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City of Montgomery
City Council Business Session Minutes
December 2, 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
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
Chris Dobrozsi
Vicki Hirsch
Barry Joffe
Lynda Roesch
Ken Suer
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 for a motion to dispense with the roll call since everyone was in attendance.

Mr. Steinbrink moved to dispense with the roll call. Mr. Joffe seconded. City Council unanimously agreed.

SPECIAL PRESENTATION

Certificate of Appreciation to Mark Combs

Mr. Suer read the certificate of appreciation to Mr. Combs in its entirety.

City Council expressed its sincere appreciation to Mr. Combs for his contributions to the City as a member of City Council.

Mr. Suer presented Mr. Combs with the certificate of appreciation.

GUESTS AND RESIDENTS

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

LEGISLATION FOR CONSIDERATION TONIGHT

Pending Legislation

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, 2010 (3rd Reading)

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

Mr. Suer noted that if approved, this ordinance represents the appropriations establishing the City's operating and capital budget for the year 2010. He further noted that on August 31, 2009, the Financial Planning

55 Committee of City Council completed its review of the 2010 operating and capital budget and five year capital
56 improvement program. He also noted that City Council conducted its formal budget review session of these
57 documents on Tuesday, September 29, 2009.
58

59 The roll was called and showed the following vote:

60
61 AYE: Dobrozsi, Harbison, Hirsch, Joffe, Roesch, Steinbrink, Suer (7)
62 NAY: (0)
63 ABSENT: (0)
64

65 **An Ordinance Establishing a Compensated Absences Fund (3rd Reading)**
66

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

69 Mr. Joffe explained that this ordinance, if approved, will establish a Compensated Absences Fund. He further
70 explained that at the Financial Planning Committee meeting on August 31, 2009, staff proposed that the amount
71 annually programmed for leave payout be transferred into a separate fund to accumulate adequate cash for the
72 payment of termination benefits at the time an employee retires from City service. He also explained that the
73 creation of the Compensated Absences Fund would permit the accumulation of cash to meet these obligations as
74 they become payable. He noted that the proposed 2010 Annual Operating Budget proposes funding a portion of
75 the liability over the next five years. It is anticipated that the City will continue to add monies to this fund in the
76 future until such time that compensated absences are fully funded.
77

78 The roll was called and showed the following vote:

79
80 AYE: Dobrozsi, Harbison, Hirsch, Joffe, Roesch, Steinbrink, Suer (7)
81 NAY: (0)
82 ABSENT: (0)
83

84 **An Ordinance Regulating Farm Animals/Livestock Under the City's Land Usage Code (3rd Reading)**
85

86 Mr. Steinbrink read the ordinance by title only and moved passage of the ordinance. Mrs. Hirsch seconded.
87

88 Mr. Steinbrink explained that if approved, this ordinance will establish regulations on farm animals/livestock under
89 the City's Land Usage Code. He further explained that City Council previously updated its general Code of
90 Ordinances prohibiting livestock in the community, but referred the matter to the Planning Commission for further
91 study. The Planning Commission has studied whether under certain conditions keeping a limited number of
92 smaller animals as livestock could be accommodated in residential areas without creating threats to the health,
93 safety, and general welfare of neighbors or the community at large. He also explained that the Planning
94 Commission reviewed this issue in several meetings and has recommended that a limited number of rabbits and
95 chickens/hens could be safely kept using existing health department regulations, property maintenance regulations
96 and certain amendments to the Land Usage Code.
97

98 The roll was called and showed the following vote:

99
100 AYE: Dobrozsi, Harbison, Hirsch, Joffe, Roesch, Steinbrink, Suer (7)
101 NAY: (0)
102 ABSENT: (0)
103
104

105 **An Ordinance Prohibiting Exotic Animals Within the City of Montgomery (3rd Reading)**
106

