

MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, MARCH 1, 10

The Municipality of Germantown Council met in regular session on March 1, 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. Lynn Koogle, 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; Kelli Sanders-Novak, Clerk of Council and several visitors.

APPROVAL OF MINUTES:

Mayor and Council reviewed the February 16, 2010 Council Meeting minutes.

Mr. Wafzig stated on page 3, paragraph 6 should read "Route 4".

Mr. Wafzig stated he wanted to clarify on page 7, paragraph 4, 9th sentence should begin as "The new proposal". And the following sentence should read, "This would also put MVCC's logo and endorsement, and in return IGS would provide some incentive to MVCC".

Mr. Boeder stated on page 9 under excuse absent members add Mr. Koogle and delete Mr. Schwaberow from the Roll Call.

Mr. Schwaberow that on page 4 and 6 "Mr. Kozarec" not "Kazarec".

MOTION: Mr. Johnson moved to accept the February 16, 2010 Council Meeting minutes as amended, second by Mr. Boeder.

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

PUBLIC RECOGNITION:

None.

CITIZEN'S FORUM:

None.

FINANCE DIRECTOR'S REPORT:

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Mrs. Sizemore stated that Council had received a copy of the Cash Basis Annual Financial Report in their packets. It has been advertised in the paper that it is available to the public to review or pick up a copy.

MANAGER'S REPORT:

Mrs. Sizemore thanked the City of Miamisburg for helping with the overflow at Triangle Lift Station last week.

She went on by saying that the water tower is coming along, and the pumps for the Hillcrest Lift Station are still on delay.

The website is now up and running. There are a few details that need to be dealt with, so if you see anything that needs to be changed or corrected please let her know.

She stated that the audit is costing the Village \$5,000 a month, and she had been asked to sign a letter for the payback agreement. Before signing the agreement she would like Council to make a motion authorizing her to sign the paperwork. She spoke with Tom Schiff and he did not think it required legislation, but if that is what Council would like we can put it on the next agenda as legislation.

MOTION: Mr. Schwaberow moved to make a \$5,000 payment each month to the State Auditors towards the balance, 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.**

Mr. Wafzig questioned what the total was for the audit; Mrs. Sizemore replied that there is not a total at this time. She added that she was informed today that they should be finish in April and a report to Council in June.

Mrs. Sizemore asked Council if we would be able to have a few more weeks to get the Property Maintenance Code completed, due to all the unexpected issues at this time.

She went on by saying that we have several lift stations that have not been well maintained for some time according to the staff. We are trying to put together a list of items that are needed with a dollar figure. She would rather fix them correctly verses robbing parts from one to fix another. We have paid over \$40,000 or more renting pumps. We will be purchasing meters, floats, safety equipment and lots of rubber gloves. The Triangle Lift Station has only one pump and it is supposed to have two and is also missing a lot of electrical parts that have been robbed from it. We are looking into getting estimates so that will be fixed correctly. At Astoria we have two pumps, but one is working at 100% and the other is only working at 20% capacity. We will be putting a motor in that one on Wednesday. The South Butter Station currently has one pump and needs two. Pumps are expensive and she will come back with a price for those.

Mr. Schwaberow questioned if the people who are working on the Hillcrest Lift Station if they would be able to do maintenance; Mrs. Sizemore replied she would look into that. She is having them come out to talk with some of our staff members since Steve Fugate is no longer here. She added that she met with the Water and Street Department today, and the staff has a lot of ideas and projects that need to be done, they have not been able to have a voice.

Mr. Boeder questioned if we would be able to eliminate some of the lift stations if we went down Dry Run, Mrs. Sizemore replied that it may, but that will be some time down the road.

Mrs. Sizemore stated that we also need a new metal detector and a locator. Some of the equipment is very old and needs to be replaced. We have several residents that need to be shut-

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off but the metal detector and the locator are not the greatest. We need to be able to complete our jobs better.

She announced that GRS, Inc. will be at the next Council meeting so we can make our presentation. She asked the Fire Oversight members to be present.

CLERK'S REPORT:

None.

