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City of Montgomery  
City Council Business Session Minutes  
April 2, 2008

Present

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

City Council Members Present

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

City Council Member Absent

Todd Steinbrink

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City Council convened in Council Chambers for the business session 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: Combs, Joffe, Harbison, Hirsch, Suer, Roesch  
ABSENT: Steinbrink

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

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

**GUESTS AND RESIDENTS**

Ms. Jodi Keith, Chair of the Beautification and Tree Commission, explained that the City of Montgomery will be hosting the 2010 Tree City USA Award Ceremony. She further explained that several of the Beautification and Tree Commission members and City staff met today to start preparing for the ceremony, which will showcase the City of Montgomery. She also explained that the ceremony will be held on Friday, April 23, 2010 at Montgomery Inn.

Ms. Hilvert noted that City received notice that the City of Montgomery has received a Tree City USA and Growth Award for 2007. She further noted that this represents the twelfth year in a row that the City has received the Tree City USA Award and for eight years running, it has received the Growth Award. There is a tremendous effort made by several staff people to achieve this designation and the Growth Award. This year's Tree City USA Award Program will be hosted by the City of Oakwood, Ohio on Thursday, April 24, 2008. If anyone would like to attend this event, please contact Joyce Yock by Friday, April 11, 2008. She congratulated all City Council members, staff, volunteers and residents on receiving these awards.

55 **LEGISLATION FOR CONSIDERATION TONIGHT**

56  
57 **Pending Legislation**

58  
59 **An Ordinance Amending Section 33.24 of the Code of Ordinances Governing Promotional Examinations**

60  
61 Mr. Joffe read the ordinance by title only and moved passage of the second reading. Ms. Roesch seconded.

62  
63 Mr. Joffe explained that this ordinance, if approved, would adopt modifications to Section 33.24 of the Civil  
64 Service regulations. He further explained that recently in a review of the Civil Service Code, it was noted that  
65 there was an inconsistency between the positions established in the classified service and the positions for which a  
66 promotional exam is appropriate. He also explained that when Ordinance No. 1, 2003 was adopted, it established  
67 the classified service for the City to include all uniformed employees in the Police and Fire Departments, but  
68 excluded the Police Chief, all Police Lieutenants, the Fire Chief and all Assistant Chiefs. Section 33.24 of the  
69 Code of Ordinances, which acknowledged the conditions for a promotional exam to the position of Police  
70 Lieutenant and Assistant Fire Chief was not reconciled. In both instances, Section 33.24 requires a promotional  
71 exam for these positions and requires services in the prior position of Sergeant for the Police Lieutenant position  
72 and Fire Lieutenant to stand for examination as the Assistant Fire Chief. This is inconsistent, as it would not be  
73 necessary to have a promotional exam for a position which is unclassified. He explained that there are currently no  
74 openings in either position, but the City does not want this inconsistency to cause confusion at the time a  
75 promotional opportunity may arise. He further explained that while making these changes to Section 33.24, there  
76 were two other housekeeping measures which needed to be addressed: Section 6.04 of the Charter states that  
77 promotions to any position in the classified service shall be based upon competitive examination and promotional  
78 examinations may be restricted to current employees; however, the Charter allows for a recommendation from the  
79 City Manager to the Civil Service Commission, which may open the promotional examination to qualified  
80 candidates from outside the classified service. The final determination as to whether or not an open promotional  
81 exam shall be conducted rests with the Civil Service Commission. He further explained that the final issue  
82 addresses whether or not to grant seniority credit in an open promotional examination and how to reconcile Section  
83 33.24(D)(2)(b) with the open promotional process when that section grants additional test points for past  
84 performance evaluations. He also explained that while the City has a standard performance evaluation, the City  
85 does not know if another community has a performance rating and how that performance rating would translate to  
86 our own process. As a result, the Civil Service Commission recommended that in a situation where an open  
87 promotional examination would be appropriate, they would set the standard for seniority credit and performance  
88 credit at that time on a case by case basis. He also explained that it would be the Civil Service Commission's  
89 responsibility when they determine an examination to be an open promotional exam, not only to establish the  
90 component parts for the exam, but to announce how they will credit seniority and performance evaluations before  
91 the exam.

