

**MUNICIPALITY OF GERMANTOWN COUNCIL  
TUESDAY JANUARY 19, 2010**

The Municipality of Germantown Council met in regular session on January 19, 2010 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. Steve Boeder, Mr. Terry Johnson, Mr. Michael Kuhn, Mr. Edward Schwaberow and Mr. Brian Wafzig.

**MEMBERS ABSENT:**

Mr. Lynn Koogle was absent.

**ALSO PRESENT:**

Also present were Anna M. Sizemore, Village Manager, Tom Schiff, Law Director; Roy McGill, Chief of Police; Scott Brown, Police Sergeant; Kelli Sanders-Novak, Clerk of Council and several visitors.

**APPROVAL OF MINUTES:**

Mayor and Council reviewed the January 4, 2010 Council Meeting minutes.

Mr. Johnson stated on page 7, the first paragraph under his report, change "10 Wetz Lane to 10 Wetz Lane".

**MOTION:** Mr. Schwaberow moved to accept the January 4, 2010 Council Meeting minutes as amended, second by Mr. Johnson.

**ROLL CALL:** Mr. Boeder, yes; Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 6-yes, 0- no. **MOTION CARRIED.**

Mayor and Council reviewed the January 12, 2010 Special Council Meeting minutes.

**MOTION:** Mr. Johnson moved to accept the January 12, 2010 Special Council Meeting minutes as amended, second by Mr. Kuhn.

**ROLL CALL:** Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mayor Landis, yes. 6-yes, 0- no. **MOTION CARRIED.**

**PUBLIC RECOGNITION:**

None.

**CITIZEN'S FORUM:**

Richard Pettit, 245 E. Market Street, thanked the Fire Department for responding so quickly to the accident that was down the street from his home. A semi took part of a tree down, and the Fire Department cleaned up all the brush and debris from the street, and helped direct the traffic. We have a Fire Department that does a good job besides just fighting fires.

**FINANCE DIRECTOR'S REPORT:**

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None.

**MANAGER'S REPORT:**

Mr. Sizemore stated she would put together an outline from the retreat this past weekend, and give them to the Council members.

She went on by saying that the Auditors from the yearly audit arrived unannounced today. We are now under two audits.

She stated that the letters have gone out in regards to the original audit. They have mailed out approximately 200 - 300 letters to residents in Germantown, and when the residents receive these letters they will be instructed to speak only to the auditors staff. The Village staff and Council Members will not be able to discuss these letters with the residents.

She stated that the tornado siren that was not working a few weeks ago was frozen. Steve Fugate retested it and it is working correctly now, he is planning to retest the siren next month.

Mrs. Sizemore stated that she had mentioned during the retreat last weekend that ECPC needs an alternate for the committee.

She went on by saying that the Fire/EMS has been very blessed lately, they have received several donations and Council needs to accept these donations. Jim and Cleo Erisman \$20.00; Melanie Kovach \$50.00; Donald Berger \$25.00; Lawrence and Hannah Miller \$500.00; Associated Professional Engineering Consultants \$100.00; Lawrence and Hannah Miller \$10,000.00. The Police Department also received a donation from Lawrence and Hannah Miller for \$10,000.00. The Village is very blessed to receive such nice donations.

Mr. Boeder questioned if the Village sent thank you letter to the people who make the donations, Mrs. Sizemore replied that Chief Alldred sends his own thank you letters, but she would send thank you letters on behalf of the Mayor and Council if they would like.

**MOTION:** Mr. Boeder moved to accept the donations to the Fire/EMS and the Police Department, second by Mr. Johnson.

ROLL CALL: Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Johnson, yes; Mayor Landis, yes. 6-yes, 0- no. **MOTION CARRIED.**

Mayor Landis stated that during the retreat on Saturday Mrs. Sizemore's name came up for the alternate for the ECPC.

**MOTION:** Mr. Johnson moved to appoint Mrs. Sizemore as the alternate to ECPC, second by Mr. Wafzig.

ROLL CALL: Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Johnson, yes; Mr. Kuhn, yes; Mayor Landis, yes. 6-yes, 0- no. **MOTION CARRIED.**

**CLERK'S REPORT:**

Mrs. Novak asked if Council would like to vote tonight on the applications for the Pool Board Committee, Economic Development and the BZA or would Council like to wait and see if anyone else applies for the committees.

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Mr. Schwaberow stated that he would like to give more time to the residents to see if anyone else applies for the committees. He stated he would also like time to discuss the applicants with Council.

**LAW DIRECTOR'S REPORT:**

None.

**POLICE CHIEF'S REPORT:**

Chief McGill stated he and the Germantown Police Department would like to thank the Miller family for their donation. He stated he cannot remember such a large donation being given to the Police Department. He will be looking for an adequate way to thank them.

He went on by saying that the Mayor, Manager, Chief Alldred and himself attended the ECPC meeting last week. The cost for dispatching has decreased from \$9.50 to \$9.02, this was a welcomed surprise.

**FIRE CHIEF'S REPORT:**

None.

