

City of Montgomery
City Council Business Session Minutes
March 1, 2006

Present

Cheryl Hilvert, City Manager
Terry Donnellon, Law Director
Susan Hamm, Clerk of Council
Wayne Davis, Finance Director
Bob Nikula, Public Works Director
Don Simpson, Police Chief
Matthew Vanderhorst, Information Technology
Paul Wright, Fire Chief

Council Members Present

Gerri Harbison, Mayor
Mark Combs
Barry Joffe
William Niehaus
Lynda Roesch
Ken Suer

Council Member Absent

Todd Steinbrink

Council convened in Council Chambers at 7:00 p.m. with Mayor Harbison presiding.

ROLL CALL

Mayor Harbison asked that the roll be called.

The roll was called and showed the following Council Members present:

PRESENT: Harbison, Combs, Joffe, Niehaus, Roesch, Suer
ABSENT: Steinbrink

Mayor Harbison noted that Mr. Steinbrink had indicated at the February 1, 2006 business session that he would be absent at this meeting due to business. She asked for a motion to excuse Mr. Steinbrink.

Ms. Roesch moved to excuse Mr. Steinbrink. Mr. Combs seconded. City Council unanimously excused Mr. Steinbrink.

ADMINISTRATION REPORT

Ms. Hilvert reported on the following items:

- Just a reminder, that City Council has two (2) public hearings scheduled for April 5, 2006 prior to the business session. The first public hearing is scheduled for 5:30 p.m. on the Vintage Club PUD application and rezoning request. The second public hearing is scheduled for 6:30 p.m. on the rezoning of properties in the Old Montgomery Gateway District.
- The meeting on the dog park issue is scheduled for Thursday, March 9, 2006 at 6:30 p.m. at City Hall. The report from the staff and the dog park advisory group was forwarded to City Council and the Parks and Recreation Commission on Friday, February 24, 2006. On Monday, February 27, 2006, the report was placed on City's website.
- The Financial Planning Committee of City Council will meet at City Hall on Monday, March 6, 2006 at 4:30 p.m.

- The Planning, Zoning and Landmarks Committee of City Council has cancelled its regularly scheduled meeting for the month of March, however, there is a special meeting of the Planning, Zoning and Landmarks Committee and the Planning Commission on Monday, March 20, 2006 at 5:30 p.m.
- Updated 2006 Operating and Capital Budget sheets, showing the actual figures for 2005, have been placed at everyone's seat.

Ms. Hilvert requested a brief executive session to discuss matters regarding labor negotiations.

GUESTS AND RESIDENTS

There were no residents or guests to address Council tonight.

COMMUNICATIONS

There were no communications to present tonight.

MINUTES

Mr. Joffe moved to approve the minutes from the January 18, 2006 Work Session and February 1, 2006 Business Session. Mr. Combs seconded. City Council unanimously approved the minutes.

LEGISLATION FOR CONSIDERATION TONIGHT

Pending Legislation

An Ordinance Extending Gateway Interim Development Control Overlay District

Mr. Combs read the ordinance in title only and moved passage. Mr. Niehaus seconded.

Mr. Combs explained that, on March 23, 2005, City Council adopted Ordinance No. 3, 2005 creating a one-year Interim Gateway Overlay District to protect the Heritage District and the Old Montgomery District by restricting development in the proposed Gateway area on an interim basis while the City completed its planning study for the area. He further explained that since the one-year interim district is about to expire, it is necessary for the designation to be extended to permit the adoption of the new Old Montgomery Zoning District regulations, which are currently being reviewed by Planning Commission. Therefore, this ordinance would extend the existing Gateway Interim Development Control Overlay District for an additional six (6) months while the Planning Commission finishes its review of the Montgomery Gateway Plan and permanent zoning legislation.

The roll was called and showed the following vote:

AYE: Harbison, Combs, Joffe, Niehaus, Roesch, Suer	(6)
NAY:	(0)
ABSENT: Steinbrink	(1)

New Legislation

A Resolution Terminating Streetlight Installation Program

Mr. Niehaus moved to read the resolution by title only. Ms. Roesch seconded. City Council unanimously agreed.

Mr. Niehaus read the resolution by title only and moved passage. Mr. Joffe seconded.

Mr. Niehaus explained if approved, this resolution would terminate the Neighborhood Safety Incentive Program for the installation of decorative electric streetlights through a petition and assessment process. He further explained that the Public Works Committee of City Council has reviewed this program and has recommended to City Council that this resolution be terminated because of the amount of staff time required to administer the program, the lack of use by residents, potential cost to the City, and the availability of similar service through Cinergy.

The roll was called and showed the following vote:

AYE: Harbison, Combs, Joffe, Niehaus, Roesch, Suer	(6)
NAY:	(0)
ABSENT: Steinbrink	(1)

An Ordinance Enacting and Adopting the 2006 Recodification to the Code of Ordinance and Declaring an Emergency

Mr. Joffe moved to read the ordinance by title only. Ms. Roesch seconded. City Council unanimously agreed.

