

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

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The Municipality of Germantown Council met in regular session on Monday, November 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. 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; 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 March 16, 2009 Council Meeting minutes.

MOTION: Mr. Schwaberow moved to accept the March 16, 2009 Council Meeting minutes as submitted, second by Mr. Scott Johnson.

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 and Council reviewed the March 16, 2009 Work Session minutes.

MOTION: Mr. Schwaberow moved to accept the March 16, 2009 Work Session Meeting minutes as submitted, second by Mr. Scott Johnson.

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 reviewed the April 4, 2009 Special Council Meeting minutes.

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MOTION: Mrs. Gentry moved to accept the April 4, 2009 Special Council Meeting minutes as submitted, 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 and Council reviewed the April 6, 2009 Council Meeting minutes.

Mr. Schwaberow stated on page 3 under Fire Chief's Report the dollar signs need to be removed.

Mr. Schwaberow requested on page 3 under Mrs. Gentry's report that "Villa's of Hickory Point" needed to be added to the second sentence.

MOTION: Mr. Schwaberow moved to accept the April 6, 2009 Council Meeting minutes as amended, second by Mr. Scott Johnson.

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 and Council reviewed the April 20, 2009 Council Meeting minutes.

Mr. Schwaberow stated on page 2, last paragraph should read "Mr. Dowden" instead of "Mr. Downing".

MOTION: Mr. Schwaberow moved to accept the April 20, 2009 Council Meeting minutes as amended, second by Mr. Scott 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.**

PUBLIC RECOGNITION:

None.

CITIZEN'S FORUM:

None.

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FINANCE DIRECTOR'S REPORT:

Mrs. Sizemore stated she had an answer to Mr. Scott Johnson's question from the last meeting regarding the Chase credit card. The amount of \$14.96 was on the purchase order and not on the Chase bill. The \$14.96 was incorrectly paid on the bill and was removed when the error was found.

VILLAGE MANAGER'S REPORT:

Mrs. Sizemore stated the Fire Oversight Committee mailed out the Levy flyers this week and some were sent to Farmersville residents. She apologized to the Farmersville Fire Chief, Farmersville Administration and to those Farmersville residents who received the Levy flyers. The Germantown Post Office gave the Village the mailing list.

Mrs. Sizemore announced the Fire Association is having their annual portrait fundraiser and people will be going door-to-door.

Mrs. Sizemore stated the water tower is on schedule. She spoke with Poggemeyer last week; they are having Culy here at the end of November to do the water line extension. It should only take Culy two weeks to complete the water line extension project.

Mrs. Sizemore stated the paperwork and deeds for Community Harvest Church are ready for Tom Schiff to look over.

Mrs. Sizemore stated the Hillcrest Lift Station project would be at substantial completion in 160 days and final completion in 180 days.

Mrs. Sizemore stated that everything is in order with Farmers and Merchants Bank to borrow the funds for the Hillcrest Lift Station.

Mr. Schwaberow suggested to Mrs. Sizemore that the Village should notify the surrounding homeowners now that the Hillcrest Lift Station is underway.

Mrs. Sizemore stated she would let the homeowners in that area know the Hillcrest Lift Station is underway.

Mrs. Sizemore stated the streets have been marked for the street maintenance program.

Mrs. Sizemore stated that the Village has currently paid \$7,833.35 of the \$98,000 owed to FRWWC. She is planning to take care of the balance with the True Up funds that the Village is expecting to receive. The Village is paying \$1,666 a month to FRWWC.

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Mrs. Sizemore stated she had spoken with Mr. Schwaberow earlier in the day and he had a few questions. She stated she spoke with Steve Fugate regarding the well field boards. They still need to be painted, and will be taken care of this week.

Mrs. Sizemore thanked the Chamber of Commerce for having an after hours event on October 27th. It was held at Farmers Merchant Bank and she enjoyed meeting the local businesses she had not met previously. The Chamber of Commerce and the Economic Development Committee are planning on providing a Welcome Bag to new residents in the Village.

Mrs. Sizemore thanked the Lions Club for a very nice Halloween Costume Contest.

