

City of Montgomery  
Nature Parkland Initiative Petition Public Hearing  
August 8, 2007

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Present

Cheryl Hilvert, City Manager  
Terry Donnellon, Law Director  
Susan Hamm, Clerk of Council  
Wayne Davis, Assistant City Manager  
Peter Hames, Finance Director  
Bob Nikula, Public Works Director  
Amber Morris, Recreation Director  
Tracy Roblero, City Planner  
Don Simpson, Police Chief  
Matthew Vanderhorst, Customer Service Director  
Paul Wright, Fire Chief

Council Members Present

Gerri Harbison, Mayor  
Mark Combs  
Barry Joffe  
William Niehaus  
Lynda Roesch  
Ken Suer  
Todd Steinbrink

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The Initiative Petition Review Committee convened in Council Chambers at 6:30 p.m. with Mayor Harbison presiding.

Mayor Harbison explained that tonight City Council was not serving as the Montgomery City Council but as a committee appointed to examine the initiative petition. She further explained that this role was in accordance with the city's Charter that requires City Council to refer the initiative to a committee of Council, to hold a public hearing and report it's recommendation to City Council within 30 days. As in the past, City Council appointed itself as a whole to perform this task. She also explained that Ms. Roesch will abstain from the discussions as other members of her law firm represent some of the property owners, therefore Ms. Roesch is going to excuse herself and sit in the audience. She explained that the Initiative Review Committee will conduct this hearing and make a recommendation to City Council, which will take action on this issue at the August 22<sup>nd</sup> work session. She also explained that when the committee makes its recommendation, that it was important for the citizens to know that the options on this initiative were as follows:

- Adopt the proposal as city law;
- Determine the initiative petition as submitted be invalid;
- Negotiate with the petitioners on some other action that would satisfy petitioners as an alterative to this initiative.
- Refer this matter to the ballot for voter consideration

Mayor Harbison stated that City Council has had several phone calls and emails from residents who are opposed to putting this matter on the ballot. Many of these people have asked City Council to turn it down. She explained that due to the language in the Charter, City Council did not have the option of denying the petition or stopping the petition from moving forward. She further explained that the petition proposes that a measure be placed on the November ballot that would require the city to purchase approximately 10 acres of property on the east side of Montgomery Road, north of Schoolhouse Lane and south of the Montgomery Safety Center. The measure provides that the city acquire the property and maintain it in its natural state. It does not provide an identified funding source for the purchase of the property. She also explained that the agenda for this evening would be as follows:

- The Law Director will make comments providing an explanation on the initiative process, the hearing process, and comment on the validity of the petition;
- Take comments from the public, which will be limited to three minutes, each. Repetitive comments should be avoided. Physical evidence should be given to the Clerk of Council, who will distribute it to the committee after the meeting has concluded. Those people who want to provide comments need to complete a comment card and provide it the Clerk of Council who will keep them in the order that they are received. If anyone wants to speak in support of an earlier speaker's comments, simply state the

54 support, do not restate the comments. The purpose of public comment is to discuss an issue and to  
55 present all sides and not to argue an issue. The committee asked that you do not speak a second time to  
56 argue a point, restate your position or argue a point of an earlier speaker. All questions asked would be  
57 answered at the end of the public comment section of the agenda. Some questions may require further  
58 research and may not be answered until the August 22<sup>nd</sup> work session. Based on previous behavior at  
59 prior meetings, the committee would not acknowledge questions or comments spoken from the  
60 audience. There is decorum to be shown and if the committee needed to adjourn it would do so, until  
61 such time that behavior is under control.

- 62 • Comments would then be provided by the Initiative Review Committee. This would not be to debate  
63 with the audience but to allow the committee the opportunity to make comments for the record before  
64 the meeting is closed.
- 65 • The committee would then make their recommendation to City Council on the initiative petition.
- 66 • The meeting will then be adjourned.

