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City of Montgomery
City Council Business Session Minutes
May 7, 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.

SPECIAL PRESENTATIONS

Mayor's Proclamation to Jeff Kmet

Mayor Harbison read in its entirety a Mayor's Proclamation to Mr. Jeff Kmet.

Mayor Harbison explained that Mr. Kmet witnessed the suspicious behavior of a man walking down Village Green Drive and telephoned the Montgomery Police Department. She further explained that Mr. Kmet's quick thinking led to the apprehension and arrest of a suspect who broke into a garage on Hartfield Place and attempted to break into two residences on Village Green Drive. She thanked Mr. Kmet for his courageous actions.

City Council stated that Mr. Kmet's actions demonstrated the importance of an effective police/community partnership. They expressed their sincere gratitude to Mr. Kmet for his willingness to become involved; for taking a stand against crime; and for deciding to take action.

Ms. Hilvert noted that the City received the GFOA Certificate of Achievement for Award for the City's Comprehensive Annual Financial Report. She further noted that the City has received this award for twelve consecutive years. She thanked Jim Hanson, Finance Director and the Finance Department for receiving this award.

54 Mayor Harbison presented the award to the following Finance Department representatives; Jim Hanson, Finance
55 Director, Becki Wellbrock, Tax Commissioner, Natasha Dempsey, Assistant Finance Director and Cindy Abner,
56 Finance Specialist.

57
58 **LEGISLATION FOR CONSIDERATION TONIGHT**

59
60 **Pending Legislation**

61
62 **An Ordinance Amending Section 33.24 of the Code of Ordinances Governing Promotional Examinations**

63
64 Mr. Joffe read the ordinance by title only and moved passage of the ordinance. Mr. Steinbrink seconded.

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

95
96 The roll was called and showed the following vote:

97
98 AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Steinbrink, Suer (7)
99 NAY: (0)
100 ABSENT: (0)

101
102 **New Legislation**
103

104 **An Ordinance Enacting Part Eight, Title IX, Chapter 112 of the Codified Ordinance of the City of**
105 **Montgomery, Ohio Entitled "Video Service Authorizations" and Adding Provisions for Video Service**
106 **Authorizations, Establishing Fees, Defining Terms and Authorizing the City Manager or Designee to**
107 **Provide Notice to the Video Service Providers Offering Video Service in the City Pursuant to a State**
108 **Authorization and Declaring an Emergency**
109

110 Mr. Suer moved to read the ordinance by title only. Mr. Combs seconded. City Council unanimously agreed.
111

112 Mr. Suer read the ordinance by title only and moved suspension of the rules. Mr. Combs seconded.
113

114 The roll was called and showed the following vote:
115

116	AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Steinbrink, Suer	(7)
117	NAY:	(0)
118	ABSENT:	(0)

119

120 Mr. Suer deferred the explanation to Mr. Donnellon.
121

122 Mr. Donnellon explained that this ordinance, if approved, would preserve some element of local control if Time
123 Warner or any other video service provider obtains a statewide franchise under the new Ohio law. He further
124 explained that this new law will create an opportunity for providers such as Time Warner Cable to terminate
125 their franchise with the City prior to their expiration date, if effective competition exists in the community. He
126 also explained that with litigation pending which could terminate the City's current franchising authority and to
127 preserve and protect the City's limited local contract, it is necessary to implement this ordinance as soon as
128 possible. Therefore, the City's communications attorney, Schottenstein, Zox and Dunn and staff are requesting
129 that City Council adopt this ordinance with suspension of the rules requiring reading on three separate occasions
130 and emergency language that would cause the ordinance to become effective immediately upon its passage.
131

132 Mr. Suer noted that the Governmental Affairs Committee of City Council reviewed the proposed ordinance and
133 is recommending that the City Council adopt the ordinance with suspension of the rules and emergency
134 language.
135

136 Mr. Suer moved passage of the ordinance with emergency language. Mr. Combs seconded.
137

138 The roll was called and showed the following vote:
139

140	AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Steinbrink, Suer	(7)
141	NAY:	(0)
142	ABSENT:	(0)

143
144

145 **An Ordinance Amending Schedule of Municipal Compensation**
146

147 Mr. Combs moved to read the ordinance by title only. Mr. Steinbrink seconded. City Council unanimously
148 agreed.
149

150 Mr. Combs read the ordinance by title only and moved suspension of the rules. Ms. Roesch seconded.
151

152 The roll was called and showed the following vote:
153

154 AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Steinbrink, Suer (7)
155 NAY: (0)
156 ABSENT: (0)
157

158 Mr. Combs explained that if approved, this ordinance would make amendments to Ordinance No. 8, 2007 and
159 Ordinance No. 1, 2008 "Establishing Schedule of Municipal Compensation". The amendments to this ordinance
160 will reflect organizational changes involving the elimination of the position of Fire Marshall within the Fire
161 Department; the reclassification and re-titling of the positions of Senior Account Clerk, Account Clerk and part-
162 time Account Clerk to the new position of Finance Specialist; and the re-titling of the Deputy Finance Director
163 position to Assistant Director of Finance and the part-time Assistant Recreation Director to a part-time Program
164 Coordinator.
165

166 Mr. Combs moved passage of the ordinance. Ms. Roesch seconded.
167

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

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

174 **ADMINISTRATION REPORT**
175

176 Ms. Hilvert noted that the Governmental Affairs, Parks and Recreation, Public Works, and Law and Safety
177 Committees of City Council are scheduled to meet on Tuesday, May 20, 2008; however, staff does not have any
178 items for the Public Works agenda.
179

180 City Council agreed to cancel the Public Works City Council Committee meeting for the month of May.
181

182 Ms. Hilvert reported on the following items:
183

- 184 • The annual Beautification Day flowerbed planting project is scheduled for Saturday, May 17, 2008 from
185 9:00 a.m. – noon. Traditionally, City Council members have graciously planted the flowerbed
186 surrounding the City Hall flag pole and the first median flowerbed on Montgomery Road. Please
187 contact Joyce Yock if you are planning on offering a helping hand with this highly visible, community
188 project.
189
- 190 • The Open House for the Twin Lakes project and the consolidated access point will be held on Monday,
191 May 12, 2008 from 4:00 to 7:00 p.m. at City Hall. City Council members, staff and representatives
192 from Twin Lakes will be present to answer questions throughout the three-hour period for interested
193 residents.
194
- 195 • The City of Montgomery/FOP labor agreement was signed today. This culminates over one year of
196 negotiations between the City and the FOP bargaining unit. Thanks to all parties who reached a
197 successful conclusion in this process.
198
- 199 • City Council held a very successful Board and Commission training session on Tuesday, May 6, 2008.
200

201 Ms. Hilvert requested an executive session to discuss matter related to labor negotiations and the purchase of
202 real estate.

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MAYORS COURT REPORT

Mayor Harbison reported that the total Mayor's Court collections for the month of April, 2008 were \$19,301.

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

APPROVAL OF MINUTES

Mr. Combs moved to approve the March 19, 2008 Work Session minutes. Mr. Steinbrink seconded. City Council unanimously approved the minutes.

OTHER BUSINESS

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 discuss matters related to labor negotiations and the purchase of real estate.

Mr. Suer moved to adjourn into executive session to discuss matters related to labor negotiations and the purchase of real estate. Mr. Combs seconded.

The roll was called and showed the following vote:

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

City Council adjourned into executive session at 7:45 p.m.

City Council reconvened into public session at 8:16 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. Combs seconded.

City Council unanimously agreed.

City Council adjourned at 8:17 p.m.

Clerk of Council