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City of Montgomery
City Council Business Session Minutes
April 4, 2007

Present

Cheryl Hilvert, City Manager
Terry Donnellon, Law Director
Evelyn Dumont, Acting Clerk of Council
Wayne Davis, Assistant City Manager
Bob Nikula, Public Works Director
Paul Wright, Fire Chief
Don Simpson, Police Chief
Peter Hames, Finance Director

Council Members Present

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

Council Member Absent

Lynda Roesch

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, Steinbrink, Suer
ABSENT: Roesch

Mayor Harbison noted that Ms. Roesch was absent due to business. She asked for a motion to excuse Ms. Roesch.

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

GUESTS AND RESIDENTS

There were no residents or guests to address council tonight.

MINUTES

Mr. Steinbrink moved to approve the minutes from the February 21, 2007 work session and March 7, 2007 business session. Mr. Combs seconded. City Council unanimously approved the minutes.

LEGISLATION FOR CONSIDERATION TONIGHT

Pending Legislation

An Ordinance Amending Section 50.02 of the Code of Ordinances Governing the Disposal of Real Estate Pursuant to an Urban Renewal/Urban Redevelopment Plan or Through the Montgomery Community Improvement Corporation (2nd Reading)

Mr. Steinbrink read the ordinance in title only and moved passage of the second reading. Mr. Suer seconded.

54 Mr. Steinbrink explained that if approved, this ordinance will amend Section 50.02 of the Code of Ordinances
55 governing the disposal of real estate. He further explained that this amendment will not impact separate
56 restrictions governing property devoted to parks, recreation areas, greenbelts, or other preserves. If property is
57 acquired through an urban renewal plan and it is the intent of the city to sell the property through such a plan,
58 this Chapter of the Code would prevail.
59

60 Mr. Donnellon noted that the city has always had the ability to dispose of real estate through the Montgomery
61 Community Improvement Corporation. In fact, past City Councils have acquired and sold property through the
62 Community Improvement Corporation. He further noted that this is an implied authority within the Code and it
63 has never presented an obstacle; however, it is important that the city clarify this issue now so there are no title
64 questions in the future as to the authority of City Council or the Community Improvement Corporation to
65 dispose of real estate.
66

67 The roll was called and showed the following vote:

68
69 AYE: Combs, Joffe, Harbison, Niehaus, Suer, Steinbrink (6)
70 NAY: (0)
71 ABSENT: Roesch (1)
72

73 **New Legislation**

74
75 **A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with Brock &
76 Sons, Inc. for the Construction of the Jolain Drive Sidewalk Project**
77

78 Mr. Niehaus moved that this resolution be read in title only. Mr. Suer seconded and the motion passed
79 unanimously.
80

81 Mr. Niehaus read the resolution in title only and moved passage. Mr. Combs seconded.
82

83 Mr. Niehaus explained that if approved, this resolution will accept a bid and authorize the City Manager to enter
84 into a contract with Brock & Sons, Inc. for the construction of the Jolain Drive Sidewalk. He further explained
85 that this five foot wide concrete sidewalk will serve as a pedestrian connection along the north side of Jolain Drive
86 between Tollgate Lane and Knollbrook Terrace. He also explained that this project is in the amount of \$104,322
87 and is included in the city's capital improvement program for 2007 and is within the budgetary estimate for the
88 project.
89

90 The roll was called and showed the following vote:

91
92 AYE: Combs, Joffe, Harbison, Niehaus, Suer, Steinbrink (6)
93 NAY: (0)
94 ABSENT: Roesch (1)
95

96 **A Resolution Authorizing an Agreement Between the City of Montgomery and the Board of Hamilton
97 County Commissioners Relative to the Improvement of Remington Road from Montgomery Road to the
98 Montgomery/Indian Hill Corporation Limits**
99

100 Mr. Combs moved that this resolution be read in title only. Mr. Suer seconded and the motion passed
101 unanimously.

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Mr. Combs read the resolution in title only and moved passage. Mr. Steinbrink seconded.

Mr. Combs explained that this resolution, if approved, would authorize the City Manger to enter into an agreement with the Board of Hamilton County Commissioners for roadway and traffic improvements on Remington Road east of Montgomery Road extending to the Montgomery/Indian Hill corporation limits. He further explained that staff submitted an application to the Hamilton County Engineer for this project, which will improve the roadway drainage, pavement resurfacing and associated improvements to Remington Road. This project application requested funding approval through the Municipal Road Fund (MRF), which identifies specific roadways within the City of Montgomery that are included on the Comprehensive Map of the Roadways of Hamilton County that are eligible for the funding of improvement projects through the MRF. He also explained that if a contract is recommended and authorized, the proposed project improvements then become eligible for funding of \$85,750 provided through the Municipal Road Fund, which is administered through the Hamilton County Commissioners and Hamilton County Engineer.

