

MUNICIPALITY OF GERMANTOWN COUNCIL

MONDAY, OCTOBER 4, 10

The Municipality of Germantown Council met in regular session on October 4, 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; Roy McGill, Chief of Police; Matt Burns, Police Major; Kelli Sanders-Novak, Clerk of Council; Randy Benson, Township Trustee, Ben DeGroat, Township Trustee, Greg Hanahan, Township Trustee, Bob Rohrbach, and several visitors.

MEETING WITH TOWNSHIP TRUSTEES:

Mr. Benson called the Township Meeting to order.

Road Levy

Council and the Township discussed the upcoming road levy. The upcoming road levy is a renewal not a replacement. This levy is used for the Village and the Township roads and signs. We will advertise the levy on Channel 5, on the reader board and on the Village website.

2010 Pool Season

Mrs. Sizemore reviewed the 2010 pool season with Council and the Township Trustees. She stated that there are still a few more bills that have to be paid and we will get the final numbers to everyone after those have been paid. The Pool Board would like to see us use Dayton Pool Management for the 2011 pool season. This year we did a lot of the capital improvements such as the drainage project, signage, and improvement on the appearance. Next year we may want to improve the inside area of the pool including a permanent shade structure. We did purchase some used chairs and tables from another local pool for a very reasonable price.

All agreed the next combined meeting will be held December 13th at 7:00 p.m. at the Township building. At that meeting they would like to discuss the Parks levy.

The meeting adjourned at 7:28 p.m.

APPROVAL OF MINUTES:

Mayor and Council reviewed the September 20, 2010 Council Meeting minutes.

Mr. Boeder stated that he would like his report re-written with the submittal that was given to Mrs. Novak.

MOTION: Mr. Koogle moved to accept the September 20, 2010 Council Meeting minutes as amended.

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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.

PUBLIC RECOGNITION:

Chief McGill presented Corporal Neil B. Moreland a plaque for 25 years of dedicated service with the Germantown Police Department.

CITIZEN'S FORUM:

Mike Henne, Republican candidate for the 36th House, introduced himself to Council and addressing the communities that the 36th House represents. If he is elected he would like to go to the State with ideas that would help the community. He asked if there was any relief that they can give the Village such as prevailing wage.

Scott Johnson, 74 Willis Way, questioned the percentage of the Road Levy that is generated by Village residents.

Mr. Koogle replied that it is how the 54/46 percent was determined. This was determined previously and it was based on the population of the Village and the Township.

Scott Johnson questioned Mr. Schwaberow, Mr. Boeder and Mr. Wafzig regarding their no votes for him on his Personnel Board application a few weeks ago. He has heard no reason as to why they voted no.

Mr. Schwaberow questioned if Scott Johnson would like their explanation to be public or in writing.

Scott Johnson replied that Mr. Schwaberow could go ahead with his explanation.

Mr. Schwaberow replied that when Scott Johnson served on Council he was quite combative. He felt that the importance of the Personnel issue that is coming up required people with a more level temper.

Scott Johnson stated that he would have rather heard that explanation than nothing at all.

Mr. Boeder replied that he was turned down for the Personnel Board but he was put on the Planning Commission.

Scott Johnson stated it was the BZA not the Planning Commission.

Mr. Boeder stated that he felt that we needed some different people to look at this particular issue with a fresh look versus people who are more directly involved in it at the beginning.

Scott Johnson stated that he cannot comment on that because he does not know what the issue is.

Mr. Wafzig stated that he agreed with Mr. Boeder and Mr. Schwaberow. We were looking for someone apart from the situation and this employee.

Scott Johnson stated that he appreciates what they had to say but he would have liked it better if he was told and did not have to come and ask them. In the future they need to give someone the common courtesy if this ever happens again.

Mr. Boeder stated that Scott Johnson knows where he lives.

Mr. Johnson replied that he did not know where Mr. Boeder lives.

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Mr. Boeder replied that he lives on Lindell Drive and that Scott Johnson has driven by his home. His phone number is on the website and feel free to call him anytime or stop in at his house.

Scott Johnson stated that he appreciates everyone giving him an answer. He felt put off because there was an Executive Session held before the vote. He was sure it was to discuss the matter and then the vote came with no answer as to why the votes were no. He has attended every meeting since that night and no one has said a word. Any citizen that finds themselves in this position deserves to know why they were not selected.

Mr. Schwaberow added that since Scott Johnson served on Council he knows that we do get a number of applications for jobs here. We have to weigh the application to the qualifications for each particular situation and see if they are a good fit. We do not accept everyone that applies for every position.

