

**MUNICIPALITY OF GERMANTOWN COUNCIL  
MINUTES OF MEETING HELD MONDAY OCTOBER 19, 2009**

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The Municipality of Germantown Council met in regular session on Monday, October 19, 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. Terry Johnson, Mr. Lynn Koogle, Mr. Jim Lawson, and Mr. Edward Schwaberow.

**MEMBERS ABSENT:**

The following members were absent at the Call to Order: 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:**

Mayor and Council reviewed the February 2, 2009 Council Meeting minutes.

Mr. Schwaberow stated on page 2, the fourth paragraph from the bottom should be "eliminate" not "elevate".

**MOTION:** Mr. Schwaberow moved to accept the February 2, 2009 Council Meeting minutes as amended, second by Mr. Scott Johnson.

**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 and Council reviewed the February 2, 2009 Work Session minutes.

Mr. Schwaberow stated on page 1, Veterans is spelled incorrect in the heading.

Mr. Schwaberow stated on page 2, third paragraph from the top should be "Mr. Scott Johnson" not "Mrs. Scott Johnson".

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Mr. Schwaberow stated on page 2, sixth paragraph from the top should be “waste” not “waist”.

**MOTION:** Mr. Schwaberow moved to accept the February 2, 2009 Work Session minutes as amended, second by Mr. Scott Johnson.

Mayor and Council reviewed the February 12, 2009 Special Council Meeting minutes.

**MOTION:** Mr. Schwaberow moved to accept the February 12, 2009 Special Council Meeting minutes as submitted, 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.**

Mayor and Council reviewed the February 17, 2009 Council Meeting minutes.

**MOTION:** Mr. Schwaberow moved to accept the February 17, 2009 Council Meeting minutes as submitted, second by Mr. Scott Johnson.

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

Mayor and Council reviewed the February 17, 2009 Work Session minutes.

**MOTION:** Mr. Scott Johnson moved to accept the February 17, 2009 Work Session minutes as submitted, second by Mr. Schwaberow.

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

Mayor and Council reviewed the March 2, 2009 Council Meeting minutes.

Mr. Schwaberow stated page 3, eighth paragraph from top should read “ if 80% of the property owners are willing to give an easement to the Village.”

Mr. Schwaberow stated page 4, fourth paragraph from the top should read “from” not “form”.

Mr. Schwaberow stated page 5, second paragraph from the top should read “Regional” not “Regions”.

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Mr. Schwaberow stated page 7, fourth paragraph from the top should read, "The total cost of running the dispatch was \$200,000".

Mr. Schwaberow stated page 7, last paragraph should be "Kercher Park" not "Kerchief Park".

**MOTION:** Mr. Schwaberow moved to accept the March 2, 2009 Council Meeting minutes as amended, second by Mr. Scott Johnson.

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

Mayor and Council reviewed the March 2, 2009 Work Session minutes.

Mr. Schwaberow stated page 2, first paragraph should read "Peck, Shaffer and Williams".

**MOTION:** Mr. Schwaberow moved to accept the March 2, 2009 Work Session minutes as submitted, second by Mr. Scott Johnson.

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

**PUBLIC RECOGNITION:**

Steve Wright addressed the Council and audience asking them to vote yes for the Cemetery Levy, Issue # 27.

Mr. Koogle stated they do a wonderful job running the Cemetery.

Mr. Lawson thanked Mr. Wright for all his hard work.

**CITIZEN'S FORUM:**

None.

**FINANCE DIRECTOR'S REPORT:**

Mr. Scott Johnson questioned the credit cards, and why a pattern of paid and credited appears on the report.

Mrs. Sizemore stated she would look into the credit card problem on the report.

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Mr. Scott Johnson stated the Village pays a very large phone bill, and recommended someone look into reducing the bill.

Mrs. Sizemore stated in the Village Office there are six different lines just upstairs, but she will look into reducing the phone bill.

Mr. Schwaberow questioned the investments on the report.

Mrs. Sizemore stated she spoke with Mike Fink from Smith Barney, about the money that is invested there, \$182,000 and he recommended that these funds be invested with Flag Star Bank, in Michigan. A \$100,000 for two years, at a 1.95% interest rate, and \$82,000 for two and half years, at a 2.1% interest rate. They would like to leave the extra money in the checking account, to pay several debt payments. She would like to make the change with Smith Barney, and will check on the Star Ohio investments.

Mr. Schwaberow stated that Farmers Bank may or may not be able to accept any more public funds, but they appear to be paying a higher interest rate.

