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City of Montgomery
City Council Business Session Minutes
August 5, 2009

Present

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

City Council Members Present

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

City Council Member Absent

Todd Steinbrink

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, Harbison, Hirsch, Joffe, Suer, Roesch
ABSENT: Steinbrink

Mayor Harbison noted that Mr. Steinbrink indicated at the last meeting that he would be out of town. She asked for a motion to excuse Mr. Steinbrink

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

GUESTS AND RESIDENTS

Ms. Joanne Gerson, 7714 Stonehenge Drive, read the following statement:

“My husband and I have lived at 7714 Stonehenge Drive for 30 years. I have served on several committees over the years including Planning Commission for about 10 years. Montgomery is a wonderful place to live -- but I believe Montgomery can be even better. I come to you as a friend and as one who wants so much for this city to be the best it can be. I think most citizens in Montgomery want their Jewish, Muslim, Hindu, Buddhist and atheist friends and neighbors to feel included in the city events and activities. After all, it is their home, my home...our home. Some people may not realize that if the city is engaging in activities that celebrate one religion, such activities can inadvertently exclude and upset those of a different faith community. The perception of the general population is that civic events such as celebrations of national holidays are sponsored by the city whether or not the city has paid for them in their entirety or not because these events are publicized as part of its effort to keep its residents informed. This is one of the great things about our city – that as a community, we are willing to use community dollars to help encourage participation at such events. As a community, we even use our tax dollars to contribute to the *cost* of these events. And that can bring us pretty close to the line

55 that says that these events are government-sponsored events. That means that the separation of state
56 from religion must be a concern. Montgomery has changed over the last 30 years. Most of the changes
57 have been for the better, some maybe not. Thirty years ago there were no Christian religious songs sung
58 at 4th of July Concerts. And there were no municipal meetings held in churches. Montgomery Christmas
59 celebrations have changed a lot. Thirty years ago there was no big holiday tree. There was no sleigh
60 ride with Santa with the honor to light the Montgomery Christmas tree for the child winner of a
61 Christmas themed coloring contest. There was no Breakfast with Santa at a city park lodge. There was
62 no \$750 prize at a Montgomery Park for the winner of a Holiday Tree decorating contest followed by
63 possible donation of the trees to a Christian Nursing home. There were no Holiday Ornaments for sale
64 by the city. I simply want you to understand that every time the City has enhanced celebrations such as
65 this with more and more recognition of what is, after all, an exclusively Christian holiday, it has pushed
66 away non-Christians just a tiny bit. But those tiny bits add up. I acknowledge that my husband and I
67 might be more sensitive than many people, as a result of our families' histories. But we are not alone.
68 Others have spoken out to us, and that is why I am here. In the spirit of helping us all live together
69 harmoniously, I simply want to encourage you – in carrying out your jobs as representatives of our
70 residents – to consider with each decision concerning the work of our government whether it might
71 bring us too close to that invisible and always –moving line. Montgomery is unique in that it is one of
72 the more religiously diversified jurisdictions in Hamilton County. This provides the city a special
73 marketable niche that can be achieved by show casing our diversity through a community wide
74 inclusive celebration. The variety of cultures and viewpoints is what makes this community so very
75 rich! I hope we can build on the strengths this uniquely diverse population brings to Montgomery. I
76 appreciate the hard work that council members, staff and members of our community contribute in
77 creating the numerous special events that are held throughout the year. And I appreciate the opportunity
78 to present my point of view, a point of view shared by others. I am also sharing my views with the
79 board of BAMSO, in the hope that the music played at civic events in the future is selected with these
80 thoughts in mind.”

81
82 Mayor Harbison noted that Ms. Gerson's concerns regarding the music played at the July 3rd Concert have
83 been referred to the Blue Ash Montgomery Symphony Orchestra.