LAW DIRECTOR'S REPORT:

Tom Schiff stated that a few weeks ago we filed some cases that were violating the Zoning Code. The lady was in compliance by the time we had filed, that has been taken care of and should not have been filed. When we were here two weeks ago, it was discussed that once people were in compliance it would be dismissed but they would be required to pay court cost. There was some communication afterwards that maybe that was not how we wanted to handle it, and he would like direction on how Council would like to handle it.

Mr. Johnson stated as long as someone is working with the Manager's Office and trying to get compliant, the Village is willing to bend over backwards to help these individuals. The problem we may run into is if we drop charges with residents that wait until the day before they appear in Court to get something done, without notifying the Village Manager's Office of certain issues, maybe we run into issues at that point.

Tom Schiff replied that he would not be inclined to dismiss anything unless NIC says they were in compliance. That is what happened with the case he just mentioned, this was an individual that had notes as far back as 2004. He wants to make sure he understands what Council wants, as long as NIC says that the compliance has been met, then Council is okay with dismissal plus court cost. If they are not in compliance once we get to trial, then they can plead or we can go to trial. One of the things he would ask probation to do is to keep them on probation until such time as NIC says they are in compliance.

Mr. Wafzig questioned if there was any other administrative cost on our end except for NIC's cost, Mrs. Sizemore replied not really. In the time that she has been here, NIC will bend over backwards to help these people and we do have a hardship clause in the Code. NIC does go way out of their way to be accommodating to what people are doing.

Mr. Johnson stated that he did not want it the way it was before and the Village laughed out of Court with \$10 fines. He does not want to see the Police losing any type of enforcement that they have at that point. That is the only thing he does not want to lose.

Tom Schiff stated that we would hold it over their head and see what the Judge wants to do on a fine standpoint. The goal is compliance.

Tom Schiff stated that there was some communication about cats. He will look into an Ordinance so Council can see if they want to enact.

Mr. Johnson stated that they may have one covered, he has what Mr. Schwaberow said, he read section 505.08 (a).

Tom Schiff stated that would probably cover the case that had been discussed, but he was not sure it would cover everything. He would prefer to have something a little more on point.

Mr. Johnson stated that we need to take care of this soon, because it has come up several times over the years.

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Tom Schiff stated that the City of Bellbrook was considering an Ordinance that would limit the number of animals you could have on your property. That would be an option.

Mrs. Sizemore stated that we run into that in a residential district with a kennel issue, and the Code states that a kennel is considered three or more animal. But then try to contact the owner and tell them they have to get rid of one of their animals.

Mr. Boeder questioned if we receive a lot of complaints about cats, Mrs. Sizemore replied not really, maybe two or three a year.

POLICE CHIEF'S REPORT:

None.

FIRE CHIEF'S REPORT:

None.

MAYOR'S REPORT:

Mayor Landis stated that he attended a meeting last Friday in Columbus and they discussed House Bill 313. They are trying to limit Municipalities to collect delinquent water bills in residential areas. Another topic that was discussed was Local Government Funds. We send money to Columbus, and then they send some money back to us, but after July 2011 this process will stop. There will be no more Local Government Funds. He does not know if they still want us to send money to Columbus, and not get anything back.

He went on by saying they did discuss the Census and how important it is to make sure the numbers are correct. There was a number in the financial report, but he is not sure that the number is correct. The estimated current population of Germantown is 4,895, but that is a few more people than last time. He stated that if people are have difficulty filling out the form they are able to set up a station here in the Village to help people fill the Census forms out correctly.

During the meeting they did discuss Federal funding for Property Maintenance that we should look into. These funds would help us out.

Mrs. Sizemore stated that she would look into these funds.

COUNCIL MEMBER'S REPORT:

Mr. Boeder shared a welcome packet from Greenville to Council. One of the residents visited Greenville and was given this welcome packet.

Mayor Landis stated that Mrs. Sizemore had brought this up a while ago.

Mrs. Sizemore stated that the Economic Development Committee has been looking into doing that same idea for a while. We would have local business put information into the bag, then hand them out to new residents when they come in to sign up for utilities.

