

**MUNICIPALITY OF GERMANTOWN COUNCIL
MINUTES OF MEETING HELD MONDAY DECEMBER 07, 2009**

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The Municipality of Germantown Council met in regular session on Monday, December 7, 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, Village Manager, Tom Schiff, Law Director; Roy McGill, Chief of Police; Matt Burns, Police Major, the Germantown Police Department, Kelli Sanders-Novak, Clerk of Council and several visitors.

PUBLIC RECOGNITION:

Police Chief McGill recognized the Germantown Police Officers and staff for their outstanding job by presenting them awards.

APPROVAL OF MINUTES:

Mayor and Council reviewed the June 1, 2009 Council Meeting minutes.

MOTION: Mr. Schwaberow moved to accept the June 1, 2009 Council Meeting minutes as submitted, 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 and Council reviewed the August 26, 2009 Council Meeting minutes.

MOTION: Mrs. Gentry moved to accept the August 26, 2009 Council Meeting minutes as submitted, second by Mr. Schwaberow.

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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 August 27, 2009 Council Meeting minutes.

MOTION: Mr. Koogle moved to accept the August 27, 2009 Council Meeting minutes as submitted, second by Mrs. Gentry.

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 September 8, 2009 Council Meeting minutes.

MOTION: Mr. Schwaberow moved to accept the September 8, 2009 Council Meeting minutes as submitted, second by Mrs. Gentry.

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 September 14, 2009 Council Meeting minutes.

MOTION: Mr. Schwaberow moved to accept the September 14, 2009 Council Meeting minutes as submitted, second by Mrs. Gentry.

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 and Council reviewed the September 21, 2009 Council Meeting minutes.

MOTION: Mr. Schwaberow moved to accept the September 21, 2009 Council Meeting minutes as submitted, second by Mrs. Gentry.

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 and Council reviewed the October 5, 2009 Council Meeting minutes.

MOTION: Mrs. Gentry moved to accept the October 5, 2009 Council Meeting minutes as submitted, second by Mr. Koogle.

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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 October 26, 2009 Council Meeting minutes.

MOTION: Mrs. Gentry moved to accept the October 26, 2009 Council Meeting minutes as submitted, second by Mr. Koogle.

ROLL CALL: Mrs. Gentry, yes; Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Lawson, yes; Mr. Schwaberow, abstained; Mayor Landis, yes. 6-yes, 0-no, 1-abstention. MOTION CARRIED.

Mayor and Council reviewed the November 16, 2009 Council Meeting minutes.

Mr. Schwaberow stated that page 1 should read “Also Present” not “Also Presen”

MOTION: Mr. Schwaberow moved to accept the November 16, 2009 Council Meeting minutes as amended, second by Mr. Terry Johnson.

ROLL CALL: Mr. Scott Johnson, yes; Mr. Terry Johnson, yes; Mr. Koogle, yes; Mr. Lawson, yes; Mr. Schwaberow, yes; Mrs. Gentry, abstained; Mayor Landis, yes. 6-yes, 0-no 1-abstention. MOTION CARRIED.

CITIZEN’S FORUM:

None.

FINANCE DIRECTOR’S REPORT:

None.

VILLAGE MANAGER’S REPORT:

Mrs. Sizemore congratulated Steve Fugate who has gotten his Waste Water Collection Class II license.

She announced the 2010 dog tags are on sale now till January 31st and are available at the Village office.

She announced that Dr. Burk’s does have a limited supply of the H1N1 vaccine available at his office.

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She stated she was asked by the Veterans Museum to have two handicap parking spaces on Main Street to accommodate the handicap visitors.

Mr. Koogle questioned where were the spaces going to be on Main Street, Mrs. Sizemore replied that the two parking spaces would be adjacent to the entrance on Main Street.

Mr. Koogle stated he had no problem with the handicap parking spaces as long as they do not interfere with the neighboring residents.

MOTION: Mr. Koogle motioned to have two handicap parking spaces located in front of the Veterans Museum on Main Street, 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.

Mrs. Sizemore stated is waiting on a call from Poggemeyer regarding the status of the Hillcrest Lift Station.

