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City of Montgomery
City Council Business Session Minutes
June 27, 2007

Present

Cheryl Hilvert, City Manager
Terry Donnellon, Law Director
Susan Hamm, Clerk of Council
Frank Davis, Community Development Director
Peter Hames, Finance Director
Bob Nikula, Public Works Director
Amber Morris, Recreation Director

Council Members Present

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

Council Member Absent

Barry Joffe

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, Niehaus, Roesch, Steinbrink, Suer
ABSENT: Joffe

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

Mr. Steinbrink moved to excuse Mr. Joffe. Mr. Suer seconded. City Council unanimously excused Mr. Joffe.

GUESTS AND RESIDENTS

There were no residents or guests to address council tonight.

LEGISLATION FOR CONSIDERATION TONIGHT

Pending Legislation

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

Mr. Combs read the ordinance by title only and moved passage. Mr. Suer seconded.

Mr. Combs explained that if approved this ordinance will amend various budget areas that need supplemental appropriations prior to year end. He further explained that the budget needs to be amended to allow for the construction and repair to Remington Road in 2007, as opposed to the planned construction in 2008, so that the project can be coordinated with the ODOT-Indian Hill project for Remington Road. He also explained that the ordinance will also include other amendments, such as the re-appropriating of funds for the Triangle Plaza project, a transfer of funds for the municipal pool from the former enterprise fund into the new special revenue fund, and an appropriation of additional funds from the Ohio National TIF for the Sycamore School District.

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The roll was called and showed the following vote:

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

An Ordinance Adopting Goals and Policies for a Montgomery Comprehensive Community Plan

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

Mr. Steinbrink explained that if approved this ordinance will establish the goals and policies for the Montgomery Comprehensive Community Plan. He further explained that in 2006, it had become apparent that while many of the basic principles of the 1986 plan were still applicable, it was time to update and modernize the document. The Planning, Zoning and Landmarks Committee of City Council directed staff to assemble a committee to work on this initiative. It was agreed that the three members of the Planning, Zoning and Landmarks Committee would serve, along with three members of the Planning Commission, the Law Director, and the Mayor. The Committee decided that since the City of Montgomery is essentially built out, that the update could be more of an expansion of the 1986 plan with some additional categories and some basic demographic data. It was also agreed that the parks component be delayed until the completion of the parks and recreation master plan. A section on the history of Montgomery was included to provide context for the plan. He also explained that after a thorough review, the Planning Commission suggested certain modifications and then voted unanimously to forward the plan to City Council with a recommendation that the plan be adopted with the modifications.

Ms. Connie Pillich, 9910 Forestglen Drive, indicated that she didn't really know what the final draft said, however she does have some questions about how City Council is recognizing some of the goals of the strategic plan, which is to keep property residential between Schoolhouse Lane and Radabaugh Drive with some of the language that was in the draft version of the comprehensive plan. She further indicated that the comprehensive plan indicates that City Council would like to reconsider whether those properties should stay residential or not.

Mr. Steinbrink indicated that this is part of the subject of the Interim Development Control study. He further indicated that the recommendation can change based on the results of the study and all the various planning techniques that the city has been reviewing.

Ms. Pillich stated that it seemed to her that the strategic plan and the comprehensive plan contradict each other in that area.

Mr. Suer asked where the contradiction was located to which she was referring.

Mr. Donnellon indicated that it might be helpful if Ms. Pillich received a copy of the plan that was under consideration, so she could comment on the actual language.

Ms. Pillich indicated that it would be really helpful, because the language she was looking at might have been taken out already. She further indicated that what she was looking at was in the strategic plan from 2006, goal 2, strategy 1, which is to promote the residential character of Montgomery Road from Schoolhouse to Radabaugh. She further indicated that there are several places in the draft version of the comprehensive plan, dated April 2007, page 15, which states that the city will evaluate areas in the city, where the "A" residential zoning maybe restricting reinvestment in the proper maintenance of properties. She further indicated that was among the current

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102 issues impacting single family residences and she knew that has been under consideration as part of the area that
103 was considered by the IDC. She also indicated that she was wondering if that had changed.

104
105 Mr. Steinbrink explained that D-2 and D-3 zoning is residential zoning, and that it is just a higher density
106 residential zoning than single family zoning. He further explained that promoting the residential character by
107 offering D-2 and D-3 housing, which is what the city is looking into in the study and part of the discussions going
108 on, is residential.

109
110 Ms. Pillich noted that residential "A" would be the single family, which is on Montgomery Road on the west side
111 of the road and also north of Hopewell Road.

