

MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, MAY 17, 10

The Municipality of Germantown Council met in regular session on May 17, 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. Michael Kuhn, and Mr. Brian Wafzig. Mr. Edward Schwaberow arrived at 7:14 p.m.

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; Scott Brown, Police Sergeant; Kelli Sanders-Novak, Clerk of Council, and several visitors.

APPROVAL OF MINUTES:

Mayor and Council reviewed the April 19, 2010 Council Meeting minutes.

Mr. Johnson stated under Citizen Forum, add Bob Neff is retiring from the Parks and Recreation Board.

Mr. Wafzig stated on page 5, we need to add that the minimum wage will be \$7.30 for the seasonal employee's compensation.

Mr. Wafzig stated on page 9 under Emergency Resolution No. 10-18, should read, "Renew the View".

MOTION: Mr. Koogle moved to accept the April 19, 2010 Council Meeting minutes as amended, second by Mr. Kuhn.

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

Mayor and Council reviewed the May 3, 2010 Council Meeting minutes.

MOTION: Mr. Koogle moved to accept the May 3, 2010 Council Meeting minutes as submitted, second by Mr. Kuhn.

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

PUBLIC RECOGNITION:

None.

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CITIZEN'S FORUM:

Jim Lawson, 55 Scott Court, stated that he attended the last Park Board Meeting. During that meeting a guest was there that spoke very inappropriately about the Village Manager. This guest went as far as to accuse the Village Manager of mishandling funds. When he was on Council, guests were allowed to speak for only 5 minutes; this guest at the Park Board Meeting spoke for at least 20 minutes. The rules are different for committee meetings and he would like to see Council review the rules and allow guests to only speak for a 5 minute time period at the Committee meetings also.

Mayor Landis stated that all meetings are open to the public under the Sunshine Law. If the Chair of a committee would like to recognize a guest, they have that right.

Mr. Koogle stated that it is the Chairman's responsibility to run the meeting and keep control of that meeting. If a meeting gets out of control, it is the Chairman's responsibility to get the meeting back under control.

Scott Johnson, 74 Willis Way, addressed Council regarding a letter of violation he received about his RV parked on his property. He stated that the RV sat in his driveway for seven days for him to service and prepare for his upcoming trip. On the eighth day he left for his trip. Two days after he was gone, the Village issued him a certified letter, informing him that his RV was in violation. If Council wishes to take a zero tolerance on this issue, they will have more problems in the future. Most residents of this Village do not have space beside their homes to store their RV's. This demonstrates a lack of efficiency that this process possesses. Council has struggled with finding a way to enforce this issue for a long time. This is just one item that Council needs to address and act on if they wish to achieve Economic Development. Council has been working on new Ordinances along this line. Council has the opportunity to change them to something that actually works. He advised Council to make sure that the items they wish to enforce make sense and make sure that Council is able to enforce each of the items Council chooses.

He went on by saying that there has been a lot of discussion among Council Members regarding the minutes. He would suggest taking the advice of the Law Director.

Mr. Koogle suggested giving a copy of the proposed Property Maintenance Code to Scott Johnson to review, since he was a member of Council and is also a RV owner. He would like to get Mr. Johnson's comments about the section regarding RV's.

Scott Johnson was given a copy of the proposed Property Maintenance Code and agreed to look it over and give Council his comments.

Mrs. Sizemore stated that the current Code does not specify a time limit on how long an RV can be parked on a property. We have brought this issue up to the Planning Commission. In our new code we have taken an example from other communities. It will now be part of the Zoning Code and the Property Maintenance Code. If a resident receives a notice of violation, and they need additional time, they need to contact the Village Office and we will make a note.

Mr. Johnson stated that we need to open the line of communication between the residents and the Village. Maybe we should send an unofficial notice to the resident the first time, and at that point it is up to the resident to call the Village. At that time the Village can give them a time limit on how long they will have. This should eliminate this issue coming up again.

Mr. Koogle suggested having a contact number at the bottom of the letters, so the residents are able to explain their situation. Mrs. Sizemore replied that the Village generates the letters for these violations and the Village Office number is on the letter.

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She went on by saying NIC was not able to enforce RV's because it is a Zoning issue. The new code will allow NIC to enforce the RV issues.

Mr. Boeder stated that we need to have an Ordinance that really means something and is consistent. He stated that he does not really know why we have this Ordinance. His neighbors have RV's on their driveways and he would rather they keep them on their driveway versus their yards. He would suggest that Council establish a time period that would allow residents to use their driveways to store their RV's. As long as these RV's are maintained and licensed, he does not see the problem. He asked if someone would explain why we have this Ordinance.

