

**MUNICIPALITY OF GERMANTOWN COUNCIL  
MINUTES OF MEETING HELD MONDAY MAY 18, 2009**

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The Municipality of Germantown Council met in regular session on Monday, May 18, 2009 at 7:00 p.m. in the Municipal Building Council Chambers.

Mayor Landis gave the Oath of Office of Council Member to Lynn Koogle.

**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. Lynn Koogle, Mr. Jim Lawson, and Mr. Edward Schwaberow.

**MEMBERS ABSENT:**

None.

**ALSO PRESENT:**

Also present were Tom Schiff, Law Director; Scott Brown, Police Sergeant; Dennis Watson, Street Department Supervisor; Rebecca Jamison, Finance Director, Anna M. Sizemore, Acting Village Manager/Clerk of Council, Lisa Colwell, National Inspection Corporation and five visitors.

**APPROVAL OF MINUTES:**

Mayor and Council reviewed the November 3, 2008 Council Meeting minutes.

**MOTION:** Mr. Schwaberow moved to accept the November 3, 2008 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. Koogle, yes; Mr. Schwaberow, yes; Mayor Landis, yes. 7-yes, 0-no.  
**MOTION CARRIED.**

Mayor and Council reviewed the November 3, 2008 Work Session Meeting minutes.

**MOTION:** Mr. Lawson moved to accept the November 3, 2008 Work Session Meeting minutes as submitted, second by Mr. Scott Johnson.

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

Mayor and Council reviewed the November 17, 2008 Council Meeting minutes.

**MOTION:** Mrs. Gentry moved to accept the November 17, 2008 Council Meeting minutes as submitted, second by Mr. Scott Johnson.

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

Mayor and Council reviewed the November 17, 2008 Work Session Meeting minutes.

**MOTION:** Mr. Lawson moved to accept the November 17, 2008 Work Session Meeting minutes as submitted, second by Mr. Schwaberow.

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

**PUBLIC RECOGNITION:**

Mr. Mike Engler, President of Park and Recreation Board, wanted to recognize and thank Bob McClain, Kirk Bell, Rick Jones, and Terry Isaacs for their hard work and dedication over the years. These members have stepped down but their time and service was greatly appreciated.

Mrs. Sizemore stated the Village is giving six trees to local citizens for the Arbor Day Tree Giveaway.

Mayor Landis announced each of the winners of the Arbor Day Tree Giveaway, Diana Horn, Joyce Koon, Jim Johnson, Pat Rettich, Paul Rettich and Cindy Kistner.

**CITIZEN'S FORUM:**

Robert Tracy at 50 S. Water Street stated the price to remove the tree on the vacant lot will exceed the value of the tree. He tired to get this project completed years ago, but the Village Managers dropped the ball.

Mayor Landis stated the Village is unable to release the property to Mr. Tracy. He spoke with Steve Fugate concerning the property and sewer and water lines that cross the vacant lot.

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Robert Tracy stated the property was surveyed twice and the tree is located on the vacant lot.

Mr. Schwaberow stated if the tree is indeed on the vacant lot and is causing damage to Mr. Tracy's property the Village should take responsibility and have the tree removed.

Tom Schiff stated the Village must make sure the tree is indeed on the vacant lot. If any part of the tree is on Mr. Tracy's lot, he must sign a waiver stating it is okay to remove the tree.

**MOTION:** Mr. Schwaberow moved to have the tree removed from the vacant lot on South Water Street, second by Mr. Koogle.

**ROLL CALL:** Mr. Koogle, 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.**

Ms. Lavona Weinel, at 416 N. Cherry St., stated she is very proud of the Council and what they do for the Village. She watches every meeting on television and has kept her own notes since 1970. She felt the Fire and EMS levy did not pass due to lack of advertisement. She also listens to the Police scanner and thanks them for all their hard work and dedication. She expressed concern about the rumor that the Village was going to cut the Police Budget.

Ms. Weinel questioned if the Village Manager must live in the Village limits.

Tom Schiff stated that the Charter does state that but they may modify it.

Ms. Weinel stated a new Village Manager needs to be appointed along with a new Clerk of Council. She stated that Mrs. Sizemore is very qualified to do the job as Village Manager.

Ms. Weinel stated that Council does a good job; they just need to watch what and how they say things.

Mayor Landis thanked Ms. Weinel for all her support over the years.

**FINANCE DIRECTOR'S REPORT:**

Mrs. Jamison gave the April 2009 Budget Report.

Mr. Scott Johnson stated the information was getting better but the answers are not answers.

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**ACTING MANAGER'S REPORT:**

Dennis Watson stated the Street Department has completed the Village's catch basin cleaning.

Dennis Watson stated the cross training program started on May 4<sup>th</sup> for the Street Department.

Dennis Watson and the Street Department has been assisting the Water Department on various projects.

Dennis Watson stated a complete street sweeping has been done once already this season. He stated he has started working on patching various streets.

