

MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, AUGUST 16, 10

The Municipality of Germantown Council met in regular session on August 16, 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. Edward Schwaberow and Mr. Brian Wafzig.

MEMBERS ABSENT:

None.

ALSO PRESENT:

Also present were Anna M. Sizemore, Village Manager, Tom Schiff, Law Director; Terry Klein, Finance Director; Dan Alldred, Fire Chief; 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 August 2, 2010 Council Meeting minutes.

Mr. Boeder stated on page 2 should read "Mr. Klein."

MOTION: Mr. Schwaberow moved to accept the August 2, 2010 Council Meeting minutes as amended.

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

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

MOTION: Mr. Koogle moved to accept the August 12, 2010 Special Council Meeting minutes as submitted.

ROLL CALL: Mr. Johnson, abstain; Mr. Koogle, yes; Mr. Kuhn, abstain; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mr. Boeder, yes; Mayor Landis, yes. 5-yes, 2-abstentions. **MOTION CARRIED.**

PUBLIC RECOGNITION:

None.

CITIZEN'S FORUM:

None.

FINANCE DIRECTOR'S REPORT:

Mr. Klein stated that he has been reviewing the system and should have a report to Council soon. He is working with CMI to get accurate information for the Finance Reports.

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MANAGER'S REPORT:

Mrs. Sizemore stated that the Fire/EMS has received three donations and Council needs to accept these donations of \$50.00, \$25.00, \$1.00.

MOTION: Mr. Koogle moved to accept the donations to the Fire/EMS.

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 spoke with Rumpke regarding a hazardous waste drop off here in the Village and they are saying it will be very expensive. Rumpke suggested checking with Montgomery County to see what they propose for a hazardous waste drop off.

The trash on the Market Street hill has been cleaned up. We also had the Sheriff's Department out with a prisoner detail cleaning up the trash along Route 4.

Hickory Pointe has sold their second home for 2010.

Mr. Klein will be getting a written procedure together for CBC for handling financial issues. We will hopefully be using this procedure Village wide.

The EMS billing has been brought up again. With our agreement that we will hopefully approve tonight with GRS, Inc. EMS billing was not a problem. We will be trying to start January 1st.

She has been going over many issues with Mr. Moore. We are pulling together a lot of numbers to bring back to Council to review regarding the lift stations and priority projects.

The street programs will be on the work session agenda in September.

We did purchase 12 gently used chairs for \$10.00 each for the pool from Dayton Pool Management. This is a great savings compared to what they would cost new.

The water tower still needs the telemetry and the final hook ups done. She would like Mr. Moore to meet with them to become familiar with the tower.

Mrs. Sizemore attended the MVRPC regarding the consortium agreement that is on the agenda for tonight's legislation. They want this passed quickly so we meet the deadline. There are still a lot of questions that have not been answered. She gave Council a copy of everything that she was given in the meetings.

CLERK'S REPORT:

Mrs. Novak stated CBC does have one vacant seat and we have received two letters of intent. Council will need to vote for one as the voting member and the other as a non-voting member.

MOTION: Mr. Kuhn moved to appoint Susan Rickard to the CBC as the voting member.

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.**

MOTION: Mr. Koogle moved to appoint Melody Herbst to the CBC as the non-voting member.

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.**

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LAW DIRECTOR'S REPORT:

Tom Schiff stated that he looked into the issue with the swimming hole in the Village. He suggested that we contact the Village insurance company to see how they feel about it.

Mrs. Sizemore stated that she contacted the Village insurance company and they recommended cutting the tree down that the kids are using to swing from. They also suggested placing a sign on the tree stating that they are not allowed to swing from the tree.

POLICE CHIEF'S REPORT:

Chief McGill thanked everyone for their help with National Night Out. It went very well this year.

He thanked Chief Alldred and his department for their hard work with the critical scene on Butter Street the other night. They all did an outstanding job.

He has turned the 1980 homicide case over to the Montgomery County Cold Case Department.

He handed out the July Police Report.

FIRE CHIEF'S REPORT:

Chief Alldred reviewed the July Fire/EMS report.

He thanked GRS, Inc. for another new medic they have donated to the department.