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68 Mr. Donnellon explained that City Council received an initiative petition entitled, “The Natural Parkland  
69 Initiative.” He further explained that the process with initiatives is to allow citizens to present a law by way of a  
70 petition. If there are a sufficient number of signatures on the petition it is then presented to City Council. It then  
71 comes through this public hearing process and City Council has the following options:

- 72 • Verify whether or not there are enough signatures on the initiative equal to 10% or more of the voters in  
73 the last municipal election. This is determined by sending the petition to the Board of Elections, who  
74 checks the signatures against the voter rosters. This petition has come back from the Board of  
75 Elections, stating that there were a sufficient number of signatures, however there were a number of  
76 signatures that were invalidated.
- 77 • City Council then appoints a committee of City Council, which sometimes in the past, has been three  
78 members of City Council. City Council can also appoint City Council as a whole: because this was an  
79 important enough issue, City Council decided to appoint itself as a whole.
- 80 • The committee then makes determination on the validity, makes a recommendation to City Council to  
81 adopt it, adopt an amended version, or refer it onto the ballot.
- 82 • City Council will then takes action on the recommendation at the August 22, 2007 work session.

83 Mr. Donnellon explained that the first determination would be validity, of which he has a number of concerns,  
84 but not concerns that would make it fatal to moving on with the process; however he wanted to address those  
85 concerns. He further explained that the court tell us that we are to liberally construe these petitions so they are  
86 valid and move on through the process. He further explained that a law proposed by the citizens can be no  
87 different than a law adopted by the City Council, therefore the substance and form has to be maintained whether  
88 the citizens take action or City Council takes action. He also explained that the city’s Charter states that when  
89 the city receives an initiative it is supposed to have one subject matter. This petition has several subject matters  
90 that people will be asked to vote yes or no on in its entirety; as an example, the petition tells the city, in its  
91 central point, that they want the city to acquire this ten acres of land, but the petition also says that it empowers  
92 the Parks and Recreation Commission to create a Trust. What it is doing is taking City Council’s power, in the  
93 sense of creating a Trust and vesting it with the Parks and Recreation Commission, therefore if someone would  
94 say, they would like this as a park but they don’t think that the Parks and Recreation Commission should make  
95 that determination. This creates two different subject matters in this proposed law and the people would have to  
96 vote yes or no on both of them. They would not have a choice as they would if each issue was presented  
97 separately. He further explained that this petition also talks about the authority of the Parks and Recreation  
98 Commission and directs them to develop and maintain this park, which is contrary to the language in the  
99 Charter. It states that the Parks and Recreation Commission is an advisory body to City Council and ultimately  
100 leaves those decisions to City Council to make. He continued to explain that the proposed ordinance in another  
101 section creates an endowment to fund the acquisition and maintenance of the park and then in another section

102 for the endowment to go away. This would take the budgetary authority from City Council and vesting it with  
103 the Parks and Recreation Commission with this endowment and creating a process within this ordinance,  
104 separate from the question if the city should acquire the property. He explained that there is no mention within  
105 the initiative, as to how to fund the acquisition of the park, but there is a reference that the city should go  
106 forward, budget the money and acquire the park, which is a general appropriation, again a separate ordinance  
107 and a separate task of City Council. He continued to explain that the biggest concern with the initiative petition  
108 is the section that says that this initiative may not be repealed, except by an action of the people at an election.  
109 This elevates the law to the level of a Charter amendment, because in this city only Charter amendments can be  
110 submitted and changed by the voters. City Council can approve an Ordinance, and they can appeal or amend  
111 that Ordinance at any time. There are several Attorney General's opinions that address the fact that initiative  
112 laws are no different than an ordinance adopted by City Council, it can be repealed and amended. He also  
113 explained that without a funding source, without a development plan, with authority vested in the Parks and  
114 Recreation Commission, this would be stripping City Council of its power to administer this particular law. He  
115 explained that he had a particular concern that perhaps the petitioners could not address at the time they started  
116 this petition; we are all aware of the Norwood case that came through the courts last year that struck down  
117 eminent domain in the State of Ohio. He further explained that what the legislator did was to put a moratorium  
118 on eminent domain and adopted a new law that takes effect in October of this year, which has a lot of new  
119 process to it, on acquiring property. He continued to explain that if the city could not negotiate the success of  
120 the purchase price with these property owners and the city is being told by the initiative to acquire the land, then  
121 the city will have to have to proceed with eminent domain procedures. Without City Council's ability to go  
122 back and amend sections of this ordinance, he was concerned whether or not the city would get hung up in court  
123 on the eminent domain process. This new process provides penalties to communities in the way of attorney's  
124 fees, expert witness fees, etc. He explained that even though there are a number of concerns he did not want to  
125 go down that track of invalidating the petitions and there are enough people that want to have this question  
126 presented at the ballot and he felt that the interest was to go forward and have this issue determined at the ballot.  
127 He continued to explain that the city had the following choices to correct some of these defects:

