

MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, JUNE 7, 10

The Municipality of Germantown Council met in regular session on June 7, 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, Mr. Brian Wafzig and Mr. Edward Schwaberow.

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 May 17, 2010 Council Meeting minutes.

Mr. Johnson stated on page 2, second to last paragraph should read "Mr. Terry Johnson".

Mr. Boeder stated on page 4, last paragraph under Police Chief's Report should read, "going to the right of cars making a left onto North or South onto Cherry Street"

MOTION: Mr. Johnson moved to accept the May 17, 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; Mr. Schwaberow, yes; Mayor Landis, yes. 7-yes, 0-no. **MOTION CARRIED.**

PUBLIC RECOGNITION:

Margaret Phelps, Director of the Senior Center, announced that the Center will be celebrating 10 years of operation and would like to invite everyone to join the celebration.

Chief Alldred recognized the Germantown Fire/EMS members who have gone through extensive training.

Mrs. Sizemore congratulated Chief Alldred for completing his EMS, Fire One and Fire Two classes ahead of his 18-month schedule. She is very proud of him and his department for all their hard work completing their classes and passing the Fire/EMS levy.

Mayor Landis recognized Boy Scout Pack 409 for cleaning the trash and debris under the Covered Bridge. He presented each Boy Scout with a certificate of appreciation.

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CITIZEN'S FORUM:

Jennifer Neal, 35 Scott Court, stated last fall she received a letter from the Village regarding her camper in her side yard. She parks the camper on the side of her yard during the summer months. In the winter she parks it in the back yard by her shed under shelter. They camp regularly every month and she does not want to move the camper in and out and tear up the grass. Some of her neighbors have inoperative vehicles and boats on their property that have been there for years. She cannot park in her back yard because she would be closer than the three feet to her property line. She does not understand why the Village pays a company to go around and files these violations for grass, vehicles, whatever. She thinks that this is silly for the Village to pay them to do this. Her camper is neat and closed up on her property. She does not want to receive any more letters from the Village and she would like to leave it where it is.

Mr. Johnson questioned if she contacted anyone at the Village regarding the letter she received. Mrs. Neal replied that she spoke with Mrs. Novak. She showed Mrs. Novak pictures of the camper and Mrs. Novak said she would make note of it. Mrs. Neal stated this is not sitting on her front driveway.

Mr. Johnson stated that this is part of the issue we are having with our Property Maintenance Code and it was discussed at our last meeting. We are trying to stop the habitual residents and people like you are getting letters.

Mr. Koogler stated that we are looking over the new Property Maintenance Code right now. One of the problem areas that we are looking at is storing RVs. He feels that we need to have NIC talk with her personally and see what is going on. Some things are clear violations and this evidently is a gray area. He stated that we have a list of at least 10 pages long of violations in the Village. The people that you are talking about are the habitual people that drive us nuts. They will not take care of their property or their vehicles. They just do not care about the value of the property next to them. That is the problem and that is why we have a Property Maintenance Code. The old Property Maintenance Code was not doing the job so we are picking up the National Property Maintenance Code.

Mrs. Sizemore stated that NIC does not send out the letters for the RVs the Village does. If anyone has any complaints they need to contact the Village Office.

Mrs. Neal went on by saying that she has an issue with the neighbors around her home draining their sump pumps onto her and her neighbor's property. She would like to know if there is anything that can be done about this problem. There is standing water in her and her neighbor's yards. The neighbor behind her has a lake in his back yard. She showed pictures of the water in the yards to Council.

Mr. Koogler stated that this problem has been there ever since the plat was developed. He would like the new Engineer to look at this problem when they come on board.

Mr. Schwaberow stated that the problem is that when we approve a plat, all the drainage is supposed to have been worked out. Then the builders come in and start building, causing issues for the drainage. Sometimes these are government solutions, and some of these are neighbor-to-neighbor solutions. We are into the private property rights with this situation.

Mrs. Neal stated if the Village would just solve the lake problem with the property behind her property it might be resolved.

Mr. Johnson stated that you are not allowed to divert water onto someone else's property more so than it would be naturally. The question will be is this a runoff issue.

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Mr. Stoutenborough stated that there is a natural runoff coming from the other side of Ron Heights.

Mr. Schwaberow questioned if Mrs. Neal that she wants the Village to create a public improvement to satisfy your drainage problem. Mrs. Neal replied yes, but she would not want to pay if it did not affect her. He then asked if everyone in that area will be willing to pay an assessment to have this done. Mrs. Neal replied that she did not know. He went on by saying that we could probably get an Engineer to engineer a solution for this and estimate the cost.

Mrs. Neal stated that the neighbors would probably complain because she gets the brunt of the water.

Mr. Schwaberow stated that we do not want to overstep where public and private issues clash. We need to determine where our public responsibility is.

Mrs. Sizemore stated this has been an ongoing issue and she has a file on it.

