

**MUNICIPALITY OF GERMANTOWN COUNCIL  
MINUTES OF MEETING HELD MONDAY SEPTEMBER 21, 2009**

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The Municipality of Germantown Council met in regular session on Monday, September 21, 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, Mr. Scott Johnson, Mr. Lynn Koogle, Mr. Jim Lawson, and Mr. Edward Schwaberow. Mr. Terry Johnson arrived at 7:03.

**MEMBERS ABSENT:**

The following members were absent; Mrs. Jeanne Gentry.

**ALSO PRESENT:**

Also present were Tom Schiff, Law Director; Scott Brown, Police Sergeant; Roy McGill, Chief of Police; Matt Burns, Police Major; Anna M. Sizemore, Village Manager; Kelli Sanders-Novak, Clerk of Council, and several visitors.

**APPROVAL OF MINUTES:**

Mr. Schwaberow questioned why there were no minutes.

Mrs. Sizemore stated there would be minutes in the next Council packet.

Mr. Schwaberow stated there had been a few weeks to complete them. He asked that Mrs. Sizemore and Mrs. Novak to please present Council with the minutes as they are typed and not all at once.

Mrs. Sizemore stated that Mrs. Novak would be doing them as fast as she could, but she needs to learn the Council members voices, before she can do them.

Mr. Schwaberow stated this is a very critical matter; he feels there may be legality with not having the Council minutes caught up. He asked that the minutes be taken care of as soon as possible.

Mr. Lawson questioned Tom Schiff if the minutes being behind are really a legality.

Tom Schiff stated the Charter references the minutes and it states they must be completed in a reasonable amount of time, but this does depend on each situation.

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Mr. Schwaberow stated the policy might need to be reviewed regarding the detail of the minutes. He stated that not every word needs to be captured in the minutes.

Mr. Scott Johnson stated the minutes are not required to be verbatim. The Council asked Mrs. Sizemore to present the minutes with more detail.

Mr. Schwaberow questioned if Council still wanted the minutes to have a lot of detail.

Mr. Scott Johnson stated they need to meet the requirements of the Charter.

Mrs. Sizemore stated she would be able to type the minutes from her notes if Council felt that would be sufficient.

Mr. Schwaberow stated it is a judgment call on the Clerk's part as to what is relative to the issue. The minutes need to be more than motions and votes.

Mr. Terry Johnson stated the minutes need to be caught up and presented to Council; then the Clerk can amend them at the Council's request.

Mayor Landis stated that Mrs. Novak will work diligently to get the minutes caught up.

**PUBLIC RECOGNITION:**

None.

**CITIZEN'S FORUM:**

None.

**FINANCE DIRECTOR'S REPORT:**

Council was presented a copy of the 2009 financial report from Rebecca Jamison

**VILLAGE MANAGER'S REPORT:**

Mrs. Sizemore stated she received a application from Matt Lang for the vacant seat on the Planning Commission. She asked if Council would entertain a motion to appoint Matt Lang to the Planning Commission.

**MOTION:** Mr. Koogle motioned to appoint Matt Lang to the Planning Commission, second by Mr. Lawson.

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ROLL CALL: Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Lawson, yes; Mr. Schwaberow, yes; Mayor Landis, yes. 6-yes, 0-no. MOTION CARRIED.

Mrs. Sizemore stated she would send a letter to Matt Lang letting him know he was appointed to the Planning Commission.

Mrs. Sizemore stated Caldwell Tanks attended a pre-construction meeting concerning the water tower. Caldwell Tanks will give updates on the progress of the water tower. She stated that letters have been sent to residents and the businesses in the area of the water tower apologizing for the inconvenience. The crews are planning on working seven days a week and will have surveillance cameras on the site 24 hours a day.

Mrs. Sizemore stated the Hillcrest Lift Station would be advertised for bid on October 1<sup>st</sup>, the bid opening would be October 19<sup>th</sup>.

Mrs. Sizemore stated she received a question regarding the crosswalk signal at Plum and Market, and Cherry and Market. The traffic signals and the crosswalk buttons can be programmed for the pedestrians to walk with traffic or the pedestrians can push the button to get a walk signal.

Mr. Koogle stated the light at Cherry Street and Plum Street does not take long to cycle, so it would be simplify the situation if the pedestrians would just work with the traffic signal.

After a brief discussion it was determined to reprogram the lights.

Mrs. Sizemore stated the Fire EMS levy meeting would be October 20<sup>th</sup>. MVCC will be here to televise the meeting live on Channel 5.

Mrs. Sizemore stated the picnic tables are ready to be moved to Veterans Park, for the Pretzel Festival.

Mrs. Sizemore stated that Randy Bukus started the process of exchanging land between the Village and Community Harvest Church, Burkhart Engineering is working on completing the legal description of the land and it should be completed by September 25<sup>th</sup>.

Mrs. Sizemore stated the Village has been asked to join WRCG to get better rates on the Rumpke contract and possibly other contracts.

Mr. Schwaberow asked Mrs. Sizemore to present Council with a written report showing the benefits of joining WRCG.