107 Mr. Steinbrink read the ordinance by title only and moved passage of the ordinance. Ms. Roesch seconded.
108

109 Mr. Steinbrink explained that if approved, this ordinance will prohibit exotic animals within the City of
110 Montgomery. He further explained that with recent events concerning exotic animal attacks on humans, the
111 Community Development Department reviewed the City's rules and regulations governing the keeping or
112 raising of exotic animals. After reviewing the City's current rules and regulations, the rules from surrounding
113 communities, and the Ohio Revised Code, it does not appear practical for the City to allow exotic animals within
114 the community. He also explained that the Planning Commission has reviewed the proposed amendment and is
115 not recommending any modification to the Land Usage Code concerning exotic animals; however, the
116 Commission is recommending that the City consider and implement a general ban against such animals in the
117 City of Montgomery. He noted that City Council amended the ordinance to allow an exception for animals
118 which are a part of an exhibition or program sponsored by, or directed by the Recreation Department. This
119 exception will recognize petting zoos, or zoo programs which the Recreation Department may produce as a part
120 of a City event. It will not open an exception to private parties, but it will only be recognized as an exception to
121 a City event or a City sponsored event.
122

123 The roll was called and showed the following vote:
124

125 AYE: Dobrozsi, Harbison, Hirsch, Joffe, Roesch, Steinbrink, Suer (7)
126 NAY: (0)
127 ABSENT: (0)
128

129 **An Ordinance Recognizing the Exception to the General Prohibition Against Farm Animals Within the**
130 **City (2nd Reading)**
131

132 Ms. Roesch read the ordinance by title only and moved passage to the third reading. Mr. Steinbrink seconded.
133

134 Ms. Roesch explained that this ordinance, if approved, would amend Ordinance No. 4, 2009, which created
135 certain exceptions to the general prohibition of farm animals within the City. She further explained that in
136 finalizing such exceptions, staff has requested an additional exception to recognize events such as petting zoos
137 and other events directed and/or sponsored by the Recreation Department. She also explained that at the
138 October 7, 2009 business session, City Council expressed a desire to recognize such exceptions and to amend
139 Ordinance No. 4, 2009 to reconcile the ordinance with the exotic animal exception.
140

141 The roll was called and showed the following vote:
142

143 AYE: Dobrozsi, Harbison, Hirsch, Joffe, Roesch, Steinbrink, Suer (7)
144 NAY: (0)
145 ABSENT: (0)
146

147 **New Legislation**
148

149 **A Resolution Adopting a Five-Year Capital Improvement Program for the City of Montgomery**
150

151 Mr. Suer moved to read the resolution by title only. Mr. Steinbrink seconded. City Council unanimously
152 agreed.
153

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

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Mr. Suer explained that this resolution, if approved, would adopt the City's proposed Five-Year Capital Improvement Program. He further explained that this program was reviewed by City Council as a companion piece to the proposed 2010 Operating and Capital Budget and represents a comprehensive planning tool for capital investment in the community over the next five years.

The roll was called and showed the following vote:

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

A Resolution Authorizing the City Manager to Enter into a Contract with Audio Visual Impact, Inc. for Professional Services Related to the Montgomery Bulletin

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

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

Ms. Roesch noted that this resolution, if approved, would authorize the City Manager to enter into a two-year contract with Audio Visual Impact, Inc. for professional services related to the graphic design of the Montgomery Bulletin and conversion of text items into a Word document for posting on the web site. She further noted that currently, Audio Visual Impact, Inc. is charging \$318 per page to edit, layout, illustrate, prepress, and coordinate with the printer to ensure timely delivery of each issue and a fixed fee of \$125 for converting the text items into a Word document. These costs have remained static over the past few years and the City has been very satisfied with the company's services. She also noted that for the proposed two-year contract, Audio Visual Impact, Inc. is not requesting any increase, resulting in a continued cost of \$318 per page for the design work and \$125 for the conversion service.

The roll was called and showed the following vote:

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

A Resolution Authorizing the City Manager to Enter into a Contract with Quality Publishing Company, Inc. for Professional Services Related to the Publishing of the Montgomery Bulletin

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

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

Ms. Roesch explained that this resolution, if approved will authorize the City Manager to enter into a two-year contract with Quality Publishing Company, Inc. for professional services related to publishing of the Montgomery Bulletin. She further explained that the City has contracted with Quality Publishing Company, Inc. for a number of years and has been very satisfied with the company's services. She also explained that the proposed 2010 and 2011 fee schedule from Quality Publishing Company, Inc. represents a 24.7% reduction in costs from the current contract, representing more than a \$700 per month savings in printing costs. She noted that the funding for this

