

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53

City of Montgomery
City Council Business Session Minutes
December 5, 2007

Present

Cheryl Hilvert, City Manager
Terry Donnellon, Law Director
Susan Hamm, Clerk of Council
Frank Davis, Community Development Director
Wayne Davis, Assistant City Manager
Amber Morris, Recreation Director
Bob Nikula, Public Works Director
Don Simpson, Police Chief
Matthew Vanderhorst, Customer Service Director
Paul Wright, Fire Chief

Council Members Present

Gerri Harbison, Mayor
Mark Combs
Vicki Hirsch
Barry Joffe
Ken Suer
Lynda Roesch
Todd Steinbrink

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. Combs seconded. City Council unanimously agreed.

SPECIAL PRESENTATION

A Certificate of Appreciation to Bill Niehaus

Mr. Steinbrink read the certificate in its entirety.

Mr. Steinbrink explained that this certificate of appreciation recognizes Mr. Niehaus' many years of service with the City of Montgomery as a member of City Council and a member of various boards and commissions.

Mr. Steinbrink presented Mr. Niehaus with a gift basket and a memory shadow box which included the certificate, a key to the City of Montgomery, photographs, and his name plate.

Mr. Niehaus stated that it has been an honor and privilege to work for the residents of Montgomery and specifically the present City Council. He further stated that this City Council has gone through some contentious times, but it has strengthened the community and the government. He also stated that he felt that Mrs. Hirsch would be a great addition to City Council.

Ms. Roesch noted that Mr. Niehaus has been the collective institutional memory of this body and he was never afraid to play the history card. She further noted that when difficult issues came before City Council, Mr. Niehaus always told it like it is or like it was and he was never afraid to educate people on what the facts were back in those days and what happened and what he did helped City Council formulate the right response and a right position. She also noted that the highest tribute that you can pay to someone is that they made a difference and she felt that Mr. Niehaus had made a difference.

Mr. Joffe stated one of things that has struck him about Mr. Niehaus was his straight forwardness and telling it like it is. He further stated that Mr. Niehaus was also able to look at things and cut through some of the fluff to see the issue and address it as it stands.

54
55 Mr. Combs indicated that he found himself drawing upon Mr. Niehaus' experience and he will miss that
56 guidance.

57
58 Mr. Suer noted that Mr. Niehaus has volunteered for the City of Montgomery and has been involved with the
59 City for many years. He further noted that Mr. Niehaus will be missed.

60
61 Mrs. Hirsch stated that Mr. Niehaus is a grassroots American and that it is very difficult in today's world to
62 maintain that value system and that stature that you hold within you. She further stated that she would do her
63 best to make him proud of her actions.

64
65 Mayor Harbison indicated that City Council will miss Mr. Niehaus' historic perspective that he brought to City
66 Council. She further indicated that she hoped that Mr. Niehaus will continue to be around to help the City out
67 on special projects, as other former Mayors and City Council members do.

68
69 Ms. Hilvert noted that on, behalf of the staff, it has been a pleasure working with him. She further noted that
70 Mr. Niehaus has a wonderful commitment to the City; a great institutional knowledge; and a great historical
71 perspective which has always help staff to do their jobs. She also noted that most all staff will miss his
72 friendship.

73
74 Mr. Donnellon stated that it has been a pleasure working with him.

75
76 **GUESTS AND RESIDENTS**

77
78 There were no residents or guests to address City Council tonight.

79
80 **LEGISLATION FOR CONSIDERATION TONIGHT**

81
82 **Pending Legislation**

83
84 **An Ordinance to Make Appropriations for Current Expenses and Other Expenditures of the City of**
85 **Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2008**

86
87 Mr. Combs read the ordinance by title only and moved passage of the ordinance. Mr. Steinbrink seconded.

88
89 Mr. Combs stated that the ordinance has been amended to reflect a reduction in the Legal Administration fund
90 by \$250,000. He further stated that this amount was budgeted for use in the event that Issue 36, the natural
91 parkland initiative petition, passed in the November 6, 2007 election. Since it did not pass, it is appropriate to
92 reduce the proposed appropriation by this amount.

93
94 Mr. Combs moved to accept the amendment as proposed. Ms. Roesch seconded. City Council unanimously
95 approved the amendment.