MAYOR'S REPORT:

He attended the National Night Out and it was a great success.

He attended the FRWWC meeting with Mr. Moore last week.

COUNCIL MEMBER'S REPORT:

Mr. Boeder's Report:

He attended National Night Out and is grateful for all the equipment that is available to the residents of Germantown.

He stated that there is an issue with the Emerald Ash Borer in the cemetery's Ash Trees.

Mr. Johnson's Report:

He thanked GRS, Inc. for their recent donations to the Fire/EMS Department.

The Park Board meeting will be September 1st.

Mr. Koogle's Report:

The CBC meeting was canceled last month.

The Economic Development meeting will be August 18th.

He thanked GRS, Inc. for their generous donations of the medic to the Village.

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Mr. Kuhn's Report:

He thanked the Fire/EMS department for coming out for the training on propane emergencies.

Mr. Schwaberow's Report:

He recommended that Council approve a Resolution for the Dupp's Company celebrating 75 years.

Mayor Landis stated that Mrs. Novak is working on a Proclamation for the Dupp's celebration.

Mr. Wafzig's Report:

He announced that Saturday Night Out would be August 21st.

He reported on the Time Warner Cable negotiation with certain channels.

Legislation:

Introduction:

EMERGENCY ORDINANCE NO. 10-34

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON THE LOTS OF THE VILLAGE OF GERMANTOWN TO PAY THE COST AND EXPENSES OF FURNISHING AND MAINTAINING A STREET LIGHTING SYSTEM FOR 2011 IN THE VILLAGE OF GERMANTOWN, AND DECLARING AN EMERGENCY.

MOTION: Mr. Johnson motioned to suspend the rules on Emergency Ordinance No. 10-34.

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

MOTION: Mr. Johnson motioned to adopt Emergency Ordinance No. 10-34.

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.

EMERGENCY RESOLUTION NO. 10-35

A RESOLUTION TO AUTHORIZE THE VILLAGE MANAGER TO ENTER INTO THE MIAMI VALLEY REGIONAL PLAN FOR SUSTAINABLE DEVELOPMENT CONSORTIUM PARTNERSHIP AGREEMENT, AND DECLARING AN EMERGENCY.

MOTION: Mr. Koogle motioned to suspend the rules on Emergency Resolution No. 10-35.

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. Johnson motioned to adopt Emergency Resolution No. 10-35.

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ROLL CALL: Mr. Koogle, yes; Mr. Kuhn, yes; Mr. Schwaberow, no; Mr. Wafzig, yes; Mr. Boeder, yes; Mr. Johnson, yes; Mayor Landis, yes. 6-yes, 1-no. MOTION CARRIED.

Public Hearing:

ORDINANCE NO. 10-32

AN ORDINANCE VACATING SECTION 161.06(e) OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE VILLAGE OF GERMANTOWN REGARDING ON-CALL DUTY.

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. 10-32.

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.

RESOLUTION NO. 10-33

A RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SIGN THE EMS FUNDING AGREEMENT.

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. 10-33.

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.

OTHER BUSINESS:

EXCUSE ABSENT MEMBERS:

None.

WORK SESSION:

Employee/Volunteer Picnic.

Mrs. Sizemore stated she sent out notices in all the employee paychecks and we got 9 yes and 13 no's.

Council discussed different options they could do for the Village Employees and Volunteers. It was determined that they will think about the ideas and reevaluate this at a later date.

Other Business.

Council Retreat.

Council discussed having another retreat to discuss this years and next year's goals. It was determined that the Manager give Council a copy of the last retreat list with comments to Council by the next Council meeting.

MOTION: Mr. Johnson moved to adjourn to Executive Session to discuss imminent litigation regarding a zoning violation.

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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 8:17 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 imminent litigation regarding a zoning violation.

MOTION: Mr. Kuhn motioned to return to regular session, second by Mr. Koogle.

VOICE VOTE ON MOTION. ALL IN FAVOR. MOTION CARRIED.

Mayor and Council reconvened into Regular Session at 8:44 p.m.

ADJOURNMENT:

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

The meeting adjourned at 8:45 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Theodore E. Landis
Mayor