

**MUNICIPALITY OF GERMANTOWN COUNCIL  
MINUTES OF MEETING HELD MONDAY JUNE 15, 2009**

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The Municipality of Germantown Council met in regular session on Monday, June 15, 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. Lynn Koogle, Mr. Jim Lawson, and Mr. Edward Schwaberow.

**MEMBERS ABSENT:**

None.

**ALSO PRESENT:**

Also present were Anna M. Sizemore, Acting Village Manager/Clerk of Council; Tom Schiff, Law Director; Scott Brown, Police Sergeant; Matt Burns, Police Major; Rebecca Jamison, Finance Director; and six visitors.

**APPROVAL OF MINUTES:**

Council reviewed the following minutes:

December 1, 2008—Regular Meeting  
December 1, 2008—Work Session  
December 5, 2008—Regular Meeting  
December 29, 2008—Regular Meeting  
January 5, 2009—Regular Meeting  
January 5, 2009—Work Session  
January 20, 2009—Regular Meeting  
January 20, 2009—Work Session

Mr. Schwaberow questioned if there was a meeting on December 15<sup>th</sup>, Mrs. Sizemore replied that she has to transcribe that meeting from a DVD.

Mayor Landis stated if there are no corrections or additions then they will stand as presented.

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**PUBLIC RECOGNITION:**

None.

**CITIZEN'S FORUM:**

Ms. Joyce Eldred Cornett, 95 Virginia Ave., stated she was very happy to see the Township here at the last meeting, but she was ashamed of the behavior of Council during the last portion of the meeting. The behavior was uncalled for, and you should all be ashamed.

**FINANCE DIRECTOR'S REPORT:**

Rebecca Jamison went over the May 2009 Financial Report.

**ACTING MANAGER'S REPORT:**

Mrs. Sizemore stated she handed out an agreement from MVCC and Interstate Gas Supply. Gov Tech. has been working on a natural gas program, and several of the surrounding communities are going to be involved. She asked Tom Schiff and Council to look over the agreement. MVCC will be handling all the questions and managing the program.

Mr. Schwaberow questioned if this will be affecting everyone, Mrs. Sizemore replied that it was for all residential customers and possibly some small commercial customers.

Mrs. Sizemore stated she has estimates for \$3,000 and \$3,100 to have the tree removed at the property on Gunkle Street.

Mr. Koogle stated he would give Mrs. Sizemore a contractor he had used in the past to have trees removed.

She announced the Pool Board meeting has been canceled for Wednesday night.

Mrs. Sizemore welcomed Center Street Café to the Village, her family had lunch there on Saturday and it was very good.

She went on to say that the Gators have their first swim meet on June 18<sup>th</sup>.

Mrs. Sizemore stated the 4<sup>th</sup> of July Parade invitations have been sent out by the Park Board.

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Mr. Schwaberow expressed concern regarding the fire hydrant next to McDonald's; it is still not working and may need to be hand dug to repair. If the Water Department is unable to fix the problem, maybe we should have an outside company look into it. There is also a fire hydrant on Route 4 that is also not working. He suggested that they all the fire hydrants in the Village be operational.

**LAW DIRECTOR'S REPORT:**

None.

**POLICE CHIEF'S REPORT:**

Chief McGill handed out a written report for June 2009.

**FIRE CHIEF'S REPORT:**

Chief Alldred handed out a written report for June 2009.

Mrs. Sizemore stated that Chief Alldred has been reviewing a grant application for reconstruction or a new fire station. We are looking into see if the Village would qualify.

**MAYOR'S REPORT:**

Mayor Landis stated that he and Steve Fugate attended the FRWWTC meeting on June 3<sup>rd</sup>. Joe Hart with FRWWTC will be developing standard operating procedures.

He also stated he attended a Relay for Life in Farmersville on Friday evening.

**COUNCIL MEMBER'S REPORT:**

Mr. Scott Johnson stated he received a phone call from a resident regarding a outdoor portable water meter. This portable meter will allow residents to use their outdoor water faucet without paying sewer charges on that water.