84 **LEGISLATION FOR CONSIDERATION TONIGHT**

85 **Pending Legislation**

86 87 88 89 **An Ordinance Accepting Publicly Dedicated Property and Certain Easement Rights at 9797 Montgomery** 90 **Road, Montgomery, Ohio**

91
92 Mr. Joffe read the ordinance by title only and moved passage to the 3rd reading. Ms. Roesch seconded.

93
94 Mr. Joffe explained that if approved, this ordinance will accept an easement from Phillip Schutte, the owner of
95 the property at 9797 Montgomery Road to allow for the installation of a new bus shelter. He further explained
96 that since there is a limited amount of right-of-way behind the sidewalk in this area, the new bus shelter would
97 have to encroach onto his property; therefore, it is necessary for City Council to accept the dedicated property
98 and easement rights. He also explained that the dimensions of the easement will allow for the installation of the
99 shelter and includes sufficient area for the new trash can, flower pots, and possibly a future water fountain.

100
101 The roll was called and showed the following vote:

102
103 AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Suer (6)

104 NAY: (0)

105 ABSENT: Steinbrink, (1)

106

107 **An Ordinance Amending Ordinance 16, 2006 Accepting Publicly Dedicated Property and Certain Easement**
108 **Rights on Main Street at Remington Road, Montgomery, Ohio**

109

110 Mr. Suer read the ordinance by title only and moved passage to the 3rd reading. Mrs. Hirsch seconded.

111

112 Mr. Suer explain that this ordinance, if approved, will amend Ordinance 16, 2006, accepting dedicated public
113 right-of-way and an easement associated with the Montgomery Row development in the Heritage District.
114 Ordinance 16, 2006 was adopted to authorize the acceptance of both public right-of-way and an easement to
115 provide for the appropriate installation and maintenance of the required streetscape for the Montgomery Row
116 development. This amendment to the ordinance would slightly reduce the size of the dedicated right-of-way and
117 create an additional easement along Main Street to accommodate the required 10' streetscape.

118

119 The roll was called and showed the following vote:

120

121 The roll was called and showed the following vote:

122

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

124 NAY: (0)

125 ABSENT: Steinbrink, (1)

126

127 **New Legislation**

128

129 **A Resolution Authorizing the City Manager to Enter into a Contract with Medical Mutual of Ohio to**
130 **Provide Medical Coverage for Full-Time Employees**

131

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

133

134 Mr. Combs read the resolution by title only and moved passage. Ms. Roesch seconded.

135

136 Mr. Combs explained that this resolution, if approved would authorize the City Manager to enter into a contract
137 with Medical Mutual of Ohio for health insurance coverage for the City's full-time employees. He further
138 explained that each year, the City must bid its health insurance coverage. The proposals are evaluated by the
139 Health Care Benefits Committee, which takes into account benefit levels and coverage costs to make a
140 recommendation as to the desired provider of health insurance coverage, as well as any changes to current benefit
141 levels to achieve cost savings. He also explained that for the insurance year that runs from September 1, 2009
142 through August 31, 2010, the Health Care Benefits Committee has recommended Medical Mutual of Ohio as the
143 carrier, with two plans for employee coverage: a Preferred Provider Organization (PPO) plan and a High
144 Deductible Health Plan with a Health Savings Account (HDHP/HSA). He noted that the PPO plan and the HDHP
145 plan represent a combined 20% increase over the 2008-2009 plan year premium.

146

147 The roll was called and showed the following vote:

148

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

150 NAY: (0)

151 ABSENT: Steinbrink, (1)

152

153 **A Resolution Authorizing the City Manager to Enter into a Contract with Dental Care Plus to Provide**
154 **Dental Insurance for Full-Time Employees**

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Mr. Suer moved to read the resolution by title only. Mr. Joffe 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 will authorize the City Manager to enter into a contract with Dental Care Plus for dental insurance coverage for the City's full-time employees. He further explained that each year, the City must bid its dental insurance coverage. The proposals are evaluated by the Health Care Benefits Committee, which takes into account coverages and costs and makes a recommendation as to the desired provider of dental insurance coverage, as well as any changes to current coverages to achieve cost savings. He also explained that based on the City's past experience with Dental Care Plus and an increase in the renewal rates under the caps, the Health Care Benefits Committee elected not to solicit additional quotes from other carriers for dental coverage. He noted that the Dental Care Plus proposal represents a 3% renewal rate increase over 2008-09 premiums.

