

**MUNICIPALITY OF GERMANTOWN COUNCIL  
MINUTES OF MEETING HELD MONDAY NOVEMBER 16, 2009**

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The Municipality of Germantown Council met in regular session on Monday, November 16, 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. Terry Johnson, Mr. Lynn Koogle, and Mr. Edward Schwaberow.

**MEMBERS ABSENT:**

The following members were absent Mrs. Jeanne Gentry, Mr. Scott Johnson and Mr. Jim Lawson.

**ALSO PRESENT:**

Also present were Anna M. Sizemore, Village Manager, Tom Schiff, Law Director; Roy McGill, Chief of Police; Matt Burns, Police Major; Kelli Sanders-Novak, Clerk of Council, Randy Benson, Township Trustee; Greg Hanahan, Township Trustee and several visitors.

**APPROVAL OF MINUTES:**

Mayor and Council reviewed the December 15, 2008 Council Meeting minutes.

Mr. Schwaberow stated on page 1 under Finance Director's Report should read Employee Assistance Program not Employee Assistant Program.

**MOTION:** Mr. Schwaberow moved to accept the December 15, 2008 Council Meeting minutes as amended, second by Mr. Koogle.

**ROLL CALL:** Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Schwaberow, yes; Mayor Landis, yes. 4-yes, 0-no. **MOTION CARRIED.**

Mayor and Council reviewed the December 15, 2008 Work Session minutes.

**MOTION:** Mr. Schwaberow moved to accept the December 15, 2008 Work Session Meeting minutes as submitted, second by Mr. Koogle.

**ROLL CALL:** Mr. Koogle, yes; Mr. Schwaberow, yes; Mr. Terry Johnson, yes; Mayor Landis, yes. 4-yes, 0-no. **MOTION CARRIED.**

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Mayor and Council reviewed the May 4, 2009 Council Meeting minutes.

**MOTION:** Mr. Terry Johnson moved to accept the May 4, 2009 Council Meeting minutes as submitted, second by Mr. Schwaberow.

**ROLL CALL:** Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Schwaberow, yes; Mayor Landis, yes. 4-yes, 0-no. **MOTION CARRIED.**

Mayor and Council reviewed the May 18, 2009 Council Meeting minutes.

Mr. Schwaberow stated on page 1 under Also Present should read Dennis Wasson not Dennis Watson.

Mr. Schwaberow suggested that the minutes might be able to be condensed when typing Page 4 states Dennis Wasson, Dennis Wasson, maybe combine them into one statement using and he/she said.

Mrs. Novak replied the reason each sentence is broken up is because it is a new subject.

**MOTION:** Mr. Schwaberow moved to accept the May 18, 2009 Council Meeting minutes as amended, second by Mr. Scott Johnson.

**ROLL CALL:** Mr. Koogle, yes; Mr. Schwaberow, yes; Mr. Terry Johnson, yes; Mayor Landis, yes. 4-yes, 0-no. **MOTION CARRIED.**

Mayor and Council reviewed the May 29, 2009 Council Meeting minutes.

**MOTION:** Mr. Koogle moved to accept the May 29, 2009 Council Meeting minutes as submitted, second by Mr. Schwaberow.

**ROLL CALL:** Mr. Schwaberow, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mayor Landis, yes. 4-yes, 0-no. **MOTION CARRIED.**

Mayor and Council reviewed the October 19, 2009 Council Meeting minutes.

**MOTION:** Mr. Schwaberow moved to accept the October 19, 2009 Council Meeting minutes as submitted, second by Mr. Terry Johnson.

**ROLL CALL:** Mr. Schwaberow, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mayor Landis, yes. 4-yes, 0-no. **MOTION CARRIED.**

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

**MOTION:** Mr. Schwaberow moved to accept the November 2, 2009 Council Meeting minutes as submitted, second by Mr. Terry Johnson.

**ROLL CALL:** Mr. Koogle, yes; Mr. Schwaberow, yes; Mr. Terry Johnson, yes; Mayor Landis, yes. 4-yes, 0-no. **MOTION CARRIED.**

**MEETING WITH TOWNSHIP TRUSTEES:**

Mr. Hanahan called the Township Meeting to order.