Mr. Boeder stated that they have an issue with sump pumps that are discharging above the ground. If you get enough neighbors together it is very solvable. He offered to have soil and water district people come out and take a look at the situation.. As far as the Village is concerned, their decision may have to wait. There is help out there.

Mr. Stoutenborough stated that he is one of five neighbors that it impacts the most.

Mr. Boeder stated that if you read the Property Maintenance Code, you cannot discharge water from a roof, ext., ext., that becomes a public nuisance. It is right in the Property Maintenance Code. He will drop by to look at the situation.

Scott Johnson, 74 Willis Way, stated that at the last meeting we discussed what Mrs. Neal said tonight. He was asked to review the proposed Property Maintenance Code and has given Mr. Koogler his copy with his thoughts. If you look at what he has added to the proposed Property Maintenance Code, you will see that Mrs. Neal's situations would have been solved.

He went on by saying that he does not have the problem like Mrs. Neal is having with storm sewers; his is a direct runoff issue. He has had his basement flooded twice since he has lived there. The water runoff is not addressed properly in the developments in the Village. The Planning Commission needs to do more due diligence with these issues.

FINANCE DIRECTOR'S REPORT:

Mrs. Sizemore and Council reviewed the April 2010 Finance Report.

MANAGER'S REPORT:

Mrs. Sizemore stated that we are having a problem with the quarter machine at the water station. The one that we currently have is designed to take tokens, and we do not use tokens in it. People are getting a lot more water than they should be because the quarters are jamming up the machine. We need to replace the machine and it should cost \$100-\$150.

Mr. Johnson stated that the Manager should fix it however it needs to be fixed and get it running properly.

Mr. Boeder stated that he reviewed Oakwood's survey regarding the water prices in the region. We look real good on our water prices. The sewage cost is quite a bit more expensive. Is that because of a leakage in the system that we have to pay for.

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Mrs. Sizemore replied that she does not think it is a leakage issue, but it is just the cost of running the system. Our sewer rates are a bit higher than our water rates. The consumption for the sewer is based on the water rates.

She went on by saying that the water tower is to be painted as soon as they handle an emergency situation in Arizona. Culy was here today working on the water lines. They will be coming back in to renovate the site after the work is complete. At that time we will be able to look into what we want to do with the house.

She attended the Veterans Park clean up day on Saturday with the Lions Club and the Twin Valley Heritage Group. She was very impressed at how fast they got the job done and thought it looked wonderful. They will be working on Route 4 on June 12 from 8 a.m. to 12 p.m.

We received about 15 applications for the Service Director's position and Sonny Lewis and she are looking them over. We have a couple that are very qualified with their licenses and some that just are not qualified for the position.

We have hired a part-time seasonal person to do the grass mowing in the Parks and he is doing very well.

The swimming pool is going very well so far. We have sold a ton of passes. We can hardly keep up with making the passes. There were three new signs installed today at the pool with the new name and two with the Gators logo. She encouraged everyone to attend one of the Gators swim meets, they do very well and draw quite a crowd. If you hear any complaints about the pool please give the Village Office a call.

Mr. Boeder questioned the sun protection that has been spoken about at the Pool Board meetings; Mrs. Sizemore replied we have individual umbrellas now, but we are looking into a permanent shade structure. She would like to wait until the end of the season and we can make a decision on the shade fixture.

We will be receiving a report from the EPA regarding the evaluation of the different facilities. We will have some general maintenance issues that we will need to take care of. Once she receives a copy of the report she will pass it along to Council.

Mr. Schwaberow questioned if a pay rate or a job description had been determined for the Service Directors position. Mrs. Sizemore replied she used the same pay rate that Steve Fugate was receiving when he left. When checking with other jurisdictions the pay rate is very comparable.

Mrs. Sizemore stated that the Auditors should be done in two weeks.

Mr. Schwaberow questioned how First Emergency First was coming; Mrs. Sizemore replied they are doing training throughout the next couple weeks and should implement it August 1st according to Chief Alldred.

Mr. Wafzig questioned how the interviewing for the new Finance Director was going; Mrs. Sizemore replied that Tom Schiff and she have been doing some background checking. She would like to address this further in Executive Session later.

CLERK'S REPORT:

None.

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LAW DIRECTOR'S REPORT:

None.

POLICE CHIEF'S REPORT:

None.

FIRE CHIEF'S REPORT:

None.

MAYOR'S REPORT:

Mayor Landis stated that he turned onto Comstock during the pick up time for the children at the school and all the cars were coming at him. He asked Dennis Wasson to possibly put up a sign that is visible before you turn onto Comstock that states you are not allowed to turn right during the restricted hours.

Chief McGill replied that we might want to put up another sign notifying the restricted hours on Comstock. He will get with the Manager and discuss it.

Mayor Landis stated he received a letter from a young resident in the Village last week. The letter requested that we clean Cherry Street and Main Street. He wanted to let the young resident know that we received the letter and we appreciate him taking the time to write the letter.

COUNCIL MEMBER'S REPORT:

Mr. Boeder's Report:

He thanked the volunteers that helped turn the mulch in Veterans Parks.