The roll was called and showed the following vote:

AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Suer (6)
NAY: (0)
ABSENT: Steinbrink, (1)

A Resolution Authorizing the City Manager to Enter into a Contract with Lincoln Financial Group to Provide Life and Accidental Death and Disability Insurance Coverage for Full-Time Employees

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

Mr. Joffe read the resolution by title only and moved passage. Ms. Roesch seconded.

Mr. Joffe explained that this resolution, if approved will authorize the City Manager to enter into a contract with Lincoln Financial Group for life and accidental death and disability insurance coverage for the City's full-time employees. He further explained that each year, the City must bid its life insurance coverage. The proposals are evaluated by the Health Care Benefits Committee, which takes into account coverages and costs and makes a recommendation as to the desired provider of life and accidental death and disability insurance coverage. He also explained that Lincoln Financial Group's proposal is staying at the current level of coverage for a one-year contract

The roll was called and showed the following vote:

AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Suer (6)
NAY: (0)
ABSENT: Steinbrink, (1)

Resolution Establishing City Contributions for Health Care Benefits

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

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

Mr. Combs explained that if approved, this resolution will establish the City's incentive contribution for 2009-2010 for employees choosing the High Deductible Health Plan/Health Savings Account. He further explained that

205 this resolution will also restate the maximum established contribution limits (caps) for medical and dental
206 insurance which determines the amount of money that employees must contribute toward the cost of their health
207 and dental insurance coverage. He also explained that the maximum contribution by the City to the High
208 Deductible Health Plan/Health Savings Account is recommended to be established at \$1,500 for a family plan and
209 \$750 for a single plan for the 2009-2010 insurance plan year. In addition to the base City incentive contribution,
210 the City will match the employee's contribution to his/her health savings account in an amount up to \$1,000 for
211 employees with family plans and \$500 for employees with single plans. He noted that these incentive
212 contributions would be payable when each employee reaches the corresponding level of personal contribution to
213 his/her health savings account or for those who do not reach these matching thresholds, that the payments be made
214 at the end of the health insurance plan year on August 31, 2010.
215

216 The roll was called and showed the following vote:

217
218 AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Suer (6)
219 NAY: (0)
220 ABSENT: Steinbrink, (1)
221

222 **A Resolution to Adopt Recommendation of the Montgomery Tax Incentive Review Council with Respect**
223 **to the Compliance of all Tax Increment Financing Districts within the City of Montgomery**
224

225 Mr. Suer moved to read the resolution by title only. Mr. Combs seconded. City Council unanimously agreed.
226

227 Mr. Suer read the resolution by title only and moved passage. Mr. Combs seconded.
228

229 Mr. Suer explained that this resolution, if approved, will affirm the report of the Montgomery Tax Incentive
230 Review Council regarding the status of all current tax increment financing districts in the City in terms of their
231 compliance with all requirements of the tax increment financing agreements that created the districts. He further
232 explained that Ohio law mandates that the City Council approve, reject or remand the decision of local tax
233 incentive review councils relative to the compliance of the existing tax increment financing district. He also
234 explained that this resolution indicating City Council's action must be filed with the Ohio Department of
235 Development on or before September 1st of each year.
236

237 The roll was called and showed the following vote:

238
239 AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Suer (6)
240 NAY: (0)
241 ABSENT: Steinbrink, (1)
242

243 **A Resolution Authorizing the City Manager to Enter into a Labor Agreement with the Montgomery**
244 **Firefighters IAFF Local 4391 for Wages and Benefits from April 1, 2009 Through March 31, 2012**
245