**Germantown Aquatic Center -Dayton Pool Management**

Jeff Blume went over the 2009 Season Review

Mr. Terry Johnson stated that there was a problem with a pool party this season. It was suggested to have wristbands for those who are attending the party; this would prevent people from wondering in. We may also want to have a certain number of adults stay with the children during the pool parties. The Pool Board is also considering not allowing food/drink items to be brought into the pool. Residents must remember that all the funds from the pool and the concession stand go right back into the pool. The Pool Board is also considering a joint pass with Farmersville. This would allow children to visit both the Germantown pool and the Farmersville pool. He stated that Dayton Pool Management along with Jeff Blume did a great job the pool season.

Mr. Hanahan thanked everyone who voted for the Cemetery Levy and for those who voted for the Fire/EMS Levy.

Mr. Terry Johnson stated the residents are still very confused with the Fire/EMS and the old Germantown Fire Squad, Inc.

Randy Benson stated the town hall meeting might have brought some light to the residents. The residents are now realizing the funds are not going to the Fire/EMS.

Mr. Schwaberow suggested that the members of the Germantown Rescue Squad, German Township, and Village Council should meet after the first of the year to discuss the options. He believes the residents who sent donations to the Germantown Rescue Squad, Inc. were thinking they were sending donations to the Fire/EMS.

Mr. Koogle stated he agreed with Mr. Schwaberow on the group meeting with the Township and the Rescue Squad, but he would like the first meeting to be at a neutral location and not have the meeting televised or open to the public. This would allow all

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The parties involved getting a strategy together, then after that all the meetings would be open to the public.

Mrs. Sizemore stated this combined meeting needs to be done quickly, it cannot wait. The Village cannot fund the EMS; it just is not in the budget. The public must realize that the Germantown Rescue Squad had a contract with the Village that states they will give up to \$250,000, but we do not always get that amount. She also stated that she does not want to be held hostage by the terms in the contract between the Village and the Rescue Squad.

Tom Schiff stated they would need to have a meeting and then all go into executive session.

All agreed to December 16<sup>th</sup> for the combined meeting at the Library, pending everyone is available.

There being no further business to come before the German Township, Mr. Hanahan moved to adjourn the combined meeting.

The meeting adjourned at 7:27 p.m.

**PUBLIC RECOGNITION:**

None.

**CITIZEN'S FORUM:**

None.

**FINANCE DIRECTOR'S REPORT:**

None.

**VILLAGE MANAGER'S REPORT:**

Mrs. Sizemore read a letter from the Cemetery Board, thanking the residents for their support on the levy.

Mrs. Sizemore stated the water tower is on schedule. They are planning on completing the final rings this week, and then another crew will be in to complete the top portion of the tower. The paperwork is ready for Community Harvest Church to sign and complete the land swap. The contracts for the Hillcrest Lift station have been sent out, and once they are returned we will hold a pre-construction meeting. The Senior Center did receive

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a donation for \$50.00 from Heartland of Miamisburg, and a donation of \$500.00 from Lawrence (Speed) and Hanna Miller was received for the Fire/EMS Department. Council will need to accept both of the donations.

**MOTION:** Mr. Schwaberow motioned to accept both donations, second by Mr. Koogle.

**ROLL CALL:** Mr. Schwaberow, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mayor Landis, yes. 4-yes, 0-no. **MOTION CARRIED.**

Mrs. Sizemore stated the Village has had some issues regarding the Montgomery County Dispatch Center. This problem has been addressed and resolved. If there are any problems they have been instructed to call the on call phone, and if that person is not available they have been instructed to call her. She apologized to the public for the inconvenience and please call her if anyone has any questions.

She then added at the last Park Board meeting, Mr. McClain approached Mr. Terry Johnson and her regarding the logo for the new water tower. She stated that Mr. McCain attended an alumni banquet and presented the cardinal logo to the alumni. The alumni were very supportive of the cardinal logo going on the water tower. Mr. McCain suggested that the cardinal and the Spartan be on the logo.

Mr. Schwaberow questioned if the quote from Caldwell includes the plain Germantown logo, Mrs. Sizemore replied that she did not want to look into the logo amount any further until she spoke with Council.

Mr. Terry Johnson stated he thinks the plain Germantown logo comes with the price of the water tower.

Mrs. Sizemore stated she would check into prices for adding additional print to the plain Germantown logo.