**MOTION:** Mr. Lawson moved to accept the September Financial Report, second by Mr. Koogle.

**ROLL CALL:** Mr. Koogle; yes Mr. Lawson, yes; Mr. Schwaberow, abstain; Mr. Scott Johnson, no; Mr. Terry Johnson, yes; Mayor Landis, yes. 4-yes, 1-no, 1-abstention.  
**MOTION CARRIED.**

Mr. Terry Johnson stated he was voting yes only because there is nothing we can do to change it. There were bills that were paid and checks that were written, but what can be done to change it. We had questions, and those have been brought forward. He stated he is voting yes because it is what it is.

Mrs. Sizemore questioned if Council would like to see the bills before they are paid.

Mayor Landis stated that seeing the bills before they were paid had been discussed, but it could lead to late payments.

Mr. Scott Johnson stated regardless if the bills were paid or not, there are still questions regarding the reports accuracy, and until those questions are answered he cannot accept the report.

Mr. Lawson stated at this time he is just accepting the report for what it was. He stated until the audit is complete these questions will continue to arise. These problems will still be here at the beginning of the New Year.

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Mr. Koogle stated the motion does not mean much to him, the questions will still be there and the finances will have to be accepted the way they are.

Mr. Scott Johnson stated the September report is not accurate. If this information is not accurate, we do not know where the Village stands financially.

**VILLAGE MANAGER'S REPORT:**

Mrs. Sizemore stated the 2009 Street Maintenance Program will be awarding \$26,482.50 to Strawser Construction. Strawser Construction will be starting work within the next two weeks. North Hillcrest Drive, Angela Drive, Angela Court, Bradley Drive, Lisa Drive, Mark Court, Kathie Court and Gibraltar Drive.

Mrs. Sizemore stated the Street Levy Fund has an estimated December 31<sup>st</sup> balance of \$107,246. We will take the \$26,482.50 and approximately \$5,000 for the removal of trees in various locations from this fund and carry over the balance to 2010. We estimate that we will also receive \$75,000 in revenue next year.

Mrs. Sizemore stated a review of all the streets will be done late February or early March to determine a plan for the 2010 Street Maintenance Program.

Mrs. Sizemore stated the water tower is on schedule right now. If the weather is nice they will be pouring 2 rings of concrete a day, and have 18 more concrete rings to go to complete the column.

Mrs. Sizemore stated the OPWC sign will be re-lettered and will be installed October 20<sup>th</sup>.

Mrs. Sizemore stated the Village water bill is much higher than what was budgeted. There is a leak somewhere in the back of the building to the gazebo. She spoke with Steve Fugate and he stated the leak may be under the parking lot in the rear of the building under the generator.

Mr. Koogle suggested to go around the generator if the leak is indeed under it.

Mrs. Sizemore stated the repairs to the Fire Station should begin on October 20<sup>th</sup>.

Mrs. Sizemore stated that the bid opening for the Hillcrest Pump Station is October 26<sup>th</sup>.

Mrs. Sizemore stated the leaf pick-up schedule has been sent to the Germantown Press for the second time. Citizens may pick up a copy of the schedule from the Village office.

Mrs. Sizemore reminded everyone that Trick-or-Treat is October 31<sup>st</sup> from 6-8 p.m.

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Mrs. Sizemore stated the Fire/EMS Levy meeting will be held at the Village Building on October 20<sup>th</sup> at 7:00 p.m.

Mrs. Sizemore stated that she is working on the 2010 Budgets.

**CLERK'S REPORT:**

None.

**LAW DIRECTOR'S REPORT:**

None.

**POLICE CHIEF'S REPORT:**

Chief McGill reviewed the September 2009 Report, and also handed out a copy.

Chief McGill stated the new patrol car has arrived.

**FIRE CHIEF'S REPORT:**

None.

**MAYOR'S REPORT:**

Mayor Landis stated that he attended a meeting at Franklin Regional with Steve Fugate. They spoke about the summary of operations. He stated the Village received a marginal report from the EPA. Steve Fugate gave a report regarding inflow.

Mayor Landis stated there was not a leak under the Market Street Bridge. Steve Fugate cleaned the pipe out with a auger and flushed it.

Mayor Landis stated that the Final True Up 2010 rates were discussed, and Germantown will receive a refund for approximately \$100,000.

**COUNCIL MEMBER'S REPORT:**

Mr. Terry Johnson reminded everyone that the Park Board meeting is the first Wednesday of every month. They are working on a budget to present to Council in the next few weeks.