Mr. Koogle replied that we have chronic people who will come up with every excuse to keep their RV in their driveway. Years ago we would send notices after notices to the same people. After that we decided to mail one notice a year and then zap them. The people who are obeying the system are getting caught in the crossfire of those who are chronic violators.

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 \$25.00, \$20.00, \$25.00, \$25.00 and \$20.00.

MOTION: Mr. Boeder moved to accept the donations to the Fire/EMS, 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.**

Mrs. Sizemore stated that she met with a representative from Fox 45 News regarding a segment they would like to do featuring Germantown the week of June 12th. They will be visiting the local businesses to see if they would like to do advertising during that week. This advertising is very costly, and she is not sure that the businesses would be able to afford it.

She went on by saying that she met with Tom Borck about the painting issues at the water tower. There has been a delay due to the weather. She will be meeting with them for an exact placement of the logo. The tower has already had some vandalism. Someone has thrown a can of yellow paint onto the concrete base of the water tower. The painters think they can remove the yellow paint.

She asked Council to review the Property Maintenance Code that was handed out. Please let her know if there are any issues because she would like to get this on the next agenda. We will completely do away with the old code and adopt this new one.

Mrs. Sizemore stated that the staff has been working very hard cleaning up things around the Village, such as the reader board. If you see any other issues please let her know.

She is meeting with the EPA on Thursday to review the well fields and other issues. We may have to come back to Council for a Budget amendment to take care of a lot of EPA issues that were not taken care of in the past.

Mr. Boeder questioned with Homeland Security an issue now, is the Village required to have any security at the water tower; Mrs. Sizemore replied that she spoke with Tom Borck and there is no requirements, but she will double check. The tower will have an alarm for security.

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CLERK'S REPORT:

None.

LAW DIRECTOR'S REPORT:

Tom Schiff stated that he would like to clarify an email he sent to Council regarding the interviews for the new Finance Director. There were four Council members who were planning to attend those interviews and that would be a violation of the Sunshine Law.

POLICE CHIEF'S REPORT:

Chief McGill stated that Major Burns could look into the Homeland Security situation at the water tower; Mrs. Sizemore replied okay.

Chief McGill announced that the Police Department was awarded a vehicle from a drug case. He would rather not publicly announce the type of vehicle, but offered to speak to Council after the meeting.

He went on by saying that the Department has received their new 2010 Police car. It is waiting to have the logos put on it.

Mr. Schwaberow questioned if there was a trade in on the new Police car; Chief McGill replied that there was not, but they are planning to sell two older cruisers on Gov Deals.

Mr. Boeder questioned the flow of traffic at Market Street and Cherry Street. Residents are complaining that people are going to the right of the parked cars and potentially causing accidents. Chief McGill replied that he would look into it.

FIRE CHIEF'S REPORT:

None.

MAYOR'S REPORT:

Mayor Landis stated that he and Mrs. Sizemore attended the FRWWTC meeting on May 5th. The Germantown tap-in fees will remain at \$180.00 per tap-in, for 2010. We send FRWWC \$31,968.00 a month to maintain that plant. All the communities involved pay \$253,000 a year to maintain that plant.

They authorized Mrs. Shields to fill out the report to the Secretary of State regarding Section 1702.59.

The Germantown's flow rate did increase slightly from 15.02% to 15.13%.

He concluded by saying he attended the National Day of Prayer last Thursday, and no one was arrested.

COUNCIL MEMBER'S REPORT:

Mr. Boeder's Report:

He questioned if Mrs. Sizemore had gotten the projected revenue and cost report for the year; Mrs. Sizemore replied that she would ask Mrs. Jamison for that.

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He questioned what process Mrs. Sizemore was going to go through when hiring the new Village Engineer; Mrs. Sizemore replied that she was asked to review each of the firms and make a recommendation for each one.

Mrs. Sizemore stated that she has been contacting references and outside organizations to see what dealings they have had with each company. She had narrowed it down to a couple, but would like a little more time to review them.

Mr. Koogle's Report:

He stated that CBC did not meet this month, but will meet next month.

He announced that the Economic Development Committee would be meeting Wednesday at 1:00 p.m.

Mr. Kuhn's Report:

He thanked all the Citizens of the Village for passing the Fire/EMS levy. A lot of people put in a lot of time and hard work that really paid off this time.

He went on by saying that Saturday Night Out is really starting to get cranked up. Booth applications are available at the Village office or from Mr. Wafzig or himself. The next meeting will be May 26th at the Center Street Café at 6:00 p.m.

Mr. Johnson's Report:

He thanked the residents for their support on the Fire/EMS levy.