Mr. Koogler stated that in larger Cities they have people that run a Downtown Program, and Greenville did a very good job with it, because a lot of smaller Cities do not have the manpower to keep a program like that going. Greenville has been very successful at promoting their town since it is so far out in the country.

Mrs. Sizemore stated that the Village does have money set aside for a welcome packet program.

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Mr. Boeder stated that the grant has been sent in for the stencils for the storm drains. There will be no funds that Germantown has to commit to. The funds are through the Ohio Department of Natural Resources and what we hope to do is place these on the storm drains in town to make people aware that when items such as oil and gas are thrown into the street, they drain into the storm drains. In Germantown we have two different water way systems and eventually it will drain to Twin Creek, and he thinks since we have a wellfield protection Ordinance in town, this will be a way to really make people aware. His big thing is the grass clippings around town; they go into the street and then into the storm drains. These grass clippings need to decompose. He would really encourage your support of this. The other item is going to be a 30x30 sign posted around various places of the water shed area. He stated that the information gives a nice background about the Twin Creek Watershed. It starts up in Darke County and a lot of it is in Preble County. The stenciling will be done with volunteers and we want the Village to be represented as well.

Mrs. Sizemore stated that we would have a staff person or two to oversee what is going on. This did bring up an issue that we do not have a map of the water/storm drains. Possibly the next Engineer will be able to provide us with those maps and traffic control maps also. It may not be a bad idea if we do get the grant that the Village contributes money towards it also. We will need to look into some of these projects that have been overlooked for a while.

Mr. Schwaberow added that we do have a charge on our utility bills for storm water maintenance purposes and this falls in line with that.

MOTION: Mr. Boeder moved to support the stenciling of the storm drains in the Village, second by Mr. Wafzig.

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.

Mr. Koogle thanked the Village workers for clearing all the snow from the sidewalks. This has to be addressed in the future so we do not end up with an excess amount of snow on the sidewalks.

He announced that the Senior Oversight meeting would be Thursday at 5:30 p.m.

Mr. Kuhn stated that he attended the Fire Oversight meeting tonight and we discussed the upcoming Levy and things that will be changing. We will be having a extra meeting this month on the 15th at 5:30 p.m. to discuss the Levy.

He announced that the Saturday Night Out group will be meeting on March 10th at 6:00 p.m. at the Center Street Café.

Mr. Johnson questioned what the status of the hydrant on Route 4 and Butter, Mrs. Sizemore replied that project was discussed in the meeting she had with the Street/Water Department today. They want to put the pumps in at Astoria Road and take care of the problem at Triangle Station. She was told that the hydrant would be done next week.

He went on by saying that he attended the Fire Oversight meeting tonight, and it was very interesting. The ongoing issue being the Levy and hopefully we can get this passed this time.

He also attended the BZA meeting tonight which had a interesting issue there as well.

He announced the Valley View Levy Committee meeting will be held tomorrow at 7:00 p.m. This is a Levy Committee meeting and not a monthly scheduled board meeting. Those who are interested in working on or getting information about the Levy renewal are welcome to attend.

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He added that Wednesday at 7:00 p.m. at the Depot will be the Parks Meeting.

Mr. Johnson stated that he had sent a e-mail regarding clearing the streets and sidewalks. He has noticed that some of the Committees, Organizations and Church groups are doing a pretty good job helping those who need it. He would like to see if the Village could get a list of those residents who need assistance, so we could find people to help them and if not, some of us can get out there and help them. He has a snowplow and four-wheel drive. We say it every year but some people who really need help just don't want to call to get the help.

Mrs. Sizemore stated that would be something that we could ask Margaret. It is one more thing that is added to Margaret's list, but Margaret knows the people and she feels Margaret would do a excellent job.