Mr. Terry Johnson stated the 4<sup>th</sup> of July Parade will begin at Kercher Park; go thru the center of town and finish in Veterans Park.

He also stated there was an issue with the portable stage the Park Board owns. The problem is that people are using the stage that have never filled out any paperwork, or requested the usage of the stage from the Park Board. If individuals would like to use the stage they must follow the proper procedures to use it.

He concluded by saying that Council needs to address the property maintenance code soon, and not drop the ball on it.

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Mrs. Sizemore stated she would like feedback from Council regarding the property maintenance code.

Mr. Lawson stated he attended the Cemetery meeting last week. The Cemetery received many calls complementing how nice the Cemetery grounds looked on Memorial Day. They also discussed the upcoming Cemetery Levy, and ways to get the residents to support the Levy.

Mr. Schwaberow stated he attended the MVRPC meeting on June 4<sup>th</sup>. We will want to monitor what they are doing in regard to the water quality planning projects. This could affect the Village in relation to our service areas.

**LEGISLATION:**

**Introduction:**

Mayor Landis introduced Emergency Resolution No. 09-22

A RESOLUTION AUTHORIZING THE ADVANCEMENT OF FUNDS FROM THE GENERAL FUND TO THE SEWER FUND, AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Koogle motioned to suspend the rules on Resolution No. 09-22 second by Mrs. Gentry.

ROLL CALL: Mrs. Gentry, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Lawson, 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. Lawson motioned to adopt Resolution No. 09-22, second by Mr. Koogle.

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

**Public Hearing:**

Mayor Landis introduced Resolution No. 09-18

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A RESOLUTION AUTHORIZING THE ACTING VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH CALDWELL TANKS, INC., 4000 TOWER ROAD, LOUISVILLE, KENTUCKY 40219, FOR THE DAYTON PIKE WATER STORAGE TANK, OPWC PROJECT NUMBER CD14L, IN THE AMOUNT OF \$1,387,000.00.

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

**MOTION:** Mr. Lawson motioned to adopt Resolution No. 09-18, second by Mr. Scott Johnson.

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

Mayor Landis introduced Resolution No. 09-19

A RESOLUTION AUTHORIZING THE ACTING VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH CULY CONSTRUCTION, 8085 MCCUTCHEVILLE ROAD, WAYNE, OHIO 43466, FOR THE DAYTON PIKE WATER STORAGE TANK WATERLINE EXTENSION, OPWC PROJECT NUMBER CD14L, IN THE AMOUNT OF \$74,403.00.

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. 09-19, second by Mr. Scott Johnson.

Mr. Lawson questioned if anyone local could do this work, Mrs. Sizemore replied no one from the area bid the project.

ROLL CALL: Mr. Koogle, yes; Mr. Lawson, 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 Resolution No. 09-20

A RESOLUTION APPROVING THE FINAL PLAT APPLICATION FOR THE PROPERTY LOCATED AT 7047 WEAVER ROAD KNOWN AS THE VILLAS AT HICKORY POINTE.

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

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Dan Mutzner with the Engineering Company spoke about the Hickory Pointe Development and did a presentation for Council.

**MOTION:** Mr. Koogle motioned to adopt Resolution No. 09-20, second by Mr. Terry Johnson.

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

Mayor Landis introduced Resolution No. 09-21

A RESOLUTION AUTHORIZING THE ACTING VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH WEIDLE CORPORATION, 9680 SUGAR STREET, P.O. BOX 247, GERMANTOWN, OHIO 45327, FOR THE WEBER SPORTS COMPLEX, IN THE AMOUNT OF \$36,819.00.

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

Mr. Schwaberow questioned if the Park Board was planning on seeding that area, Mr. Terry Johnson replied yes.

**MOTION:** Mr. Terry Johnson motioned to adopt Resolution No. 09-21, second by Mr. Koogle.

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

**OTHER BUSINESS:**

**Park Board Stage**

Mr. Terry Johnson questioned if the Village would be interested in purchasing the outdoor stage from the Park Board.

Mr. Schwaberow stated that the stage would need to have it painted soon, and the Village would then become responsible for the maintenance in the future.