Mrs. Gentry commented on how fast the construction of the water tower is going and asked Mrs. Sizemore if the Council members would be allowed to go to the site.

Mrs. Sizemore stated she would check into the Council members going to the water tower site.

CLERK'S REPORT:

None.

LAW DIRECTOR'S REPORT:

None.

POLICE CHIEF'S REPORT:

None.

FIRE CHIEF'S REPORT:

None.

MAYOR'S REPORT:

Mayor Landis reminded everyone to vote on November 3rd.

Mayor Landis stated that Veterans Day is November 11th.

COUNCIL MEMBER'S REPORT:

Mrs. Gentry reminded everyone to vote on November 3rd. She stated that the Fire/EMS Levy is for operations only.

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Mr. Scott Johnson reminded everyone to vote on November 3rd. He stated that the Fire/EMS and the Cemetery Levy need the Village's support; and also asked for the Village citizens to support the current Council members.

Mr. Scott Johnson stated that a letter in the Germantown Press had made inaccurate and misleading comments about the current Council members. He stated he has kept a very detailed spreadsheet containing all the funds for the Village.

Mr. Terry Johnson reminded everyone to vote on November 3rd. He stated the Fire/EMS levy, Cemetery Levy, and Metro Parks Levy need the Village's support.

Mr. Terry Johnson stated the Park Board will meet November 5th.

Mr. Terry Johnson stated Christmas in the Park will be December 5th.

Mr. Terry Johnson stated the annual decorating of the Veterans Park will be November 27th.

Mr. Terry Johnson read the letter he prepared for the Germantown Press Editor.

Mr. Terry Johnson stated the Village was once a member of Downtown Ohio, who promised to do great things for downtown and they did nothing. The Village would love to make the downtown area greater. When Triangle Station was built it was a huge dagger in the heart for the Downtown businesses. It was not Councils fault for the condition of the Opera House, and it took a very long time for the Opera House to become what it is today. The previous City Manager was directed to apply for grant funds to re-vamp the Downtown area, like Troy and Tipp City did. The lack of grant funds for the downtown area is not Mrs. Sizemore's fault. The Village needs to look at the Building Codes to get something more permanent on the books. It is very easy to sit back and criticize the Council members. The Council did not have a choice when they did away with the dispatching; no one wanted to see that service eliminated. The dispatching was discontinued because the company that was providing the services left the Village. When the services were lost German Township did not include the Village of Germantown when they joined Montgomery County. Not only was Germantown left out of the negotiation, but also now German Township has free dispatching with Montgomery County for 10 years, even though Germantown lies in the middle of German Township. The JEDD was completely different then the bond issue, the Village lost approximately \$81,000. When communication is lost everything is lost. The communication was lost when the Village was left out of meetings. It is hard to communicate with those who have shut you out. Recently the Law Director and Manager have tried to communicate with the other entities and there has been no response. Good luck to all the candidates that are running. By running you have all shown that you truly care about this Village. It is easy to criticize all the people who sit at this table, but until you yourself have done it you do not understand. At almost every Council meeting these

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seats are empty. If a basketball court in the Village is being removed, or the name of a park that was purchased with Village funds is changed, the Council Chambers will be full. When a developer came to the Village wanting to put 321 homes in the Village, no one came to the meeting to hear the proposal. He stated he visits the restaurants, stores and even the movie theater, and he is told he is out of touch with the community. He stated he takes the time to speak with any of the citizens here in the Village. If a complaint is given to him he calls Mrs. Sizemore and the Village takes care of the complaint. Even parts of the road that the Village is not responsible for are being taken care of. The Village cannot survive if the Council goes back to the 70's, 80's, or even the early 90's.

Mr. Koogle reminded everyone vote to for the Cemetery Levy and the Fire/EMS Levy. He stated the levy that is on the ballot is to maintain the EMS services. You cannot take Fire Department funds and use them for EMS services; they are two separate services.

Mr. Lawson reminded everyone to support the Cemetery Levy and the Fire/EMS Levy. He thanked Mr. Terry Johnson for the comments supporting the candidates.