96
97 Mr. Combs explained that if approved, this ordinance would represent the appropriation ordinance establishing
98 the City's budget for the year 2008. He further explained that on September 5, 2007, the Financial Planning
99 Committee of City Council completed its review of the 2008 operating and capital budget and five year capital
100 improvement program. He also explained that City Council conducted an in-depth review of the 2008 operating
101 and capital budget and five year capital improvement program on October 4, 2007.

102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150

Mrs. Liz Ricci, 10360 Penderly Drive, asked about the decline in the reserve balance and at what extent it would cause the City to start looking at taxes as a way to maintain a sufficient level of reserves over the projected four years.

Ms. Hilvert explained that the general fund balance is declining over time and a major factor of that is the anticipated reduction or elimination of the estate tax by the State of Ohio in 2009. She further explained that this is a bit of an unknown, because the City originally thought it was going to occur in 2007, but it did not. She also explained that the budget is prepared based upon the elimination, hence this is a large contributor to the decline in the fund balance. She noted that the fund balance at the end of 2012 is estimated to be about five months, which is very close to the targeted fund policy of between six to twelve months in the general fund. She further noted that as it has been for the past ten years, she tends to be fairly conservative with how the budget is prepared at the staff level; both in terms of revenues that are anticipated, as well as expenditures. She also noted that she is optimistic that at the end of 2012, barring any type of loss of a major employer or the loss of any additional funding sources, that the City will be within that fund balance target that it has set. Traditionally, the expenditures tend to be about 90% at year end, of what has been budgeted and that is due to the process relative to making purchases; justifying purchases; and justifying filling of vacant positions. She stated that there is a decline in the general fund balance; however, there is room in those five years in the Capital Improvement programs that if things do not materialize as they should with revenue, that there are a number of capital improvement projects that can be reduced. She further stated that she feels fairly comfortable with where the City is with the budget and staff has seen some trends like this before in previous budgets, and have come out where the City is today.

Mrs. Ricci noted that the estate tax was estimated at \$300,000 per year.

Ms. Hilvert indicated that was what staff budgets.

Mrs. Ricci asked what it runs and what does the City get every year.

Ms. Hilvert stated that it depends on who dies and what they have when they do.

Mrs. Ricci asked roughly what the City received over the past five years.

Mr. Combs indicated that not to many years ago, the City received \$1.3 million. He further indicated that it fluctuates.

Mrs. Ricci stated that generally, the top line projections that the City has made are very conservative and she hoped the City would be better and she thought that was a good stance. She further stated that the \$300,000 is not a big driver, it is the fact that the City continues to budget the spending at normal levels and she guessed that the City would need to cut. She also stated that it just seemed to be such a shift in where the City wanted to maintain the reserves, being closer to the full year average versus the five month, which just seemed to be out of synch with that.

Ms. Hilvert explained that the targeted policy is six to twelve months of operating expenditures plus transfers and has been that way since 2001. She further explained that the City has built that balance in the last few years, due to a couple of great years in terms of earning tax collections; however, the City is not having a great year this year. There have been a couple of years of high estate tax. She also explained that in 2006, there were a number of positions that were vacant for a part of or all the year.

151 The roll was called and showed the following vote:

152
153 AYE: Combs, Hirsch, Joffe, Harbison, Roesch, Suer, Steinbrink (7)
154 NAY: (0)
155 ABSENT: (0)
156

157 **New Legislation**

158
159 **A Resolution Adopting a Five-Year Capital Improvement Program for the City of Montgomery**

160
161 Mr. Suer moved to read the resolution by title only. Mr. Combs seconded. City Council unanimously agreed.

162
163 Mr. Suer read the resolution by title only and moved passage. Mr. Combs seconded.

164
165 Mr. Suer noted that if approved, this resolution would adopt the City's proposed Five-Year Capital
166 Improvement Program. He further noted that this program was reviewed by City Council as a companion piece
167 to the proposed 2008 Operating and Capital Budget.

168
169 The roll was called and showed the following vote:

170
171 AYE: Combs, Hirsch, Joffe, Harbison, Roesch, Suer, Steinbrink (7)
172 NAY: (0)
173 ABSENT: (0)
174

175 **A Resolution Authorizing the City Manager to enter into a Labor Agreement with the Fraternal Order of**
176 **Police Ohio Valley Lodge Number 112, for Wage and Benefits from July 1, 2007 through June 30, 2010**

177
178 Mr. Joffe moved to read the resolution by title only. Mr. Steinbrink seconded. City Council unanimously agreed.

