

City of Montgomery
City Council Business Session Minutes
April 6, 2011

Present

Cheryl Hilvert, City Manager
Wayne Davis, Assistant City Manager
Terry Donnellon, Law Director
Susan Hamm, Clerk of Council
Frank Davis, Community Development Director
Jim Hanson, Finance Director
Amber Morris, Community Engagement Director
Faith Dickerhoof, Assistant Director of Community Engagement
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
Barry Joffe
Craig Margolis
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. Margolis seconded. City Council unanimously agreed.

SPECIAL PRESENTATION

Mayor's Proclamation

Mayor Harbison read the Mayor's Proclamation in its entirety and presented the proclamation to Ms. Anne Cappel declaring Anne Cappel Day in honor of her being awarded the Chevalier (Knighthood) de l'ordre National du Merite by the French government as well as her many contributions to the City.

Certificate of Appreciation to Renie Taylor

Ms. Roesch read the certificate of appreciation Ms. Renie Taylor in its entirety.

City Council expressed its sincere appreciation to Ms. Renie Taylor for all her contributions to the City of Montgomery.

Ms. Roesch presented the certificate of appreciation to Ms. Renie Taylor.

GUESTS AND RESIDENTS

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

LEGISLATION FOR CONSIDERATION TONIGHT

Pending Legislation

An Ordinance Authorizing The City Manager To Dedicate Certain Portions Of City Owned Property For Public Roadway And Utility Easements Along Pfeiffer Road Near Storybook Drive (3rd Reading)

59 Mr. Margolis read the ordinance by title only and moved passage of the ordinance. Mr. Dobrozsi seconded.
60

61 Mr. Margolis explained this ordinance, if approved would authorize the City Manager to dedicate easements on
62 certain portions of City owned property along Pfeiffer Road where the City plans to install a water main between
63 existing road right-of-way along Storybook Drive and Twinkle Lane. It is necessary to establish dedicated
64 easements so that the water main scheduled for installation across these three properties west of Storybook Drive
65 can be transferred to the Greater Cincinnati Water Works following construction and acceptance of the water main
66 improvements. When the City of Montgomery acquired these properties in 1995 and subsequently completed a
67 realignment of Twinkle Lane, the portion of Twinkle Lane constructed in 1995-96 was simply built across City
68 owned property. As no formal dedication of roadway easement or right-of-way was completed at that time, staff
69 recommends that these easements be established so that the water main extension scheduled for completion by the
70 City of Montgomery later this year will be constructed within dedicated easements thereby allowing the City to
71 transfer ownership and future maintenance of the new water main to the Greater Cincinnati Water Works.
72

73 The roll was called and showed the following vote:
74

75 AYE: Dobrozsi, Harbison, Joffe, Margolis, Roesch, Suer, Steinbrink, (7)
76 NAY: (0)
77 ABSENT: (0)
78

79 **An Ordinance Amending Sections 73.10(K)(1)(a)(2), 73.10(K)(1)(a)(3) and 73.10(K)(1)(b) of the Code of**
80 **Ordinances Regarding Speeding and Penalties for Speeding (3rd Reading)**
81

82 Mr. Joffe read the ordinance by title only and moved passage of the ordinance. Mr. Steinbrink seconded.
83

84 Mr. Joffe explained that if approved, this ordinance will amend Section 73.10(K)(1)(a)(2), 73.10(K)(1)(a)(3) and
85 73.10(K)(1)(b) of the Code of Ordinances regarding speeding and penalties for speeding. He further explained that
86 these proposed amendments would reflect the penalties customary within the State and other local communities for
87 speeding citations which are either in excess of 20 miles per hour of the posted speed limit or represent more than
88 one offense within one year. He also explained that these amendments have been reviewed and recommended by
89 the Law and Safety Committee of City Council.
90

91 The roll was called and showed the following vote:
92

93 AYE: Dobrozsi, Harbison, Joffe, Margolis, Roesch, Suer, Steinbrink, (7)
94 NAY: (0)
95 ABSENT: (0)
96

97 **An Ordinance Amending Sections 76.04 and 76.99 of the Code of Ordinances Regarding Parking Violations**
98 **and Penalties (3rd Reading)**
99

100 Mr. Steinbrink read the ordinance by title only and moved passage of the ordinance. Ms. Roesch seconded.
101

102 Mr. Steinbrink explained that this ordinance, if approved, will amend Section 76.04 and 76.99 of the Code of
103 Ordinances regarding parking violations and penalties. The Police Department has received complaints from
104 residents regarding cars parked on the street preventing mail delivery and/or access to curbside mailboxes. He
105 further explained that after reviewing the Code further it was discovered that the current Code does not prohibit
106 parking in a posted Fire Lane. Therefore, staff has proposed two amendments, which include language
107 prohibiting parking within 10 feet of a mailbox and any place posted "No Parking Fire Lane." He also

108 explained that these amendments have been reviewed and recommended by the Law and Safety Committee of
109 City Council.