112
113 Mr. Suer explained that, as far as those single family homes, he could say he knows that there is some speculation
114 by people that the City Council has some desire to eliminate those single family homes. He further explained that
115 he made a comment one time to some of Ms. Pillich's Forestglen neighbors that he could envision this perhaps
116 happening: that some of those single family houses are rental properties right now and some of those houses, in his
117 personal opinion, have not been kept up to fine standards as rental properties by the owners and leave a little bit to
118 be desired. He also explained that what he also mentioned was that he could envision the teardown trend that the
119 City Council has seen in Montgomery, he could envision a developer acquiring one or more of those houses,
120 tearing them down and building a new residential house in its place. He further explained that what he doesn't
121 understand is how some people got onto the idea that City Council wants to eliminate residential housing along
122 Montgomery Road.

123
124 Ms. Pillich stated that it came from the language in the April 2007 version of the comprehensive plan.

125
126 Mr. Suer noted that if anybody is under that impression, then he thinks that they are misguided, because City
127 Council has no intention of eliminating the existing residential homes along Montgomery Road corridor.

128
129 Ms. Pillich stated that the fact that one of these strategies listed on page 15 states that the city will evaluate the "A"
130 single family zoning along Montgomery Road. She further stated that this is were she got the idea and she was
131 wondering if that seemed to be different than what the strategic plan states.

132
133 Mr. Donnellon indicated that he disagreed, because what Mr. Steinbrink had explained, was that there is more than
134 one residential zoning category in this city. He further indicated that re-evaluating from single "A" to D-2 or D-3
135 is consistent with the statement that says the city will maintain the residential integrity of the comprehensive plan
136 and the corridor.

137
138 Ms. Pillich asked if that was what it intended, at least in this draft version, that it might go to different types of
139 residential zoning.

140
141 Mr. Donnellon explained that what a comprehensive plan does is set out what things the city may consider if, in
142 the future, it is impacted. That does not mean that City Council is going forward to rezone those properties; it just
143 means that at some point in time someone may have to consider it if an application is brought forward. He further
144 explained that what it does is re-enforce the fact that the city will not consider it for commercial zoning. He also
145 explained that when the city has that map laid out and someone would come to the city and say they want to put a
146 "Wendy's" on Hopewell Road, the city can go back and defend its position by saying that in the comprehensive
147 plan in 2007, it stated that the city will re-consider some of the city's single family residential "A" zoning, but
148 only as residential zoning.

149

150 Ms. Pillich indicated that she appreciated the explanation and asked if that was what the members of City Council
151 understood that to mean.
152

153 Mr. Steinbrink stated that he thought that it was clearly laid out in the first implementation step: “study and provide
154 a report to City Council on property uses and market concentrations for this portion of Montgomery.”
155

156 Ms. Pillich thanked City Council for the clarification.
157

158 The roll was called and showed the following vote:
159

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

163

164 **An Ordinance Establishing Regulations for Street Furniture/Furnishings in the Heritage Overlay District**
165

166 Mr. Niehaus moved to amend paragraph two of Section 2. “Development Standards” to read as follows:
167

168 “Section 2. Development Standards “The Zoning Administrator, subject to approval of the
169 Landmarks Commission, shall adopt certain rules and regulations setting forth the palette colors,
170 *size, design* and acceptable materials for all Street Furnishings in the Heritage Overlay District for
171 the enforcement of this Code.”
172

173 Mr. Suer seconded.
174

175 The roll was called and showed the following vote:
176

177	AYE:	Harbison, Niehaus, Roesch, Roesch, Suer, Steinbrink	(5)
178	NAY:	Combs	(1)
179	ABSENT:	Joffe	(1)

180

181 Mr. Niehaus explained that this amendment would allow the Landmarks Commission to set standards for the
182 size and design of all streetscape furniture, including the news racks.
183

184 Mr. Niehaus read the ordinance by title only and moved passage of the 2nd reading. Ms. Roesch seconded.
185

186 Mr. Niehaus explained this ordinance, if approved, will establish regulations for street furniture/furnishings in
187 the Heritage Overlay District. He further explained that to complete the aesthetic controls within the Heritage
188 Overlay District, it is appropriate to develop design criteria and controls for street furniture and other free
189 standing equipment, which are necessary accessories for business and residential uses in the District, and should
190 complement the design criteria in place for building construction and streetscaping within the District. He also
191 explained that it is important to have complementary design criteria in place for street furnishings; it is also
192 appropriate to regulate and control placement of street furnishings so that such furnishings do not impede the
193 flow of pedestrian traffic nor unreasonably interfere with the maintenance of streetscape throughout the District.
194

