

**MUNICIPALITY OF GERMANTOWN COUNCIL
MINUTES OF MEETING HELD MONDAY MARCH 2, 2009**

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The Municipality of Germantown Council met in regular session on Monday, March 2, 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 and several visitors.

APPROVAL OF MINUTES:

Mayor and Council reviewed the October 20, 2009 Council Work Session minutes.

MOTION: Mrs. Gentry 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.**

PUBLIC RECOGNITION:

Mayor Landis gave a Proclamation as followed:

In the fall of 1995, 13 little girls came to a meeting in the Germantown Library conference room and signed up to be Daisy Girl Scouts. Now 13 years later Troop Leader, Kim Flaughner attended the graduation of their cross over to adults in May, for 7 of the original 13 girls. This is a outstanding feat not just for Germantown, but the Girl Scout organization as a whole. The girls have participated in many activities over the years. We are very proud of all these girls. I wish to honor them for their efforts. I Theodore Landis, Mayor of The Village of Germantown Ohio do proclaim Sunday,

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March 8, 2009 as Troop 794 day in the Village of Germantown Ohio, and invite everyone to join in.

Mayor Landis presented the Proclamation to the girls who attended the Council meeting.

CITIZEN'S FORUM:

None.

FINANCE DIRECTOR'S REPORT:

Mrs. Jamison reviewed the 2008 Year End Report.

ACTING MANAGER'S REPORT:

Mrs. Sizemore stated that she would be issuing a status report weekly to the Council members.

Mrs. Sizemore stated she would be submitting the stimulus projects this week. The cost estimates for N. Cherry is \$469,523, Market Street to North Maple is \$905,302 and the Hillcrest Project is around \$200,000. We are waiting for a firm numbers from Tom Borck regarding the Hillcrest Project.

Mrs. Sizemore questioned if Council was going to follow through with the Hillcrest Lift Station and Dry Run.

Mrs. Sizemore stated she has contacted OPWC, they need to know if the Dry Run project is going to be done. If it is not, we have to turn down the money. Late in March a presentation will need to be done for OPWC for the funds for Hillcrest. Will have to change the scope of the project and it will affect the loan itself. When speaking with OPWC they stated this project should had been completed long ago and will not be considered an emergency project.

Mr. Lawson questioned if there has been any contact with the residents of Dry Run easements.

Mrs. Sizemore stated at this point no one has been out to speak with the residents.

Mr. Schwaberow expressed concern about the funds for the Hillcrest and Dry Run projects. In the future the Village could take on the Dry Run or Butter Street.

Mr. Schwaberow questioned if the Village goes to the March meeting will the grant funds still be available.

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Mrs. Sizemore stated the funds will still be there if the Village shows a change of scope with the Hillcrest project.

Mayor Landis stated he understood that Dry Run and Butter Street were not going to be followed thru at this time.

Mr. McClain stated he understood the Village was going through with the Hillcrest project because that is what is affordable at this time.

Mr. Scott Johnson questioned if the pumps are fixed at the old station, what problems does it solve.

Steve Fugate stated it should last another five to ten years with the new pumps. He also stated if a spill does occur the EPA will fine the Village \$10,000.

Mr. Terry Johnson stated something has to be done now for a quick fix and eventually a larger project will have to be done in the future.

Steve Fugate stated the property owners would be unhappy about the damage during the projects.

Mr. Schwaberow stated if there is an agreement with 80 % of property owners willing to give the easement to the Village, then Council needs to go forward with the project and avoid a larger sewer rate increase. This then allows the property owner and the Village to determine a fair market price for the easements. If both parties do not agree on a price, the courts will then determine the price, but while all this is going on, the Village can move forward with the Hillcrest project.

Mr. Terry Johnson stated Council needs to make a decision, move forward and Council should use eminent domain as a final resort.

Mr. Schwaberow expressed concern about the 30% increase sewer rates, making Germantown the highest in the Montgomery County. The Village cannot afford a 30% increase with the economy the way it is now. If the Village spends \$200,000 for the new lift station it will solve the problem for now.

MOTION: Mr. Terry Johnson moved to use the grant money for the replacement of the Hillcrest Lift Station, second by Mr. Lawson.

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ROLL CALL: Mrs. Gentry, no; Mr. Scott Johnson, no; Mr. Terry Johnson, yes; Mr. Lawson, yes; Mr. McClain, yes; Mr. Schwaberow, yes; Mayor Landis, yes. 5-yes, 2-no.
MOTION CARRIED.

Mrs. Sizemore stated the water tower project has a revised schedule. The advertisement will be April 1st and the bids will be received by April 30th. The final completion will be September 2010.

Mrs. Sizemore questioned the logo on the water tower. The Council needs to decide if "Germantown" is on both sides and the Germantown Cardinal in between.

