

**MUNICIPALITY OF GERMANTOWN COUNCIL  
MONDAY JANUARY 04, 2010**

The Municipality of Germantown Council met in regular session on Monday, January 4, 2010 at 7:00 p.m. in the Municipal Building Council Chambers.

Mayor Landis gave the Oath of Council to Steve Boeder, Mike Kuhn, and Brian Wafzig.

**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. Steve Boeder, Mr. Terry Johnson, Mr. Lynn Koogle, Mr. Michael Kuhn, Mr. Edward Schwaberow, and Mr. Brian Wafzig.

**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; Kelli Sanders-Novak, Clerk of Council and several visitors.

**ORGANIZATION:**

**MOTION:** Mr. Koogle moved to appoint Terry Johnson as President of Council, second by Mr. Schwaberow.

**ROLL CALL:** Mr. Boeder, yes; Mr. Johnson, abstain; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 6-yes, 1-abstention. **MOTION CARRIED.**

**MOTION:** Mr. Johnson motioned to reappoint Brent Byerly to the Board of Tax Appeals, second by Mr. Schwaberow.

**ROLL CALL:** Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mayor Landis, yes. 7-yes, 0-no. **MOTION CARRIED.**

**MOTION:** Mr. Koogle motioned to reappoint Jeff Jones to the Board of Zoning Appeals, second by Mr. Johnson.

**ROLL CALL:** Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Johnson, yes; Mayor Landis, yes. 7-yes, 0-no. **MOTION CARRIED.**

**MOTION:** Mr. Johnson motioned to reappoint Karen Willard to the City Beautiful Commission, second by Mr. Schwaberow.

**ROLL CALL:** Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mayor Landis, yes. 7-yes, 0-no. **MOTION CARRIED.**

Mrs. Sizemore stated that the Fire Oversight Committee does not have the terms staggered, and every one serves a two-year term.

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Mr. Schwaberow questioned how many members are on the Fire Oversight Committee; Mrs. Sizemore replied there are five members all together. She stated these three people, a Township Trustee, and a Village Council member.

Mr. Koogle stated that when one of the current members of Fire Oversight Committee leave, then at that time we start staggering the terms.

Mr. Schwaberow questioned if the members on the Fire Oversight Committee have to be approved by the Township, Mrs. Sizemore replied yes.

**MOTION:** Mr. Schwaberow motioned to reappoint Ron Comer, Richard Pettit, and Scott Anding to the Fire Oversight Committee, second by Mr. Koogle.

ROLL CALL: Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

**MOTION:** Mr. Johnson motioned to reappoint Tom Geglein, Jenifer Shyrigh, and Mike Engler to the Parks and Recreation Board, second by Mr. Wafzig.

ROLL CALL: Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

**MOTION:** Mr. Koogle motioned to reappoint Andrew Rohrbach to the Planning Commission, second by Mr. Kuhn.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

**MOTION:** Mr. Johnson motioned to reappoint Don Hurley to the Pool Board, second by Mr. Boeder.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

**MOTION:** Mr. Johnson motioned to appoint Mayor Landis, Rebecca Jamison, Tom Schiff, Kelli Novak and Gail Githens to the Records Commission, second by Mr. Kuhn.

ROLL CALL: Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Johnson, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

**MOTION:** Mr. Koogle motioned to reappoint Ron Fox to the Senior Oversight Committee, second by Mr. Johnson.

ROLL CALL: Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

Appointment of Council Members Liaisons to Special Assignments:

Mr. Schwaberow questioned if the Liaison to the Village Manager positions were intended to be specialist on Council in the area listed, and do these positions get utilized and do they sponsor legislation, Mrs. Sizemore replied yes.

Mr. Terry Johnson stated that this keeps the Manager from attending every meeting, and if there are questions the Liaison does the best they can at the time, but if need be they ask the Manager.

Mr. Schwaberow stated that he has sat on Council for two years and does not see a need for these Liaison to the Manager's positions.

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Mr. Johnson stated that the Liaisons to the Manager tend to serve as the Liaisons to the Boards and Commissions.

Liaison to Village Manager:

Safety – Brian Wafzig  
Water, Sewer & Solid Waste – Ted Landis  
Recreation – Terry Johnson

Streets, Alley & Strom – Mike Kuhn  
Finance – Ed Schwaberow  
Personnel – Terry Johnson

Liaison to Boards and Commissions:

BZA – Lynn Koogle  
Planning Commission – Ed Schwaberow  
Parks & Recreation – Terry Johnson  
Pool Board – Terry Johnson  
City Beautiful Commission – Lynn Koogle  
Firemen's Dependents Board – Steve Boeder and Brian Wafzig  
Personnel Board – Terry Johnson  
Cemetery Board – Steve Boeder  
Economic Development – Ed Schwaberow and Lynn Koogle

Appointments to Oversight:

Parks Oversight – Terry Johnson  
Pool Oversight – Terry Johnson  
Fire Oversight – Mike Kuhn  
Senior Oversight – Lynn Koogle

Mr. Johnson suggested that all the meeting times be in the evening either 6 p.m. or 7 p.m., so more people are able to attend the meetings. Senior Oversight and Economic Development Committee would be the only meetings that would be held during the day.

