

City of Montgomery
City Council Business Session Minutes
April 5, 2006

Present

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

City Council Members Present

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

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

ROLL CALL

Mayor Harbison asked for a motion to dispense with the roll call since everyone was in attendance.

Mr. Steinbrink moved to dispense with the roll call. Mr. Joffe seconded. City Council unanimously agreed.

ADMINISTRATION REPORT

Ms. Hilvert reported on the following items:

- Four (4) Board/Commission Chair Updates have been scheduled for the April 19, 2006 work session, beginning at 6:00 p.m.
- The Planning, Zoning and Landmarks Committee of City Council met and discussed the City's Comprehensive Plan. The Committee decided it would like to complete the new plan by the end of 2006. It also decided that an "ad hoc" group should be formed that would include City Council and Planning Commission members, as well as, staff to complete the review.
- Congratulations are extended to Susan Hamm and Matthew Vanderhorst, both of whom will be receiving Public Administrator of the Year Awards from the Cincinnati Chapter of the American Society of Public Administration. Susan will be receiving the award in the Administrative Support category and Matthew will receive the award in the Early Careerist category. A luncheon banquet honoring the award winners will be held on Friday, April 28th. Congratulations to Susan and Matthew on these well deserved awards.
- Just a reminder that the City Council is scheduled to meet on Monday, June 12, 2006 at 5:30 p.m. at City Hall to review the Strategic Plan Implementation strategies.
- The City will meet in another mediation session with the Montgomery firefighters on Friday, April 14, 2006.
- Congratulations to the Police Department on the "Caught in the Web" internet presentation at Sycamore High School. This presentation has generated positive comments from several attendees.

GUESTS AND RESIDENTS

There were no residents or guests to address Council tonight.

COMMUNICATIONS

There were no communications to present tonight.

MINUTES

Ms. Roesch moved to approve the minutes from the February 15, 2006 Work Session and March 1, 2006 Business Session. Mr. Suer seconded. City Council unanimously approved the minutes.

LEGISLATION FOR CONSIDERATION TONIGHT

Pending Legislation

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

Mr. Suer read the ordinance by title only and moved passage. Mr. Steinbrink 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, Steinbrink, Suer	(7)
NAY:		(0)
ABSENT:		(0)

An Ordinance Adopting Amendments to the Montgomery Zoning Code

Mr. Combs read the ordinance by title only and moved passage. Mr. Joffe 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, Steinbrink, Suer	(7)
NAY:		(0)
ABSENT:		(0)

An Ordinance Adopting Gateway District Regulations

Mr. Donnellon explained that at the last meeting, there was some confusion regarding the approval and amendments to the Gateway District regulations. He further explained that he was concerned that he made a mistake at the end of the process and would prefer to err on the side of caution to have this zoning legislation appropriately approved. He also explained that the first amendment to the legislation was approved, but the regulations as amended did not obtain the necessary 5 to 2 approval. Therefore, it was necessary to return this matter to the Council agenda for approval. As City Council had not voted upon the second reading without the amendment, it was appropriate for Mr. Suer to make a motion to approve the legislation for a second reading and it was then appropriate to entertain the second amendment, which was ultimately adopted. The mistake occurred when he suggested to Ms. Roesch that she make a motion to reconsider the ordinance as approved. This motion was seconded and the next vote from Council was unanimous in its approval. Unfortunately, this being a motion for reconsideration was not a motion for approval as amended. Therefore, he believed that City Council did not have the appropriate second reading approval of the ordinance as amended in our minutes. This is not a fatal mistake in the process, but will only require City Council to hold the second reading at the April 5th meeting, and the third reading on April 19th. It will not delay the process, as we are separately tracking the ordinance to rezone the properties into the Gateway District, which will be on the agenda for first reading April 5th. As a result, the legislation of rezoning the properties will be approved in May and if we revisit this process on the district regulations, we will have our third and final reading on April 19th.

Mr. Suer read the ordinance by title only and moved passage of the 2nd reading. Mr. Steinbrink 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.