110
111 The roll was called and showed the following vote:

112
113 AYE: Dobrozsi, Harbison, Joffe, Margolis, Roesch, Suer, Steinbrink, (7)
114 NAY: (0)
115 ABSENT: (0)

116
117 **An Ordinance Amending Sections 151.1209 and 151.3015 Governing Regulations for Temporary or**
118 **Seasonal Outdoor Sales and Displays and Related Temporary Signs (3rd Reading)**

119
120 Mr. Dobrozsi read the ordinance by title only and moved passage of the ordinance. Mr. Margolis seconded.

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122 Mr. Dobrozsi explained that if approved, this ordinance will amend Sections 151.1209 governing regulations for
123 temporary or seasonal outdoor sales and displays and Section 151.3015 related to temporary signs. He further
124 explained that the proposed amendments established three different types of outdoor sales and outline the review
125 process for each, and increase the number of days that special event signs for businesses can be displayed from 49
126 days per year to 60. He also explained that these amendments have been reviewed and recommended by the
127 Planning, Zoning and Landmarks Committee of City Council and the Planning Commission.

128
129 The roll was called and showed the following vote:

130
131 AYE: Dobrozsi, Harbison, Joffe, Margolis, Roesch, Suer, Steinbrink, (7)
132 NAY: (0)
133 ABSENT: (0)

134
135 **An Ordinance Establishing Regulations for Temporary Storage Containers (3rd Reading)**

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

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139 Mr. Suer explained that this ordinance, if approved, will establish regulations for temporary storage containers.
140 Temporary storage containers have been frequently utilized by property owners within the City to provide
141 temporary storage on site during moving or remodeling. He further explained that staff has recommended that
142 the City adopt regulations controlling the location and duration for when such temporary storage containers are
143 placed on a site. He also explained that these amendments have been reviewed and recommended by the
144 Planning, Zoning and Landmarks Committee of City Council and the Planning Commission.

145
146 The roll was called and showed the following vote:

147
148 AYE: Dobrozsi, Harbison, Joffe, Margolis, Roesch, Suer, Steinbrink, (7)
149 NAY: (0)
150 ABSENT: (0)

151
152 **New Legislation**

153
154 **An Ordinance Amending Ordinance 10, 2009 to Correct Area Accepted as Right of Way (1st Reading)**

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

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

Mr. Steinbrink explained that if approved, this ordinance will amend Ordinance 10, 2009 to correct area accepted as right-of-way. As you may recall, City Council adopted Ordinance 10, 2009, which accepted a dedication of land to increase the Pfeiffer Road right-of-way. He further explained that the owner of the property at the southeast corner of Pfeiffer Road and Peachtree Lane was subdividing his lot to create an additional building lot. As part of this subdivision, the owner's civil engineer noted that a 10.03' x 173.98' strip (.0399 acres) along Pfeiffer Road should be dedicated to the City as right-of-way. He also explained that the owner's civil engineer who prepared the survey of land has found that the originally accepted .0399 acres was not correct as indicated in the ordinance and should be corrected to reflect .1598 acres.

The roll was called and showed the following vote:

The roll was called and showed the following vote:

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

ADMINISTRATION REPORT

Ms. Hilvert reported on the following items:

- The Parks and Recreation, Government Affairs and Public Works Committees are scheduled to meet at 3:30, 4:30 and 5:30 p.m. on Tuesday, April 19 at City Hall. City Council agreed that the Parks and Recreation Committee of Council would cancel its meeting for the month of April and that the Government Affairs and Public Works Committee would meet at 3:30 and 5:00.
- Next week is National Volunteer Week and all of our regular event volunteers, board and commission members and others will be receiving a personalized thank you note and a free week's pass to TriHealth Fitness Pavilion.
- Work on the refinement of the goals and strategies for the new strategic plan began, with teams and leaders assigned to each of the major goal areas. These teams will be responsible for wordsmithing the goals and strategies and developing the implementation steps under each goal and strategy. We will be affording both the community and our employees the opportunities to suggest implementation steps which will be utilized by our teams in developing the final plan for presentation to City Council in June. We will also be working to update our Vision, Mission and Values at the same time. Thanks to all staff who have volunteered to assist in this project!

MAYORS COURT REPORT

Mayor Harbison reported that the total Mayor's Court collections for the month of March, 2011 were \$19,322.50.

Mr. Joffe moved to accept the Mayor's Court collections for the month of March 2011. Mr. Steinbrink seconded. City Council unanimously accepted the collections.

OTHER BUSINESS

208

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

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212 Mr. Steinbrink moved to adjourn. Mr. Margolis seconded.

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214 City Council unanimously agreed.

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216 City Council adjourned at 8:07 p.m.

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Clerk of Council