business and 18 responses have been received. The Economic Development Committee will meet February 18th.

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Mr. McClain stated that 16 of the 18 responses that have been received showed interest in attending an Economic Development meeting.

Mr. Scott Johnson stated he was not surprised of the answers on the questionnaire, but was surprised about the number of responses.

Mr. Schwaberow stated that the Economic Committee would help those businesses that want the help.

Mr. McClain questioned when the water tower project would begin.

Mrs. Sizemore stated the project is behind schedule at this time.

Steve Fugate stated he would be speaking with Tom Borck regarding the tower.

Mr. McClain stated he would like to see a timetable regarding the progress of the tower.

Steve Fugate stated he would be meeting with Tom Borck and would have a timetable ready for the next meeting.

Mr. McClain stated that he opposes the process that was used to appoint the Fire Chief. The Council ignored three guidelines in appointing the Fire Chief. The Council also ignored the recommendation of the Fire Oversight Committee.

Mr. McClain stated he supported the appointment of Dan Alldred and will continue to support the Germantown Fire Department.

Mr. Schwaberow stated he was looking into the Federal Stimulus Bill. He suggested three projects for these funds the North Cherry Project, the West Market Project, and the Hillcrest Lift Station.

Mrs. Sizemore stated that Tom Borck was also looking into stimulus funds for the Tower project.

Mr. Schwaberow stated he would like to Mrs. Sizemore looking into the application for the Stimulus funds for the North Cherry Project, the West Market Project, and the Hillcrest Lift Station.

MOTION: Mr. Schwaberow moved to submit the North Cherry Project, the West Market Project and Hillcrest Lift Station as stimulus projects, second by Mr. McClain.

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.

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LEGISLATION:

Introduction:

Mayor Landis introduced Emergency Resolution No. 09-04

A RESOLUTION TO AUTHORIZING THE ACTING VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH DAYTON POOL MANAGEMENT, 2305 DRYDEN ROAD, DAYTON, OH 45439, IN THE AMOUNT OF \$70,775.00 FOR MANAGEMENT OF THE GERMANTOWN AQUATIC CENTER FOR THE 2009 SEASON, AND DELARING AN EMERGENCY

MOTION: Mr. Terry Johnson motioned to suspend the rules on Resolution No. 09-04, second by Mr. Schwaberow.

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. Terry Johnson motioned to adopt Resolution No. 09-04, second by Mr. Schwaberow.

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 introduced Emergency Resolution No. 09-05

A RESOLUTION AUTHORIZING THE ACTING VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH THE MIAMI VALLEY COMMUNICATIONS COUNCIL, 1195 EAST ALEX-BELL ROAD, CENTERVILLE, OH 45459, IN THE AMOUNT OF \$515.00 FOR CODE RED SERVICE FROM FEBRUARY 9, 2009 TO FEBRUARY 9, 2010, AND DECLARING AN EMERGENCY.

MOTION: Mr. Schwaberow motioned to suspend the rules on Resolution No. 09-05, 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.

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

MOTION: Mrs. Gentry motioned to adopt Resolution No. 09-05, 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 introduced Emergency Resolution No. 09-06

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$415,000 BY THE MUNICIPALITY OF GERMANTOWN, MONTGOMERY COUNTY, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF ACQUIRING AND CONSTRUCTING PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE HICKORY POINTE AREA INCLUDING IMPROVEMENTS TO STATE ROUTE 4 IN THE MUNICIPALITY, AND DECLARING AN EMERGENCY.

MOTION: Mr. Terry Johnson motioned to suspend the rules on Resolution No. 09-06, second by Mrs. Gentry.

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. Terry Johnson motioned to adopt Resolution No. 09-06, 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 introduced Emergency Resolution No. 09-07

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$260,000, BY THE MUNICIPALITY OF GERMANTOWN, MONTGOMERY COUNTY, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING PART OF THE COST OF RECONSTRUCTING CHERRY STREET INCLUDING PAVEMENT, CURB,

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GUTTER, STORM SEWER AND WATERLINE IMPROVEMENTS, AND DECLARING AN EMERGENCY.

MOTION: Mr. Schwaberow motioned to suspend the rules on Resolution No. 09-07, 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. Scott Johnson motioned to adopt Resolution No. 09-07, second by Mrs. Gentry.

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 introduced Emergency Resolution No. 09-08

AN ORDINANCE CONSOLIDATING TWO BOND ANTIPIPATION NOTE ISSUES OF THE MUNICIPALITY OF GERMANTOWN, MONTGOMERY COUNTY, OHIO INTO A CONSOLIDATED NOTE ISSUE, AND ESTABLISHING THE TERMS OF SUCH CONSOLIDATED NOTE ISSUE, AND DECLARING AN EMERGENCY.

MOTION: Mr. Scott Johnson motioned to suspend the rules on Resolution No. 09-08, second by Mr. Terry 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. Scott Johnson motioned to adopt Resolution No. 09-08, second by Mr. Terry 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.

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Public Hearing:

Mayor Landis introduced Resolution No. 09-03 for Public Hearing.

A RESOLUTION TO AUTHORIZE THE ADVANCEMENT OF FUNDS FROM THE GERAL FUND TO THE SEWER FUND.

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. 09-03, second by Mrs. Gentry.

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.

OTHER BUSINESS:

MOTION: Mr. Terry Johnson moved to adjourn to executive session to discuss personnel matters, 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 and Council adjourned to Executive Session at 8:35 p.m.

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.

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The aforementioned persons discussed personnel matters.

Mayor and Council reconvened into Regular Session at 9:21 p.m.

ADJOURNMENT:

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

The meeting adjourned at 9:22 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Theodore E. Landis
Mayor