The roll was called and showed the following vote:

AYE:	Harbison, Combs, Joffe, Niehaus, Roesch, Steinbrink, Suer	(7)
NAY:		(0)
ABSENT:		(0)

New Legislation

A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with Terry Asphalt Materials, Inc. for the 2006 Bituminous “Black Mat” Surfacing Project

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 that if approved, this resolution would authorize the City Manager to enter into a contract with Terry Asphalt Materials, Inc. for the Bituminous "Black Mat" Surfacing Project. He further explained that Montgomery Road from Perin Road to Taulman Alley and East Kemper Road from 300' west of Acrewood Drive to the east Corporation limits were the two (2) streets selected for this year's project. He also explained that funding for this project is planned in the 2006 Capital Improvement Budget, 2006 Street Maintenance Operating Budget and the 2006 State Highway Operating Budget and is within the budgetary estimate for the project.

The roll was called and showed the following vote:

AYE:	Harbison, Combs, Joffe, Niehaus, Roesch, Steinbrink, Suer	(7)
NAY:		(0)
ABSENT:		(0)

A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with Trend Construction for the Construction of the Tollgate Lane Sidewalk Project

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

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

Ms. Roesch explained that this resolution, if approved, would authorize the City Manager to enter into a contract with Trend Construction for the construction of the Tollgate Lane Sidewalk Project. He further explained that this is 6th year of a multi-year construction plan for sidewalk installation on various streets throughout the City. He also explained that this sidewalk project would be constructed along the west side of Tollgate Lane between Schoolhouse Lane and Mitchellfarm Lane.

The roll was called and showed the following vote:

AYE:	Harbison, Combs, Joffe, Niehaus, Roesch, Steinbrink, Suer	(7)
NAY:		(0)
ABSENT:		(0)

A Resolution Accepting a Bid and Authorizing Lawn Mowing Contracts in the City of Montgomery During 2006

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

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

Mr. Joffe explained that if approved, this resolution would authorize the City Manager to enter into contracts for lawn mowing services in the City during 2006. He further explained that historically, the City has advertised for bids and subsequently entered into contracts for mowing of specified public parks and public property in the community. Once again in 2006, interested bidders were allowed the option of submitting a bid for mowing any

or all of the individual parcels. Staff has reviewed all bids and contractor references and has established that each company is equipped and staffed to complete the mowing work specified. Therefore, staff is recommending that KMB Lawn and Landscaping be awarded a contract for mowing of the Montgomery Safety Center, Pfeiffer Park and Pfeiffer Road Gateway Falls; The Planted Earth Lawn and Landscape for the mowing of Dulle Park, Montgomery Park, Pioneer Park, Swaim Park, Weller Park, the Montgomery Road Medians and the Municipal Swimming Pool; and Merkle Lawn Care Company for the mowing of Hopewell Cemetery..

The roll was called and showed the following vote:

AYE: Harbison, Combs, Joffe, Niehaus, Roesch, Steinbrink, Suer (7)
NAY: (0)
ABSENT: (0)

An Ordinance Establishing Schedules of Municipal Compensation

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

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

Mr. Suer explained that staff has been working for some time on a plan to restructure the Public Works and Community Development Departments to create enhanced customer service and also to provide critical staff backup for some of our senior staff level positions. He further explained that this proposal would split the current responsibilities of the Assistant Zoning Administrator/Code Compliance Officer. A portion of this position's responsibilities would be housed in the new position of City Planner and the balance of the responsibilities would be transferred to a re-titled position called Construction and Code Compliance Officer that would also include some responsibilities from the Project Manager/Inspection position. The Project Manager/Inspector position would be upgraded to the position of Assistant Public Works Director and would be responsible for the supervision of the construction and code compliance function, as well as, other activities and backup for the Public Works Director. He also explained that this proposal would result in a restructuring of two (2) City positions and the creation of one (1) new position. To implement the new/modified positions, it will be necessary for City Council to approve this ordinance, revising the wages and salaries.

The roll was called and showed the following vote:

AYE: Harbison, Combs, Joffe, Niehaus, Roesch, Steinbrink, Suer (7)
NAY: (0)
ABSENT: (0)

Mr. Suer moved to place the following pieces of legislation on the April 19, 2006 work session for consideration that night. Mr. Combs seconded. City Council unanimously agreed.