Dennis Watson stated he is waiting on bids for the street sealing.

Dennis Watson stated the grass mowing is the main concern of the department.

Mr. Schwaberow questioned Dennis Wasson who was responsible for mowing the small patch of grass on Center Street.

Dennis Watson responded that the Street Department is now responsible.

Mr. Schwaberow stated he would like something with less maintenance there, if the Village was going to be responsible for it.

Mrs. Sizemore stated the water tower bids have been received and Tom Borck is looking over them. Steve Fugate and Ted Landis went to visit Caldwell Tanks in Kentucky.

Mayor Landis stated that Steve Fugate and he took a tour of the Caldwell plant. The Caldwell Company would like to visit Council and do a presentation.

Mrs. Sizemore stated she would be doing a presentation next week at DIC for the grant funds for the Hillcrest and Dry Run Projects. DIC is wanting to hear the projects change of scope.

Mr. Terry Johnson stated that a decision needs to be made regarding the Dry Run project.

Mr. Schwaberow stated in the last meeting it was decided to have Poggemeyer do a survey for the Dry Run route.

Mr. Scott Johnson stated that Tom Borck has not supplied Council with the entire cost for the Dry Run project.

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Mr. Schwaberow stated Council is reverting backwards and it needs to go forward. He questioned if the Village residents are prepared for a 70% rate increase to serve just one area of the Village.

Mayor Landis stated the increase to the residents should not be that large, and the Village residents will have an increase regardless of which route is done.

Mr. Schwaberow questioned if the new lift station could be done for under \$100,000 and solve the problem for the next 10-20 years.

Mr. Scott Johnson stated that Council needs to make a decision and not keep revisiting this issue.

Mr. Terry Johnson stated the Village needs to follow up with Poggemeyer and see if the surveys have been completed.

Mr. Lawson questioned if the surveys have been completed.

Mrs. Sizemore stated she would ask Poggemeyer for a update on the surveys.

Mr. Scott Johnson stated the problem needs to be solved with the lift station. Whether it is replaced or a new line is ran up Butter Street or Dry Run something needs to be done. He stated this project has been in the works for years, even before he was on Council.

Mr. Schwaberow stated when Council met in a special Saturday meeting, it was agreed to move forward and look at the Dry Run alternative.

Mrs. Sizemore stated the pool is expected to open on Saturday and everything seems to be running smoothly.

Mrs. Sizemore stated she has hired a part-time clerk in the Administrative offices.

Mrs. Sizemore stated she has tried to contact Mr. Dowden concerning the website but has not yet received a return phone call.

Mrs. Sizemore stated the Economic Committee, Senior Oversight, and Planning Commission are still looking for a volunteer to sit on each committee.

Mrs. Sizemore stated that Valley View School was made a request to change the route of the Homecoming Parade. They would like to use the same route the Forth of July Parade uses.

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Mrs. Sizemore stated on June 1<sup>st</sup> the Township and Council will have a joint meeting. If any Council members have anything they would like to discuss in that meeting please let her know so it can be put on the agenda.

**LAW DIRECTOR'S REPORT:**

None.

**POLICE CHIEF'S REPORT:**

None.

**FIRE CHIEF'S REPORT:**

None.

**MAYOR'S REPORT:**

Mayor Landis stated that he and Steve Fugate attended a meeting regarding emergency response in the event of a gas line explosion.

**COUNCIL MEMBER'S REPORT:**

Mr. Terry Johnson announced that the Pool Board Meeting will be May 20<sup>th</sup> and the Park Board meeting will be June 3<sup>rd</sup>.

Mr. Lawson stated he attended the Cemetery Board Meeting last week. The Cemetery Board is planning to put the levy back on the ballot in November since it did not pass this last election. The personnel put a lot of hard work into the cemetery to make it look nice.

Mr. Schwaberow stated Memorial Day Services would be held next Monday, and asked everyone to come. Bob Flischel, former Council Member, will be speaking. The Veterans Museum will be open on Memorial Day.

Mr. Schwaberow stated that the Economic Development minutes are self-explanatory and the meeting has been canceled for June 17<sup>th</sup>.

Mr. Schwaberow stated he attended the MVRPC meeting and the 2010 budget was adopted. The Village will pay 0.46 per capita for our people and \$2,246.64 total. The cost will increase after the census in 2010. Phase 1 has also been endorsed.

Mr. Schwaberow questioned if Mrs. Sizemore had spoke with Steve Fugate concerning the break in the sewer line under Little Twin Creek.

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Mrs. Sizemore stated she would get with Steve Fugate concerning the break in the sewer line.

Mr. Schwaberow questioned if Mrs. Sizemore had attended any Gov Tech meetings.

Mrs. Sizemore stated she has not attended Gov Tech, but has attended the Mayors and Managers meetings with the Mayor.

Mr. Schwaberow stated that the Village may need to look into the reason why the Fire EMS levy did not pass.