Mr. Johnson stated that as being an educator he is not real thrilled about the Presidents earmarking of 900 million dollars. Please read that, and know what that is all about. Having been in education for a number of years now, he is still amazed at how much responsibility is placed on the teacher and how much is not placed on those who are receiving the education. That being the student and some of that being the parents. He knows what happened in his house if he received a C, he wished that would happen a little more now. Until someone who is getting the education takes control of or responsibility or ownership of that education, he finds it hard to find that someone else will.

Mr. Schwaberow stated that he had read the minutes from the last meeting, and we are accepting donations by name and amount, Mrs. Sizemore replied yes. He went on by saying that maybe we could be just as compliant with the auditor or whomever if we created a list and simply vote at the Council meeting to approve the list. Then if anyone wants that, as a matter of public record we can give that to them. He feels a little funny about that, and some people may want that public recognition.

Mrs. Sizemore stated that she asked the auditors about that and they said we need to specify the name and the dollar amount and that it had to be requested in the minutes.

Mr. Schwaberow stated that the list was distributed to Council and Council reviewed it, approved it and attach it to the minutes.

Mr. Johnson questioned if they could just be attached to the minutes without being read in public, Mrs. Sizemore replied she would check with the auditors.

Mrs. Sizemore stated that they stated that Council needs to recognize all donations, the name of the donor and the dollar amount.

Mr. Schwaberow stated that people may be more forthcoming, some people just want to be nice citizens without making a big issue. But sometimes they can only give a little bit and they feel funny it is to little.

He went on by saying that he did not receive a copy of the retreat list; Mrs. Sizemore replied that we would get him a copy.

He added the Lions Club is selling roses. The Lions help with local projects to help with the community.

Mr. Wafzig stated he attended a meeting at MVCC on February 17th and received a tour of their facility, which was pretty impressive. One of the things that MVCC can do for us that he mentioned in the e-mail was a service agreement for our website. He thinks it is something that

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we need to look into because they are able to do it for free. Maybe Mrs. Sizemore needs to sit down with Mike and MVCC to look into this.

Mrs. Sizemore replied that her concern would be that MVCC had our website before and did it for us for free. We were not happy with that and we took it from them. She stated she would look into it. MVCC is coming back to us with a price quote of new microphones.

Mr. Wafzig stated that this may be more work on the staff because they provide training to Mrs. Novak and the staff would do the updates. MVCC would be there to help if we need more assistance. If it is not too complicated and it saves us money, we should look into it.

He went on by saying there is a South West Ohio Legislative Luncheon on May 7th. If anyone has watched their streaming video on line it is a 2x2 square that is not very big and not very easy to watch. By the end of March we were told they would have full screen capability, so you can watch a streaming video on full screen and better quality.

He added that they are starting negotiations for our street lighting contract and there will be more to come on that.

He finished by saying in reference to what Mr. Johnson said about the School Levy, we may want to invite Mrs. Parr to the next Council meeting to give a presentation to talk about the School Levy.

Mrs. Sizemore stated that she had made contact with Mrs. Parr, because it is a relationship that we need to patch up.

Introduction:

None.

Public Hearing:

ORDINANCE NO. 10-07
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. Johnson motioned to adopt Ordinance No. 10-07, second by Mr. Wafzig.

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.

ORDINANCE NO. 10-08
AN ORDINANCE FOR APPROPRIATIONS FOR CURRENT EXPENSES
AND EXPENDITURES OF THE MUNICIPALITY OF GERMANTOWN,
STATE OF OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31,
2010.

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

MOTION: Mr. Johnson motioned to adopt Ordinance No. 10-08, second by Mr. Boeder.

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.

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OTHER BUSINESS:

WORK SESSION:

MAILBOX REPLACEMENT POLICY:

Mr. Johnson stated that if the Village damages a mailbox we need to replace it, but the Village needs to be notified prior. If the mailbox is salvageable, we should reuse the box that went down. If it was destroyed then we need to replace it. He does understand the frustration of the property owner once the mailbox is taken out, but they should allow the Village to put it back up.

Mrs. Sizemore stated that she would prefer they call us, and that we owe it to the residents. We took it down, we put it back up. In a few cases we don't know if it was a State truck or something passing thru but the majority of cases we will know we were the ones who took it down. She knows that the residents have frustration that we are not right out there putting it back up, they get aggravated that they can not get their mail delivered. So that will be on staff to get it done a little quicker. The residents will have to let us know the mailbox is down.

