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City of Montgomery
City Council Business Session Minutes
January 6, 2010

Present

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

City Council Members Present

Gerri Harbison, Mayor
Chris Dobrozsi
Barry Joffe
Lynda Roesch
Todd Steinbrink
Ken Suer

City Council Members Absent

Vicki Hirsch

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 the roll to be called.

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

Mayor Harbison stated that Mrs. Hirsch had called to say that she was not feeling well and would not be able to attend this evening's meeting. Mayor Harbison asked for a motion to excuse Mrs. Hirsch from the meeting.

Mr. Steinbrink moved to excuse Mrs. Hirsch from tonight's meeting. Mr. Joffe seconded. Motion carried.

GUESTS AND RESIDENTS

Mr. Matt Adams, 7728 Shadowhill Way, was present in the audience. He stated that he is working on a scout project, and attending a council meeting is one of the requirements that must be met. Mrs. Harbison welcomed him and encouraged him to ask any questions that he may have during the meeting.

LEGISLATION FOR CONSIDERATION TONIGHT

Pending Legislation

An Ordinance Recognizing the Exception to the General Prohibition Against Farm Animals Within the City

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

Ms. Roesch explained that, if approved, this ordinance will amend Ordinance No. 4, 2009 prohibiting farm animals within the City. She explained that Ordinance No. 4, 2009, created certain exceptions to the general prohibition of farm animals and City Council requested that staff and Planning Commission study exceptions

55 which may be recognized under the Land Usage Code. In finalizing such exceptions, staff has requested an
56 additional exception to recognize events such as petting zoos and other events directed and/or sponsored by the
57 Recreation Department. At the October 7, 2009 business session, City Council expressed a desire to recognize
58 such exceptions and to amend Ordinance No. 4, 2009 to reconcile the ordinance with the exotic animal
59 exception.

60
61 The roll was called and showed the following vote:

62
63 AYE: Dobrozsi, Harbison, Joffe, Roesch, Steinbrink, Suer (6)
64 NAY: (0)
65 ABSENT: Hirsch (1)
66

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

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

70
71 Mr. Joffe explained that this ordinance, if approved, will amend an existing lease with James and Paul Grammas
72 for property they lease from the City at the corner of Montgomery and Cooper Roads, including the Neuilly
73 Plaisance Plaza. He further explained that this property is part of a Tax Increment Financing District, which was
74 created in 1986, and as a part of the Tax Increment Financing agreement, the property is considered public
75 property and the Grammas' are able to purchase the property back from the City for \$1.00 at the termination of
76 the Tax Increment Financing in 2016. This amendment will more clearly define the portion of the property that
77 will retain public status after the conclusion of the Tax Increment Financing which is the area utilized as Neuilly
78 Plaisance Plaza, including new area on which current improvements are being made.

79
80 The roll was called and showed the following vote:

81
82 AYE: Dobrozsi, Harbison, Joffe, Roesch, Steinbrink, Suer (6)
83 NAY: (0)
84 ABSENT: Hirsch (1)
85

86 **New Legislation**

87
88 **A Resolution Authorizing the City Manager to Enter into a Contract with CDS Associates, Inc. for**
89 **Professional Services Related to General Engineering and Architectural Services**

90
91 Mr. Dobrozsi moved to read the resolution by title only. Mr. Steinbrink seconded. City Council unanimously
92 agreed.

93
94 Mr. Dobrozsi read the resolution by title only and moved passage of the resolution. Ms. Roesch seconded.

95
96 Mr. Dobrozsi explained that, if approved, this resolution will authorize the City Manager to enter into a contract
97 with CDS Associates, Inc. for general engineering and architectural services for the City in 2010. He explained
98 that the City has contracted with CDS Associates, Inc. for a number of years and has been very satisfied with the
99 company's services. The proposed 2010 fee schedule from CDS Associates, Inc. is in keeping with their
100 commitment to the City, to utilize its previous year's fee schedule. As was provided in 2009 and again for 2010,
101 CDS Associates, Inc. has deleted the line for billing of the "Principal" from the fee schedule. If for some reason
102 the Principal is utilized, his work will be charged at the hourly rate of the Senior Manager. Funding for this
103 general services contract is included in the City's 2010 Operating Budget in both the Public Works and
104 Community Development operating budgets.

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The roll was called and showed the following vote:

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

A Resolution Authorizing the City Manager to Enter into a Contract with Ray Kingsbury for Professional Services Related to Communications, Public Relations, and Citizen Outreach

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. Dobrozsi seconded.

Mr. Suer explained that, if approved, this resolution will authorize the City Manager to enter into a contract with Ray Kingsbury for communications, public relations and citizen outreach services. He explained that in the 2006 Strategic Plan, the City identified the development of a citizen outreach program as one of its primary goals. Ray Kingsbury has been working with the City to provide needed support for such programs as the Montgomery Citizens' Leadership Academy, and outreach work with neighborhood associations and civic groups. Funding for this project is included in the City's 2010 Operating Budget.

The roll was called and showed the following vote:

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

ADMINISTRATION REPORT

Ms. Hilvert reported on the following items:

- A public hearing prior to the January 20 Council meeting regarding the Hospital Corridor Design Guidelines. She stated that the public hearing will be scheduled for 6:00 p.m. that evening.
- The Montgomery Citizen Leadership Academy will be commencing next week, and that the curriculum will essentially be the same as in years past, but that staff has been working on tweaking the material slightly to improve it.
- The plans are underway for a Community Leadership Forum to be held on February 20, location yet to be determined. She asked that if anyone has any particular topics they would like to include in the discussion to let someone on staff know.
- There will be items of discussion for both the Government Affairs Committee and the Public Works Committee in January. Ms. Roesch stated that there was no need for the Parks and Recreation Committee to meet this month, so that meeting can be cancelled.
- There is a City Councilmember training opportunity on February 3 from 8:00 a.m. to 3:00 p.m. in Centerville, Ohio sponsored by the Miami Valley Risk Management Association. She stated that the training appears to be geared toward any council person, not just new ones. She asked that if anyone is interested to let her know and she would get the details to them.
- The City is prepared for the impending snow storm expected to hit our area in the next several hours. All of our snow and ice fighting equipment is in good operating order and staff is prepared to work the necessary hours to keep our streets as clear as possible.

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Ms. Hilvert thanked Evelyn Dumont for filling in for Susan Hamm. She stated that Susan is absent due to her husband undergoing surgery, and that she had spoken with Susan earlier in the day and that he is doing well after the surgery. She stated that Susan expects to be back to work next week.

Ms. Hilvert stated that since there are five Wednesdays in December this year, the Council work session, which is currently scheduled for December 22, 2010 could be moved to December 15, 2010 in order to avoid any holiday conflicts. City Council agreed to reschedule the December work session to December 15, 2010.

Ms. Hilvert requested an executive session to discuss a matter of pending litigation.

MAYORS COURT REPORT

Mayor Harbison reported that the total Mayor's Court collections for the month of December, 2009 were \$16,757.

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

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 related to pending litigation.

Mr. Steinbrink moved to adjourn into executive session to discuss matters related to pending litigation. Mr. Joffe seconded.

The roll was called and showed the following vote:

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

City Council adjourned its regular session at 7:25 p.m.

City Council reconvened in regular session at 7:45 p.m.

Mayor Harbison asked for a motion to adjourn the business session.

Mr. Suer moved to adjourn. Mr. Steinbrink seconded. Council adjourned at 7:45 p.m.