Mr. Lawson stated 20 years from now, is anyone going to know what the Cardinal represents.

Mr. McClain stated that from his understanding Randy Bukas started the Cardinal idea. If this water tower would have the logo with the Germantown Cardinal, the future water tower could have the Spartan logo.

Mrs. Gentry stated she had received two calls from Germantown citizens and they were very pleased with the Germantown Cardinal choice.

Mrs. Sizemore stated since there is no agreement on the logo that it will be addressed at the next meeting.

Mrs. Sizemore stated Fire Chief Alldred would be starting his EMT class in March. He is also looking into a Fire 1 class that would be held here at the Village.

Mrs. Sizemore stated Mr. McClain suggested that two Council members be appointed to a committee, along with the Manager, to oversee the development of the website.

Mrs. Sizemore stated she would like this Committee formed now, so everyone is ready to go when the website needs review.

MOTION: Mr. Lawson moved to appoint Mayor Landis, Mr. McClain and Mrs. Gentry to the Website Committee, 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.

Mrs. Sizemore questioned if Council wants to use the sewer rate increase funds toward the funds that are owed to Franklin Regional. She stated the sewer funds were not used correctly in the past few years.

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Mr. Scott Johnson questioned the outstanding balance with Franklin Regional.

Mrs. Sizemore stated the Village currently owes Franklin Regional \$98,000. This amount is due to a lack of paying Franklin Regional the new home construction fee for the past few years.

Mr. Schwaberow stated the Village collected \$500 for each new home built in the Village, but never sent the money to Franklin Regional. This money was spent by the Village when by contract it should had gone to Franklin Regional.

Mr. Terry Johnson stated he would not raise sewer rates when the Village did not pay their bill correctly.

Mr. Schwaberow stated the Managers and the Finance Director allowed this to happen, knowing the allotted funds were to go to Franklin Regional.

Mr. Lawson stated the bill does need to be paid, but not at the expense of the entire Village.

Mayor Landis stated it was not fair to punish the citizens when the Village administration handled the funds incorrectly.

Mrs. Sizemore stated Chief Alldred would oversee the Fire Levy.

Mrs. Sizemore stated that questions have been raised concerning the Cemetery Levy. The Township Trustees have implemented a half million-dollar replacement levy on the ballot for May.

Mrs. Sizemore stated in the past the Cemetery Levy did not need much promotion, but wanted Council to support the upcoming levy.

Mrs. Sizemore stated she would like to do an advertisement for a part-time (hours 10-2) administrative employee to cover lunches, and help in the tax department.

Mr. Schwaberow stated it might be wise to go through a temporary service to avoid any hassles.

Mr. Terry Johnson stated if someone here in town were qualified to do the job, he would like to see them hired.

Mrs. Sizemore stated that the tornado sirens were installed in Hillcrest. The Village and Montgomery County tested the sirens today.

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Mrs. Sizemore stated she swore in two new auxiliary officers last week, Richard Dillon and Matthew Barker.

Mrs. Sizemore stated she is working on the September storm damage insurance issues.

Mrs. Sizemore stated she is looking into the soda machines for the concession stand at the pool.

Mrs. Sizemore stated she received a call from Sherry Samworth, she wanted to thank Council and the Street Department for putting up the deaf child at play sign.

Steve Fugate, Water Department Supervisor reported that he is working with Franklin Waste Water Treatment on the tap records.

He reported in the last month the Water Department has had 132 work orders, 18 were meter change outs, 4 sanitary sewer calls, 44 shut off notices.

He announced he has ordered the pumps for the Triangle Lift Station.

Steve Fugate stated he has purchased a pump from the Farmersville pool for the Village slide. He is planning to install new lines and the pump on the slide.

Steve Fugate stated he is looking into a new vehicle for the Water Department.

Mrs. Gentry stated she found the presentation on the water tower very interesting.

Steve Fugate stated that the construction of the water tank will go very quickly and will be interesting to watch go up.

LAW DIRECTOR'S REPORT:

None

POLICE CHIEF'S REPORT:

Chief McGill discussed the budget.

Chief McGill stated the contract with the Sheriff's office for dispatching expires December 31st.

Chief McGill state the current price per a call is \$4.84 and the new rate for 2010 will be \$9.50. He stated the rate increase might have something to do with the City of Dayton also using these services. In 2011 the rate is expected to be \$12.61 a call.

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Mayor Landis stated he would think with Dayton also using the services that the rate would decrease not increase.

Chief McGill stated the department has been paying off the equipment, which would allow more funds for the increase in the dispatching expenses for the next year.

Mrs. Gentry questioned if the Village should go back to the old way of dispatching to save funds.

Chief McGill stated the current charges for dispatching are \$76,000, in the past the cost of running the dispatch was \$200,000. He stated even if the charges do increase, the Village would still be saving money.