The roll was called and showed the following vote:

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

A Resolution Adopting Rules and Procedures for Council

Mr. Suers moved that this resolution be read in title only. Mr. Joffe seconded and the motion passed unanimously.

Mr. Suer read the resolution in title only and moved passage. Mr. Steinbrink seconded.

Mr. Suer noted that this resolution, if approved, would amend the Rules and Procedures of City Council. He further noted that recently, the Government Affairs Committee undertook a review of the current City Council Rules of Procedure. He also noted that this is normally a housekeeping function to review the rules, however, after reviewing the rules with staff, the committee has recommended updating the rules to refine the process for developing and publishing minutes, clarifying what rules apply to Boards and Commissions, clarifying the process for legislation to be presented to City Council, and updating meeting procedures governing audience participation.

The roll was called and showed the following vote:

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

A Ordinance Amending Ordinance No. 20, 2006, Which Ordinance Established the Procedure for the Receipt and Disposition of Personal Property

Mr. Suers moved that this ordinance be read in title only. Mr. Joffe seconded and the motion passed unanimously.

150 Mr. Suer read the ordinance in title only and moved passage. Mr. Niehaus seconded.
151

152 Mr. Suer explained if approved, this ordinance will amend Ordinance No. 20, 2006, establishing the procedure
153 for receipt and disposition of personal property. He further explained that periodically, the city is contacted by
154 other governments who express interest in surplus property including fire department equipment and police
155 vehicles. Often, these are governments that have limited financial ability to purchase new equipment and rely
156 on cities such as the City of Montgomery for their vehicles and equipment. He also explained that the current
157 surplus property ordinance does not provide for such a direct sale of property to governmental units and staff
158 would like to suggest that this manner of disposal be added to our opportunities to dispose of surplus property.
159

160 Mrs. Ricci, 10360 Pendery Drive, asked how the reasonable value would be determined and if this was a good
161 way to obtain a great value for the City.
162

163 Mr. Suer indicated that reasonable value would be the recommended exchange price from the staff and approved
164 by the Government Affairs Committee of Council.
165

166 The roll was called and showed the following vote:
167

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

171
172 **An Ordinance Granting an Access Easement Within Safety Center Lot to Twin Lakes In Ohio, Not For**
173 **Profit Corporation**
174

175 Mr. Steinbrink read the ordinance in its entirety and moved passage of the first reading. Mr. Niehaus seconded.
176

177 Mr. Steinbrink explained that if approved, this ordinance would grant an ingress/egress easement to Twin Lakes
178 for its development on Montgomery Road, south of the Safety Center. He further explained that on February
179 19, 2007, the Planning Commission approved the final development plan for Twin Lakes proposed new garden
180 homes on the undeveloped property south of the Safety Center. As part of the site plan, a private drive is to
181 access Montgomery Road across from its intersection with Forestglen Drive. In order to properly align the
182 intersection and provide an appropriate turning radius for cars exiting the drive traveling north, the radius
183 encroaches onto the southwest corner of the Safety Center property. He also explained that Twin Lakes is
184 requesting that the City grant Twin Lakes this access easement of .028 acres (1,240 sq. ft.) to allow construction
185 of the access drive.
186

187 Mrs. Crittenden, 9869 Forestglen Drive, questioned who wrote the language of the ordinance.
188

189 Mr. Donnellon indicated that he did and that if anyone has any suggestions for language changes, City Council
190 has the ability to change wording of legislation prior to adopting it at the third reading and he encouraged any
191 such proposed language changes to be forwarded to Susan Hamm.
192

193 Mayor Harbison stated that any such change would have to be approved by Terry Donnellon to ensure that it is
194 legal.
195

196 Mr. Ricci, 10360 Pendery Drive, suggested counting the number of trees that will be lost to determine the value
197 of the easement.

198

199 Mr. Davis stated that there are three (3) trees in the easement area and that the rest of the area is grassy.

200

201 Mr. Bertsch, 10609 Convo Court, asked if the access points on Montgomery Road would be limited.

202

203 Ms. Hilvert stated that a lot of study has gone into access points along Montgomery Road and that this proposed
204 development follows in that line of thinking in that it will consolidate access to three homes into one access
205 point on Montgomery Road.

206

207 Mr. Bertsch asked about the amount of greenspace that would be lost as a result of this development.

208

209 Ms. Hilvert explained that this property is privately owned and that the owner of the property has the right to
210 develop their property within the parameters of the established zoning, which the proposed development does
211 comply.

212

213 Mr. Billmann, 10215 Pendery Drive, stated that the city needs to conserve greenspace, needs to give value to the
214 taxpayers for the property, referenced the traffic volumes on Montgomery Road and asked if there is a viable
215 alternative location and asked for a commitment from the City Council that no four-way stop would be
216 permitted.