He announced that the Germantown Aquatic Center will be open for Memorial Day weekend, and then open for the season when school lets out.

He stated that he reviewed the April 19th minutes and he noticed that there were a lot of "he said" and "she said" in the minutes that could be confusing. He suggested having headers with each of the Council members name. That way if there is a repeated "he said" it may be easier for a reader to understand who is speaking.

Mr. Schwaberow's Report:

He stated he attended the MVRPC meeting on May 6th. Rich Schultz, the Director of Greene Cats, which is the public transportation agency for Greene County, addressed the issue of large people and people who are in wheelchairs who cannot be handled by a regular Ambulance. Mr. Schultz is pursuing a Grant or something to service these people with these special needs. These people deserve the same services as the rest of us do in an emergency situation.

He went on by saying that there is a similar sanitary sewer alliance called Tri Cities as our FRWWTC that was once our Conservancy District. There is an attempt for the smaller communities to work with Tri Cities to service these areas. Regional Planning is trying to help facilitate getting this service to these small communities. We may want to keep an eye on this situation because it may effect us with FRWWTC.

He announced the Memorial Day Services will be on May 31st in Veterans Park at 10:00 a.m. We will have special guest from different wars to speak about their experiences.

Mr. Wafzig's Report:

He stated that there was not a MVCC meeting last month but he will be attending this months meeting on Wednesday at 7:00 p.m.

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He went on by saying he had four residents approach him that would like to be involved with CBC. He feels that volunteers would be available if dates are set for activities.

Mr. Koogle asked if he could have those names so he could contact them to volunteer for CBC; Mr. Wafzig replied that he would get them to him.

Legislation:

Introduction:

EMERGENCY ORDINANCE NO. 10-24

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

MOTION: Mr. Koogle motioned to suspend the rules on Emergency Ordinance No. 10-24, 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.**

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

MOTION: Mr. Wafzig motioned to adopt Emergency Ordinance No. 10-24, second by Mr. Johnson.

Mr. Schwaberow questioned what are the exact changes to the Budget; Mrs. Sizemore reviewed each item that was being amended.

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.**

RESOLUTION NO. 10-25

A RESOLUTION EXPRESSING THE VILLAGE OF GERMANTOWN'S INTENT TO NEGOTIATE JOINTLY WITH OTHER CITIES IN THE REGION ON ONE PRICE SCHEDULE UNDER WHICH ELECTRIC LIGHT SERVICES SHALL BE FURNISHED TO THE RESIDENTS OF THE VILLAGE FOR THE PURPOSE OF STREET LIGHTING.

Mayor Landis stated the Public Hearing will be June 7, 2010.

Public Hearing:

ORDINANCE NO. 10-22

AN ORDINANCE AMENDING SECTION 161.12(a) OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE VILLAGE OF GERMANTOWN REGARDING HOLIDAYS AND OTHER OFF DAYS.

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

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MOTION: Mr. Schwaberow motioned to adopt Ordinance No. 10-22, 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.**

RESOLUTION NO. 10-23

A RESOLUTION OFFICIALLY NAMING THE GERMANTOWN POOL THE
“GERMANTOWN AQUATIC CENTER.”

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. 10-23, second by Mr. Koogle.

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.**

OTHER BUSINESS:

EXCUSE ABSENT MEMBERS:

None.

WORK SESSION:

Retreat Items

Mrs. Sizemore asked Council for a list of Retreat Items that could be discussed during the Work Sessions of a regular meeting.

Council members gave Mrs. Sizemore a list of items they would like to see discussed during the Work Sessions of future meetings.

Other Items

A brief discussion took place regarding what to call the combined Water and Sewer Department. It was determined to call the combined department as the “Public Service Department”.

Mr. Johnson announced the Opening Day Parade for VV Base will be Friday at 5:30 p.m.

MOTION: Mr. Johnson moved to adjourn to executive session to discuss personnel matters related to the Finance Department and pending litigation, second by Mr. Koogle.

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.**

Mayor and Council adjourned to Executive Session at 8:23 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. Mike Kuhn, Mr. Edward Schwaberow and Mr. Brian Wafzig.

ALSO PRESENT:

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

The aforementioned persons discussed personnel matters related to the Finance Department and pending litigation.

Mayor and Council reconvened into Regular Session at 8:47 p.m.

A brief discussion took place regarding holiday pay (double pay and triple pay) for the Village employees. It was determined that Mrs. Sizemore would check with surrounding cities to see what their policies are and report to Council at the next meeting.

Mr. Boeder stated Council needs to stick to focus of discussion, make comments and look professional.

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