246 Mr. Joffe moved to read the resolution by title only. Ms. Roesch seconded. City Council unanimously agreed.
247

248 Mr. Joffe read the resolution by title only and moved passage. Mrs. Hirsch seconded.
249

250 Mr. Joffe explained that if approved, this resolution will authorize the City Manager to execute the labor agreement
251 with the Montgomery Firefighters IAFF, Local 4391 for wages and benefits from April 1, 2009 through March 31,
252 2012. He further explained that the City and the Montgomery Firefighters IAFF, Local 4391 have reached
253 agreement on a new three (3) year labor agreement that includes wage and benefit modifications.
254

255 The roll was called and showed the following vote:

256

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

258 NAY: (0)

259 ABSENT: Steinbrink, (1)

260

261 **A Resolution Supporting the Drug Abuse Resistance Education (D.A.R.E.) Program and Authorizing the**
262 **Filing and Execution of a Grant Request to the Ohio Attorney General's Office for the Continuing Efforts**
263 **of the D.A.R.E. Program**

264

265 Mr. Joffe moved to read the resolution by title only. Ms. Roesch seconded. City Council unanimously agreed.

266

267 Mr. Joffe read the resolution by title only and moved passage. Ms. Roesch seconded.

268

269 Mr. Joffe noted that this resolution, if approved, will express support for the D.A.R.E. program. He further
270 noted that the resolution will also authorize the City Manager to submit an application to the Ohio Attorney
271 General's Office to seek assistance in funding the continuation of the D.A.R.E. program. If a grant is awarded,
272 this resolution will also authorize the City Manager to enter into an agreement to administer the D.A.R.E. grant
273 through the Office of the Attorney General. He also noted that historically, the City has received approximately
274 \$10,000 per year to offset costs for the program.

275

276 The roll was called and showed the following vote:

277

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

279 NAY: (0)

280 ABSENT: Steinbrink, (1)

281

282 **A Resolution Authorizing the City Manager to Enter into an Agreement with the Sycamore Community**
283 **School District Board of Education**

284

285 Mr. Joffe moved to read the resolution by title only. Ms. Roesch seconded. City Council unanimously agreed.

286

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

288

289 Mr. Joffe explained that if approved, this resolution will authorize the City Manager to execute an agreement
290 with the Sycamore Board of Education for the School Resource Officer position for Sycamore High School for a
291 one-year period. He further explained that the School Resource Officer salary and fringe benefits will be shared
292 with Sycamore covering 60% and the City covering 40%.

293

294 The roll was called and showed the following vote:

295

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

297 NAY: (0)

298 ABSENT: Steinbrink, (1)

299

300 **A Resolution Authorizing the City Manager to Enter into a Contract with 32 Ford for the Purchase of a**
301 **2010 Ford Expedition**

302

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

304

305 Mrs. Hirsch read the resolution by title only and moved passage. Mr. Combs seconded.
306

307 Mrs. Hirsch explained that this resolution, if approved, will authorize the City Manager to enter into a contract
308 with 32 Ford for the purchase of a 2010 Ford Expedition. She further explained that the Fire Department's 2009
309 budget allocates \$40,500 for the replacement of the 2001 Ford Expedition that fills the need for an Incident
310 Command Vehicle. She also explained that this vehicle is used primarily for responding to fire, EMS, and
311 rescue incidents, and contain supplies to initiate a field command post to assist in the successful mitigation of an
312 emergency incident. She noted that staff has recommended that the 2010 Ford Expedition would be the best
313 vehicle to service the Fire Department and the City for \$25,688.
314

315 The roll was called and showed the following vote:
316

317 AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Suer (6)
318 NAY: (0)
319 ABSENT: Steinbrink, (1)
320

321 **A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with American**
322 **Pavements Inc. for the 2009 Microsurfacing Project HAM-CR 256-3.20 (Cornell Road) PID 86236**
323

