

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, APRIL 5, 10**

The Municipality of Germantown Council met in regular session on April 5, 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. Lynn Koogle, Mr. Edward Schwaberow and Mr. Brian Wafzig.

**MEMBERS ABSENT:**

Mr. Michael Kuhn was absent.

**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, Ben DeGroat, Township Trustee; Randy Benson, Township Trustee; Bob Rohrbach, Township Fiscal Officer; and several visitors.

**MEETING WITH TOWNSHIP TRUSTEES:**

**Fire/EMS Levy**

Mr. Benson stated that we are a month away from the Levy.

Mrs. Sizemore reviewed the May 2010 Levy Activities.

Mr. Schwaberow questioned what cars would they be putting the flyers on; Mrs. Sizemore replied they would be putting them on the cars at Kercher Park on opening day.

Mr. Benson stated that several people have talked to him about their polling place being changed and this was discussed in the Fire Oversight meeting tonight. We are going to call Montgomery County to see if the Township building is still a polling place.

A brief discussion took place regarding the new locations for polling places.

Mr. Boeder questioned if we were going to target the signs into the areas that we need to build our support, Mrs. Sizemore replied at the Fire Oversight meeting we also discussed putting the signs at the Village/Township Limits along with the target areas. She went on by saying that hopefully we will not have them all centered on Route 725.

Mr. Benson stated that one of the Fire/EMS volunteers went out into the Township to ask if they could put a sign in a residents yard and they denied him, because they still think this Levy is for a new Firehouse.

Mr. Boeder questioned if we know who voted “no” in the last Levy and are we going after them this time; Mrs. Sizemore replied that other than word of mouth. She does not know of a way to find out who exactly voted “no”.

Mr. Koogle stated that we need to concentrate on the key areas, Hillcrest and the Township.

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, APRIL 5, 10**

Mr. Wafzig questioned if Chief Alldred was planning on hanging door hangers in the Hillcrest area and in the Township, Mrs. Sizemore replied that she would check with Chief Alldred, but it was not mentioned.

Mr. Benson stated that everyone needs to realize that this is a volunteer department.

**Germantown Pool**

Tom Schiff stated that he has looked into the question that was asked last time we all met about the monies from the Pool Levy and if they could be used for operating purposes. He has reviewed the November 2006 ballot and it does not limit it to capital improvements.

Mr. DeGroat stated that the Levy was ran for capital improvements.

Tom Schiff stated that the language in the Levy itself would allow monies to be used properly as you see fit. He stated that it would be up to you to decide, but he does not see anything that would prohibit the monies to be used for operating purposes.

The Township Trustees adjourned at 7:19 p.m.

The Council and Township will meet on July 12, 2010 p.m. at the Township building.

**APPROVAL OF MINUTES:**

Mayor and Council reviewed the March 15, 2010 Council Meeting minutes.

Mr. Boeder stated on page 3 under Mr. Schwaberow's statement should read "Ro-Lin Farms".

**MOTION:** Mr. Schwaberow moved to accept the March 15, 2010 Council Meeting minutes as amended, second by Mr. Boeder.

**ROLL CALL:** Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, abstain; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 5-yes, 1 Abstention. **MOTION CARRIED.**

**PUBLIC RECOGNITION:**

None.

**CITIZEN'S FORUM:**

None.

**FINANCE DIRECTOR'S REPORT:**

None.

**MANAGER'S REPORT:**

Mrs. Sizemore stated that the Fire/EMS has received several more donations and Council needs to accept these donations \$50.00, \$40.00, and \$75.00.

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

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

## MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, APRIL 5, 10

She went on by saying that as you can see we are using the new microphones tonight and within the next couple of weeks we will have the amplifier installed.

She stated the money that was in Star Ohio has been transferred to Farmers and Merchant Bank. That also includes the Cover Bridge Trust Fund.

She went on by stating that she had received some complaints about the Street Program that we did last year. Some of the patchwork did not hold very well with the weather that we have had this year. We were unable to sweep it last year, but that has been completed this year. Terry Asphalt has come back out and they will guarantee their work, so they are going back and reviewing everything. We are also reviewing the streets to see what needs to be taken care of first.

Mr. Koogle questioned the guarantee from Terry Asphalt, Mrs. Sizemore replied that they will repair what did not hold and she will look into how long it is guaranteed for.

She went on by saying that the Hillcrest Lift Station pump is due to be delivered on April 15<sup>th</sup>. Excel will be here later this week to do some preliminary work that needs to be done. Once the pump arrives they say it should be done in 2-3 days. Once she gets a definite date for the pumps arrival, she will send letters out to the Hillcrest residents letting them know we will be working there.

She stated that last week Mike Murray from M-E came out to review all the pump stations, and we will be getting a report on that soon. While they were here they did look at the Fire Station floor that is collapsing. At this time they have told us to keep an eye on it.