217

218 Ms. Hilvert again stated that the property is not owned by the city, and referenced to Mr. Donnellon's comments
219 regarding the granting of easements in the city. She further stated that no viable alternative to the proposed
220 location of the access has been identified. She also stated that, as to the four way stop, there are no traffic
221 control devices currently planned for this location.

222

223 Mr. Skopin, 9863 Forestglen Drive, asked what the value of the proposed development currently is in its
224 undeveloped state and also what the property owners are paying now in property taxes on an annual basis.

225

226 Mayor. Harbison responded that this information is available on the Hamilton County Auditor's website and that
227 if Mr. Skopin does not have access to a computer, that someone on staff would be happy to help him to get the
228 information.

229

230 Mrs. Ash, 9841 Forestglen Drive, indicated that the city engineer did not say that this was the preferred access
231 point. Frank Davis indicated that CDS studied three different access points and that they indicated that the
232 access point across from Forestglen was completely acceptable.

233

234 Mr. Simendinger, 9911 Forestglen Drive, discussed the number of people on Forestglen that are against this and
235 asked City Council to go and talk to the people on Forestglen.

236

237 Ms. Hilvert responded that the meetings of all city boards and commissions are open to the public and that the
238 public has the ability to communicate with them at any time via phone, email, or regular mail, in addition to
239 voicing opinions at these meetings.

240

241 Mr. Adams expressed concerns about a traffic control device at the intersection of Montgomery and Forestglen.

242

243 Ms. Hilvert reiterated that there are no such devices contemplated for this location at this time.

244

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245 Mr. Combs talked about all the study that has gone into both comprehensive planning along Montgomery Road
246 and also the more recent study by CDS on this specific area to determine the best and safest planning for traffic
247 in this area. He stated that the property owners of the proposed development have complied with the city's
248 zoning and other requirements for development of this property and that even though the outcome might not be
249 desirable to everyone, the city has to make its decision based on all of these factors.

250
251 Mr. Suer stated that the actual size of the proposed easement is roughly the size of the city hall council
252 chambers, and that not all of that area would be paved area. He also agreed with the comments that Mr. Combs
253 made relative to this decision being a difficult and unpopular one while still being the best option for the city to
254 pursue.

255
256 Mr. Niehaus stated that he agreed with Mr. Combs and Mr. Suer and then asked if the easement is not granted,
257 could the development still go forward. Mr. Donnellon responded to this question by saying that the developers
258 could still go forward with the development but with less desirable access points, one being a substantial cut in
259 the median, making a second cut through in addition to Forestglen, the other being a right turn in, right turn out
260 option which would force people to use the Forestglen median cut as a u-turn.

261
262 Mr. Joffe stated that he appreciated the questions put forth by the residents and that he feels that the answers to
263 these questions went a long way to correct misinformation and misunderstanding among some of the residents.

264
265 Mr. Steinbrink stated that development along Montgomery Road has been a concern of councils of Montgomery
266 for decades and that many studies have been done to ensure that the best decisions are made for the City of
267 Montgomery as a whole, and stated that in this case, even though several residents in the Forestglen subdivision
268 are not happy with the proposed development and/or access to it, Council has to base its decision on what is best
269 and safest for the community as a whole.

270
271 Mayor Harbison stated that she wants people to understand that Council does not make decisions like the one
272 being discussed tonight lightly. She stated that this issue has been under consideration for over ten months, and
273 that the public has had the opportunity to be involved all through this process. She stated that she was affronted
274 by a comment made by a resident in the audience earlier in the evening to the effect that Council doesn't make
275 an effort to listen to citizens. She stated that not only do citizens have the opportunity to come to council,
276 planning and all other board and commission meetings, but they also have access to telephone numbers, email
277 addresses or regular mail to contact council, board and commission members, and that Council has made itself
278 available to interested residents on the Forestglen issue to answer questions and discuss options with them.

279
280 She then asked for comments from the audience.

281
282 Ms. Rauf, 9861 Forestglen, stated that she welcomes Twin Lakes to the community, and stated that she is
283 opposed to the access for Twin Lakes being across from Forestglen based on safety issues.

284
285 Mr. Burch, stated that he appreciates the discussion that has gone on tonight, but wanted to share a suggestion
286 that the access to the new development be limited to the 13 new homes being proposed and not opened up to any
287 further development by Twin Lakes down the road.

288
289 Mr. Donnellon responded that the proposed easement does do that, and that if any new proposed development
290 that would need access over this easement would have to go through the same approval process as this access
291 proposal and that the city would have the ability to limit it to the original 13 homes.

292

293 Mr. Sharp, 10262 Montgomery Road, stated that he has to make right turns out of and into his driveway because
294 of the median on Montgomery Road. He stated that the access to Twin Lakes being across from Forestglen will
295 create a dangerous situation and stated that he thinks that a right turn-in right turn-out option would be better for
296 the residents of this new section of Twin Lakes.