324 Ms. Roesch moved to read the resolution by title only. Mr. Joffe seconded. City Council unanimously agreed.
325

326 Ms. Roesch read the resolution by title only and moved passage. Mrs. Hirsch seconded.
327

328 Ms. Roesch explained that if approved, this resolution will accept a bid and authorize the City Manager to enter
329 into a contract with American Pavements Inc. for the 2009 Microsurfacing Project. She further explained that in
330 May of this year, City Council passed a resolution authorizing the City Manager to enter into a Local-Let Project
331 Agreement with the Ohio Department of Transportation to microsurface Cornell Road; which will allow for the
332 Cornell Road microsurfacing project to be completed under the City's administration, including project
333 advertisement, award, inspection, coordination and funding. She also explained that once the project is
334 completion, the City will be eligible to receive up to \$130,725 in funding through the American Recovery and
335 Reinvestment Act. However, based on the lowest bid received of \$104,397.45 the amount of the grant award will
336 be based on actual cost to complete the project.
337

338 The roll was called and showed the following vote:
339

340 AYE: Harbison, Hirsch, Joffe, Roesch, Suer (5)
341 NAY: Combs (1)
342 ABSENT: Steinbrink (1)
343

344 **A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with R.E.**
345 **Middleton Construction LLC, for the East Kemper Road Sidewalk Project**
346

347 Mrs. Hirsch moved to read the resolution by title only. Mr. Combs seconded. City Council unanimously agreed.
348

349 Mrs. Hirsch read the resolution by title only and moved passage. Mr. Combs seconded.
350

351 Mrs. Hirsch explained that if approved, this resolution will accept a bid and authorize the City Manager to enter
352 into a contract with R.E. Middleton Construction LLC, for the 2009 East Kemper Road Sidewalk Project. She
353 further explained that the City is in the ninth year of a multi-year construction plan for sidewalk installation on
354 various streets throughout the City. She also explained that this five foot wide concrete sidewalk connects an

355 existing public sidewalk along the north side of East Kemper Road in Symmes Township to the northwest corner
356 of the intersection of Weller and East Kemper Roads. She noted that this project is included in the City's capital
357 improvement program for 2009 and is within the budgetary estimate for the project.
358

359 The roll was called and showed the following vote:
360

361 AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Suer (6)
362 NAY: (0)
363 ABSENT: Steinbrink, (1)
364

365 **A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with**
366 **Langenheim & Thomson Co., Inc. for the Neuilly-Plaisance Plaza Improvement Project**
367

368 Ms. Roesch moved to read the resolution by title only. Mr. Combs seconded. City Council unanimously agreed.
369

370 Ms. Roesch read the resolution by title only and moved passage. Mr. Combs seconded.
371

372 Ms. Roesch explained that this resolution, if approved, will accept a bid and authorize the City Manager to enter
373 into a contract with Langenheim & Thomson Co., Inc. for the Neuilly-Plaisance Plaza Improvements. She
374 further explained that the project includes complete reconstruction of the existing public plaza at the southwest
375 corner of Montgomery and Cooper Roads. She also explained that when complete, the project will include a two
376 level plaza area with both levels constructed for ADA access. A new fountain centerpiece and two level fountain
377 basin will provide a major focal point for the project. Interior and perimeter landscaping, lighting, stone pillars,
378 wrought iron fencing and brick pavers constructed in similar fashion to the Triangle Plaza improvements will be
379 other significant features of this newly designed public area. She noted that this project is included in the City's
380 capital improvement program for 2009.
381

382 The roll was called and showed the following vote:
383

384 AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Suer (6)
385 NAY: (0)
386 ABSENT: Steinbrink, (1)
387

388 **An Ordinance Providing for Participation in the City of Cincinnati Cooperative Purchasing Program to**
389 **Purchase De-icing Rock Salt Through North American Salt Company and Declaring an Emergency**
390