She is trying to get an answer from Poggemeyer and Caldwell as to what happened to the logo on the water tower. The logo that is on it now is not correct, and she was never sent shop drawing to sign off on. She has spoke to Tom Borck about that and explained that Council would not be in favor for paying any extra and that it has to be remedied.

Mr. Boeder questioned what the logo was suppose to be, Mrs. Sizemore replied that what is up there right now is not even the correct script. She went on by saying that the previous Council went through a little bit of a debate on the logo. At one point it was suppose to be the cardinal and then it was no longer the cardinal. Steve Fugate had Mr. Wafzig and Mr. Kuhn draw up several different designs, and the previous Council decided on a logo that read "Welcome to Historical Germantown – 1804"- and has a swirl design with it.

Mr. Koogle stated that the correct logo was presented to this Council.

Mrs. Sizemore stated that she has contacted Poggemeyer and they claim they have never seen the correct logo. She is calling Steve Fugate to see if he knows anything about the logo.

Mr. Schwaberow questioned if there was a process that they give us a chance to sign off and approve the logo, Mrs. Sizemore replied that was Tom Borck's e-mail to her, that he never had her sign off on shop drawings. She has never seen any shop drawings.

Mr. Schwaberow stated that they started with the logo and never had our blessing.

Mr. Schwaberow questioned if the correct script logo was going to be placed on two sides, Mrs. Sizemore replied yes, it is suppose to.

She went on by saying that this has also been discussed with them, they are claiming they have never gotten a color for the tank, and then they questioned if it was suppose to be one side or two sides. She has always thought it was to have the logo on two sides. Caldwell is stating that they

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, APRIL 5, 10**

only have drawings with the logo on one side. She does not have those drawings and Tom Borck looking into that.

Mr. Boeder questioned if they did not receive any paperwork on it, why would they proceed without contacting you. Mrs. Sizemore replied that she does not know. She does not know where block lettering came from, she never recalls block lettering being a discussion at all. Unfortunately we will have to live with the wrong logo for about two weeks, until they are able to get back out here.

Mr. Wafzig questioned if she had spoke with Poggemeyer, Mrs. Sizemore replied only through e-mail and he is stating that Tom Borck really should had given her shop drawings and we would have caught the problem.

Mr. Schwaberow stated that he did not feel that Poggemeyer had a great presence up at the water tower site during the project.

Mrs. Sizemore added that today she had another question form Culy about a payment request, and Tom Borck's response was that he was unable to check the project like he should have had and we have had problems with the water lines and it required more work. Culy wanted to submit a change request, and she guarantees they are entitled to the change request. We had some problems with some valves, but Tom Borck has not been out to do the inspection like he should have.

Mr. Schwaberow questioned whom Mr. Borck reports to at Poggemeyer, Mrs. Sizemore replied she would look into that and contact them in regards to the problem.

Mr. Schwaberow stated the reason why we are looking for a new Engineer goes very closely to his performance or lack of.

Mrs. Sizemore stated that the more she has direct contact with the contractors, the more she finds out the Poggemeyer has not been easy for them to work with. She has gotten a lot of complaints in the last few weeks.

Mr. Johnson stated that Mrs. Sizemore had contacted this supervisor a long time ago and we are getting the same response now as you did then.

A brief discussion took place regarding Poggemeyer and their management.

Mr. Johnson questioned if it would be okay to call Poggemeyer and request that Tom Borck be removed from any of our projects immediately and have someone else take over because we are not satisfied with the service we are getting. Tom Schiff replied he did not see a problem in doing that.

Mayor Landis questioned where we stand at having a new Engineer, Mrs. Sizemore replied that she has sent out the RFP's and it should be in the Sunday paper also.

Mrs. Sizemore stated that she and the Law Director are putting the final touches on the horse drawn carriage information and the section for animals will have big changes. We also need to look at the Employee section of the Ordinance book. It needs to be addressed in regards to holidays that fall on the weekend. It is not included in the Ordinance book, and she would rather it be in writing.

She reminded everyone that Sherry Parr will be her at the next Council meeting to discuss the School Levy.

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, APRIL 5, 10**

Mr. Johnson questioned if we would have a resolution for support of the School Levy, Mrs. Sizemore replied that we could do that.

Mr. Wafzig questioned the status of the property maintenance, Mrs. Sizemore replied that she would like Council to review it before we put it on the agenda and she is putting the final touches on it right now.

**CLERK'S REPORT:**

Mrs. Novak stated that she had received a request from the Ohio Division of Liquor for a request for change of corporate stock ownership at Gas America. She discussed it with Chief McGill and he does not have any problems or issues with it and we would be requesting no hearing if that is okay with Council.

**MOTION:** Mr. Koogle moved to approve the request for change of corporate stock ownership at Gas America, second by Mr. Wafzig.