Mr. Terry Johnson stated the stage would be a moneymaker for the Village, not just for the rental fee but also the overtime that would be paid for the Village employee to set up and tear down. The party who is renting the stage would pay this overtime expense.

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Mr. Schwaberow suggested that Mrs. Sizemore look into a rental program for the stage if the Village would be interested in purchasing it.

**Proposed Budget Changes**

Rebecca Jamison explained the diesel fuel charge on the Rumpke bill, they say the diesel fuel price is taken from the price on the last Monday of the month then a percentage is added to our bill.

Mr. Terry Johnson stated we should be happy with the prices today versus the prices in 2008.

Mr. Koogle questioned when the contract with Rumpke was up; Mrs. Sizemore replied that they just signed a year renewal.

He went on to say that he was unhappy with the services and their charges. Especially the people who are not here all the time, and people are paying for a service they are not getting.

Mrs. Sizemore replied that the contract is based on the total amount of homes in the Village, and this total number gives the Village a break on the bill.

Rebecca Jamison stated the summery pages numbers have changed. The Manager's salary has been adjusted since we have been without one for several months.

Mr. Schwaberow questioned the estimated balance for 2008, or is that the actual ending balance, Rebecca Jamison replied it was the actual balance.

Rebecca Jamison reviewed Senior Center fund has had an increase due to a full time position salary and health insurance.

Mr. Lawson questioned why Margaret Phelps was now a full time employee and how Senior Oversight made her full time.

Mrs. Sizemore replied that Margaret Phelps is working a few hours before the Center opens and a few hours after the Center closes to get work complete.

Mr. Schwaberow stated that Oversight Committees do not have the power to increase hours or wages. They do they the right to make a recommendation, and then Council will make the final decision.

Mrs. Sizemore replied that they made the recommendation to her and she decided to make Margaret Phelps a full time employee. Mr. Schwaberow replied that she should have brought the recommendation to Council.

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Mr. Scott Johnson stated that he did not have a problem with her making Margaret Phelps full time as long as the budget allows.

Rebecca Jamison stated the water capital had major changes in revenue and expenses.

She also stated the street fund the revenue side has changed from \$33,000. to \$20,000.

Mayor Landis stated that in regards to the Covered Bridge a resident has offered to install surveillance cameras on the bridge, if the Village would be willing to pay the rental fee for the equipment. The teenagers are using the bridge for activities they should not be doing, and maybe the cameras would prevent these activities.

Mr. Terry Johnson stated the Veterans Park has the same issues and vandalism.

Rebecca Jamison stated the sewer fund increase would not happen until the first of July.

Mrs. Sizemore stated that Steve Fugate is looking into purchasing the pumps that the Village has been renting as used pumps at the Hillcrest Station.

Rebecca Jamison stated she wants to use the sewer fund to pay for the salaries of the Water Department Clerk

Mr. Scott Johnson had concerns regarding the general fund supporting other funds. We are robbing Peter to pay Paul.

Mrs. Sizemore questioned if the FRWWC had been added to the budget, they will be expecting a check every month starting in July.

Rebecca Jamison replied she was trying to find the funds to make that monthly payment to FRWWC.

Mr. Scott Johnson questioned what the exact amount of the payment would be to FRWWC, Mrs. Sizemore replied the amount is not yet determined, they will be dividing the total amount owed over the five years and they are expecting a payment every month.

Mr. Lawson questioned if FRWWC was charging any interest on the outstanding funds, Mrs. Sizemore replied that they were being very generous and not charging any interest.

Rebecca Jamison stated the Village should receive \$1,000,000 from the income tax this year, and that will help.

She also added there was a large amount paid to workers compensation this year.



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Mr. Scott Johnson stated it does take a lot to run a Village, in the last month we have spent over \$2,000,000.

**MOTION:** Mr. Scott Johnson moved to adjourn to executive session to discuss personnel matters regarding the Village Manager, second by Mr. Lawson.

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

Mayor and Council adjourned to Executive Session at 8:59 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. 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.

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

**ADJOURNMENT:**

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

The meeting adjourned 10:11 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