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City of Montgomery
City Council Business Session Minutes
November 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
Amber Morris, Recreation and Communications Director
Brian Riblet, Assistant Public Works 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. Combs moved to dispense with the roll call. Mr. Steinbrink seconded. City Council unanimously agreed.

GUESTS AND RESIDENTS

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

LEGISLATION FOR CONSIDERATION TONIGHT

Pending Legislation

An Ordinance Amending Portions of Chapter 151 of the Code of Ordinances Governing Signs

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

Mr. Joffe explained that if approved, this ordinance would adopt modifications to the City's temporary, permanent window and outdoor display sign regulations. He further explained that last fall one of the local businesses expressed concerns about several aspects of the temporary, permanent window and outdoor display regulations. The Planning, Zoning and Landmarks Committee of City Council referred the matter to the Planning Commission. Planning Commission reviewed the temporary, permanent window and outdoor display sign regulations and directed staff to work on specific recommendations regarding changeable copy signs, sandwich board signs, window signs and outdoor display. Planning Commission has recommended that City Council adopt the revisions to the temporary, permanent window and outdoor display sign regulations.

The roll was called and showed the following vote:

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

NAY: (0)

ABSENT: (0)

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An Ordinance Accepting Real Estate Rights to be Dedicated to a Public Access Road

Mr. Donnellon, Law Director, explained that the City has learned that the Hinckley family intends to gift the access real estate individually to the City rather than through their family’s limited liability company. He further explained that the ordinance was originally prepared with the understanding that the gift would be from the LE Steele, LLC., therefore, it will be necessary for City Council to amend Section One of this ordinance to reflect the appropriate donors of the property to the City as Don H. Hinkley, Elizabeth H. Hoyt and Emery Hinkley and also to note that LE Steele will sell the property to Twin Lakes as a condition of this gift.

Mr. Joffe moved to amend Section 1 of the ordinance to read as follows:

“Section 1. The City hereby accepts the real estate described on Schedule “A” attached hereto and incorporated herein by reference from Don H. Hinkley, Elizabeth Hoyt and Emery Hinkley, which property is being gifted, granted and devised to the for the purposes of constructing a public dedicated roadway. The City Manager is authorized to execute any and all City documents necessary to accept his devise. It is understood and agreed that this gift is conditioned upon the closing and sale of the remaining property held by L.E. Steele, LLC and/or Don H. Hinkley, Elizabeth H. Hoyt and Emery Hinkley to Twin Lakes for their development.”

Mr. Steinbrink seconded.

The roll was called and showed the following vote:

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

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

Mr. Steinkbrink explained that this ordinance, if approved would accept property grants from Don H. Hinkley, Elizabeth Hoyt and Emery Hinkley. This property will be used for the development of a public access point to service the properties on the east side of Montgomery Road between Schoolhouse Lane and the Safety Center.

The roll was called and showed the following vote:

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

An Ordinance to Make Appropriations for Current Expenses and Other Expenditures of the City of Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2009

Mr. Combs read the ordinance by title only and moved passage of 2nd Reading. Mr. Steinbrink seconded. City Council unanimously agreed.

Mr. Combs explained that if approved, this ordinance will establish the City’s budget for the year 2009. He further explained that on September 2, 2008 the Financial Planning Committee of Council completed its review of the 2009 operating and capital budget and five year capital improvement program. City Council conducted its formal budget review session of these documents on October 7, 2008. He also explained that there were

104 changes requested in the “notes” section of the budget as a result of this budget review, there were no changes
105 requested that would necessitate an amendment of the ordinance that is being considered by City Council.
106

107 The roll was called and showed the following vote:

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109 AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Steinbrink, Suer (7)
110 NAY: (0)
111 ABSENT: (0)
112

113 **New Legislation**

114
115 **A Resolution Accepting the Amounts and Rates as Determined by the Hamilton County Budget**
116 **Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor**
117

