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City of Montgomery
City Council Business Session Minutes
October 3, 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
Peter Hames, Finance Director
Bob Nikula, Public Works Director
Amber Morris, Recreation Director
Don Simpson, Police Chief
Matthew Vanderhorst, Customer Service Director
Paul Wright, Fire Chief

Council Members Present

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

GUESTS AND RESIDENTS

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

LEGISLATION FOR CONSIDERATION TONIGHT

Pending Legislation

New Legislation

An Ordinance Amending Ordinance No 17, 2006 to Extend the Montgomery Road Corridor/Schoolhouse Interim Development Control Overlay District

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 suspension of the rules. Mr. Niehaus seconded.

Mr. Steinbrink explained that the current Interim Development Control District Ordinance will expire on November 6, 2007; therefore, staff has requested that City Council approve this ordinance with rule suspension suspending the reading of this ordinance on three separate occasions, so that it will become effective prior to expiration.

The roll was called and showed the following vote:

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

54 NAY: (0)
55 ABSENT: (0)
56

57 Mr. Steinbrink moved passage of ordinance. Mr. Joffe seconded.
58

59 Mr. Steinbrink explained that if approved, this ordinance would extend the Montgomery Road
60 Corridor/Schoolhouse Interim Development Control District for an additional six months. He further explained
61 that the Montgomery Road Corridor/Schoolhouse Interim Development Control District was established by
62 Ordinance 17, 2006 for a period of one year and provided the Planning Commission time to complete a study of
63 existing land use controls and an evaluation of whether new standards were appropriate. He also explained as part
64 of the establishment of the Interim Development Control District, City Council adopted a set of interim standards
65 which are used to regulate development in this area during the period of the study.
66

67 The roll was called and showed the following vote:
68

69 AYE: Combs, Harbison, Joffe, Niehaus, Roesch, Suer, Steinbrink (7)
70 NAY: (0)
71 ABSENT: (0)
72

73 **An Ordinance to Make Appropriations for Current Expenses and Other Expenditures of the City of**
74 **Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2008**
75

76 Mr. Combs moved to read the ordinance by title only. Ms. Roesch seconded. City Council unanimously agreed.
77

78 Mr. Combs read the ordinance by title only and moved passage of ordinance. Mr. Joffe seconded.
79

80 Mr. Combs explained that if approved, this ordinance would represent the appropriation ordinance establishing
81 the city's budget for the year 2008. He further explained that on September 5, 2007, the Financial Planning
82 Committee of City Council completed its review of the 2008 operating and capital budget and five year capital
83 improvement program. He also explain that City Council will be conducting an in-depth review of the 2008
84 operating and capital budget and five year capital improvement program on October 4, 2007 at 5:30 p.m.
85

86 Mayor Harbison indicated that the second and third readings of the ordinance will be held at the November and
87 December business sessions. She further indicated that changes can be made at any time through the review
88 process via amendment to the ordinance.
89

90 Ms. Hilvert read the following down totals in the fund areas, so that people are aware of the amounts that City
91 Council is talking about appropriating.
92

93 General Fund

94 Personnel	\$ 4,855,639
95 Nonpersonnel	\$ 5,180,797
96 Total	\$10,036,436

97

98 Special Revenue Funds

99 Personnel	\$2,750,791
100 Nonpersonnel	\$1,914,565
101 Total	\$4,665,356

102

103	Debt Service Funds		
104	Personnel	\$	0
105	Nonpersonnel	\$9,073,315	
106	Total	\$9,073,315	
107			
108	Capital Projects Fund		
109	Personnel	\$	0
110	Nonpersonnel	\$11,092,769	
111	Total	\$11,092,769	
112			
113	Fiduciary Funds		
114	Personnel	\$	0
115	Nonpersonnel	\$	155,827
116	Total	\$	155,827
117			
118	Total All Funds		
119	Personnel	\$	7,606,430
120	Nonpersonnel	\$27,417,273	
121	Total	\$35,023,703	
122			

123 The roll was called and showed the following vote:

124

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

128

129 **APPROVAL OF MINUTES**

130

131 Mr. Suer moved to approve the September 5, 2007 business session. Mr. Combs seconded. City Council
132 unanimously approved the minutes.

133

134 **REVIEW OF MINUTES**

135

136 Mayor Harbison indicated that the packet included minutes from the August 22, 2007 work session. She further
137 indicated that if anyone had any changes, they should let the Clerk of Council know before the October 24, 2007
138 work session.

139

140 **ADMINISTRATION REPORT**

141

142 Ms. Hilvert reported on the following items:

- 143 • The City of Montgomery website was awarded the Best Website in the Country for cities with
144 populations between 4,500 and 65,000. This award is given by the Government Webmasters
145 Association. Thanks to Matthew and all the employees who contributed to the quality and content of
146 our website. The website is an important part of our service delivery to our customers and the quality of
147 it certainly helps to deliver on our mission of "Taking Responsibility Together to Provide Superior
148 Services."
- 149

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- The Northeast Community Challenge is holding its annual Red Ribbon breakfast on October 22, 2007 at 8:00 a.m. at Embassy Suites in Blue Ash.
 - As a reminder, our budget review session is scheduled for Thursday, October 4, 2007 at 5:30 p.m. at City Hall. Staff has invited our two City Council candidates, Mrs. Vicki Hirsch and Mr. Fred Isaac, to attend the budget review session. Both have indicated they plan to attend.
 - The Government Affairs and Parks and Recreation Committees of City Council will meet on Tuesday, October 16, 2007 at 2:30 and 3:30 p.m. at City Hall. The Law and Safety and Public Works Committees will meet in a combined meeting at 4:30 p.m. at City Hall.
 - The Harvest Moon Family Festival is this Saturday, October 6, 2007 from 6:00 p.m. to 9:00 p.m. at Swaim Park. Be sure to stop by the Chili Fest between 5:00 p.m. and 8:00 p.m. for a hot and tasty meal or enter your favorite recipe to be judged by the Fire Department before joining us for an evening in the light of the Harvest Moon.
 - The Parks and Recreation Commission is planning a small dedication of the new Triangle Point Plaza on Monday, November 12, 2007 at 12:00 p.m. The goal was to try and identify a time that the city could include the developer, as well as some of the businesses in the area. The purpose is to not only dedicate the plaza, but to also have some recognition for Veteran Day at the same time.