Mr. Schwaberow stated he would like to see the Cardinal, the Spartan and the original Germantown logo in a mock drawing, before he makes a decision.

Mr. Schwaberow quested Mrs. Sizemore how the website was going, Mrs. Sizemore replied she had contact with Mike Dowden and he is requesting more information, but appears to be 50% complete.

Mr. Schwaberow questioned Mrs. Sizemore about the surveying from Poggemeyer for the Dry Run Project, and if she had any update on that, Mrs. Sizemore replied that she had spoke with Tom Borck and he was going to finish the Hillcrest Project then start working on the Dry Run project.

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Mr. Schwaberow stated he would like to see from Poggemeyer, a proposal for the Dry Run. Poggemeyer stated the project may or may not be feasible, and he would like to see what the expense would be for the Dry Run project.

Mr. Terry Johnson stated he would like to see this project reviewed and make a decision on whether or not the Village is going to proceed with the Dry Run project.

Mr. Schwaberow stated if Poggemeyer does not get their act together, then maybe they are not the ones to do the project.

Mr. Koogle stated he would like to see someone local do this project and not rely on some company from Northern Ohio.

Mr. Schwaberow suggested that the Village develop a RFP for the first of the year. He suggested that Mrs. Sizemore contact the GovTech to get recommendations on Engineering Companies that are local.

Mrs. Sizemore questioned if Council would like to find a new Engineering Company for all the projects in the Village or just the Dry Run project.

Mr. Koogle stated once we get the information regarding a new Engineering Company we will then decide what we want them to do.

Mr. Schwaberow questioned Mrs. Sizemore if the work has been completed on the roads in North Hillcrest, Mrs. Sizemore replied the work is not perfect, but it is complete, and they did go over budget a little, the streets were in worse damage then expected.

**CLERK'S REPORT:**

Mrs. Novak stated she received a request for the transfer of the liquor license from the Germantown Opera House to the new El Rancho Grande. She spoke with Police Chief McGill regarding the liquor license and he had no issues. If Council is okay with the transfer, she will send the form back requesting no hearing.

**MOTION:** Mr. Koogle motioned to transfer the liquor license to El Rancho Grande from the Germantown Opera House with no hearing, second by Mr. Schwaberow.

ROLL CALL: Mr. Schwaberow, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Schwaberow, yes; Mayor Landis, yes. 4-yes, 0-no. MOTION CARRIED.

**LAW DIRECTOR'S REPORT:**

None.

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**POLICE CHIEF'S REPORT:**

Chief McGill handed out the October 2009 Police Report. He also stated on December 7<sup>th</sup> he will be asking the new officers to attend the Council meeting and awards will be given out at that time.

**FIRE CHIEF'S REPORT:**

None.

**MAYOR'S REPORT:**

Mayor Landis welcomed the new Council members and stated he looks forward to working with each of them. The Village has many projects going on at this time and hope the new members of Council will help in the completion of these projects. There are three Council members who will be retiring after the New Year, and he has enjoyed working with each of them. He stated he was honored to be re-elected the Mayor for another four year term.

Mayor Landis and Mrs. Sizemore attended an Open Records Seminar last week at Wright State regarding public records.

**COUNCIL MEMBER'S REPORT:**

Mr. Terry Johnson thanked everyone who supported the Cemetery Levy and congratulated the three new members of Council. He attended the Park Board meeting and it was decided to start decorating the Veterans Memorial Park on November 21<sup>st</sup>, and the Christmas in the Park will be December 5<sup>th</sup>. Santa and Mrs. Clause will arrive at the park at 7:00 p.m. The Park Oversight Committee has given the budget for 2010 to Mrs. Sizemore, and that will be presented to Council the first of the year. Jennifer Shyrigh had a great idea for next years Christmas in the Park. The park would be divided up into sections so that the businesses in town would be able to decorate a tree in their own fashion.

Mr. Koogle was very happy to see the Cemetery Levy pass, but was very disappointed to see that the Fire/EMS Levy did not pass. The Township and the Council were all supporting the Fire/EMS Levy. That being said it was a good Levy, and the residents will see it again on the ballot. He thanked everyone for their votes in the recent elections.

He concluded by asking Mrs. Sizemore to look into purchasing new microphone system for the Council Chambers.