118 Mr. Suer moved to read the resolution by title only. Mr. Combs seconded. City Council unanimously agreed.
119

120 Mr. Suer read the resolution by title only and moved passage of the resolution. Mr. Combs seconded.
121

122 Mr. Suer explained that if approved, this resolution would certify the tax rates and amounts as presented by the
123 Hamilton County Budget Commission, which would result in the estimated collections as specified in the City’s
124 2009 Tax Budget. He further explained that this action will then permit the Budget Commission to collect these
125 property taxes at the rates established for the coming year.
126

127 The roll was called and showed the following vote:

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129 AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Steinbrink, Suer (7)
130 NAY: (0)
131 ABSENT: (0)
132

133 **A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with**
134 **Gudenkauf Corporation for the 2008 Fiber Optic Line Project**
135

136 Mr. Joffe moved to read the resolution by title only. Mr. Steinbrink seconded. City Council unanimously
137 agreed.
138

139 Mr. Joffe read the resolution title only and moved passage. Mr. Combs seconded.
140

141 Mr. Joffe explained that this resolution, if approved, would accept a bid and authorize the City Manager to enter
142 into a contract with Gudenkauf Corporation for the 2008 Fiber Optic Line Project. He further explained that this
143 project will replace the current leased T-1 connection between City Hall and the Safety Center with a more reliable
144 high-speed fiber optic cable. The fiber-optic cable will significantly increase the network capacity allowing for
145 off-site back up storage, support the increasing demand of network services, and provide the infrastructure to take
146 advantage of server virtualization. The savings gained from eliminating the leased connection will allow the
147 project to pay for itself in approximately three and a half years. He also explained that this project was presented
148 to the Financial Planning Committee on March 3, 2008 and approved on May 5, 2008. Funding for this project
149 is included in the 2008 capital improvement program.
150

151 The roll was called and showed the following vote:

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

154 NAY: (0)
155 ABSENT: (0)
156

157 **A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with Morton**
158 **International, Inc. Morton Salt Division for the Purchase of De-icing Rock Salt**
159

160 Mrs. Hirsch moved to read the resolution by title only. Mr. Combs seconded. City Council unanimously
161 agreed.
162

163 Mrs. Hirsch read the resolution by title only and moved passage. Mr. Combs seconded.
164

165 Mrs. Hirsch explained that this resolution, if approved, would authorize the City Manager to enter into a contract
166 with Morton International Inc., Morton Salt Division for the purchase of deicing rock salt. She further explained
167 that this purchase is part of the City's annual street and road maintenance program and is included in the 2009
168 Street Maintenance & Repair and State Highway Operating budgets.
169

170 Ms. Hilvert explained that the contract, if approved would require the City to purchase a minimum of 80% (960
171 tons) of the 1,200 tons of deicing rock salt specified in the terms of the contract. Staff has researched other
172 possible options and sources for deicing rock salt through other government contracts such as through ODOT,
173 the Northeast Ohio Sourcing Office (NEOSO), which is a 501 (c) (3) not-for-profit organization that manages
174 purchasing programs for local governments located primarily in northeastern Ohio. The City also looked at the
175 possibility of re-bidding the deicing rock salt contract as a local business had indicated that they were
176 investigating the availability of deicing rock salt currently stockpiled in New Mexico. She further explained
177 that the staff review of these options resulted in the determination that ODOT does not have a surplus of salt for
178 direct purchase nor do they have any contracts that the City of Montgomery could jointly participate in. The
179 price for deicing rock salt available through NEOSO would require transportation from Maryland with the unit
180 pricing set at \$145 per ton. The last option of re-bidding the contract is not recommended as the logistics of
181 acquiring and transporting the deicing rock salt located in New Mexico has encountered several issues with both
182 the federal and state governments. The salt in New Mexico is a by-product of a "mining" operation in New
183 Mexico that is governed by a federal contract. The local company that is attempting to purchase this salt is
184 Environmental Enterprises and company representatives have indicated that they have encountered obstacles for
185 the procurement of the salt as well as coordinating the loading and transportation from the federally regulated
186 site in New Mexico to the Cincinnati area. Currently, Environmental Enterprises does not have a contract to
187 purchase the salt nor do they have an estimated timetable of when they would be in a position to provide a bid
188 for salt for 2008-09. Given the uncertainty from this supplier, the option of rebidding the contract is not in the
189 best interest of the City of Montgomery. It is quite possible that if the contract were to be re-bid that the City of
190 Montgomery may not receive any bids or that if bids are received they could be higher than the per ton price
191 provided by Morton International Inc., Morton Salt Division. She also explained that it is recommended that
192 City Council authorize a contract for purchasing deicing rock salt tonight to meet the requirement Morton
193 International Inc. included with its bid for contract authorization to be received within 15 business days
194 following the bid opening held on October 16, 2008. This contract authorization would ensure that the City
195 would have deicing rock salt available for winter operations during the 2008-09 winter season as Morton
196 International Inc. Morton Salt Division is currently the only vendor that has the resources and materials to
197 guarantee the delivery of deicing rock salt to the City of Montgomery during the 2008-09 winter season.
198