Mr. Schwaberow stated he would discuss with the Economic Development Committee changing the time. The Economic Development Committee had also discussed having meetings every other month, and he will check into that also.

Liaison to other Boards and Commissions:

Germantown Township Trustees – Terry Johnson and Mike Kuhn  
Valley View School Board – Terry Johnson and Mike Kuhn  
MVRPC – Ed Schwaberow, Alternate – Lynn Koogle  
MVRTC – Ed Schwaberow, Alternate – Lynn Koogle  
MVRPC Technical – Anna Sizemore, Alternate - Dennis Wasson  
MVCC – Brian Wafzig, Alternate – Ed Schwaberow  
FRWWTC – Ted Landis, Alternate – Steve Fugate

**CITIZEN'S FORUM:**

None.

**APPROVAL OF MINUTES:**

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Mayor and Council reviewed the December 21, 2009 Council Meeting minutes.

Mr. Johnson stated on page 4, the first paragraph under his report, change "he" to Ben DeGroat. Further in the paragraph "and the German Township Trustees should be at this meeting" needs to be added to the last sentence.

Mr. Johnson stated on page 4, the second paragraph under his report the following needed to be added "he also welcomed the new Council members, thanked all the Village Employees, Service Members, Committee Members, and Board Members for their service over the year. He also wished everyone a Merry Christmas"

Mr. Johnson stated on page 4, first paragraph under Mr. Lawson's report "\$2,400.00 needs to be added for the cost of the furnace at the cemetery.

**MOTION:** Mr. Koogle moved to accept the December 21, 2009 Council Meeting minutes as amended, second by Mr. Johnson.

**ROLL CALL:** Mr. Schwaberow, yes; Mr. Wafzig, abstain; Mr. Boeder, abstain; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, abstain; Mayor Landis, yes. 4-yes, 3- abstention. **MOTION CARRIED.**

**PUBLIC RECOGNITION:**

None.

**CITIZEN'S FORUM:**

None.

**FINANCE DIRECTOR'S REPORT:**

Mr. Boeder questioned three checks that were on the November Finance Report, Mrs. Sizemore replied that she would get back with him with an answer; the computers have been down in the office this past week.

**VILLAGE MANAGER'S REPORT:**

Mrs. Sizemore stated that Council needed to accept donations for the Fire/EMS that she had received from Deloris Cox, \$1,000.00; Robert Hinkle, \$45.00; The Blue Monkey, \$20.00; Allen and Rebecca Howell, \$200.00; Dalton Funeral Home, \$100.00, and The Lion's Club made a donation to the EMS Department.

**MOTION:** Mr. Koogle moved to accept the donations made to the Fire/EMS Department, second by Mr. Boeder.

**ROLL CALL:** Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes Mayor Landis, yes. 7-yes, 0-no. **MOTION CARRIED.**

Mrs. Sizemore stated the Senior Oversight meeting would be on January 21<sup>st</sup>.

She announced that the Council Retreat would be held January 16<sup>th</sup> at the Senior Center at 8:00 to noon. If any of the members of Council have any questions please e-mail her so they can be addressed during the retreat.

She went on by saying that dog license are on sale till the end of January.

She stated that today the Hillcrest tornado siren was not working during the monthly test. Steve Fugate looked at it and it is iced over due to the weather, and once it thaws out he will test it again.

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Mrs. Sizemore stated that she needs to speak to Council during work session regarding some issues that need to be decided, before the Village payroll can be completed.

She went on by saying that during Executive Session they will also need to discuss personnel issues regarding the Street and Water Departments along with the Finance Department.

**CLERK'S REPORT:**

None.

**LAW DIRECTOR'S REPORT:**

None.

**POLICE CHIEF'S REPORT:**

Chief McGill stated that on January 5<sup>th</sup> the MVCC would be airing a segment on an investigation that the Germantown Police Department was involved in during 2008.

He went on by saying that the Police Department was going to be receiving \$2,433.00 in seized assets from an investigation from last year. Once the department receives these funds, it should almost cover the cost for the enrollment in TCSU.