**MAYOR'S REPORT:**

Mayor Landis stated when they attended the ECPC meeting last week, Captain Streck announced that when people call in on cell phones, they track you now by a triangular method. They are now coming out with a cell phone that has GPS installed in the phone and they will be able to track you exactly.

**COUNCIL MEMBER'S REPORT:**

Mr. Boeder stated he would like to extend his appreciation to the Council Members that have helped him along, and understanding the budget. He has been studying to do the best he can.

Mr. Johnson stated he would like to give a sincere and heartfelt thank you to families who made the donations to the Village. He would also like to extend his thoughts and prayers to his sister-in-law, Nicki Johnson, who lost her biological father this weekend.

Mr. Kuhn had no report.

Mr. Schwaberow stated he attended the MVRPC meeting and they discussed the amendment to the transportation plan to include the passenger rail plan that the Governor is pushing right now. The one that connects Columbus, Cincinnati, Cleveland and Dayton. They are competing for Federal funds to make sure it is in the plan, it is by no means a done deal but this was the first step. There were very good questions regarding the speed, cost, and how exactly it was all going to work. Initially it will travel at 79 MPH and once it is up and running it should travel over 100 MPH. This train system will be sharing the rails with the freight trains in the area. He went on by saying that the train system would travel through Carlisle and Miamisburg. The new railroad crossing stops will have complete bars down, so no one is able to cross the tracks. As things develop on that, he will update Council.

Mr. Johnson questioned how much the project would cost, Mr. Schwaberow replied 120 million dollars.

Mr. Johnson questioned if they have determined the cost of a family of four round trip, Mr. Schwaberow replied they have not worked out the details on the exact cost of the tickets. Mr.

Schwaberow went on by saying they have said the time it will take to travel from Dayton to Cleveland would be approximately six hours, and most would be able to get into their car and

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drive that in approximately four hours. The advantages would be the people who would be traveling the train system would be able to read and do other work while they are traveling.

Mr. Schwaberow stated he questioned the Governors representatives on what they were going to do once the people arrived at their destination. Will they have a bus service, taxi service, or some car rental service for the people to use. This project will be years down the road and we will be competing with other States for the funding.

Mr. Johnson stated that the train system does sound like a great idea but the only thing that scares him would be that when it is all said and done a family of four will be able to get into their car and do what they want and come home much cheaper then taking the round trip. Once they get off the first thing you have to do is to find transportation. Before the ground gets broke on this project, he hopes that they really think about it. It sounds like a great project, but this state could use a lot of other works other than to spend a billion dollar rail system.

Mr. Schwaberow stated that the cost will subsidized for some number of years. The public could not afford the true cost in the beginning. He stated he has reservations regarding this project.

Mr. Johnson stated that if he can get into a car and be somewhere in four hours, why would he want to get on a train and get there in seven or eight hours. He stated he rode a Grey Hound once, a trip that should had taken 14 hours took 26 hours, he did not return on the bus, he took a plane home. It sounds like a great idea and his kids would jump at the chance to do it, but he would hand the ticket over to his son, and let him tell Mr. Johnson how the trip was.

Mr. Schwaberow stated he would share copies of the information he picked up at the meeting.

Mr. Wafzig had no report.

**LEGISLATION:**

**Introduction:**

**EMERGENCY RESOLUTION NO. 10-02**

**A RESOLUTION TO AUTHORIZE THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH THE CITY OF MIDDLETOWN TO ACCEPT ADULT PRISIONERS OF THE VILLAGE OF GERMANTOWN WHO ARE ARRESTED ON MINOR MISDEMEANOR CHARGES, AND DECLARING AN EMERGENCY.**

**MOTION:** Mr. Johnson motioned to suspend the rules on Resolution No. 10-02, second by Mr. Schwaberow.

**ROLL CALL:** Mr. Boeder, yes; Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 6-yes, 0- no. **MOTION CARRIED.**

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

Mrs. Sizemore stated that she did call City of Middletown for this contract back in December, because we knew that this contract was going to expire. We did not receive the contract until January, and this is the reason why it is now a emergency.

**MOTION:** Mr. Johnson motioned to adopt Resolution No. 10-02, second by Mr. Wafzig.

**ROLL CALL:** Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mayor Landis, yes. 6-yes, 0- no. **MOTION CARRIED.**

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**Public Hearing:**

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

**MOTION:** Mr. Johnson motioned to adopt Resolution No. 10-01, second by Mr. Wafzig.

ROLL CALL: Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Johnson, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mayor Landis, yes. 6-yes, 0- no. MOTION CARRIED.

**OTHER BUSINESS:**

**EXCUSE ABSENT MEMBERS:**

Mr. Terry Johnson motioned to excuse Mr. Koogler, second by Mr. Kuhn.

ROLL CALL: Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Johnson, yes; Mayor Landis, yes. 6-yes, 0- no. MOTION CARRIED.

**WORK SESSION:**

Council discussed the 2010 Budget.

**ADJOURNMENT:**

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

The meeting adjourned at 9:36 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak  
Clerk of Council

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Theodore E. Landis  
Mayor