Mr. Joffe read the ordinance by title only and moved to suspend the rules requiring reading of the ordinance on three separate occasions. Ms. Roesch seconded.

The roll was called and showed the following vote:

AYE: Harbison, Combs, Joffe, Niehaus, Roesch, Suer	(6)
NAY:	(0)
ABSENT: Steinbrink	(1)

Mr. Joffe moved passage of the ordinance. Ms. Roesch seconded.

Mr. Joffe explained that this ordinance, if approved, would update the Code of Ordinances within the City through the close of calendar year 2005, which included ordinances adopted over the past two (2) years and State Law changes, which impact the City's traffic and criminal enforcement.

The roll was called and showed the following vote:

AYE: Harbison, Combs, Joffe, Niehaus, Roesch, Suer	(6)
NAY:	(0)
ABSENT: Steinbrink	(1)

An Ordinance Amending Chapter 154: *Water Management, Sediment Control and Flood Damage Prevention*

Mr. Suer moved to read the ordinance by title only. Ms. Roesch seconded. City Council unanimously agreed.

Mr. Suer read the ordinance by title only and moved passage of the 1st reading. Mr. Combs seconded.

Mr. Suer explained that if approved, this ordinance will amend Chapter 154 of the Montgomery Code of Ordinances: “*Water Management, Sediment Control and Flood Damage Prevention*” He further explained that these amendments include changes and updates to define those times when requirements for protective measures to control erosion and provide sedimentation controls during construction projects are required. While the recommended changes would simply replace existing regulations; the adoption of these revisions will strengthen the City’s Construction Site Runoff Control measures, which is one of the six (6) minimum control categories federally mandated by the NPDES Phase II Stormwater Regulations. He also explained that this ordinance has been reviewed by the Planning Commission and the Planning, Zoning and Landmarks Committee of City Council and has been forwarded to City Council for its consideration.

The roll was called and showed the following vote:

AYE: Harbison, Combs, Joffe, Niehaus, Roesch, Suer	(6)
NAY:	(0)
ABSENT: Steinbrink	(1)

An Ordinance Adopting Amendments to the Montgomery Zoning Code

Mr. Combs moved to read the ordinance by title only. Mr. Suer seconded. City Council unanimously agreed.

Mr. Combs read the ordinance by title only and moved passage of the 1st reading. Ms. Roesch seconded.

Mr. Combs noted that this ordinance, if approved, would amend Chapter 150 and 151 of the City of Montgomery Zoning Code. He further noted that these changes include modifications to language for panhandle lots, heights of building foundations, and regulations on residential cluster developments. He also noted that this ordinance has been reviewed by the Planning Commission and the Planning, Zoning and Landmarks Committee of City Council and has been forwarded to City Council for its consideration.

The roll was called and showed the following vote:

AYE: Harbison, Combs, Joffe, Niehaus, Roesch, Suer	(6)
NAY:	(0)
ABSENT: Steinbrink	(1)

An Ordinance Adopting Gateway District Regulations

Mr. Suer moved to read the ordinance by title only. Mr. Niehaus seconded. City Council unanimously agreed.

Mr. Suer read the ordinance by title only and moved passage of the 1st reading. Mr. Niehaus seconded.

Mr. Suer explained that if approved, this ordinance would adopt an amendment to the City of Montgomery Zoning Code. He further explained that Chapter 151.15 would establish the Old Montgomery Gateway District (OMG) regulations. He also explained that this ordinance has been reviewed by the Planning Commission and

the Planning, Zoning and Landmarks Committee of City Council and has been forwarded to City Council for its consideration.

Mr. Joseph Trauth Jr., representative for Bearcreek Capital, explained that his client is concerned with the height and building footprint regulations, however, they will find a way to work within those regulations. However, his client is concerned with Section 151.1511 (b) (1) Surface Parking, which states that surface parking should be limited to no more than 30% of the site area. He further explained that the City's consultant stated that during the review process of these regulations, the limitation could be allowed at 40% of the site area. The proposed regulations that surface parking should be limited to no more than 30% is low and will require applicants to request a variance. He questioned how the figure of 30% was arrived at. He recommended that City Council consider changing the regulation to no more than 40% of the site area.

Mr. Donnellon explained that the Planning Commission recommended that surface parking should be limited to no more than 30% of the site area. He acknowledged that there was some discussion with the consultant to increase the allowable percentage to 40%, and both the consultant and Bearcreek Capital Corporation presented exhibits showing that on site parking averaged between 40-45% in the Heritage District. He suggested that more information be obtained from the consultant on this matter. He also explained that the ordinance could be amended during the 2nd or 3rd reading of the ordinance.