195 Mr. Combs stated that he understands the goals and principles, however, he is concerned that the ordinance is
196 subjective. He further stated that he is also concerned with the 60 day compliance regulations.
197

245 **A Resolution Supporting the Drug Abuse Resistance Education (D.A.R.E.) Program and Authorizing the**
246 **Filing and Execution of a Grant Request to the Ohio Attorney General's Office for the Continuing Efforts**
247 **of the D.A.R.E. Program**
248

249 Mr. Niehaus moved to read the resolution by title only. Ms. Roesch seconded. City Council unanimously
250 agreed.
251

252 Mr. Niehaus read the resolution by title only and moved passage. Mr. Suer seconded.
253

254 Mr. Niehaus explained that this resolution, if approved, will express support for the D.A.R.E. program. He
255 further explained that the resolution will also authorize the City Manager to submit an application to the Ohio
256 Attorney General's Office to seek assistance in funding the continuation of the D.A.R.E. program. He also
257 explained that if the grant is awarded, this resolution would also authorize the City Manager to enter into an
258 agreement to administer the D.A.R.E. grant through the Office of the Attorney General. Historically the city has
259 received approximately \$10,000 per year to offset costs for the program.
260

261 The roll was called and showed the following vote:
262

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

266

267 **A Resolution Authorizing the City Manager to Enter into a Contract with the Hamilton County General**
268 **Health District for Public Health Services During 2008**
269

270 Ms. Roesch moved to read the resolution by title only. Mr. Steinbrink seconded.
271

272 Ms. Roesch read the resolution by title only and moved passage. Mr. Combs seconded.
273

274 Ms. Roesch explained that if approved, this resolution will authorize the City Manager to enter into a contract with
275 the Hamilton County Health District for Public Health Services during 2008. She further explained that the city is
276 required to provide public health services and has traditionally contracted with Hamilton County for these services.
277 She also explained that the cost for these services in 2008 will be \$26,100.18
278

279 The roll was called and showed the following vote:
280

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

284

285 **A Resolution Declaring the Necessity of Levying a Tax in Excess of the 10-Mill Limitation Equal to .75 Mills**
286 **and Requesting the County Auditor to Certify Matters in Connection Therewith**
287

288 Mr. Combs moved to read the resolution by title only. Mr. Suer seconded.
289

290 Mr. Combs read the resolution by title only and moved passage. Mr. Niehaus seconded.
291

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292 Mr. Combs explained that in deference to the initiative petition that was filed it is essential that the city take the
293 necessary steps to prepare and anticipate what the needs may be if that initiative petition passes. He further
294 explained that this is not for the purpose of declaring that the city will, but it is more of a contingency to plan for
295 that event. The purpose of the resolution is to get certification from the County Auditor as to the funds that would
296 be generated by that level of millage. There are two resolutions that follow for increasing levels of millage, for an
297 idea as to what might be generated in revenues. He also explained that at this point in time, without knowing the
298 full knowledge of whether the initiative will go forward or whether it will pass, City Council has to prepare for that
299 event and different scenarios for the evaluation of the property that the city has not had appraised at this time.

300
301 Mr. Donnellon explained that putting a levy on the ballot is a two step process: the city has to first certify the
302 question to the Auditor's office; they then certify to the city the amount the levy would generate, before City
303 Council can pass a resolution stating that they want this on the November ballot. The last date for City Council to
304 take action is August 23rd and if this initiative would come forward and if it would successfully pass, then City
305 Council would need to be prepared to fund this purchase which would significantly dent the revenues the city has
306 established for the community. He further explained that this is getting the city in the position, timing wise, that
307 City Council would have the levies available as an option if this initiative is pushed forward. If City Council
308 doesn't take action on this matter tonight then they have lost that opportunity for another year to be able to
309 generate those funds if the community would accept that petition and if the community would then approve the
310 acquisition of these properties. He explained that certifying these amounts is just prudent planning since City
311 Council doesn't know what these amounts would generate. This is often done by many communities. He further
312 explained that ultimately City Council would need to decide which one of these three levies they would place on
313 the ballot as a companion piece to this initiative. If the initiative does not come forward, then the city is not bound
314 to put anything on the ballot.

315
316 Mr. Niehaus asked what the purpose of the surplus was originally established for and in what way was it
317 established.