391 Mr. Suer moved to read the ordinance by title only. Mr. Combs seconded. City Council unanimously agreed.
392

393 Mr. Suer read the ordinance by title only and suspension of the rules. Mr. Combs seconded.
394

395 The roll was called and showed the following vote:
396

397 AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Suer (6)
398 NAY: (0)
399 ABSENT: Steinbrink, (1)
400

401 Mr. Suer moved passage with emergency language. Mr. Combs seconded.
402

403 Mr. Suer explained that this ordinance, if approved, will provide for the participation in the City of Cincinnati
404 cooperative purchasing program for the purchase of de-icing rock salt. He further explained that this ordinance

405 will also authorize the City Manager to utilize bids received through a cooperative advertising/bidding program
406 with the City of Cincinnati based on a recent advertisement by the City of Cincinnati for the purchase of de-
407 icing rock salt for the 2009-2010 winter season. He also explained that the City of Montgomery has historically
408 advertised and awarded contracts for the purchase of de-icing rock salt based on the City's own advertisement
409 and bidding process. Due to the competitive nature of supplying rock salt in the mid-west a number of public
410 agencies in the Cincinnati region (including Montgomery) recognized that collectively advertising could result
411 in a modest cost savings compared to what could be received through individual bidding. This participation was
412 optional and non-binding so that each of these public agencies could have the ability to determine if separately
413 entering into a contract with the company providing the lowest and best bid to the City of Cincinnati was in the
414 community's best interest. He noted that the City of Cincinnati and North American Salt Company have entered
415 into a contract for the purchase of de-icing rock salt. He further noted that staff has reviewed the bid prices and
416 based on the City of Cincinnati's contract with North American Salt Company it has been determined that this
417 represents an excellent value for the City as the per ton price is \$62.01 for 1,200 tons of de-icing rock salt.
418

419 The roll was called and showed the following vote:

420
421 AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Suer (6)
422 NAY: (0)
423 ABSENT: Steinbrink, (1)
424

425 **An Ordinance to Amend Appropriations for Current Expenses and Other Expenditures of the City of**
426 **Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2009**
427

428 Ms. Roesch moved to read the ordinance by title only. Mr. Joffe seconded. City Council unanimously agreed.
429

430 Ms. Roesch read the ordinance by title only and moved passage of the 1st reading. Mr. Combs seconded.
431

432 Ms. Roesch explained that if approved, this ordinance will amend the 2009 Appropriations Ordinance to
433 appropriate funds in the amount of \$550,000. The proposed \$550,000 supplemental appropriation is necessary
434 for the timely construction of the Neuilly-Plaisance Plaza improvements. She further explained that the
435 \$550,000 is being transferred from the Capital Improvement Fund to the Tax Increment Financing Fund. She
436 noted that the reason for the transfer was because of a delay that occurred in approving the tax exemptions for
437 the parcels in the Triangle Development. She further noted that the exemption was filed with the Ohio
438 Department of Taxation on November 14, 2006; however, the approval was not received until June 24, 2009.
439 As a result, in 2010 the City will recover the Tax Increment Financing revenues, which should have been
440 collected for tax years 2006, 2007, 2008 and 2009 and at which time the funds will be repaid to the Capital
441 Improvement Fund.
442

443 The roll was called and showed the following vote:

444
445 AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Suer (6)
446 NAY: (0)
447 ABSENT: Steinbrink, (1)
448

449 **An Ordinance Establishing Terms of Office for the Board of Tax Review**
450

451 Mr. Combs moved to read the ordinance by title only. Ms. Roesch seconded. City Council unanimously agreed.
452

453 Mr. Combs read the ordinance by title only and moved passage of the 1st reading. Mr. Joffe seconded
454

455 Mr. Combs explained that this ordinance, if approved, will establish terms of office for the Board of Tax Review.
456 He further explained that at the Financial Planning Committee of Council meeting on June 1, 2009, the Committee
457 discussed establishing terms of office for the Board of Tax Review. He also explained that the Committee has
458 recommended three year staggered terms, which will make the Board of Tax Review consistent with the other
459 Boards and Commissions.