Mr. Suer asked if there was a way that this information could be translated into how many cars.

The roll was called and showed the following vote:

AYE: Harbison, Combs, Joffe, Niehaus, Roesch, Suer	(6)
NAY:	(0)
ABSENT: Steinbrink	(1)

Mr. Combs moved to place the following pieces of legislation on the March 22, 2006 work session for consideration that night. Mr. Niehaus seconded. City Council unanimously agreed.

An Ordinance Amending Chapter 154: Water Management, Sediment Control and Flood Damage Prevention (2nd Reading)

An Ordinance Adopting Amendments to the Montgomery Zoning Code (2nd Reading)

An Ordinance Adopting Gateway District Regulations (2nd Reading)

COUNCIL COMMITTEE REPORTS

Mayor's Court Report

Mayor Harbison reported that the total Mayor's Court collections for the month of February, 2006 were \$15,370.00.

Ms. Roesch moved to accept the Mayor's Court collections for the month of February, 2006. Mr. Joffe seconded. City Council unanimously accepted the collections.

Financial Planning

Mr. Combs had nothing to report at this time.

Governmental Affairs

Mr. Suer reported on the following items:

- Discussions on Bastille Day Drink Sales –The Committee discussed the recommendation of the Bastille Day Committee on drink sales at the event. The Committee is recommending to the Bastille Day Committee that a service organization will solely handle the drink sales and the restaurants will solely handle the sale of food.
- Expansion Of Environmental Advisory Group – The Committee discussed one of two options related to the Environmental Advisory Group. One option was to continue the Environmental Advisory Group as an advisory group and to extend the term of the group beyond its expiration date of May 31, 2006 or to convert the Environmental Advisory Group to a permanent commission of the City. The Committee agreed that the Environmental Advisory Group should be converted to a permanent commission of the City.
- Restructuring Proposal to the Public Works and Community Development Departments - Staff presented to the Committee a proposal to restructure the Public Works and Community Development Departments to create enhanced customer service and also to provide critical staff backup for the senior staff level positions. This proposal would result in a restructuring of two city positions and the creation of one new position. The committee agreed that this was a proposal and would enhance customer service and provide the necessary staff backup need. This proposal will require City Council approval in the form of revised wage and salary legislation to approve the new/modified positions. The committee is recommending the proposal and the approval of the revised wage and salary legislation.

Mr. Suer indicated that the Government Affairs Committee of City Council would like to recommend that Ms. Kathy Hollo be reappointed to the Arts Commission for a term expiring February 28, 2009. City Council unanimously approved the reappointment of Ms. Kathy Hollo.

Ms. Roesch indicated that the Government Affairs Committee of City Council would like to recommend that Ms. Lisa Pellegrino be reappointed to the Arts Commission for a term expiring February 28, 2009. City Council unanimously approved the reappointment of Ms. Lisa Pellegrino.

Public Works

Mr. Niehaus had nothing to report at this time.

Parks & Recreation

Ms. Roesch indicated that the Parks and Recreation Committee of City Council would like to recommend that Ms. Kathy Goldenberg be reappointed to the Parks & Recreation Commission for a term expiring January 31, 2009. City Council unanimously approved the reappointment of Ms. Kathy Goldenberg.

Law & Safety

Mr. Joffe indicated that the Law and Safety Committee of City Council would like to recommend that Ms.

Diana Haaser be appointed to the Civil Service Commission for a term expiring January 31, 2008. City Council unanimously approved the appointment of Ms. Diana Haaser.

Mr. Joffe stated that the Law & Safety Committee of City Council would like to recommend that Mr. Bill Brown be appointed to the Civil Service Commission for a term expiring January 31, 2009. City Council unanimously approved the appointment of Mr. Bill Brown.

Planning, Zoning & Landmarks

Mr. Suer indicated that the Planning, Zoning & Landmarks Committee would like to recommend that Mr. Chuck Kenny be reappointed to the Board of Zoning Appeal for a term expiring January 31, 2010. City Council unanimously approved the appointment of Mr. Chuck Kenny.

OTHER BUSINESS

Mayor Harbison asked if there was any further business to discuss in public session. There being none, she asked for a motion to adjourn into executive session to discuss matters regarding labor negotiations.

Mr. Suer moved to adjourn into executive session to discuss matters regarding labor negotiations. Mr. Combs seconded.

The vote was called and showed the following:

AYES: Harbison, Combs, Joffe, Niehaus, Roesch,, Suer	(6)
NAYS:	(0)
ABSENT: Steinbrink	(1)

City Council adjourned into executive session at 7:45 p.m.

City Council reconvened into public session at 7:51 p.m.

Mayor Harbison asked if there was any further business to discuss in public session. There being none, she asked for a motion to adjourn.

Ms. Roesch moved to adjourn. Mr. Niehaus seconded.

Council unanimously agreed.

Council adjourned at 7:52 p.m.