318
319 Ms. Hilvert explained that typically good financial planning would dictate that a city would have some level of
320 surplus available in the event of a downturn in the economy, or the lost of a major employer or an infrastructure
321 emergency that may occur. She further explained that that most everyone would remember that the city did have
322 one of these types of events that occurred in 1999 with the tornado. It was necessary for the city to up-front all the
323 response money that was necessary to do the work. The city was able to get some level of that funding back from
324 the State of Ohio, but not from FEMA. The city was able to get some of the money back but it still required the
325 city to up-front all the necessary personnel, equipment and general services costs related to that emergency. She
326 also explained that another incident that the city experienced in 2006 was the lost of one of the top 10 employers
327 within the city. That has taken a toll on the tax collections for 2007. The city has projected a 3% increase in
328 Earnings Tax collections for this year, and unless something happens to change that, the city will likely be below
329 those projections. She further explained that the city has established fund balance policies, which date back to the
330 late 1990's. She noted that in the general fund there is 6 to 12 months of operating cash. In the capital, the city has
331 established \$1,000,000 as an operating reserve and the city also has some funds reserves associated with the
332 special revenue funds, such as the Art and Amenities Fund which is associated with the two bequests that were
333 received. City Council made prior determinations that those funds would forever remain as the corpus of that fund
334 and that the city would operate off the interest.

335
336 Mr. Niehaus, asked when the City established the fund balance, what priority does the city have in terms of
337 covering those emergencies and downturns.

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339 Ms. Hilvert explained that an emergency response is critical and that an emergency response can come from an
340 emergency disaster or it can come from a collapse of a piece of infrastructure. The city doesn't have to experience
341 an emergency or crisis to experience a downturn in the economy. Several of the communities in the area have
342 experienced some budgetary problems relative to the downturn in the economy, as well as the lost of major
343 employers. She further explained that these fund balances allow the city to continue to have service levels that the
344 citizens expect. Without these fund balances and with a downturn in the economy, the city would have to make a
345 difficult decision whether to reduce service levels or staffing levels and this is a decision no City Council or City
346 Manager want to make. She explained that the city has also prioritized some of the service levels as far as critical,
347 core and quality of life.

348
349 Mr. Niehaus asked if the city would ever want to use these funds for purchasing park or recreation activities.

350
351 Ms. Hilvert indicated that this is a decision this City Council or future City Councils would have to make. She
352 further indicated that it is a divergent from the intended purpose of the fund balance, however, it may be a project
353 that the City Council may decide it wants to do, but it would be a policy decision.

354
355 Mr. Niehaus noted that he doesn't recall that it was ever considered that the city would have the fund balances used
356 for parks and recreation activities.

357
358 Mr. Suer indicated that he is of the opinion that the fund balances that the city has is what separates this city from
359 other cities that are in big trouble. Some of these cities don't have a reserve and they are operating on a thin
360 margin and are close to economic disaster. He further indicated that he is going to be very vocal about messing
361 with the reserves because he thinks that is the one thing that is keeping Montgomery on a stable float.

362
363 Mr. Combs noted that one of things the Financial Planning Committee of City Council discussed was about what
364 would be the worse case scenario. He further noted that the estate tax issue is a variable and has become even
365 more of a variable and he doubts that the city will see much income from this issue after 2008. He also noted that
366 he never wants to see this city not be able to make payroll. He stated that the city has to hold the line on the
367 reserves.

368
369 Mr. Steinbrink explained that the city has a pretty aggressive strategy towards maintaining the infrastructure and it
370 would not want to sacrifice any of those things or the time tables the city has established. He further explained that
371 the Moody's rating and the superior marks that the city has received in its debt service rating are because of the
372 surplus and the surplus policies that have been maintained. He also explained that he would hate to see a drop in
373 the Moody's ratings or any other part of the city's debt capacity, limited, reduced or eliminated base on an adverse
374 change in policy.

375
376 Ms. Roesch indicated that because this issue deals with the potential acquisition of property across the street, she
377 would have a potential conflict, so she will not be participating in the next couple of matters coming up before City
378 Council. She further indicated that she would be abstaining from the vote.

379
380 Mrs. Harbison explained that the Moody's rating is one of eight in the State of Ohio and the city's rating is even
381 higher than the rating Hamilton County has received. She further explained that this was the basis on the principle
382 that the city has put into effect. She also explained that she is a representative of the city that goes to the First
383 Suburbs Consortium and hears how other cities are struggling because they don't have a hospital base or an Ohio
384 National base. She further explained that the loss of CEI took a big hit on the city, but the city didn't have to cut
385 services, because it has created a cushion to absorb the loss. She also explained that since the city has done sound
386 financial planning, she will continue to support investigating these types of initiatives.