460
461 The roll was called and showed the following vote:

462
463 AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Suer (6)
464 NAY: (0)
465 ABSENT: Steinbrink, (1)
466

467 **An Ordinance Accepting Publicly Dedicated Property and Certain Easement Rights Abutting 7667 Pfeiffer**
468 **Road, Montgomery, Ohio**

469
470 Mr. Suer moved to read the ordinance by title only. Mrs. Hirsch seconded. City Council unanimously agreed.

471
472 Mr. Suer read the ordinance by title only and moved passage of the 1st reading. Mrs. Hirsch seconded

473
474 Mr. Suer explained that this ordinance, if approved will accept a dedication of land to increase the Pfeiffer Road
475 right-of-way. He further explained that the owner of the property at the southeast corner of Pfeiffer Road and
476 Peachtree Lane is subdividing his lot to create an additional building lot. As part of this subdivision, the owner's
477 civil engineer has noted that a 10.03' x 173.98' strip (.0399 acres) along Pfeiffer Road should be dedicated to the
478 City as right-of-way.

479
480 The roll was called and showed the following vote:

481
482 AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Suer (6)
483 NAY: (0)
484 ABSENT: Steinbrink, (1)
485

486 **ADMINISTRATION REPORT**

487
488 Ms. Hilvert, City Manager reported on the following items:

- 489
- 490 • The Planning Commission met Monday evening and approved proposed ordinance language for
491 livestock, including exceptions for chickens and rabbits. The public hearing will be scheduled for the
492 September work session on September 23, 2009.
 - 493
 - 494 • Just a reminder that the Government Affairs Committee is scheduled to meet on Tuesday, August 18th at
495 2:30 p.m. at City Hall. The Parks and Recreation, Public Works and Law and Safety Committees have
496 cancelled their meetings for the month of August.
 - 497
 - 498 • Staff will start conducting budget reviews next week on the initial budget submissions. Based upon
499 these review sessions, additional adjustments will be made to the budget with a recommendation to be
500 forwarded to the Financial Planning Committee for its upcoming meeting on August 31, 2009.
 - 501
 - 502 • The City's management staff will complete the federally-required National Incident Management
503 System (NIMS) training on Wednesday and Thursday of this week. This training is required of any
504 jurisdiction that may apply for federal funding reimbursement.

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- Work on the Montgomery Road streetscape project progressed significantly this week. The new paver brick sidewalk is complete between Remington Road and Ted Gregory Lane and work is underway on Ted Gregory Lane west of Montgomery Road. It is anticipated that by the end of next week installation of the brick paver sidewalk between Ted Gregory Lane and Parrott Alley will be substantially complete.
- Demolition of the former Business Club building has been "moved up" and is now set to begin on Monday, August 10, 2009. Final clean up and grading of the site should be substantially complete by August 17, 2009, weather permitting. All of the residential property owners between Shelly Lane and the western side of the Business Club property were provided a description of the demolition project and contact numbers that could be used during the demolition work.

Ms. Hilvert noted that on July 23, 2009, Mayor Harbison, Frank Davis and Bob Nikula met with the owners of Evolo Design regarding their recent finding that the building they purchased from the owners of Ray Williams Co. did not have a water tap and separate water service. She further noted that during this meeting the owners of Evolo Design suggested that since the City of Montgomery did not have a need for the 2" water tap, which existed for the former Business Club Building that they felt this tap had no "value" for the City and suggested that it be transferred to them for use at their property.