An Ordinance Establishing the Environmental Advisory Commission

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. Niehaus seconded.

Mr. Suer explained that if approved, this ordinance would, establish the Environmental Advisory Commission.

The roll was called and showed the following vote:

AYE: Harbison, Combs, Joffe, Niehaus, Roesch, Steinbrink, Suer	(7)
NAY:	(0)
ABSENT:	(0)

Ms. Roesch moved to place the following piece of legislation on the April 19, 2006 work session for consideration that night. Mr. Steinbrink seconded. City Council unanimously agreed.

An Ordinance Rezoning Property Abutting Montgomery Road and Main Street From a Point South of Cooper Road to Ronald Reagan Cross County Highway

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

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

Mr. Combs explained that if approved, this ordinance would rezone 21 parcels located along Montgomery Road and Main Street between Cooper Road and Cross County Highway from "GB" General Business to "OMG" Old Montgomery Gateway and to rescind the designation as part of the Heritage Overlay District. He further explained that this would be the final step in the process creating the appropriate land usage regulation for this property as identified in the September, 2005 *Gateway Area Plan* conducted by McBride Dale Clarion.

The roll was called and showed the following vote:

AYE: Harbison, Combs, Joffe, Niehaus, Roesch, Steinbrink, Suer	(7)
NAY:	(0)
ABSENT:	(0)

Mr. Combs moved to place the following piece of legislation on the April 19, 2006 work session for consideration that night. Mr. Joffe seconded. City Council unanimously agreed.

An Ordinance Rezoning Property Fronting Montgomery Road and Kemper Road and Approving an Application for a Planned Unit Development Overlay District and General Development Plan for such Property

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

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

Mr. Steinbrink explained that this ordinance, if approved, would rezone portions of a seventy acre tract owned by the Archdiocese of Cincinnati and create a Planned Unit Development Overlay over the entire parcel, consistent with the General Development Plan and accompanying conditions. He further explained that this will allow development of the property by Great Traditions for a mixed use of residential, office and commercial development on this vacant land.

The roll was called and showed the following vote:

AYE: Harbison, Combs, Joffe, Niehaus, Roesch, Steinbrink, Suer	(7)
NAY:	(0)
ABSENT:	(0)

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

COUNCIL COMMITTEE REPORTS

Mayor's Court Report

Mayor Harbison reported that the total Mayor's Court collections for the month of March, 2006 were \$11,086.50.

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

Financial Planning

Mr. Combs had nothing to report at this time.

Ms. Hilvert explained that in November, Ohio voters will face a proposal called the Tax Expenditure Limitation (TEL). This proposal caps all local government expenditures at the rate of population growth, plus the rate of the consumer price index or 3.5% per year. To exceed the cap, a local government has to go to the voter for their support annually. That support must equal a majority of registered voters in the jurisdiction, not a majority of those voting on Election Day. She further explained that she will be working with several City Managers to develop talking points and a brochure to be used to educate the public on this proposal.

Mr. Steinbrink noted that this amendment will have devastating effects on local governments in terms of spending and taxation. He further noted that it is important that the public be educated on this amendment.

Ms. Roesch suggested that City Council consider holding a town forum in the fall to educate the public on this amendment.

Governmental Affairs

Mr. Suer noted that City Council held a meet and greet session in January. He suggested that City Council schedule a follow-up session.

City Council agreed to schedule the meet and greet follow-up session on Tuesday, May 2, 2006 at 5:30 p.m.

Public Works

Mr. Niehaus had nothing to report at this time.

Parks & Recreation

Ms. Roesch had nothing to report at this time.

Law & Safety

Mr. Joffe had nothing to report at this time.

Planning, Zoning & Landmarks

Mr. Steinbrink had nothing to report at this time.

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.

Mr. Steinbrink moved to adjourn. Mr. Joffe seconded.

Council unanimously agreed.

Council adjourned at 7:52 p.m.

Clerk of Council