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**CLERK'S REPORT:**

Mrs. Novak stated the Planning Commission meeting has been canceled for September 22<sup>nd</sup>.

Mrs. Novak stated the Pool Board meeting has been rescheduled for October 28<sup>th</sup>.

**LAW DIRECTOR'S REPORT:**

None.

**POLICE CHIEF'S REPORT:**

Chief McGill reported on the two hour parking in the downtown area. Officers are marking tires to monitor the situation. The Officers have been issuing warning tickets at this time, but the department plans on enforcing the \$10 parking ticket law.

**FIRE CHIEF'S REPORT:**

Mrs. Sizemore gave a report from Chief Alldred.

Mrs. Sizemore stated the Fire Department attended the Festival of Churches on August 11<sup>th</sup> and they also attended Germantown's Saturday Night Out.

Mrs. Sizemore stated the Fire Department is hosting a Fire Fighter One Class, being taught thru Sinclair Community College. There are 22 students participating in the class.

Mrs. Sizemore stated the Fire Department had a total of 10 fire calls and 57 EMS calls for August.

Mrs. Sizemore stated the Chief Alldred did complete his EMS Certification and id enrolled in the Fire Fighter One class.

Mrs. Sizemore stated the Fire EMS levy meeting would be advertised on Channel 5 and in the Germantown Press.

**MAYOR'S REPORT:**

Mayor Landis stated he received information from FRWWC concerning the 2010 required revenue in the amount of \$2,915,902.00. Germantown's flow rate is approximately a half million gallons a day. The Village has allocated 15%, and the last report the Village was running at 13%. The CPI in the area has decreased in the area, and will hopefully decrease the payment in the year 2010.

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Mayor Landis stated the next meeting with FRWWC would be October 7<sup>th</sup>.

**COUNCIL MEMBER'S REPORT:**

Mr. Scott Johnson stated he attended the MVCC meeting last week and they talked about the programs MVCC has to offer.

Mr. Terry Johnson stated the Park Board is taking suggestions for the 2010 year, so the projects can be incorporated into the 2010 budget.

Mr. Terry Johnson welcomed El Rancho Grande to Germantown.

Mr. Lawson stated he attended the Cemetery meeting last week. He stated they spoke about having MVCC attend the next meeting to view the Cemetery grounds, so they can air the footage on Channel 5 for the upcoming levy. This video should show the Village residents how well kept the grounds are, and the need for the Cemetery Levy to pass.

Mr. Lawson stated he attended the Fire Oversight meeting on September 21<sup>st</sup>. The committee discussed the Fire/EMS Levy and how to get the support of the Village and the Township residents.

Mr. Lawson thanked Mr. Richard Pettit for his support of the Fire/EMS Levy.

Mr. Schwaberow stated he attended the Economic Development Committee meeting on September 16<sup>th</sup>. The Committee is discussing the signage to get visitors and residents to come to the downtown area. Mr. Hosler has been invited to the next meeting to discuss the ideas about signage. He then announced the next Economic Development Committee meeting will be October 21<sup>st</sup>.

**LEGISLATION:**

Mayor Landis introduced Emergency Resolution No. 09-30

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO A CONTRACT WITH STRAWSER CONSTRUCTION, INC., 8600 BERK BKVD., HAMILTON, OHIO 45015, FOR THE 2009 STREET MAINTENANCE PROGRAM, AND DECLARING AN EMERGENCY

**MOTION:** Mr. Scott Johnson motioned to suspend the rules on Resolution No. 09-30 second by Mr. Lawson.

**ROLL CALL:** Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Lawson, yes; Mr. Schwaberow, yes; Mayor Landis, yes. 6-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:** Mr. Koogle motioned to adopt Resolution No. 09-34, second by Mr. Scott Johnson.

Mr. Schwaberow stated he referred back to his notes that state the Village is having \$126,000 of work. He asked Mrs. Sizemore what streets this resolution will cover.

Mrs. Sizemore stated that the work would be divided between 2009 and spring 2010. She stated the work would be done in the Hillcrest area and the Ron Heights area. The Strawser Company has been used in the past.

Mr. Schwaberow questioned where the money would be coming from

Mrs. Sizemore stated funds were moved around from other accounts to cover the cost of the project.

Mr. Schwaberow stated that written reports are very important. Information such as the street repair would be very helpful before the meeting. Then when Council meets they are making an educated vote on legislation.

Mrs. Sizemore stated that Council could wait and vote on Resolution 09-30 until the next meeting.

Mr. Scott Johnson stated the Council had already discussed the street fund projects.

ROLL CALL: Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Lawson, yes; Mr. Schwaberow, yes; Mr. Scott Johnson, yes; Mayor Landis, yes. 6-yes, 0-no. MOTION CARRIED.

Mayor Landis introduced Emergency Resolution No. 09-31

A RESOLUTION AUTHORIZING 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. 09-31 second by Mr. Lawson.