Chief McGill welcomed Steve Boeder, Mike Kuhn and Brian Wafzig to the Council.

**FIRE CHIEF'S REPORT:**

None.

**MAYOR'S REPORT:**

Mayor Landis announced that the next Council meeting would be held on Tuesday, January 19<sup>th</sup>, due to the holiday on January 18<sup>th</sup>.

Mayor Landis stated he looked forward to working with the new Council members.

**COUNCIL MEMBER'S REPORT:**

Mr. Boeder stated he looks forward to his term with Council and working with the current Council members.

Mr. Koogle welcomed the three new Council members and looks forward to the upcoming year.

He stated that when Mrs. Sizemore was hired, Council stated they would give her a six-month review and that review should had been done in December. This evaluation is unofficial and he

thinks it should be handled by each Council member writing down their thoughts, comments and concerns and give them to her and she will be able to do with them as she wants.

Mr. Schwaberow stated he agreed that an evaluation needs to be done for Mrs. Sizemore, but he disagrees with the way Mr. Koogle has stated it should be handled.

Mr. Koogle questioned how Mr. Schwaberow would like to handle Mrs. Sizemore's evaluation, Mr. Schwaberow replied that Council needs to get together as a group and discuss the evaluation in Executive Session. Mr. Schwaberow stated that there are three new Council members that have not had a chance to work with the Manager and the rest of the Council needs to share their thoughts. Mr. Schwaberow went on by saying that each Council member needs to know what

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the other has said to see if Council as a whole is in agreement, and if there are any goals for Mrs. Sizemore.

Mr. Koogle stated he did not have a problem with Council meeting and discussing Mrs. Sizemore's review as long as it is not put into the packet.

Mr. Johnson questioned if the Manager should be included in during the Executive Session or will it just have Council, Mr. Schwaberow replied that maybe after the next Council meeting have an Executive Session, and in the mean time have the Mayor collect the comments from the Council members.

Mr. Schwaberow stated that after all the comments are given to the Mayor we will be able to give a joint report to Mrs. Sizemore. Then the Mayor can sit down with Mrs. Sizemore and have a discussion.

Tom Schiff stated that he is not sure that this matter is appropriate for Executive Session. During the work session tonight he will hand out a packet regarding executive session and other information.

Mr. Schwaberow stated that Council needs to come up with a way to handle the review for Mrs. Sizemore. He stated he did not think that giving Mrs. Sizemore notes from each individual Council member is the way to go.

Mrs. Sizemore suggested that each letter from Council be combined into one packet and copied so each member of Council can see the comments.

Mr. Johnson stated that during the last review for the Manager everything was combined and copied for each Council member.

Tom Schiff questioned if a standard form was used in the past, Mr. Johnson replied he believes so.

Mr. Koogle stated that this is turning into a formal evaluation and this was meant to be a informal review. This review is not going into her packet. He stated he was not personally going to tell her how to do her job. If he was qualified, he would had tried to be the Manager, he stated he is not qualified to be the Manager so he will not tell her how to do her job. He does have an opinion on things. He stated we should let her know how we each feel about matters, but we will never all agree on how the Manager should do her job.

Mr. Schwaberow questioned if this review was part of Mrs. Sizemore's agreement with the Village, Mr. Koogle replied that this is what Council discussed and we decided to give her a preliminary review in December that would not go into her packet. Council needs to let her know if she is doing a good job, so when July comes she is not surprised by anything.

Mr. Schwaberow stated it seems to be more formal then informal. He stated it was a important part of Council's job to hire a Manager and supervise that Manager to make sure she is doing her job.

Mr. Johnson stated this review is just a mid year review, and it not a formal evaluation.

Mrs. Sizemore stated that she would send a copy of the her agreement to Mr. Schwaberow. She also read the portion of her agreement with the Village pertaining to the yearly and mid year review.

Mr. Koogle stated that Council needs to work this matter out, so Mrs. Sizemore is given her review.

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Mrs. Sizemore questioned if Council wanted to do this next meeting, Mr. Koogler suggested that the process of her review be discussed during the next work session.

Mr. Kuhn thanked everyone for welcoming him to Council and he looks forward to working with everyone.

Mr. Johnson wished everyone a Happy New Year, so far everything is happy at 10 Wentz Lane. He welcomed the three new Council members and he looks forward to working with them over the next several years.

He went on by saying the Park Board meeting will be January 6<sup>th</sup> at the Depot.