171 Ms. Hilvert explained that she did have an item that City Council needed to discuss under Other Business, which
172 would be the extension of the lease agreement for the use of Neuilly-Plaisance Plaza by the Corner Pub.

173
174 **MAYOR'S COURT REPORT**

175
176 Mayor Harbison reported that the total Mayor's Court collections for the month of September, 2007 were
177 \$11,859.

178
179 Ms. Roesch moved to accept the Mayor's Court collections for the month of September, 2007. Mr. Combs
180 seconded. City Council unanimously accepted the collections.

181
182 **OTHER BUSINESS**

183
184 Ms. Hilvert explained that the city has a lease arrangement with the Corner Pub for the use of the Neuilly-
185 Plaisance Plaza for outdoor dining and entertainment. She further explained that the city is in the second year of
186 a three-year lease with Corner Pub. She also explained that the owners of the Corner Pub have approached the
187 city requesting that the lease be extended through the month of December. She continued to explain that many
188 restaurants and liquor establishments have been impacted by the no smoking ban; a lot of them are starting to
189 look for outdoor space to accommodate patrons who desire smoking. She continued to explain that if the city
190 has an interest in extending the lease, staff would propose a cost of \$400 a month, which represents the per
191 month cost. She explained that the other item that needs discussed is if the city does not want to continue the
192 lease into 2008, then it needs to advise the Corner Pub of that as well by December 1, 2007. She continued to
193 explain that the city has had minimal problems with them in that location.

194
195 Mr. Steinbrink noted that he needed to recuse himself because of a business interest with one of the owners.
196

197 Mr. Frank Davis explained that the Corner Pub has two reasons for extending the lease: the first being the
198 business they have done over the summer; and the second being the impact of the no smoking ban. He further
199 explained that the city has had fewer problems with them than previous tenants. He also explained that one of
200 the problems the city has always had, is maintaining the appearance of a public plaza, while meeting the liquor
201 control requirement, that there must be a barrier. Over the years the city has been trying to work with different
202 barriers, which Liquor Control will approve, is affordable, and meets Landmarks Commission guidelines. He
203 explained that a few years ago, under the previous owner, the city agreed to a wood fence with planters;
204 however, the planters kept getting knocked over. Last year, the current tenant used the wood fence without the
205 planter; however, it kept getting blown down. This year, the fence was bolted together, which has worked;
206 however, it has made it difficult to move the fence, so the city has allowed the tenant to keep the fence up. Over
207 all the city has not had a lot of complaints; however, if City Council decides it wants to extend the lease, there
208 needs to be a clarification on the type of bands performing in the outdoor area.
209

210 Mr. Combs asked if the Police Department had seen any increase in incidents.

211
212 Police Chief Simpson indicated that the Police Department had a couple of calls about the band being a little
213 loud after hours in the evening. He further indicated that Mr. Frank Davis has worked with the Corner Pub to
214 address that issue.

215
216 Mayor Harbison asked how numerous the noise violations have been.

217
218 Police Chief Simpson stated that the noise violations have been very infrequent.

219
220 Mr. Suer asked where the Corner Pub stores their equipment.

221
222 Mr. Frank Davis indicated that the heaters would have to be stored inside the bar.

223
224 Mayor Harbison asked Fire Chief Wright if he had any concerns or would he work with them as far as safe
225 storing of the heaters.

226
227 Fire Chief Wright noted that he would want to talk to them about this issue.

228
229 Mr. Joffe asked if there was a particular location where the calls were coming from on the noise complaints.

230
231 Police Chief Simpson indicated that he would have to research where the specific calls were coming from.

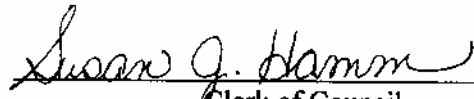
232
233 Mr. Frank Davis indicated that he thought the calls were coming from Cooper Road, east of Main Street. He
234 further indicated that he thought the reason the city was not having the problems as in previous years was
235 because the Triangle building helps to block the noise from the residential area.

236
237 Mr. Suer stated that he did not see any major problems with this business or how they are operating; however,
238 there are some small details that will need to be worked out, so he would be in favor of extending the lease.

239
240 Mr. Joffe indicated that he agreed; however, one thing that he considered to be important is the signage and that
241 people understand that this is a public space during the daytime.

242
243 Ms. Hilvert indicated that since there is a consensus of City Council she would extend the lease with a letter
244 agreement.
245

246 Mayor Harbison asked if there was any further business to discuss in public session. There being none, she
247 asked for a motion to adjourn.
248
249 Mr. Niehaus moved to adjourn. Mr. Joffe seconded.
250
251 City Council unanimously agreed.
252
253 City Council adjourned at 7:29 p.m.
254
255


Clerk of Council

256