199 The roll was called and showed the following vote:
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201 AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Steinbrink, Suer (7)
202 NAY: (0)
203 ABSENT: (0)

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

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

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

The roll was called and showed the following vote:

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

Mr. Combs moved passage. Ms. Roesch seconded.

Mr. Combs explained that if approved, this ordinance would amend the 2008 appropriation ordinance to appropriate funds in the amount of \$35,000 for the purchase of road salt for the balance 2008. He further explained that this appropriation would allow the City to purchase approximately 279 tons of the total tonnage of 960 tons of road salt the City is obligated to purchase under the proposed contract. He also explained that the purchase of the remaining road salt will be purchased from the 2009 Operating Budget which has sufficient appropriations in the Street Construction, Maintenance & Repair Fund and the State Highway Improvement Fund.

The roll was called and showed the following vote:

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

A Resolution Establishing Compensation for the City Manager

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

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

Mr. Suer explained that if approved, this resolution would adjust the compensation of the City Manager as a result of the recent performance appraisal that was conducted by City Council and staff. He further explained that the Governmental Affairs Committee of City Council has recommended that this resolution be adopted.

The roll was called and showed the following vote:

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

ADMINISTRATION REPORT

Ms. Hilvert reported on the following items:

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- Tony Gardner will be in town on November 19th – 21st to conduct a "check-up" with City staff on its efforts in developing the City's work culture, including review and discussion of accomplishments since his last visit, assessment of current status, and guidance for planning our next steps. On Wednesday evening we discussed having Tony available on Wednesday the 19th to meet with City Council at 6:00 p.m. prior to our work session. Additionally, we discussed a cookout that will be put on by staff at Terwilliger Lodge beginning at 6:00 p.m. on Thursday, the 20th, and we would like to again extend the invitation for you to join us for dinner and good company on that evening
 - The Government Affairs, Parks and Recreation, Public Works and Law and Safety Committees are scheduled to meet on Tuesday, November 18th at City Hall. The Government Affairs Committee will meet at 2:30 p.m.; Parks and Recreation Committee at 3:30 p.m. and Public Works and Law and Safety will meet in combined session at 4:30 p.m.
 - The City received notice today that a Federal Declaration has been declared on the September Wind Storm. With this Declaration in place FEMA will be able to reimburse the City up to 75% of the storm experiences.

272 **MAYORS COURT REPORT**

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274 Mayor Harbison reported that the total Mayor's Court collections for the month of October, 2008 were \$16,297.

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276 Mr. Steinbrink moved to accept the Mayor's Court collections for the month of October, 2008. Mr. Suer
277 seconded. City Council unanimously accepted the collections.

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279 **OTHER BUSINESS**

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

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284 Mr. Steinbrink moved to adjourn. Mr. Joffe seconded.

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286 City Council unanimously agreed.

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288 City Council adjourned at 7:41 p.m.

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Clerk of Council