Mr. Koogle stated that citizens were just not educated on the levy and the DDN article did not help by printing wrong information.

Mr. Schwaberow stated that the agreement with the old Rescue Squad was to provide \$250,000 a year, and these funds are going to run out soon. The residents need to understand that the funds that are being asked for now are not for the old Rescue Squad, but the new Fire/EMS. The bottom line is if the Fire/EMS Department does not get funds, the services will not be available to the citizens for free.

Mr. Schwaberow questioned if the minutes were going to be completed by the end of May.

Mrs. Sizemore stated she was doing her best. She cannot do everything. She stated that Mr. Schwaberow is questioning if she was attending meetings, she cannot go to every meeting plus get minutes done.

Ms. Lavona Weinel stated the elderly people did not understand the levy. It was not advertised on regular television stations and a lot of the elderly people do not have cable. Next time please do more advertising if you want the levy to pass.

Mr. Schwaberow stated the next time the levy is on the ballot, a flyer needs to be mailed to the citizens. The Fire/EMS needs to ask for support and funds from local business and citizens.

Mr. Koogle stated a very small portion of the Village was informed about this levy. The next time this is on the ballot we must do more advertising and a flyer would definitely help get the correct information to the citizens.

Mr. Scott Johnson stated that if he was not a Council member he would not have known anything about the levy.

Mr. Schwaberow applauded the Fire/EMS for a very nice pancake breakfast.

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**LEGISLATION:**

**Introduction:**

Mayor Landis introduced Emergency Resolution No. 09-17

A RESOLUTION TO AUTHORIZE THE ADVANCEMENT OF FUNDS FROM THE GENERAL FUND TO THE SWIMMING POOL FUND AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Terry Johnson motioned to suspend the rules on Resolution No. 09-17, 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. Koogler, 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. 09-17, second by Mr. Scott Johnson.

Mr. Scott Johnson stated that the Village and the Township support the pool but when the pool requires additional funds, only the Village takes responsibility. He expressed concern about the funds not being returned to the Village.

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

**Public Hearing:**

None.

**OTHER BUSINESS:**

**National Inspection-Property Maintenance Code**

Lisa Colwell stated she had spoke with several members of Council over the last few months about property maintenance issues. She recommended adopting a new code over a year ago. The International Property Maintenance Code is what she is recommending the Village to adopt. This version is very easy to understand and is used in many cities. This version was written by professionals and is updated every three years.



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Lisa Colwell stated the 2003 Version of the International Property Maintenance Code covers both residential and commercial. This version can be modified to fit Germantown's needs. She encouraged Council members to put thought into how they would want this new code to read.

Mr. Lawson questioned why the inspectors do not speak with the homeowners instead of hounding them. It may be more effective if the residents are approached one on one.

Lisa Colwell stated she has been providing service for the last six years for Germantown. Six months into the contract she was asked to lower the rate by half. She cannot afford to spend one on one time with each individual for the amount NIC is getting paid.

Mr. Lawson questioned why the Village has not been assigned a permanent inspector.

Lisa Colwell stated that only two inspectors service Germantown, one being herself, who is the supervisor.

Tom Schiff questioned if all the information is recorded and does the inspector inform Lisa of the issues in Germantown.

Lisa Colwell stated that most of the information that is gathered is recorded.

Mrs. Gentry questioned recreational vehicles and unlicensed vehicles.

Lisa Colwell stated that it needs to be added to the new code, the code that is being enforced right now does not address recreational vehicles or unlicensed vehicles.

**Rudy's Churrascaria**

Mrs. Sizemore stated that a suggestion had been raised that another public meeting be held regarding Rudy's outdoor project.

Mrs. Sizemore questioned if the Council felt that a door-to-door notice was necessary.

Mr. Terry Johnson questioned the last time Rudy contacted Mrs. Sizemore.

Mrs. Sizemore stated she has not had contact in a while.

Mayor Landis questioned who would receive the door-to-door notices.

Mrs. Sizemore stated that all property owners would receive a letter, along with all business owners.

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Mr. Scott Johnson stated he had spoke with a few of the business owners and some do not care about Rudy's outdoor project, but others state they do care.

Mrs. Gentry expressed concern regarding the parking issue for the businesses near Rudy's.

Mr. Scott Johnson stated that he has driven down Main Street in the middle of the day and there has been plenty of parking.

Mr. Terry Johnson suggested that the employees and the customers of Rudy's use a public parking lot.

**MEMBERS ABSENT:**

None.

**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. Lynn Koogle, and Mr. Edward Schwaberow.

**MEMBERS ABSENT:**

None.

**ALSO PRESENT:**

Also present was Tom Schiff, Law Director.

The aforementioned persons discussed personnel matters related to the Village Manager and Administration.

Mayor and Council reconvened into Regular Session at 10:00 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 10:01 p.m.

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Respectfully Submitted,

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Kelli R. Sanders-Novak  
Clerk of Council

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Theodore E. Landis  
Mayor