He thanked the Village Council; the public, Council Electee's, and the Fire Rescue Squad for attended the joint meeting at the Library. It was very informative and went much better than he anticipated. He stated that he had discussed this matter years ago with a previous Council member that when the Fire/EMS and the Rescue Squad merge as one, he said at that time, do not make that a personal issue. He went on by saying that you are looking at history and tradition that residents do not want messed with. This Council will not tell the Germantown Rescue Squad Inc. what to do. He stated there is a funding issue with the Fire/EMS, and we know where we stand, and what we will have to do. Even if Germantown Rescue Squad gives the Village money, it is just a band aide, and eventually the Village will be right back in the same situation. This is what will have to happen, as much as we don't want it to happen is residents will have to be billed for their EMS services. Then once they are billed and the residents have questions, at that time we will have to tell them to talk to Germantown Rescue Inc. This Council will not ask for any more money at this time except for the money that is in the agreed contract with Germantown Rescue Inc. It is up to the citizens of Germantown to decide what is going to happen with this issue. Council can only determine when the billing process starts. The citizens will be the ones who drive and determine the outcome of this issue. The citizens have spoken twice on how they feel in regards to the Fire/EMS Levy. He has started to save for the increase for the Levy, and he understands that citizens with a limited income will have an increase. This is an issue that has to and must be resolved; we cannot have one single minute of uncovered Fire/EMS time. The number one job in this Council is the safety and well being of the citizens of Germantown. That includes the Police, the EMS and the Fire Departments. It is up to us to make sure that this Village has all three of these services 365 days a year.

Mr. Schwaberow stated he did not have a report, but he asked Mrs. Sizemore about the First Emergency First Response update from the joint meeting with Germantown Rescue Inc, Mrs. Sizemore replied she spoke with Chief Alldred today and he understood from that meeting to go ahead start immediately.

Mrs. Sizemore went on by saying that Chief Alldred will have to send out letters to some of the Fire/EMS employees that do not meet the qualification. Chief Alldred is working out the details now.

Mr. Schwaberow questioned if the process is in place now even though Chief Alldred is taking steps toward the process, Mrs. Sizemore replied it was never done when the previous Manager and Fire Chief were here.

Mr. Schwaberow stated he would like Council to be updated on the First Emergency First Response process.

Mrs. Sizemore stated that Chief Alldred will now be able to have the day crew conduct the fire inspections for the local businesses. She stated she would ask Chief Alldred to attend the next meeting to update Council on his progress.

Mrs. Sizemore stated that Mr. Schwaberow had asked about the Star Ohio Account, and there is \$306,517.57 remaining in that account. She will ask Rebecca Jamison if that amount must stay in that account.

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Mr. Schwaberow stated that the Village is not getting much interest on those funds in the Star Ohio Account and that there are other places that would pay more interest.

Mr. Wafzig thanked everyone for welcoming them to Council.

**LEGISLATION:**

**Introduction**

Mayor Landis introduced Resolution No. 10-01.

A RESOLUTION TO AUTHORIZE THE MUNICIPAL MANAGER TO ENTER INTO AN AGREEMENT WITH THE MONTGOMERY COUNTY PUBLIC DEFENDER OFFICE FOR 2010 SERVICES FOR THE MUNICIPAL COURT.

Mayor Landis announced the Public Hearing would be January 19, 2010.

**PUBLIC HEARING:**

None.

**OTHER BUSINESS:**

**MOTION:** Mr. Johnson moved to adjourn to executive session to discuss personnel matters regarding the Finance Department, Water Department, and the Street Department, second by Mr. Boeder.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 7-yes, 0-no. MOTION CARRIED.

Mayor and Council adjourned to Executive Session at 8:09 p.m.

**EXECUTIVE SESSION:**

**PRESENT:**

The following members were present at the start of the Executive Session: Mayor Theodore Landis, Mr. Steve Boeder, Mr. Terry Johnson, Mr. Lynn Koogle, Mr. Michael Kuhn, and Mr. Edward Schwaberow, and Mr. Brian Wafzig.

**MEMBERS ABSENT:**

None.

**ALSO PRESENT:**

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

The aforementioned persons discussed personnel matters related to the Finance Department, the Street Department and the Water Department.

Mayor and Council reconvened into Regular Session 8:55 p.m.

**WORK SESSION:**

Council discussed the health insurance coverage for the Village employees.

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All agreed that the health insurance and Village contributions would remain the same as what is currently offered to the Village employees. The Village will continue to pay the premium for the employees.

Tom Schiff went over the guidelines concerning executive session with the new members of Council.

Tom Schiff asked everyone to read section 4.05 of the Charter concerning the powers and duties of the Manager.

**ADJOURNMENT:**

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

The meeting adjourned at 9:25 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak  
Clerk of Council

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Theodore E. Landis  
Mayor