He also thanked Mark Steiniker who worked so hard at getting the Cemetery looking so nice for the Memorial Day celebrations. It really looked great.

Wednesday at 10:00 a.m. we will be having the stencil committee meeting here in the Council Chambers. Everyone is welcome to attend.

The Census is still under way and most of the residents of the Village have been very good, but there is always the exception. He thanked all the people who have been working with the Census.

Mr. Johnson's Report:

He thanked all the volunteers who helped with the Veterans Memorial Park mulching project.

He also thanked all the volunteers who participated in the Memorial Day Celebrations. It was a great way to honor our Veterans.

He thanked Mrs. Novak for the improvements to the minutes. If anyone has any suggestions please let her know.

The June 2nd Parks Boards meetings main topic was the July 4th celebration. There is one open position on the Parks and Recreation Board and we have received one application for that position. We will wait until the beginning of July to appoint anyone to see if anyone else is interested.

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He thanked Mrs. Sizemore for her time this afternoon walking thru the Park and discussing what projects need to be done. We are going to have three stumps removed by the pool. On the way over to the pool we saw three young residents that were picking up trash in the Park. He thanked Chloe Cornett, Eli Cole and Jack Parker for the thoughtfulness of keeping our Parks clean.

We have ordered the new flags and bunting for the upcoming events. They should be here in the next week or so.

We are having a problem with baseballs and softballs being hit into the fences of the tennis courts at Kercher Park. Mrs. Sizemore is going to order signs that we can hang up informing kids not to hit the balls into the fences.

He has received complaints about not turning the cameras on after we reconvene after Executive Session.

Mr. Koogle's Report:

He attended the Economic Development meeting and Patrick Hansford will be attending the meeting next month and give us suggestions on signage and different things we can do.

They also discussed Channel 45 featuring Germantown the week of June 12th. They are visiting the local businesses to see if they would be interested in advertising. They are allowing businesses to go in together for the advertising to try to cut the cost. He gave Channel 45 information about Germantown that may be helpful for the advertising of the Village.

Mr. Kuhn's Report:

He stated that a lot of businesses went ahead with the advertising on Channel 45 and they will be getting almost a month of advertising. This will be great to get the Municipality out in the public eye.

He reminded everyone that the first Saturday Night Out would be June 19th.

Mr. Schwaberow's Report:

He was unable to attend the MVRPC meeting but Mrs. Sizemore attended on his behalf.

Mrs. Sizemore stated it was business as usual at the meeting. She was very impressed on how the meeting was run.

Mr. Wafzig's Report:

He stated that he attended at MVCC on May 19th. They are looking into an electric aggregation program and will update us more on this at the next meeting in July. The June meeting was canceled.

MVCC accepted a grant from Homeland Security for \$58,949 to update the TCSU mobile command unit.

Averageandawesome.com is a MVCC submission for the Google Fiber project. You can log your support at this website.

The next meeting for Saturday Night Out will be June 9th at the Senior Center. He encouraged everyone to attend the June 19th Saturday Night Out.

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Legislation:

Introduction:

ORDINANCE NO. 10-26

AN ORDINANCE DELETING SECTION 1129.13(e) OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE VILLAGE OF GERMANTOWN REGARDING SWIMMING POOLS/PONDS.

Mayor Landis stated the Public Hearing would be June 21, 2010.

ORDINANCE NO. 10-27

AN ORDINANCE ADDING SECTION 1129.12(f) OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE VILLAGE OF GERMANTOWN REGARDING TEMPORARY USES.

Mayor Landis stated the Public Hearing would be June 21, 2010.

Public Hearing:

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

MOTION: Mr. Koogle motioned to adopt Ordinance No. 10-25, second by Mr. Johnson

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.

OTHER BUSINESS:

EXCUSE ABSENT MEMBERS:

None.

WORK SESSION:

Update On Retreat Items

Mrs. Sizemore reviewed the list that Council had given her in the previous meeting and updated them on each item.

Other Items

Mr. Kuhn stated that he had received suggestions about having a Fall Village Garage Sale.

Mr. Wafzig stated that the Village website seems to be falling behind and we need to get a service agreement.

Mrs. Sizemore stated that Mike Dowden has been updating the site as we go along. The problem is that the computer that Mrs. Novak is using is unable to send emails. When the Auditors leave

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she will be getting their computer and we will have internet hooked up so she can email the minutes to him to upload onto the website. She would like for him to handle the updates for a while if we could.

A brief discussion took place regarding the proposed Property Maintenance Code and it was decided to have NIC at the next Work Session to discuss the Code.

MOTION: Mr. Johnson moved to adjourn to executive session to discuss personnel matters related to the Finance Department, 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.**

Mayor and Council adjourned to Executive Session at 8:37 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:

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

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

Mayor and Council reconvened into Regular Session at 9:00 p.m.

ADJOURNMENT:

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

The meeting adjourned at 9:02 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Theodore E. Landis
Mayor