Mr. Koogle stated he attend a Special Senior Oversight Meeting to go over the 2010 budget. Mrs. Phelps did a nice job on the budget.

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Mr. Schwaberow stated an Economic Development Meeting would be on October 21<sup>st</sup>.

Mr. Schwaberow questioned Mrs. Sizemore why Germantown was not having a Meet the Candidates' Night with the League of Women's Voters.

Mrs. Sizemore stated she would look into having a Meet the Candidate's Night for Germantown.

Mr. Schwaberow questioned if Mrs. Sizemore had drafted "welcome letters" to the new businesses in the Village, as she had stated she had done in the February 2<sup>nd</sup> minutes.

Mrs. Sizemore stated she had sent the letters to the businesses.

Mr. Schwaberow stated he would like a copy of the letters that were sent; he would like the Economic Development members to see them.

Mr. Schwaberow questioned Mrs. Sizemore if the land swap with Community Harvest Church had been completed.

Mrs. Sizemore stated this was started when Randy Bukus was the Village Manager, so it has taken some time to get everything in order. She stated the information was supposedly forwarded to Tom Schiff, but it may not have been. The Village hired Burkhart Engineering to provide a legal description of the property; the information was turned into Montgomery County, who made some modifications. At this time the only thing that needs to be completed is to sign the deed.

Mr. Schwaberow questioned if the contract for the water lines were separate from the contract for the water tower.

Mrs. Sizemore replied that they were two different contracts.

Mr. Schwaberow questioned if the contractor was on hold for the water lines until completion of the easements with the Church.

Mrs. Sizemore replied she has not had the pre-construction meeting with Culy.

Mr. Schwaberow stated that Council would be interested in seeing the updated information such as the water tower in the weekly report. This information helps the Council members prepare for the following meeting.

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Mr. Lawson stated he attended the Fire Oversight meeting on October 19<sup>th</sup>. He reminded everyone that Chief Alldred would be having a Fire/EMS levy meeting on October 20<sup>th</sup> and urged everyone to attend.

Mr. Koogle stated the same questions are still being asked regarding the Fire/EMS levy. He stated that people still do not understand exactly what this levy is asking for. If the levy does not pass, people will be upset when they are billed for the use of the EMS services.

Mr. Lawson stated there would be 5,000 flyers mailed out before the election, asking for the citizens of Germantown to support the Fire/EMS levy.

**LEGISLATION:**

None.

**Public Hearing:**

Mayor Landis introduced Resolution No. 09-33.

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

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. 09-33, second by Mr. Schwaberow.

Mr. Scott Johnson questioned Mrs. Sizemore if Resolution No. 09-33 was voted on yearly.

Mrs. Sizemore replied it was a yearly vote.

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

**OTHER BUSINESS:**

Mr. Schwaberow questioned Mrs. Sizemore regarding the memo from Marti Moore, County Auditor. The memo reads that a \$20,000 reduction has been made to the 2010 budget.



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Mrs. Sizemore replied that there was a \$20,000 reduction in the 2010 budget from the local government.

Mr. Scott Johnson stated with the economy the way it is, budget cuts are to be expected.

Mrs. Sizemore stated that the workers compensation rates have decreased for this upcoming year. The workers compensation figures were reduced for all Villages, Cities and Townships.

Mayor Landis stated he sent correspondence a few weeks ago to Mike Turner referring to stimulus funds for the Village, but has not heard anything yet.

**MEMBERS ABSENT:**

Mr. Koogle motioned to excuse Mrs. Gentry, second by Mr. Lawson.

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

**OTHER BUSINESS:**

**MOTION:** Mr. Koogle moved to adjourn to executive session to discuss personnel matters, second by Mr. Lawson.

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

Mayor and Council adjourned to Executive Session at 7:52 p.m.

**EXECUTIVE SESSION:**

**PRESENT:**

The following members were present at the start of the Executive Session: Mayor Theodore Landis, Mr. Scott Johnson, Mr. Terry Johnson, Mr. Jim Lawson, Mr. Lynn Koogle, and Mr. Edward Schwaberow.

**MEMBERS ABSENT:**

Mrs. Gentry was absent.

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**ALSO PRESENT:**

Also present was Tom Schiff, Law Director and Anna M. Sizemore, Village Manager

Mayor and Council reconvened into Regular Session at 8:05 p.m.

**ADJOURNMENT:**

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

The meeting adjourned at 8:20 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak  
Clerk of Council

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Theodore E. Landis  
Mayor