Mr. Schwaberow stated the next Economic Development meeting would be November 18th.

Mr. Schwaberow stated he spoke with a resident of Germantown who was confused about the Fire/EMS Levy. The lady stated to Mr. Schwaberow that she did not understand why the Fire/EMS needs a 2-mill levy when they have \$2 million in the bank. A few years ago the Village government contracted with Rescue Squad Inc., to combine the Rescue Squad with the Village Fire Department. At that time the Rescue Squad agreed to provide \$250,000 a year for three years. These funds will be gone in September 2010, and the Village does not have funds to operate the Rescue Squad. The 2 million dollars belongs to the Old Germantown Rescue Squad Inc., and the Village does not have any way of getting to any of those funds. He reminded everyone to support the Fire/EMS Levy.

LEGISLATION:

Mayor Landis introduced Emergency Resolution No. 09-34.

A RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH EXCEL CONTRACTING, INC., FOR THE HILLCREST PUMP STATION REHABILITATION, IN THE AMOUNT OF \$123,321.00, AND DECLARING AN EMERGENCY.

MOTION: Mr. Koogle motioned to suspend the rules on Resolution No. 09-34, second by Mr. Lawson.

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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.

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.

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.

Public Hearing:

None.

OTHER BUSINESS:

Mrs. Sizemore stated she has only part of the 2010 budget at this time. The remainder should be to the Council members soon.

Mrs. Sizemore stated the County Auditor has decreased the property tax estimates to 95%. The local government Revenue has been reduced by \$19,598 for 2010.

Mrs. Sizemore stated at this time the budget does not show any advances, in or out. She is hoping to pay back one of the advances to the sewer fund, and some from the motor vehicle fund that was borrowed for salt. When all the budgets are complete, she will have a better idea if any advancements are needed. The carry over for 2009 will be larger than projected.

Mrs. Sizemore stated the new salary rate would be in effect for the Council members. The Mayor will receive \$6,000, the Council President will receive \$5,600, and each Council member will receive \$5,400.

Mrs. Sizemore stated there is \$500 under material for the Economic Development; we want to put together welcome bags to new residents in the Village. This would allow local business to add a flyer or advertisements into the bag. New residents would be able to visit the Village Building and pick up their welcome bag or have it delivered to their home. She stated for new businesses the Village could send a small planter to welcome them to the Village.

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Mrs. Sizemore stated the exterior of the Village building has to be painted this year, and she added this under miscellaneous. She spoke with Don Bourne and he will be able to paint the building. This year she would also like to clean the carpets throughout the Village Building.

Mrs. Sizemore stated the Village would need to do a major record shredding this year.

Mr. Scott Johnson questioned how long it had been since the last record shredding.

Mrs. Sizemore stated that record must be kept for so many years, before they are allowed to be shredded.

Mr. Scott Johnson questioned what is shredded every month.

Mrs. Sizemore stated every month the everyday items are shredded. This major shredding would include past payroll and old billing journals that are required to be kept for a certain length of time. This major shredding has to go through a process with the Records Commission and approval from the Ohio Historical Society before anything can be destroyed.

Mr. Scott Johnson stated that before Mrs. Sizemore was the Village Manager there were large invoices for shredding.

Mrs. Sizemore stated she would look into the large invoices for shredding in the past.

Mrs. Sizemore stated that Council needs to make a decision on health care for the Village employees. Currently all but one employee has gone with the HSA plan. The Village also pays some employees to not participate in the health insurance plans and the Village also contributes to the HSA plans.

Mrs. Sizemore stated an upgrade for the payroll and finance system is included in the budget for 2010 at an estimate of \$25,000. The software needs to be updated before 2011 because the company will not support it after that time.

Mr. Lawson stated before the Council makes a decision on the health care, the Council needs to take into account what the US Government is doing with health care.

Mrs. Sizemore stated the ED/GE Program has nothing in the budget and the Village should receive funds this year.

Mrs. Sizemore stated in the Police Budget all the salaries have been moved to the General Fund. The Police Officers insurance is the only item that is not included in the Police Departments General Fund.