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The roll was called and showed the following vote:

AYE:	Combs, Harbison, Niehaus, Suer, Steinbrink	(5)
NAY:		(0)
ABSTAIN:	Roesch	(1)
ABSENT:	Joffe	(1)

A Resolution Declaring the Necessity of Levying a Tax in Excess of the 10-Mill Limitation Equal to 1.0 Mills and Requesting the County Auditor to Certify Matters in Connection Therewith

Mr. Combs moved to read the resolution by title only. Mr. Suer seconded.

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

The roll was called and showed the following vote:

AYE:	Combs, Harbison, Niehaus, Suer, Steinbrink	(5)
NAY:		(0)
ABSTAIN:	Roesch	(1)
ABSENT:	Joffe	(1)

A Resolution Declaring the Necessity of Levying a Tax in Excess of the 10-Mill Limitation Equal to 1.25 Mills and Requesting the County Auditor to Certify Matters in Connection Therewith

Mr. Combs moved to read the resolution by title only. Mr. Steinbrink seconded.

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

The roll was called and showed the following vote:

AYE:	Combs, Harbison, Niehaus, Suer, Steinbrink	(5)
NAY:		(0)
ABSTAIN:	Roesch	(1)
ABSENT:	Joffe	(1)

An Ordinance Establishing Schedules of Municipal Compensation

Mr. Suer moved to read the ordinance by title only. Mr. Combs seconded.

Mr. Suer read the ordinance by title only and moved suspension of the rules. Mr. Niehaus seconded.

The roll was called and showed the following vote:

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

435 Mr. Suer moved passage of the ordinance with rule suspension. Mr. Combs seconded.
436

437 Mr. Suer explained that the city management staff had conducted wage and benefit discussions with all non-
438 contract employees. He further explained that the purpose of these discussions was to gain insight into employee
439 interests in terms of wages and benefits and also to share information with employees on the “market” for wage
440 adjustments in the Greater Cincinnati area. Staff also conducted comparability studies on wages among the ten
441 “comparable” cities in an effort to ensure an appropriate recommendation to City Council on these wage
442 adjustments. He also explained that this ordinance would provide for wage adjustments of 3% for the next three
443 years, as well as some equity adjustments to address wage ranges that are no longer competitive.
444

445 The roll was called and showed the following vote:
446

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

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451 **ADMINISTRATION REPORT**

452

453 Ms. Hilvert reminded everyone of the following items:
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- The July 3rd concert

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- The July 4th parade and festival

457

- The Planning, Zoning and Landmarks Committee of City Council and the Financial Planning Committee of City Council have cancelled their meetings for the month of July.

458

459 Ms. Hilvert requested an executive session to discuss matters related to purchase of real estate and imminent or
460 pending litigation.
461

462

463 **OTHER BUSINESS**

464

465 Mr. Suer reviewed the following City Council goals and objectives:
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467

468 **Communications/Outreach/PR**

469

- Write a “Council Corner” article for each monthly issue of the Montgomery Bulletin.
- Create linkages with community organizations, neighborhoods associations and other groups as part of a larger public outreach effort.
- Assist staff with the development of a Citizen’s Academy.
- Develop and implement a questionnaire for use with volunteer commissions that evaluates City Council / commission relationships and gathers other pertinent commission feedback.
- Contribute articles to the employee newsletter.
- Take a more proactive role in dealing with the media through a submission of articles, working with the reporters and editors etc., to better shape positive coverage of Montgomery.

470

471 **Strategic Plan**

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- Take active roles in working with staff to implement the Strategic Plan. Each City Council member should take ownership of one or more areas of the Strategic Plan.

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HPO

- Work on ways to become involved with and support HPO principles, including high quality customer service, sound financial performance and strategic customer value analysis.

Council Meetings

- During City Council meetings, take ownership for explaining processes or providing background on issues connected with your commissions and/or your committees.

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 the purchase of real estate and imminent or pending litigation.

Ms. Roesch moved that Council adjourn to executive session to discuss matters regarding the purchase of real estate and imminent or pending litigation. Mr. Steinbrink seconded. Motion carried unanimously.

The roll was called and showed the following vote:

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

Council adjourned into executive session at 8:08 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.

Mr. Steinbrink moved to adjourn. Mr. Suer seconded.

City Council unanimously agreed.

City Council adjourned at 9:45 p.m.

Clerk of Council