92  
93 The roll was called and showed the following vote:

94  
95 AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Suer (6)  
96 NAY: (0)  
97 ABSENT: Steinbrink (1)  
98

99 **New Legislation**

100  
101 **An Ordinance Extending the Montgomery Corridor/Schoolhouse Interim Development Control Overlay**  
102 **District**

103

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

106  
107 Mr. Combs read the ordinance by title only and moved suspension of the rules. Mr. Suer seconded.  
108

109 The roll was called and showed the following vote:

110  
111 AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Suer (6)  
112 NAY: (0)  
113 ABSENT: Steinbrink (1)  
114

115 Mr. Combs explained that this ordinance, if approved, would extend the Montgomery Road  
116 Corridor/Schoolhouse Interim Development Control District for an additional six months. He further explained  
117 that the Montgomery Road Corridor/Schoolhouse Interim Development Control District was established by  
118 Ordinance No. 17, 2006 for a period of one year and provided the Planning Commission time to complete a  
119 study of existing land use controls and an evaluation of whether new standards were appropriate. As part of the  
120 establishment of the Montgomery Road Corridor/Schoolhouse Interim Development Control District, City  
121 Council adopted a set of interim standards which are used to regulate development in this area during the period  
122 of the study. He also explained that the Planning Commission has recommended the extension of the  
123 Montgomery Road Corridor/Schoolhouse Interim Development Control District designation so that these  
124 interim standards will remain in place while the new zoning district recommendation for these properties is  
125 completed and ultimately adopted by City Council.  
126

127 Mr. Combs moved passage of the ordinance. Ms. Roesch seconded.  
128

129 The roll was called and showed the following vote:

130  
131 AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Suer (6)  
132 NAY: (0)  
133 ABSENT: Steinbrink (1)  
134

135 **A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with Barrett**  
136 **Paving Materials Inc. for the 2008 HAM 22-15.29 Improvements**  
137

138 Mrs. Hirsch moved to read the resolution by title only. Mr. Combs seconded. City Council unanimously  
139 agreed.  
140

141 Mrs. Hirsch read the resolution by title only and moved passage of the resolution. Mr. Combs seconded.  
142

143 Mrs. Hirsch explained that if approved, this resolution would authorize the City Manager to enter into a contract  
144 with Barrett Paving Materials Inc. for the 2008 HAM 22-15.29 Improvements in an amount not to exceed  
145 \$142,600.57. She further explained that this project is considered a "Local Let" project by the Ohio Department of  
146 Transportation and as a result, it will be administered in its entirety from contract authorization to project close-out  
147 by the City of Montgomery. The work will occur in the vicinity of Bethesda North Hospital and the Main  
148 components of the project will include: the realignment of the left turn lanes, a "protected" left turn movement  
149 phase for northbound Montgomery Road traffic, and the installation of new overhead signage to better direct  
150 southbound Montgomery Road traffic. She also explained that the funding for these improvements is included in  
151 the 2008 capital improvement program and through the Ohio Department of Transportation's Governor's Highway  
152 Safety Office grant funding program.  
153

154 The roll was called and showed the following vote:

155  
156 AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Suer (6)  
157 NAY: (0)  
158 ABSENT: Steinbrink (1)  
159

160 **A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with The**  
161 **Verdin Company for the Bell Tower Improvement Project**  
162

163 Mr. Suer moved to read the resolution by title only. Mr. Combs seconded. City Council unanimously agreed.  
164

165 Mr. Suer read the resolution by title only and moved passage of the resolution. Mr. Joffe seconded.  
166

167 Mr. Suer explained that this resolution, if approved, would accept a bid and authorize the City Manager to enter  
168 into a contract with The Verdin Company for the 2008 Bell Tower Improvements. He further explained that this  
169 project would add additional bells to the current bell tower, creating more flexibility for the City in terms of  
170 melody selection. Additionally, this upgrade will result in an updated operating system and more reliability, as  
171 well as the enhanced quality of the tower operation. He also explained that the funding for these improvements  
172 is included in the 2008 Urban Redevelopment Fund, donations received specifically for the Bell Tower project,  
173 and through the Street Maintenance and Repair Fund.  
174