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Mr. Schwaberow stated the Workers Compensation has decreased for the year.

Mrs. Sizemore stated it was nice to see that Workers Compensation has decreased so much.

Mrs. Sizemore stated the bus driver's salary has increased in the Senior Center Budget. She believes that the tables are a mistake on the budget, they were purchased last year. The Senior Center has requested funds to replace carpet in the 2010 budget.

Mr. Schwaberow stated Peck, Shaffer and Williams services are always needed. He asked Mrs. Sizemore to avoid issuing a small note by not paying any debt service on a larger note. He stated by looking at the schedule, it looks like the Village is trying to pay a little principal on all of them.

Mr. Schwaberow stated it would be unlikely to avoid making advancements to the pool fund.

Mrs. Sizemore stated she is looking into new ideas for the 2010 budget concerning the pool funds.

Mr. Schwaberow suggested that Dayton Pool Management be discussed at the next combined meeting with the Township.

Mrs. Sizemore stated a decision needs to be made soon regarding the contract with Dayton Pool Management. They would like to start working on a plan with the staffing soon.

Mrs. Sizemore stated Council needs to make a decision regarding the Refuse fund.

Mr. Schwaberow stated the Estate Tax figure of \$5,000 sounds a bit conservative to him and asked Mrs. Sizemore to look into the Estate Tax figure.

Mrs. Sizemore stated the Village has not been collecting penalty and interest on late Income Tax. She stated the collection of these penalties and interest need to be considered by Council.

Mr. Schwaberow stated he would like to see a balanced budget for next year.

Mr. Scott Johnson stated as of November 2009 the Village has spent \$4.2 million and the Village has brought in \$5.1 million. The revenue is outweighing the expenditures.

Mr. Schwaberow stated the Village is doing well for the year.

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Mr. Scott Johnson stated his concern is for next year; property values are decreasing and people are losing their jobs.

Mrs. Sizemore stated that a resident approached her regarding residents who leave the Village for the winter season, snow bunnies. The resident was upset that she was being billed for water services and refuse pick up when she is out of town. The contract with

Rumpke will not allow the Village to deduct the amount for the non-used months. The Water and Sewer department is charging a fee to turn the water off for the residents that leave in the winter and then when they return they charge them another fee. If the residents leave the water on they are then charged the minimum monthly fee. She cannot find a policy that states that the Village will charge to shut the water off and again when they return.

Mr. Terry Johnson stated the contract needs to be negotiated with Rumpke when it is renewed.

Mrs. Sizemore stated the on/off fee for the Water Department are related to non-payers, not those who vacation in the winter season.

Mr. Schwaberow questioned if the Village charges for residents that are selling their home and it may be vacant.

Mrs. Sizemore stated the resident stated she would play the game and just tell the Water Department that she was moving out, and when she returns she would turn the water back on. This way would be cheaper then how the Village is charging her now.

Mr. Schwaberow stated he would like to see the residents that leave for the winter accommodated by not charging a shut off-turn on fee.

Mr. Koogle stated the wording with the Water Department needs to be clarified, so these problems can be resolved.

Mr. Scott Johnson questioned Mrs. Sizemore if the Village has plenty of salt for the winter season.

Mrs. Sizemore replied the Village purchased salt last year for this winter and will be purchasing more as needed.

Mr. Scott Johnson questioned if the main streets were going to be addressed first then the secondary streets.

Mrs. Sizemore stated that both the Water Department and the Street Department have been working together and they are doing cross training to try and save funds.

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Mr. Schwaberow stated he would like to see Saturday Night Out discussed and clarified during a work session before the summer months.

Mr. Terry Johnson stated the chairperson for Saturday Night Out should be present to avoid any confusions.

MOTION: Mr. Terry Johnson moved to adjourn to executive session to discuss personnel matters, second by Mr. Scott Johnson.

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 8:20 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 and Anna M. Sizemore, Village Manager

Mayor and Council reconvened into Regular Session at 8:46 p.m.

ADJOURNMENT:

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

The meeting adjourned at 8:47 p.m.

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Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Theodore E. Landis
Mayor