Mr. Nikula explained that even though the water tap was being disconnected it did have value for both the tap cost as well as allowing for sanitary sewer discharge. He further explained that the Greater Cincinnati Water Works currently charges \$4,540 for a 2" water tap and an additional \$520 for the installation of a 2" water meter. If the City of Montgomery wanted to reconnect the 2" service line that was disconnected for demolition of the former Business Club we would have to pay \$520 as the water meter has been removed but that would be the entire cost to the City to "reconnect". If we gave the existing 2" tap to Evolo it would cost the City \$5,060 to establish a new 2" water tap and service branch at some point in the future. This \$5,060 would also be the cost to Evolo in 2009 if they contracted with the Greater Cincinnati Water Works to install a new 2" water service. He also explained that the Metropolitan Sewer District charges tap fees for sewage based on the size of the water tap. In 2009, if someone was installing a new 2" service branch with Greater Cincinnati Water Works approval the sewer tap fees for that size water branch is \$25,180. In the City's case the sewer tap follows the water branch so even though the water service has been disconnected at the old Business Club the City would be permitted to reconnect to the sanitary sewer with no cost as long the new water service would be a 2" (or smaller) water service branch. If the City "upsized" the water service connection to larger than a 2" at some point in the future the "old" sewer tap value would be based a depreciation schedule and the City would have a credit of \$3,580 toward the installation of the larger sewer branch "tap" that is billed based on the water tap size. He noted that the tap fee schedule from MSD is a sliding scale but again if the City were to transfer the water tap to Evolo they would also benefit from not having to pay for a sewer tap which in this case has a new value of \$25,180 or could also be viewed as only having a value of the future credit of \$3,580.

Mr. Donnellon explained that the City cannot give a monetary benefit to a private enterprise. He further explained that any expenditure of public funds or any transfer of value to a private entity must provide a benefit to the public as a whole. He also explained that this right that would be transferred to Evolo would only benefit Evolo and may not sustain a challenge in an audit.

MAYORS COURT REPORT

Mayor Harbison reported that the total Mayor's Court collections for the month of July, 2009 were \$19,043.00.

Mr. Joffe moved to accept the Mayor's Court collections for the month of July, 2009. Mr. Suer seconded. City Council unanimously accepted the collections.

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OTHER BUSINESS

Report/Recommendation from Government Affairs Committee on the Use of City Hall by Outside Groups

Mr. Suer explained that the administration has prepared this policy based on input received from the Government Affairs Committee as well as other City Council and staff members. He further explained that the recommendation was based upon current usage of City Hall by outside groups and the need to provide building and content security as well as general management of the City's facilities. He also explained that the policy would restrict the use of City Hall to not-for-profit community organizations serving the City of Montgomery when such organization has a member of the City Council, its boards or commissions, or administrative staff formally appointed by the City to serve in a representative capacity on behalf of the City to such organizations. He noted that City Hall may be used for official government functions, including elections conducted by the Hamilton County Board of Elections, census work, government training programs, public meetings by State and Local government agencies serving the City and State or Federal elected officials convening Town Hall meetings for the business or government. He further noted that City Hall would only be available for usage by these groups on Monday through Thursday. He also noted that City Council is being asked to make a motion to establish a policy for the use of City Hall facilities by outside groups in accordance with the recommended policy.

Mrs. Hirsch asked under what conditions elected government official could use City Hall.

Ms. Hilvert explained that the City Hall facilities may be scheduled and use for other official government functions including the following:

- Elections conducted by the Hamilton County Board of Elections;
- Census work;
- Government training programs;
- Public meetings by State and local government agencies serving the City, and State or Federal elected official convening Town Hall meetings for the business of the government;

Mrs. Hirsch noted that she had concerns with allow elected government official to use City Hall. She further noted that she was concerned with the officials using it for political rallies or fundraisers.

Mr. Combs indicated that he did not think that City Hall would be used for political fundraising events or rallies.

Mr. Joffe recommended that the policy be amended to include language that the official government function be clearly stated on the rental agreement.

Mr. Suer moved that City Council adapt the establish policy for the use of City Hall facilities by outside groups. Mr. Combs seconded.

The roll was called and showed the following vote:

AYE:	Combs, Harbison, Hirsch, Joffe, Roesch, Suer	(6)
NAY:		(0)
ABSENT:	Steinbrink,	(1)

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

Ms. Roesch moved to adjourn. Mr. Joffe seconded.

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City Council unanimously agreed.

City Council adjourned at 8:10 p.m.

Clerk of Council