175 The roll was called and showed the following vote:

176  
177 AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Suer (6)  
178 NAY: (0)  
179 ABSENT: Steinbrink (1)  
180

181 **ADMINISTRATION REPORT**  
182

183 Ms. Hilvert noted that the Governmental Affairs, Parks and Recreation, Public Works, and Law and Safety  
184 Committees of City Council are scheduled to meet on Tuesday, March 18, 2008; however, staff does not have  
185 any items for the Public Works and Law and Safety Committees agendas.  
186

187 City Council agreed to cancel the Public Works, and Law and Safety City Council Committee meetings for the  
188 month of April.  
189

190 Ms. Hilvert reported on the following items:

- 191
- 192 • The City received notice that in the April edition of Cincy magazine the City of Montgomery was  
193 named as the number one best suburb in the tri-state area. Congratulations to everyone who works so  
194 hard to make Montgomery such a special place to live and work. The magazine will be released next  
195 week.  
196
  - 197 • City Council members should have received a copy of a letter that will be sent to the committee  
198 sponsoring the federal HB 3359, as well as Congress Member Schmidt and Senator Brown and  
199 Voinovich, expressing the City's opposition to this proposed house bill. This house bill will negatively  
200 impact income taxes collected on transient employees working in the City of Montgomery. This item  
201 was briefly discussed at the Finance Committee of City Council's March meeting. The City's current  
202 ordinance allows the City to collect taxes on an employee working 12 days in the City. The proposed  
203 federal house bill extends that period to 60 days, which means the City would lose tax revenues on the

204 48 days extended beyond the current 12 days limit. The amount of tax revenues lost because of this bill  
205 is not known at this time. Since Ohio is one of eight states affected by this proposed legislation, it will  
206 be an uphill battle to stop this bill from being passed, which many believe will be sometime after  
207 November election.  
208

- 209 • City Council members should have a received a copy of a letter that was sent to Mr. David Sharp  
210 regarding his comments made at the March 19, 2008 City Council Work Session.  
211
- 212 • The City received a reminder notice from the Ohio Ethic Commission that all City Council members  
213 must file their 2007 Financial Closure Statements by April 15, 2007.  
214
- 215 • The City has extended an offer of employment to Ms. Natasha Dempsey for the vacant Assistant  
216 Finance Director position. Ms. Dempsey currently works for the City of Hamilton and has experience  
217 in both accounting and earning tax operations. She has a Bachelor's Degree in Accounting and Finance  
218 from Bowling Green State University and has plans to pursue her CPA designation.  
219
- 220 • As a reminder, the City has its annual "meet and greet" session scheduled for Saturday, April 12, 2008  
221 from 9:00 a.m. until noon. This session is part of the tax office's extended hour's program and gives  
222 another opportunity for outreach to the citizens.  
223

224 Ms. Hilvert requested an executive session to discuss matter related to labor negotiations and the purchase of  
225 real estate.  
226

### 227 **MAYORS COURT REPORT**

228  
229 Mayor Harbison reported that the total Mayor's Court collections for the month of March, 2008 were \$13,934.  
230

231 Mr. Combs moved to accept the Mayor's Court collections for the month of March, 2008. Mr. Suer seconded.  
232 City Council unanimously accepted the collections.  
233

### 234 **OTHER BUSINESS**

235  
236 Mayor Harbison asked if there was any further business to discuss in public session. There being none, she  
237 asked for a motion to adjourn into executive session to discuss matters discuss matters related to labor  
238 negotiations and the purchase of real estate.  
239

240 Ms. Roesch moved to adjourn into executive session to discuss matters related to labor negotiations and the  
241 purchase of real estate. Mr. Joffe seconded.  
242

243 The roll was called and showed the following vote:  
244

245 AYE: Harbison, Combs, Hirsch, Joffe, Roesch, Suer (6)

246 NAY: (0)

247 ABSENT: Steinbrink (1)  
248

249 City Council adjourned into executive session at 7:37 p.m.  
250

251 City Council reconvened into public session at 8:12 p.m.  
252

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

255  
256 Mr. Suer moved to adjourn. Ms. Roesch seconded.

257  
258 City Council unanimously agreed.

259  
260 City Council adjourned at 8:13 p.m.

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Clerk of Council