FINANCE DIRECTOR'S REPORT:

Mr. Klein reviewed the budget calendar for the 2011 budget.

MANAGER'S REPORT:

Mrs. Sizemore stated that the Fire/EMS and Police have received a donation and Council needs to accept this donation of \$126.50. This donation will be equally divided between all three departments.

MOTION: Mr. Johnson moved to accept the donations to the Fire/EMS and Police Department.

ROLL CALL: Mr. Boeder, yes; Mr. Johnson, yes; Mr. Koogler, yes; Mr. Kuhn, yes; Mr. Schwaberow, yes; Mr. Wafzig, yes; Mayor Landis, yes. 7-yes, 0-no. **MOTION CARRIED.**

Mrs. Sizemore stated that Kuhn Hardware had donated paint to label the storm drains that were not able to be decal'd.

MOTION: Mr. Boeder moved to accept the donation for the paint used to paint the storm drains.

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

Mrs. Sizemore reviewed her report.

CLERK'S REPORT:

None.

LAW DIRECTOR'S REPORT:

Tom Schiff updated Council regarding the agreement with Community Harvest Church. At this time they are satisfied and their questions have been answered.

He has been discussing the Weber Complex issue for the last few days with Mrs. Sizemore and his paralegal. It appears that the parcel in question was not part of the original transaction. He has written a letter to the lawyer of the estate to try to get additional information and is waiting for a response.

Tom Schiff stated that Mr. Boeder had questioned the damage to the McDonald's property a few meetings ago. He has copies of the letter he sent to McDonald's lawyers back in May 2007 if

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Council would like a copy. He has never received any specific explanation of what was supposedly damaged.

He sent letters to the two bidders on the seeding contract. He has not received any feedback yet. He explained in the letters that we were not rewarding the bid at this time due to the specs and that we would like to have the new Engineer look at the project.

POLICE CHIEF'S REPORT:

None.

FIRE CHIEF'S REPORT:

None.

MAYOR'S REPORT:

Mayor Landis announced that Trick-or-Treat would be Saturday, October 30th.

COUNCIL MEMBER'S REPORT:

Mr. Boeder's Report:

He met with Mark Steineker at the cemetery to discuss the erosion issues on the back side of the cemetery.

Mr. Johnson's Report:

He congratulated and thanked Neil Moreland for his 25 years of service with the Police Department.

The Park Board meeting will be October 6th.

He would like to discuss the Valley View reconfiguration during the Work Session of the meeting.

Mr. Koogle's Report:

The Senior Oversight meeting will be October 7th.

Mr. Kuhn's Report:

He announced the Oktoberfest 5k will be October 16th in the Village.

Mr. Schwaberow's Report:

He will be attending the MVRPC meeting on October 7th and will have a report at the next meeting.

Mr. Wafzig's Report:

None.

Legislation:

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Introduction:

EMERGENCY RESOLUTION NO. 10-38

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, AND DECLARING AN EMERGENCY.

MOTION: Mr. Koogle motioned to suspend the rules on Emergency Resolution No. 10-38.

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. Schwaberow motioned to adopt Emergency Resolution No. 10-38.

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. 10-39

A RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO, 451 WEST THIRD STREET, P.O. BOX 972, DAYTON, OHIO 45422 FOR EMERGENCY DISPATCH SERVICES IN A CONSOLIDATED EMERGENCY COMMUNICATIONS CENTER AS OPERATED BY THE MONTGOMERY COUNTY SHERIFF.

Mayor Landis stated the Public Hearing would be October 18, 2010.

Public Hearing:

RESOLUTION NO. 10-37

A RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH MORTON SALT, 123 NORTH WACKER DRIVE, CHICAGO, IL 60606-1743 FOR THE PURCHASE OF HIGHWAY ROCK SALT IN THE AMOUNT OF \$63.55 PER TON.

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

MOTION: Mr. Koogle motioned to adopt Resolution No. 10-37.

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.

OTHER BUSINESS:

EXCUSE ABSENT MEMBERS:

None.

WORK SESSION:

Other Business.

Mr. Johnson requested a brief recess and left Council Chambers at 8:23 p.m.

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Council reconvened at 8:26p.m.

Valley View Reconfiguration.

Council discussed the reconfiguration plans. They announced the dates of the upcoming meetings for the reconfiguration at the Valley View Schools. The Village will also put the meeting dates on Channel 5.

ADJOURNMENT:

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

The meeting adjourned at 8:39 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council

Theodore E. Landis
Mayor