She went on to say the water tower is on schedule. The water lines should have been in by the end of November; she had put two calls into Tom Borck regarding the water lines and is waiting to hear back.

She stated she is meeting with Gov Tech on Monday, and they should have a sample RFP for a new Engineering firm.

Mr. Schwaberow stated that he would like Mrs. Sizemore to make sure that Poggemeyer is not doing any work on the Dry Run project, Mrs. Sizemore replied yes.

She concluded by saying if anyone has any questions they would like answered at the December 22nd meeting with the Township, Germantown Rescue Squad Inc. and Council, to please forward them to her. The issue with EMS billing did come up at the Fire Oversight meeting tonight and they would like billing to start January 1st.

She questioned Tom Schiff if the contract with GRS, Inc. states that the Village is allowed to bill the insurance companies and the contract between the Village and GRS, Inc. would not be affected, Tom Schiff replied the contract reads the Village is not permitted to bill the residents and it does not state the Village can not bill the insurance companies.

Mr. Schwaberow questioned who would be chairing the meeting on December 22nd with the GRS, Inc.

All agreed that Mayor Landis would chair the meeting on December 22nd.

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CLERK'S REPORT:

None.

LAW DIRECTOR'S REPORT:

Tom Schiff stated he attended the Ohio Municipal Attorney's Association meeting last week. They discussed changing the legislation regarding vicious dogs, especially pit bulls and removing them from the vicious dog list. There have been cases in the Village regarding pit bull attacks. If residents have any concerns in these changes they should contact their legislator.

POLICE CHIEF'S REPORT:

None.

FIRE CHIEF'S REPORT:

None.

MAYOR'S REPORT:

Mayor Landis stated he had received e-mails regarding the water tower logos. He understood that the simple Village of Germantown logo would be the one that would go on the water tower.

Mr. Koogle expressed concern spending any more money on additional logos on the water tower.

All agreed that the simple Village of Germantown would be the logo on the water tower

COUNCIL MEMBER'S REPORT:

Mrs. Gentry stated the Christmas wreaths located through out the Village are in need of being replaced. She questioned if the CBC had been given any additional funds to replace the Christmas wreathes; Mrs. Sizemore replied that the budget for CBC had stayed the same for 2010.

Mr. Scott Johnson stated he attended the MVCC meeting, and they discussed the financial standing for the year. The MVCC received a grant for the upgrades of their command center.

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Mr. Terry Johnson thanked Dennis Wasson for the help decorating Veterans Park for the Holiday celebration. He also thanked the Park Board members and all the volunteers that helped with Christmas in the Park.

He also stated the Park Board has submitted a final budget for 2010 which has been given to the Village Manager for review.

Mr. Koogle stated he went to the Historical Society open house and it was very nice. He asked for new residents to consider participating in the open house next year.

He stated he had received phone calls and heard comments regarding the CBC's holiday wreaths, flags and flowerpots. He stated that if Council would like to promote the downtown area, then we need to supply the CBC with the funds to do so. The CBC needs to put together a plan as to what they are in need of, so that Council will be able to see where the funds will be going.

Mr. Schwaberow stated he attended the MVRPC meeting on December 3rd. They are one of six agencies across Ohio designated by the Governor to form water quality planning. He would like permission to approach Mr. Lindsey with the MVRPC regarding the Dry Run project.

Mayor Landis stated that any help with the Dry Run project would be helpful. This project has been discussed for over 20 years.

Mr. Schwaberow stated the MVRPC has approved an amendment that the construction of St. Rt. 75 and Germantown from Astoria Road to Maple Street would have an upgrade of the storm sewer and remove and replace existing roadways. The state wanted to delay the project until state fiscal year to 2011-2012. The Village would not be looking for any improvement from State and Federal funds until July 2012.

Mr. Koogle stated the real problem with the drainage issue is between Maple Street and Walnut Street.

Mr. Schwaberow stated he would like Mrs. Sizemore to look into dates for the goal-setting meeting in January for Council.

