

City of Montgomery
City Council Business Session Minutes
March 5, 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
Todd Steinbrink
Ken Suer

City Council convened in Council Chambers for the business session 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 guests or residents to address City Council tonight.

ESTABLISHING AN AGENDA FOR FEBRUARY 6, 2008

Pending Legislation

New Legislation

A Resolution Accepting a Bid and Authorizing Lawn Mowing Contracts in the City of Montgomery During 2008

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

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

Mrs. Hirsch explained that if approved, this resolution would authorize the City Manager to enter into a lawn mowing contract with A & A Lawncare and Landscaping for mowing services in the City of Montgomery during 2008. She further explained that the City had advertised for bids and subsequently entered into contracts for mowing of specified public parks and public property in the community. Once again in 2008, interested bidders were allowed the option of submitting a bid for mowing any, or all of the individual parcels. Staff has reviewed all bids and contractor references and has established that A & A Lawncare and Landscaping is equipped and staffed to perform the mowing work for all parcels: Dulle Park; Montgomery Park; Pfeiffer Park; Pioneer Park; Swaim

54 Park; Weller Park; Hopewell Cemetery; Montgomery Road Medians; Pfeiffer Road Gateway; Safety Center and
55 Montgomery Municipal Swimming Pool.

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57 The roll was called and showed the following vote:

58
59 AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Steinbrink, Suer (7)
60 NAY: (0)
61 ABSENT: (0)

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

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65 Mr. Joffe moved to read the ordinance by title only. Mr. Steinbrink seconded. City Council unanimously
66 agreed.

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68 Mr. Joffe read the ordinance by title only and moved passage of the first reading. Ms. Roesch seconded.

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

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99 The roll was called and showed the following vote:

100
101 AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Steinbrink, Suer (7)
102 NAY: (0)
103 ABSENT: (0)

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ADMINISTRATION REPORT

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

City Council agreed to cancel the Governmental Affairs, Parks and Recreation, Public Works, and Law and Safety City Council Committee meetings for the month of March.

Ms. Hilvert reported on the following items:

- Thanks to Amber Morris and Bob Nikula for an excellent session on the City's parks and Public Works functions as a part of the Montgomery Citizens' Leadership academy. This session was held on Saturday, March 1, 2008 and represented the seventh session of the 2008 Montgomery Citizens' Leadership Academy. Two sessions remain in this year's program and plans are underway for the graduation ceremony which will be held on Tuesday, March 18, 2008.
- Craig Margolis, Planning Commission chair, is scheduled to provide the first Board and Commission Chair update to City Council on March 19, 2008 at 6:00 p.m.
- City Council is scheduled to hold a public hearing on the extension of the Montgomery Corridor/Schoolhouse Interim Development Control Overlay District on Wednesday, March 19, 2008 at 6:30 p.m.
- She will be making a presentation to the Montgomery Historic Preservation Association on Monday, March 10, 2008, providing an update on ongoing activities in the community. Thanks to Gary Blomberg for involving the City in this important meeting of the Montgomery Historic Preservation Association and continuing to work toward positive communications with this community group.
- Thanks to our presentation team of Tom Wolf, Don Jasper, Wayne Davis and Paul Wright who presented an ICMA University course entitled "The Essential Blueprint for Getting HR and HPO" to the Ohio City/County Management Association. The team did a great job in the presentation and in representing the City.

MAYORS COURT REPORT

Mayor Harbison reported that the total Mayor's Court collections for the month of February, 2008 were \$12,665.

Mr. Combs moved to accept the Mayor's Court collections for the month of February, 2008. Mr. Steinbrink seconded. City Council unanimously accepted the collections.

OTHER BUSINESS

Mr. Suer explained that the Arts Commission is requesting comments on a proposal to hold a temporary exhibition of ten to twelve sculptures in the summer of 2009. The sculptures would be large in size and would be displayed in different locations throughout the City. He further explained that this exhibit would be similar

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152 to those exhibitions held in numerous other cities. A selection committee would review the applications and
153 select the ten to twelve best pieces.

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155 Mr. Combs indicated that he had concerns with liability issues.

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157 Mr. Suer noted that Mr. Wayne Davis has contacted the Miami Valley Risk Management Association regarding
158 the liability issues and asked for the necessary language that would need to be included in the agreement with
159 the artists. He further noted that since several of the pieces would be displayed in the Historic District, the Arts
160 Commission would have to present their proposal to the Montgomery Historic Preservation Association and the
161 Landmarks Commission.

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163 Mr. Steinbrink asked how long the sculptures would be on display.

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165 Mr. Suer indicated that it would be for several months.

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167 Ms. Roesch noted that this would be a nice thing to have if people can walk to view the entire display.

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169 Mr. Joffe indicated that this was a nice idea. He asked what the cost of the insurance would be.

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171 Mr. Wayne Davis, Assistant City Manager indicated that he did not know.

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173 Mr. Steinbrink asked who would be responsible for any damage to the sculptures.

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175 Mr. Suer indicated that the City would be responsible for providing the liability insurance and the artist would
176 be responsible for providing insurance to cover any damage.

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178 City Council agreed that the Arts Commission should proceed with the planning of the exhibit.

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

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183 Mrs. Hirsch moved to adjourn. Mr. Joffe seconded.

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185 City Council unanimously agreed.

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187 City Council adjourned at 7:37 p.m.

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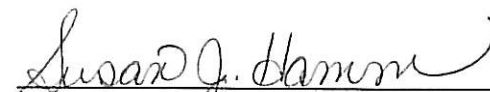
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Clerk of Council