Mrs. Sizemore replied that she is looking into a new microphone system from MVCC, and when the current system was installed they did not install a PA system.

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We will install the new equipment first and then see if any additional equipment is needed. She stated she sat in the back of the room during the Meet the Candidates Night, and she agrees it is difficult to hear. MVCC has changed the equipment behind the scenes and the Village is now recording on DVD instead of VHS.

Mr. Schwaberow stated he would like to congratulate Mrs. Sizemore on her new elected chairman position with GovTech.

He then announced the Economic Development Committee would meet on November 18<sup>th</sup>.

He stated he attended the MVRPC meeting on November 5<sup>th</sup>; they discussed “complete streets”. The complete street concept is providing paved areas for cars, bikes, pedestrians, and all who use the roadways. In the future the Village may want to consider putting complete streets in the Village when roads are installed or improved.

He concluded in expressing concern about the budget and we are spending the reserves. He questioned Mrs. Sizemore if the new members of Council have received a copy of the 2010 budget, Mrs. Sizemore replied yes. He suggested having a meeting concerning the budget and include the new members of Council.

Mrs. Sizemore suggested have a separate work session, on a special day concerning just the 2010 budget.

Mr. Koogle stated if the Village has until March 31<sup>st</sup> to get a budget in place, then we should take advantage of that time and look closely at the 2010 budget. The meeting should include the new Council members also.

Mrs. Sizemore stated the Council has a few issues that need to be addressed the beginning of 2010, the EMS issue, the FRWWC issue regarding the true up money, and the 2010 budget.

Mr. Schwaberow stated Council needs to pass a quarter (25%) of the budget to have something to work with, for the beginning of the year.

Tom Schiff read from the Charter Section 8.06c.

Mrs. Sizemore questioned if Council would like to have a separate meeting regarding just the budget, Mr. Schwaberow replied he would like to have a separate meeting.

Mr. Schwaberow asked the new Council members if they would be available to meet to go over the 2010 budget.

The new members agreed they would be available to meet most any time.



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Mr. Schwaberow stated that Mrs. Sizemore could get a few dates together and see who is available to meet, possibly a Saturday morning.

Mrs. Sizemore suggested that Council meets with each department head to go over each of the department budgets, maybe 30 minutes for each department.

**LEGISLATION:**

Mayor Landis stated that there are not enough members of Council to pass Emergency Legislation.

**MOTION:** Mr. Terry Johnson motioned to remove Emergency Resolution No. 09-35 from the agenda, second by Mr. Schwaberow.

ROLL CALL: Mr. Koogle, yes; Mr. Schwaberow, yes; Mr. Terry Johnson, yes; Mayor Landis, yes. 4-yes, 0-no. MOTION CARRIED.

**MOTION:** Mr. Schwaberow motioned to add Resolution No. 09-35 to the agenda for a first reading, second by Mr. Terry Johnson.

ROLL CALL: Mr. Schwaberow, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mayor Landis, yes. 4-yes, 0-no. MOTION CARRIED.

Mayor Landis introduced Resolution No. 09-35.

A RESOLUTION AUTHORIZING MONTGOMERY COUNTY TO COLLECT THE ANNUAL MONTGOMERY COUNTY REFUSE DISPOSAL FEE FOR RESIDENTS OF THE VILLAGE OF GERMANTOWN.

Mayor Landis announced the Public Hearing would be December 7, 2009.

Mayor Landis introduced Ordinance No. 09-36.

AN ORDINANCE TO ADOPT THE 2010 MUNICIPAL BUDGET.

Mayor Landis announced the Public Hearing would be December 7, 2009.

Mayor Landis introduced Ordinance No. 09-37.

AN ORDINANCE FOR APPROPRIATIONS FOR CURRENT EXPENSES AND EXPENDITURES FOR THE MUNICIPALITY OF GERMANTOWN, STATE OF OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2010.

Mayor Landis announced the Public Hearing would be December 7, 2009.

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**OTHER BUSINESS:**

None.

**MEMBERS ABSENT:**

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

ROLL CALL: Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Schwaberow, yes; Mayor Landis, yes. 4-yes, 0-no. MOTION CARRIED.

**ADJOURNMENT:**

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

The meeting adjourned at 8:24 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak  
Clerk of Council

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Theodore E. Landis  
Mayor