ROLL CALL: Mr. Koogle, yes; Mr. Lawson, yes; Mr. Schwaberow, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mayor Landis, yes. 6-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:** Mr. Koogle motioned to adopt Resolution No. 09-31, second by Mr. Terry Johnson.

Mr. Terry Johnson questioned if there were enough funds and what is expected to still come in

Mrs. Sizemore stated the invoices are still coming in, but they should be finalized within the next week. She stated that the Finance Director should not need the entire \$10,000.

Mrs. Sizemore stated the pool party price need to be increased, and will be discussed at the next Pool Board Meeting.

Mr. Lawson questioned how the pool could have only lost \$10,000 when it was a cooler summer, and lost \$30,000 last summer when it was so hot.

Mr. Schwaberow stated he believes that Council transferred funds earlier in the season to the pool fund.

Mrs. Sizemore stated Council had voted on legislation earlier to transfer funds to the Pool Fund.

Mrs. Sizemore stated Council needs to decide if they want to use the same pool management company as this past year. Jeff Blume from Dayton Pool Management would like to contact the staff from this year, for next year, soon. She also stated she has asked Jeff Blume to meet with the Pool Board, and if Council would like she will ask him to come to a Council meeting.

Mr. Koogle stated before the Village rehires the pool staff from last year, Council needs to see the final numbers from this past season.

Mr. Schwaberow stated he would like to see Mrs. Sizemore gather feedback from those who were involved with this past pool season and see if anything needs to be corrected or changed in the next contract with the pool management company.

Mr. Koogle stated the recommendation from the Pool Board should reflect the decision that Council would make regarding the pool management.

Mrs. Sizemore stated that the Pool Board was initially against the pool management company, but the reports she received were very good.

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Mr. Schwaberow stated overall the Village had less time invested with the pool since the pool management company was involved. The Street and Water Department were not needed as often, allowing work to be done elsewhere in the Village.

ROLL CALL: Mr. Koogle, yes; Mr. Lawson, yes; Mr. Schwaberow, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mayor Landis, yes. 6-yes, 0-no. MOTION CARRIED.

Mayor Landis introduced Emergency Ordinance No. 09-32

A ORDINANCE RESCINDING ORDINANCE NO. 09-13 AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,650,000 OF BONDS FOR THE PURPOSE OF REFUNDING PUBLIC INFRASTRUCTURE IMPROVEMENTS BONDS (HICKORY POINTE PROJECT), PASSED BY THE COUNCIL OF THE VILLAGE OF GERMANTOWN ON MARCH 16, 2009, AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Terry Johnson motioned to suspend the rules on Ordinance No. 09-32 second by Mr. Koogle.

ROLL CALL: Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Lawson, yes; Mr. Schwaberow, yes; Mayor Landis, yes. 6-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. 09-32, second by Mr. Koogle.

Mr. Lawson stated he would like Mrs. Sizemore to go over Ordinance No. 09-32.

Mrs. Sizemore stated that Associate Construction had a bond and they chose not to refinance, Ordinance No. 09-32 is just to remove this from the books.

ROLL CALL: Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Lawson, yes; Mr. Schwaberow, yes; Mr. Scott Johnson, yes; Mayor Landis, yes. 6-yes, 0-no. MOTION CARRIED.

Mr. Schwaberow stated the memorandum from the Finance Director concerning investments might need to be addressed, to give the Council's feedback. He suggested that Mrs. Sizemore check with other City Managers and Finance Directors to see what the other Cities are doing. He would like to see Mrs. Sizemore collect the information so that Council may make decision.



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**OTHER BUSINESS:**

Mike Dowden gave a presentation on the new website.

Mr. Koogle stated he would like the website to have a list of all the business in the Village and if you are to click on the companies name you would be linked to them. He stated if the website is linked to each companies website the Village is not responsible for updating the information.

Mr. Lawson stated not all the businesses in the Village have websites.

Mr. Koogle replied that the businesses without websites need to contact the Village and let them know.

Mr. Scott Johnson stated someone will have to update and maintain the new website.

Mike Dowden stated he can manage the website, the Village staff, or a third party. He stated it should only take 20 hours a year to maintain the new Village website.

Mr. Scott Johnson stated the Village must have the website managed by someone, otherwise it will be just like it is now, outdated.

Mike Dowden stated the website should also include pictures of all the staff and employees.

Tom Schiff expressed concern regarding any pictures of the Police Department and Fire Department staff being posted on the website.

Mr. Schwaberow questioned Mike Dowden what needs to be done to get this process started with the Village website.

Mike Dowden stated that Mrs. Sizemore has given him a lot of useful information; he would like suggestions from the Council members.

**MEMBERS ABSENT:**

Mr. Terry Johnson motioned to excuse Mrs. Gentry, second by Mr. Scott Johnson.

ROLL CALL: Mr. Koogle, yes; Mr. Lawson, yes; Mr. Schwaberow, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mayor Landis, yes. 6-yes, 0-no MOTION CARRIED.

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**ADJOURNMENT:**

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

The meeting adjourned at 8:46 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak  
Clerk of Council

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Theodore E. Landis  
Mayor