297
298 Mr. McCracken, 9850 Forestglen, asked about the easement being proposed. Mr. Donnellon provided an
299 explanation of how the easement will be filed. Mr. McCracken stated that he does not believe that the city has
300 done enough study on this proposal to come up with a solution other than the one under consideration.

301
302 Mr. Skopin stated that he feels that council should go to the developer and ask them to not develop the property
303 so that the greenspace could be preserved.

304
305 The roll was called and showed the following vote:

306
307 AYE: Combs, Joffe, Harbison, Niehaus, Suer, Steinbrink (6)
308 NAY: (0)
309 ABSENT: Roesch (1)

310
311 **ADMINISTRATION REPORT**

312
313 Ms. Hilvert reported on the following items:

- 314
- 315 • As a reminder, the City Hall Open House will be held on Saturday, April 14, 2007 from 9:00 a.m. until
316 noon in conjunction with our Tax Office Extended Hours Program. This open house will represent an
317 opportunity for citizen outreach and communications and any interested City Council or staff member is
318 welcome to lend a hand for part or all of the open house. The format will be informal discussion,
319 display of information on city projects/services and the opportunity for questions and answers for any
320 interested citizen who attends.
 - 321
322 • Board and Commission Chair updates will begin Wednesday, April 18, 2007. This program is designed
323 to enhance communication between City Council and the Board and Commissions and features a 15
324 minute update from the Chair of each board and commission.
 - 325
326 • Officer Tom Wagner and Officer Paul Payne were selected to receive the Greater Cincinnati ASPA
327 (American Society for Public Administration) award for "Individual Contribution of the year." These
328 officers were selected for their continuing work with the "Caught in the Web" program. The award will
329 be presented during an April awards luncheon. Congratulations to Tom and Paul on their receipt of this
330 award.
 - 331
332 • 2007 Financial Disclosure Statements are due to the Ohio Ethic Commission on or before April 17,
333 2007.
 - 334
335 • City Council received an invitation from the City of Blue to participate in their Memorial Day Parade.
336 If anyone is planning on participate, let Susan Hamm know and she will RSVP for everyone.
 - 337
338 • The Service Department has completed the second round of special brush collections and will begin the
339 spring brush collection program on April 16, 2007.
- 340

341 Ms. Hilvert explained that Mr. Combs had suggested that the Remington Road Project be moved up to 2007 so
342 that it could be coordinated with the Ohio Department of Transportation's Remington Road project. She further
343 explained that staff has contacted the Ohio Department of Transportation on combining the two projects into one
344 project and were told that this could happen, however the two projects could be coordinated as far as the timing
345 of the construction and completion dates. She also explained that City Council would have to adopt an
346 ordinance modifying the appropriation ordinance to appropriate the necessary funds to complete this project.

347
348 Ms. Hilvert requested an executive session to discuss matters related to the purchase of real estate and labor
349 negotiations.

350
351 **MAYOR'S COURT REPORT**

352
353 Mrs. Harbison reported that the total Mayor's Court collections for the month of March, 2007 were \$15,782.

354
355 Mr. Steinbrink moved to accept the Mayor's Court collections for the month of March, 2007. Mr. Combs
356 seconded. City Council unanimously accepted the collections.

357
358 **OTHER BUSINESS**

359
360 **Appointment to the Civil Service Commission**

361
362 Mr. Joffe moved to appoint Mr. James Ryerson to the Civil Service Commission for a term expiring January 31,
363 2010.

364
365 City Council unanimously approved the appointment of Mr. Ryerson to the Civil Service Commission.

366
367 Mayor Harbison asked if there was any further business to discuss in public session. There being none, she
368 asked for a motion to adjourn into executive session to discuss matters related to the purchase of real estate and
369 labor negotiations.

370
371 Mr. Steinbrink moved to adjourn into executive session to discuss matters related to the purchase of real estate
372 and labor negotiations. Mr. Niehaus seconded.

373
374 The roll was called and showed the following vote:

375
376 AYE: Harbison, Combs, Joffe, Niehaus, Steinbrink, Suer (6)
377 NAY: (0)
378 ABSENT: Roesch (1)

379
380 City Council adjourned into executive session to discuss matters related to the purchase of real estate and labor
381 negotiations at 9:17 p.m.

382
383 City Council reconvened into public session at 9:38 p.m.

384
385 Mayor Harbison asked if there was any further business to discuss in public session. There being none, she
386 asked for a motion to adjourn.

387
388 Mr. Steinbrink moved to adjourn. Mr. Niehaus seconded.

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389
390 City Council unanimously agreed.
391
392 City Council adjourned at 9:39 p.m.
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397

Clerk of Council