179
180 Mr. Joffe read the resolution by title only and moved passage. Ms. Roesch seconded.

181
182 Mr. Joffe explained that this resolution, if approved, would authorize the City Manager to enter into a labor
183 agreement with the FOP for wage and benefits from July 1, 2007 through June 30, 2010. He further explained that
184 the City administration has been conducting negotiations with the FOP over last several months. City Council will
185 recall that they adopted the report of the Fact Finder and also authorized the negotiating team to go back to the
186 table with the FOP to fine tune and tweak a few additional items. He also explained that City Council did go
187 through those in detail at the previous work session. He highlighted the following key points:

- 188 • Three year labor agreement running from July 1, 2007 to June 30, 2010;
- 189 • The wage increases would 3%, 3.5% and 3.5% for those three years respectively;
- 190 • Included in the wage structure was a modified pay step structure that increased the number of steps from
191 three to five;
- 192 • Decreased the percentage between the steps, so that it would be more in line with the City's performance
193 based pay system;
- 194 • Higher starting wage for the position of patrol officer;
- 195 • New bonus system for employees who have reached the top of their pay range;
- 196 • There would a 6% cap for the medical health insurance and 3% for the dental insurance;
- 197 • Additional \$0.35 per hour will be added to the range of detective to compensate for the time they are on
198 call.

- 247
- 248
- 249
- 250
- 251
- 252
- 253
- 254
- 255
- 256
- 257
- 258
- 259
- The City had a bit of a test today on the snow and ice removal operations and the City did pretty well; it is always a transition moving into that type of operation. The City did not receive any complaints. Congratulations to Mr. Nikula and his staff for all the work that they do when it gets to be this time of year. Mr. Nikula did send out an email to City Council members and staff summarizing the basic snow and ice removal operations; the prioritization streets; and how the City gets to those streets.
 - Reminder of the memorial service for the 25th anniversary of the FBI airplane crash will be held on Sunday, December 16, 2007 at 2:00 p.m. at St. Barnabas Church.
 - Thanks to all who participated in the tree lighting ceremony on Saturday, December 2, 2007; to the Service Department, Woman Club, and all the volunteers who have made the downtown beautiful; and to Joyce Yock and the staff for all the work they put into the Volunteer dinner.

260 **MAYOR'S COURT REPORT**

261

262 Mayor Harbison reported that the total Mayor's Court collections for the month of November, 2007 were

263 \$16,754.

264

265 Mr. Suer moved to accept the Mayor's Court collections for the month of November, 2007. Mr. Steinbrink

266 seconded. City Council unanimously accepted the collections.

267

268 **OTHER BUSINESS**

269

270 Mayor Harbison noted that the Clerk of Council has provided everyone with a preferred contact form. She

271 asked that everyone please complete the form and return it to the Clerk. She further noted as the Mayor and

272 Vice Mayor positions are reorganized, so are the City Council Committees. She asked that the City Council

273 members please get their preferences for committees to her by December 19, 2007.

274

275 Mr. Suer explained that the following City Council members have agreed to prepare the 2008 City Council

276 Corner article:

- 277
- Mrs. Hirsch - January
- 278 Mr. Suer - February;
- 279 Ms. Roesch - March;
- 280 Mr. Combs - April;
- 281 Mr. Joffe - May
- 282 Mr. Steinbrink - June
- 283 Mayor Harbison - July

284

285 Mr. Combs explained the Financial Planning Committee of City Council met on Monday, December 3, 2007,

286 and reviewed the annual budgetary "housekeeping" ordinance. He further explained that this ordinance is

287 designed to address any budget areas that have exceeded their original appropriations and must have additional

288 funds appropriated. He also explained that there are various budget areas that will need supplemental

289 appropriations prior to year end. He noted that this ordinance will be ready for City Council's consideration at

290 the December 19, 2007, work session.

291

292 Mr. Combs moved to place the following ordinance on the December 19, 2007 work session agenda for

293 consideration and adoption that night. Mr. Suer seconded. City Council unanimously agreed.

294

295 **An Ordinance to Amend General Appropriations for Current Expenses and Other Expenditures of the**
296 **City of Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2007**
297

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

300
301 Mr. Steinbrink moved to adjourn. Mr. Combs seconded.

302
303 City Council unanimously agreed.

304
305 City Council adjourned at 7:45 p.m.

306
307
308
309

Clerk of Council