Chief McGill announced that he would be attending a Regional Dispatch Meeting on March 3rd, and hopefully he would be able to answer why the price has increased so much.

FIRE CHIEF'S REPORT:

None.

MAYOR'S REPORT:

None.

COUNCIL MEMBER'S REPORT:

Mrs. Gentry reported that she will have information about the Senior Overlay district for the next meeting.

Mr. Scott Johnson announced he met with MVCC on February 18th and the access channel will be on a digital tier. This will expand the viewing area.

Mr. Terry Johnson reported the Park Board and Oversight Meeting are on March 4. The Pool Board will meet on the 3rd Wednesday of each month.

Mr. Terry Johnson questioned if the letters have been sent out regarding Kercher Park's hazardous weather issues.

Mrs. Sizemore stated the wording has been revised but the letters were not mailed.

Mr. Terry Johnson stated there would be a new contract for Kercher Park's coaches making them responsible for the athletes out on the fields.

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Mr. Lawson questioned how the contract will be enforced with the coaches, no one from the Village can sit there and wait for lighting.

Mr. Terry Johnson stated he would address the President of the Coaches and make sure they have all completed a training program. If a complaint does come to the Villages' attention it will be addressed.

Tom Schiff stated it would be a good idea if everyone, referees and coaches, sign the agreement.

Mr. Terry Johnson requested that Lisa, with National Inspection Corporation, be present at the next meeting.

Mr. Terry Johnson stated the wording needs to be changed in the Code and maybe more would be done regarding property maintenance.

Mr. Terry Johnson stated the fines for not obeying the codes are not strict enough.

Mr. Lawson stated he met with Randy Benson and would like to appoint Ron Comer and Scott Anding to the Oversight Committee.

MOTION: Mr. Lawson moved to appoint Mr. Ron Comer and Mr. Scott Anding to the Fire Oversight Committee, second by Mr. Scott Johnson.

ROLL CALL: Mrs. Gentry, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Lawson, yes; Mr. McClain, no; Mr. Schwaberow, yes; Mayor Landis, yes. 6-yes, 1-no.
MOTION CARRIED

Mr. McClain announced that the Senior Citizen Association is holding their annual membership drive. They currently have 402 member. The annual membership to join is \$10.

Mr. McClain stated he wanted to thank Mrs. Sizemore for her detailed report tonight.

Mr. Schwaberow announced the MVRPC is having their annual Spring Dinner on April 22nd at WPAFB.

LEGISLATION:

Introduction:

Mayor Landis introduced Emergency Resolution No. 09-09

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A RESOLUTION TO AUTHORIZING THE ACTING VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH VILLAGRAPHX, 121 E. CENTER STREET, FARMERSVILLE, OH 45325, IN THE AMOUNT OF \$2,750.00 FOR REDESIGN OF THE VILLAGE WEBSITE, AND DELARING AN EMERGENCY

MOTION: Mr. Scott Johnson motioned to suspend the rules on Resolution No. 09-09, 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. 09-09, 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 Ordinance No. 09-10

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE GERMANTOWN CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

MOTION: Mr. Scott Johnson motioned to suspend the rules on Ordinance No. 09-10, 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. Scott Johnson motioned to adopt Resolution No. 09-10, 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.

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Mayor Landis introduced Resolution No. 09-11.

A RESOLUTION AUTHORIZING THE ACTING VILLAGE MANAGER TO ENTER INTO AN ADDENDUM FOR THE FIRST OPTION YEAR OF THE CURRENT CONTRACT WITH RUMPKE OF OHIO, INC., 10795 HUGHES ROAD, CINCINNATI, OH 45251, FOR SOLID WASTE AND CURBSIDE RECYCLING COLLECTION SERVICES FOR THE PERIOD OF MAY 1, 2009 THROUGH APRIL 30, 2010.

Mayor Landis stated the Public Hearing will be held March 16, 2009.

Mayor Landis introduced Resolution No. 09-12.

A RESOLUTION AUTHORIZING THE ACTING MUNICIPAL MANAGER TO ENTER INTO A AGREEMENT WITH THE BOARD OF TRUSTEES OF GERMANTOWNSHIP TO PROVIDE PARKS AND RECREATIONAL SERVICES FOR THE CITIZENS OF GERMAN TOWNSHIP AND THE MUNICIPALITY OF GERMANTOWN.

Mayor Landis stated the Public Hearing will be held March 16, 2009.

Public Hearing:

None.

OTHER BUSINESS:

Mayor Landis stated he would like to postpone the Executive Session to the next meeting.

MEMBERS ABSENT:

None.

ADJOURNMENT:

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

The meeting adjourned at 9:08 p.m.

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Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Theodore E. Landis
Mayor