Mr. Kuhn questioned how many times has this happened, Mrs. Sizemore replied two that she knew of. One the driver knew he did it. He was trying to avoid hitting kids, and he did make contact with the property owner. We did go back out and put it up. The second one the resident did not want to wait on us. It was their feeling that they had lived here a long time, and it would take us forever to get back to it. They went ahead and replaced it, however they want reimbursed for mileage, the mailbox, and four hours of time.

Mr. Johnson stated then it was pretty much the whole situation we would like to avoid, Mrs. Sizemore replied right. She can understand the replace of the mailbox cost, she does not know how you can justify the time or the mileage. The cost of the mailbox and the post she does understand.

Mr. Johnson stated that maybe the Village needs to keep a couple of temporary mailboxes on hand that we could put up until we could properly install the replacement, just so they can continue to get their mail service.

Mrs. Sizemore stated she just wanted Council to know what we are doing.

Mr. Boeder stated they could have their mail held at the Post Office.

Mr. Johnson replied that would be okay for some.

A brief discussion took place regarding mailboxes.

Mr. Koogler suggested that Mrs. Sizemore write up a procedure and present it to Council. Then let Council approve it, and put it in the record. We can then put it into the newsletter to inform the residents of the new procedure. We need to get something on the book because we have nothing to go by now.

Mayor Landis questioned if we could control the cost, because some people would want a new fancy mailbox, Mr. Johnson replied that we should replace what was taken down, nothing more, nothing beyond.

Mr. Koogler stated we have to replace with a like, and you can tell what it looks like when we go out to see it. You can't buy a Cadillac and replace it with a Chevrolet.

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Mr. Schwaberow stated that he was once a City Manager and we have our Charter and the Ordinances, but there is a administrative law too. These little things that don't require a lot, we did Administrative Orders. He used them for appointments, salary increases, but a lot of these little nagging things too. You can just handle by Administrative Order and just give Council a copy of the order.

Mrs. Sizemore stated that she would bring a new procedure to Council for the mailboxes. And she does use Administrative Orders with other issues.

AGENDA DISCUSSION:

Mr. Koogle stated that if at all possible he would like the executive session at the end so that everyone can watch the work session following the Council meeting and get all the information we make available to the Village. It is extremely important to have the work session televised. He does not feel that we are abusing anything, occasionally things do come up, but it is not every meeting.

Mayor Landis stated that we discussed this matter in the past, and we said we would have executive session at the end.

Mr. Koogle stated that we have discussed this in the past but we need to finalize it. If we need to have an executive session in the beginning, that is fine, it does not happen often. As far as the agenda, he feels that it flows well.

Mrs. Sizemore stated that the reason this was put on the agenda tonight was due to the e-mails about approving the agenda before every meeting.

Tom Schiff stated that it is ultimately Council's decision on how they want to handle this. He knows there was an e-mail about approving the agenda at the beginning of the meeting. His concern is a practical concern, but tonight there were two or three motions made during this meeting that would have had to be postponed to the next meeting. It could at times put restrictions on the ability to conduct business during the meeting. If a issue comes up and the majority of Council does not feel comfortable discussing it at that time, we can table it or wait until the following meeting.

Mr. Kuhn stated the last thing he wanted to do is limit our ability to get things done as quickly as we can.

A brief discussion took place regarding the agenda.

Mr. Koogle stated that if something comes up and he does not feel comfortable he is going to say something, he is not going to let everyone vote something thru without him arguing. We need to be forceful and speak up if someone does not feel comfortable.

All agreed to leave the agenda as is at this time with no approval.

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

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.**

Mayor and Council adjourned to Executive Session at 8:06 p.m.

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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/Water Department.

Mayor and Council reconvened into Regular Session 8:58 p.m.

ADJOURNMENT:

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

The meeting adjourned at 9:00 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Theodore E. Landis
Mayor