Mrs. Sizemore stated she would look into dates for the goal-setting meeting, and asked Council to give her topics and ideas for that meeting.

A brief discussion took place regarding the location of the goal setting meeting.

LEGISLATION:

Introduction

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Mayor Landis introduced Resolution No. 09-38.

A RESOLUTION AUTHORIZING THE REQUEST FOR AN ADVANCE OF TAXES FOR 2010 COLLECTED BY THE TREASURER OF MONTGOMERY COUNTY, STATE OF OHIO.

Mayor Landis announced the Public Hearing would be December 21, 2009.

Mayor Landis introduced Resolution No. 09-39.

A RESOLUTION AMENDING EMERGENCY RESOLUTION 08-74 WHICH AUTHORIZED AN ADVANCE OF FUNDS FROM THE GENERAL FUND TO THE SWIMMING POOL FUND AND MAKING THE ADVANCE A TRANSFER.

Mayor Landis announced the Public Hearing would be December 21, 2009.

Mayor Landis introduced Resolution No. 09-40.

A RESOLUTION AMENDING EMERGENCY RESOLUTION 09-17 AND 09-31 WHICH AUTHORIZED AN ADVANCE OF FUNDS FROM THE GENERAL FUND TO THE SWIMMING POOL FUND, MAKING THE ADVANCE A TRANSFER, AND AUTHORIZING AN ADDITIONAL TRANSFER OF \$1,387.24 FOR A TOTAL TRANSFER OF \$41,387.24.

Mayor Landis announced the Public Hearing would be December 21, 2009.

Mr. Terry Johnson questioned if the final numbers were in from the pool for last year, Mrs. Sizemore replied yes.

Mr. Terry Johnson questioned if this was the total amount that needed to be transferred to the pool fund, Mrs. Sizemore replied yes.

Mr. Terry Johnson questioned if a formal requisition for fund for the pool had been sent to the German Township Trustees, Mrs. Sizemore replied no.

Mr. Terry Johnson stated he would like Council to determine how much the Village would like to request from the Township.

Mr. Scott Johnson stated he has been asking for the finances from the pool since it closed and he has not received anything. Now we have transferred \$41,000 to the pool fund, and we do not know what the money was used for. Before we ask for any money from the Township, we need to know what we are asking for.

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Mr. Terry Johnson asked if the pool funds could be discussed during the December 21st work session.

PUBLIC HEARING:

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

MOTION: Mr. Koogle motioned to adopt Resolution No. 09-35, second by Mr. Terry Johnson.

Mr. Koogle questioned if this is what the Village was paying; Mrs. Sizemore replied the amount would be \$21.50 for each home.

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 Ordinance No. 09-36.

AN ORDINANCE TO ADOPT THE 2010 MUNICIPAL BUDGET.

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

MOTION: Mr. Lawson motioned to table Resolution No. 09-36, 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.

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.

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

MOTION: Mr. Terry Johnson motioned to table Resolution No. 09-37, second by Mr. Lawson.

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.

OTHER BUSINESS:

MOTION: Mr. Terry Johnson moved to adjourn to executive session to discuss personnel matters regarding the Law Director and the Finance Department, second by Mr. Koogle.

Mr. Schwaberow questioned if the Council elect should enter into executive session.

Tom Schiff stated you may invite whomever you want as long as all agree.

Mayor Landis stated he was uncomfortable with have the Council elects in executive session.

Mr. Schwaberow questioned if it was an issue of having the Council elects in executive session because they have not been sworn in, Tom Schiff replied that is a issue.

Mr. Terry Johnson questioned Mrs. Sizemore if the items are relevant to the Council elect; Mrs. Sizemore replied there are one new item and one old item.

Mr. Scott Johnson stated that if the information is relevant to the Council elects, they could be told at a later date.

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 8:10 p.m.

EXECUTIVE SESSION:

PRESENT:

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

The aforementioned persons discussed personnel matters related to the Law Director and the Finance Department.

Mayor and Council reconvened into Regular Session 9:14 p.m.

ADJOURNMENT:

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

The meeting adjourned at 9:15 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Theodore E. Landis
Mayor