204 general services contract is included in the City's 2010 Operating Budget in the General Government operating
205 budget.
206

207 The roll was called and showed the following vote:

208
209 AYE: Dobrozsi, Harbison, Hirsch, Joffe, Roesch, Steinbrink, Suer (7)
210 NAY: (0)
211 ABSENT: (0)
212

213 **A Resolution Giving Consent To The Director Of Transportation To Resurface U. S. Route 22**
214 **(Montgomery Road) Between Main Street And Schoolhouse Lane Through The Urban Paving Program**
215

216 Mrs. Hirsch moved to read the resolution by title only. Mr. Suer seconded. City Council unanimously agreed.
217

218 Mrs. Hirsch read the resolution by title only and moved passage of the resolution. Ms. Roesch seconded.
219

220 Mrs. Hirsch explained that if approved, this resolution gives consent to the Director of Transportation to
221 complete an Urban Paving Project on a portion of Montgomery Road between north Main Street and Schoolhouse
222 Lane. She further explained that the City of Montgomery made application to Ohio Department of
223 Transportation to participate in a jointly funded project. This project utilizes Federal funding administered
224 through Ohio Department of Transportation, as well as a local share of \$108,512 to construct a project to mill,
225 resurface and re-stripe Montgomery Road from Main Street to Schoolhouse Lane. She also explained that in
226 accordance with the Urban Paving Project requirements, the City of Montgomery completed final project
227 engineering, calculated project bid item quantities and submitted the information to Ohio Department of
228 Transportation in preparation for project advertisement. She noted that upon passage of this resolution, the City
229 Manager will enter into an agreement with the Ohio Department of Transportation Director of Transportation to
230 advertise the project for bids.
231

232 Mr. Nikula noted that if the lowest and best bid received is within project award thresholds, the Director of
233 Transportation will then enter into a contract during January 2010, with construction scheduled during the first
234 half of 2010.
235

236 The roll was called and showed the following vote:

237
238 AYE: Dobrozsi, Harbison, Hirsch, Joffe, Roesch, Steinbrink, Suer (7)
239 NAY: (0)
240 ABSENT: (0)
241

242 **A Resolution Authorizing an Amendment to the Current Contract With Donnellon, Donnellon and Miller**
243 **for Legal Services to the City of Montgomery**

244 Mr. Suer moved to read the resolution by title only. Mrs. Hirsch seconded. City Council unanimously agreed.
245

246 Mr. Suer read the resolution by title only and moved passage of the resolution. Mrs. Hirsch seconded.
247

248 Mr. Suer noted that if approved, this resolution will authorize an amendment to the current contract with
249 Donnellon, Donnellon and Miller for legal services to the City of Montgomery. He further noted that this
250 resolution is the result of the recent performance appraisal conducted by City Council and staff. He also noted that
251 the Governmental Affairs Committee of City Council has recommended adoption of this resolution.
252

253 The roll was called and showed the following vote:

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

An Ordinance Authorizing an Amendment to Lease for Property at Cooper and Montgomery Roads

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

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

Mr. Joffe explained that if approved, this ordinance will amend an existing lease with James and Paul Grammas for property they own at the corner of Montgomery and Cooper Roads, including Neuilly Plaisance Plaza.

Mr. Donnellon explained that in 1986, this property was placed in a Tax Increment Financing District. He further explained that as a part of the Tax Increment Financing agreement, the property is considered public property and the Grammas' are able to purchase the property back from the City for \$1.00 at the termination of the Tax Increment Financing in 2016. He also explained that this amendment will clearly define the portion of the property that will retain public status after the conclusion of the Tax Increment Financing which is the area utilized as Neuilly Plaisance Plaza, including the new area on which current improvements are being made.

The roll was called and showed the following vote:

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

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, 2009

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

Mr. Suer read the ordinance by title only and moved suspension of the rules. Mr. Joffe seconded.

The roll was called and showed the following vote:

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

Mr. Suer moved passage of the ordinance. Mr. Steinbrink seconded.