Tom Schiff stated that a motion was not necessary.

Mr. Koogle withdrew his motion to approve the request for change of corporate stock ownership at Gas America.

A hearing will not be requested.

**LAW DIRECTOR'S REPORT:**

Tom Schiff stated he would have the horse drawn carriage Ordinance and the animal at large Ordinance for the next Council meeting. He also asked to Council to review the Park Board memo that was given to them tonight.

**POLICE CHIEF'S REPORT:**

Chief McGill stated that the report that he passed out tonight had a correction, and asked Council to delete lines 19-29 on the front sheet.

Chief McGill stated that the Germantown Police Department attended a Safety Day at McDonald's on April 3<sup>rd</sup> and handed out kids hats and badges.

He went on by saying that Major Burns was involved in a search of a house that had many drugs in it and the Department may be seeing some seizure money when it is all done.

**FIRE CHIEF'S REPORT:**

None.

**MAYOR'S REPORT:**

None.

**COUNCIL MEMBER'S REPORT:**

Mr. Boeder thanked the staff for photocopying all the resumes for the Finance Directors position.

Mr. Koogle did not have a report.

## MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, APRIL 5, 10

Mr. Johnson stated that he attended the Levy committee meetings for the school. He reminded everyone that this is a renewal Levy and there are no new monies involved. The next meeting will be April 13<sup>th</sup> at the middle school.

Mr. Johnson questioned where we are with the mowing of the Village parks, Mrs. Sizemore replied we are finalizing our numbers, but she believes that we will be having Village staff cut the parks and hire a part-time seasonal person to help. We had in the budget to purchase a new zero-turn mower, and we have gotten quotes from several places for one. We would be taking part of the money from the park fund and the rest would come from the Street budget. We have discussed it quite a bit and there is a lot to do.

Mr. Johnson announced that the Park Board meeting would be on Wednesday.

Mr. Schwaberow stated he attended MVRPC meeting last Thursday and they discussed the public transit services in the area. They received funds from the Federal Government. We passed a Resolution requesting the Federal Government to consider allowing those public transit authorities to use those funds for operations. It does not make sense to buy new busses if they cannot afford to put drivers in them or to repair them. The other main topic was the closing of Route 444 around Fairborn. This is a big issue and WPAFB would like to close it to improve their anti terrorism protection. They will be making changes in that area to make that more terror proof and these changes will affect local roadways.

He questioned if all the Council members have been able to look over the Finance Directors resumes, Mrs. Sizemore replied that she is still waiting for a couple of the Council members to reply with their choices. She asked if any of the Council members wanted to sit in on the interviews of the top candidates.

Mr. Boeder stated that he would like to sit in on the interviews.

Mr. Johnson stated that it would depend on when the interviews would be.

Mr. Schwaberow stated that it is your call on who is hired and you will have the final decision.

Mr. Schwaberow questioned if we fixed the hydrant on Route 4, Mrs. Sizemore replied yes it is working.

Mrs. Sizemore stated that we also had a water meter that was not working at one of the local businesses since 1998. Through a lot of hard work that water meter has been repaired. They are working off a huge list of meter replacements and are trying their best. We purchased the locator and the safety equipment for the guys also.

Mr. Johnson questioned if we were going to go to remote meters, Mrs. Sizemore replied that was very expensive to do so. He went on by saying that the estimated bills are unacceptable.

Mrs. Sizemore added that Toni Lewis sent out approximately 100 letters to people letting them know we need to get a reading on their water meters. Some of the people are very angry, but we did let them know by our Ordinance we are allowed to get in the home and get a reading.

Mr. Schwaberow stated that if we think they are angry now, wait until we have under billed them and they have a huge bill to pay for back water and sewer.

A brief discussion took place regarding the water bills.

Mr. Schwaberow questioned if Rebecca Jamison had looked into the \$.15 discount on the gas at the Marathon station, Mrs. Sizemore replied that she looked into that previously and we did not qualify for it.

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, APRIL 5, 10**

Mrs. Sizemore stated that the sign on Route 4 had been taken down and that we are storing that on Village property. Someone who would like to purchase the sign has contacted her, and Council would need to decide what they would like to do with it.

Mr. Johnson stated that the Route 4 sign should be put on the next Council work session so that Council could discuss it.

Mr. Wafzig stated that the next Saturday Night Out meeting would be on April 14<sup>th</sup> at the Senior Center.

He went on by saying that we are voting on a Resolution on the support of the Google Fiber Communities Initiative. He encouraged everyone to go to [averageandawesome.com](http://averageandawesome.com) web site and look into it.

He added that the gas aggregation program ended last month, and the final numbers have come out. The aggregation program last year saved residents that were included in the program a total of \$350,000 and lower prices for this year 34%.