Mr. Suer explained that this ordinance represents the annual budgetary "housekeeping" ordinance and if approved is designed to address any budget areas that have exceeded their original appropriations and must have additional funds appropriated.

The roll was called and showed the following vote:

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

304 NAY: (0)
305 ABSENT: (0)
306

307 **ADMINISTRATION REPORT**
308

309 Ms. Hilvert, City Manager reported on the following items:
310

- 311 • Congratulations to the new and returning City Council Members; Ken Suer, Chris Dobrozsi, Lynda
312 Roesch and Barry Joffe. Staff is looking forward to working with each of you over the next two years.
313
- 314 • Holiday in the Village is coming up on December 5, 2009 and Breakfast with Santa is on December 12,
315 2009. Stop by for some holiday cheer (and pancakes) and enjoy the spirit of the season. Proceeds from
316 Breakfast with Santa benefit the Holiday Family Fund.
317
- 318 • The City Council Meet and Greet session has been scheduled for Monday, December 7 at 5:00 p.m. at
319 Terwilliger Lodge. This is an opportunity for our new City Council team to form as a group and get to
320 know one another on a more personal basis. It is also an opportunity to allow our new Council member
321 to ask some questions that may be on his mind and for all of us to begin a great dialogue in anticipation
322 of the coming year.
323
- 324 • The City has been selected as one of 17 local governments to present a case study at the 2010 Alliance
325 for Innovation Transforming Local Government Conference in June. The City was selected from more
326 than 40 case study submissions which were received by Alliance for Innovation. The City's case study
327 on innovation through a culture of continuous improvement will discuss the City's use of the LEAN
328 process improvement system and will present real life examples of how the City has cut waste from its
329 processes to improve service delivery and cut costs to our taxpayers. Thanks to Matthew Vanderhorst,
330 Bob Nikula, Brian Riblet, Mike Rogers and Tracy Roblero for their write-up and presentation to AFI on
331 this proposed case study. In addition, Montgomery was selected to participate as part of a session about
332 Open City Hall during the same conference. Montgomery will present its successes using Open City
333 Hall along with Decatur, GA; Palo Alto, CA; and State College, PA. This effort is being led by Wayne
334 Davis, Matthew Vanderhorst, Ellen Hall, Amber Morris and Ray Kingsbury.
335
- 336 • The POD inoculations at Sycamore High School went extremely well on Monday, November 23, 2009.
337 Members of the fire department, police department, City administration, and City volunteers
338 participated to help things flow smoothly. Just under 2,000 students were vaccinated in four hours.
339
- 340 • Assistant Fire Chief Tom Wolf met with the Hamilton County Health Department on Tuesday,
341 November 24, 2009 to discuss setting up our community POD to start inoculating the general public. If
342 the County receives enough doses of the vaccine, they plan to activate the community POD by the third
343 week in December. Montgomery is one of five communities selected to assist in this undertaking. We
344 can expect to have around 2,000 pre-registered people attend.
345

346 Ms. Hilvert requested an executive session to discuss matters related to the purchase of real estate.
347

348 **MAYORS COURT REPORT**
349

350 Mayor Harbison reported that the total Mayor's Court collections for the month of November, 2009 were
351 \$18,624.00.
352

353 Mr. Joffe moved to accept the Mayor's Court collections for the month of November, 2009. Mr. Steinbrink

354 seconded. City Council unanimously accepted the collections.
355

356 **OTHER BUSINESS**
357

358 Mayor Harbison asked if there was any further business to discuss in public session. There being none, she
359 asked for a motion to adjourn into executive session to discuss matters related to the purchase of real estate.
360

361 Mr. Suer moved to adjourn into executive session to discuss matters related to the purchase of real estate. Mr.
362 Steinbrink seconded.
363

364 The roll was called and showed the following vote:
365

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

367 NAY: (0)

368 ABSENT: (0)
369

370 City Council reconvened into public session at 8:10 p.m.
371

372 Mayor Harbison asked if there was any further business to discuss in public session. There being none, she
373 asked for a motion to adjourn.
374

375 Mr. Dobrozsi moved to adjourn. Mr. Steinbrink seconded.
376

377 City Council unanimously agreed.
378

379 City Council adjourned at 8:11 p.m.
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Clerk of Council