**Legislation:**

**Introduction:**

EMERGENCY ORDINANCE NO. 10-13

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE GERMANTOWN CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Johnson motioned to suspend the rules on Emergency Resolution No. 10-13, second by Mr. Koogle.

ROLL CALL: Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, 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.

**MOTION:** Mr. Johnson motioned to adopt Emergency Resolution No. 10-13, second by Mr. Wafzig.

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

EMERGENCY RESOLUTION NO. 10-14

A RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH DAYTON POOL MANAGEMENT, 2305 DRYDEN ROAD, DAYTON, OH 45439, IN THE AMOUNT OF \$79,258.00 FOR MANAGEMENT OF THE GERMANTOWN AQUATIC CENTER FOR THE 2010 SEASON AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Johnson motioned to suspend the rules on Emergency Resolution No. 10-14, second by Mr. Boeder.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, 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.

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, APRIL 5, 10**

**MOTION:** Mr. Johnson motioned to adopt Emergency Resolution No. 10-14, second by Mr. Boeder.

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

**EMERGENCY RESOLUTION NO. 10-15**

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO AN AGREEMENT WITH THE MONTGOMERY COUNTY ENGINEER'S OFFICE, 451 W. THIRD STREET, P.O. BOX 972, DAYTON, OH 45422-1260 FOR THE YEARLY INSPECTION AND INVENTORY OF BRIDGES LOCATED IN THE MUNICIPALITY OF GERMANTOWN, AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Johnson motioned to suspend the rules on Emergency Resolution No. 10-15, second by Mr. Wafzig.

**ROLL CALL:** Mr. Koogle, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Johnson, 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.

**MOTION:** Mr. Johnson motioned to adopt Emergency Resolution No. 10-15, second by Mr. Wafzig.

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

**EMERGENCY RESOLUTION NO. 10-16**

A RESOLUTION OF SUPPORT FOR THE GOOGLE FIBER FOR COMMUNITIES INITIATIVE AND AUTHORIZING THE VILLAGE MANAGER TO JOIN WITH OTHER COMMUNITIES IN OUR REGION IN A JOINT RESPONSE TO THE GOOGLE REQUEST FOR INFORMATION, AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Johnson motioned to suspend the rules on Emergency Resolution No. 10-16, second by Mr. Koogle.

**ROLL CALL:** Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogle, yes; Mr. Schwaberow, 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.

**MOTION:** Mr. Boeder motioned to adopt Emergency Resolution No. 10-16, second by Mr. Johnson.

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

**EMERGENCY RESOLUTION NO. 10-17**

A RESOLUTION TO AUTHORIZE THE MUNICIPAL MANAGER TO ENTER INTO AN AGREEMENT WITH THE MIAMI VALLEY COMMUNICATIONS COUNCIL FOR CODERED SERVICES FROM

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, APRIL 5, 10**

FEBRUARY 9, 2010 TO FEBRUARY 9, 2011, AND DECLARING AN EMERGENCY.

**MOTION:** Mr. Johnson motioned to suspend the rules on Emergency Resolution No. 10-17, second by Mr. Boeder.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, 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.

**MOTION:** Mr. Johnson motioned to adopt Emergency Resolution No. 10-17, second by Mr. Wafzig.

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

**Public Hearing:**

None.

**OTHER BUSINESS:**

**EXCUSE ABSENT MEMBERS:**

Mr. Koogle motioned to excuse Mr. Kuhn, second by Mr. Johnson.

ROLL CALL: Mr. Johnson, yes; Mr. Koogle, yes; Mr. Schwaberow, absent; Mr. Wafzig, yes; Mr. Boeder, yes; Mayor Landis, yes. 5-yes, 1-absent. MOTION CARRIED.

**WORK SESSION:**

**Council Retreat**

A brief discussion took place in regards to the next Council retreat. All agreed to have the next Council Retreat on Saturday, May 8<sup>th</sup> at 8:00 a.m. Council will need to e-mail Mrs. Sizemore topics of discussion for the retreat.

**MOTION:** Mr. Boeder moved to adjourn to executive session to discuss pending litigation, second by Mr. Schwaberow.

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.

Mayor and Council adjourned to Executive Session at 8:12 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. Edward Schwaberow and Mr. Brian Wafzig.

**MEMBERS ABSENT:**

Mr. Mike Kuhn was absent.

**MUNICIPALITY OF GERMANTOWN COUNCIL**

**MONDAY, APRIL 5, 10**

**ALSO PRESENT:**

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

The aforementioned persons discussed pending litigation.

Mayor and Council reconvened into Regular Session at 8:38 p.m.

A brief discussion took place regarding the Village phone system and an outstanding bill.

**ADJOURNMENT:**

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

The meeting adjourned at 8:52 p.m.

Respectfully Submitted,

---

Kelli R. Sanders-Novak  
Clerk of Council

---

Theodore E. Landis  
Mayor