- 128 • Litigation, which can be done before it goes to the ballot or after it goes to the ballot, neither are very  
129 good options, since it tends to divide the community and costs the community a lot of money and moves  
130 it away from the central point, which is whether or not this property should be acquired and added to the  
131 inventory of parkland.
- 132 • Correct some of these defects in negotiation with the initiative petitioners, which is the committee of  
133 three that negotiated this process. The Charter and the State Law allow that committee of three by vote  
134 of their majority to accept proposed changes from City Council. If City Council makes those changes  
135 then City Council can adopt it as an ordinance, then the city can move onto the central question. City  
136 Council has the ability to identify what the issue is here, if it is appropriate, and to narrow the question  
137 as to what should be placed on the ballot. The City Council adopts that as an ordinance at its next  
138 meeting and proposes that particular issue to go to the November ballot. To make it very simple, if the  
139 central question is acquiring these 10 acres, that question can simply be put on the ballot without the  
140 secondary questions of endowment, trusts, repealability, and amendability. It is a very simple process  
141 and the committee may talk more about if this issue should be narrowed or if it should be pushed to the  
142 ballot as written and then address these flaws in a later forum.

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144 Mayor Harbison noted that she saw only one of the initiative petition committee present.

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146 Mr. Jenner indicated that Mr. Leonard was present and that Ms. Pillich should be arriving soon.

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148 Mayor Harbison asked if the initiative petition committee wanted to make a brief fifteen minute presentation on  
149 the petition. She noted that the members of the initiative petition committee are Ms. Connie Pillich, Mr. Brett  
150 Leonard, and Mr. Don Jenner.

151  
152 Mr. Don Jenner, 9223 Village Green Drive, explained that what they were trying to do with this development  
153 was to restrict development along Montgomery Road. This is the last 10 acres of green space left in town and  
154 once this is gone all the land is taken up. He further explained that there have been lots of discussions with the  
155 redevelopment of homes along Zig Zag Road and other parts of town, with the old fifty style ranch homes being  
156 torn down and Mac Mansions being built. There seems to be a lot of concerns with that and a tremendous  
157 amount of concerns with commercial development along Montgomery Road and also the traffic, which is the  
158 main problem with development along Montgomery Road. He also explained that what they were trying to do  
159 was take the last 10 acres, which is right next to the Safety Center and swimming pool, which makes this a great  
160 location for this park. By doing this there would be a tendency to reduce traffic along Montgomery Road. He  
161 continued to explain that with Twin Lakes talking about making an entrance across from Forestglen Drive,  
162 everyone thinks this is a smoke screen to affect that, but it's not a part of the whole equation; however it's a way  
163 of eliminating more traffic on Montgomery Road, which is a positive for the city. He further explained that the  
164 petitioners have gathered over 750 Montgomery voter signatures on this initiative. He also explained that there  
165 has been several things stated in the Montgomery Bulletin that if the city does this, then the city will not be  
166 repairing streets or these projects will be pushed off. There was also another note that these three petitioners had  
167 demanded. We are not demanding anything, we have an idea, we have gone through the legal steps to do this  
168 and we have 750 Montgomery register voters who are interested in seeing it on the ballot. He continued to  
169 explain that the petitioners understood, from Mr. Donnellon's comments, that there are some sticking points that  
170 could be negotiated and he would be up to that and he thinks that both the city and the petitioners would want to  
171 put the most perfect piece of legislation on the ballot. He continued to explain that if changes were made, he felt  
172 that it would be for the better of the population of Montgomery and the voters, so he would be up to any  
173 suggestions that Mr. Donnellon would have as far as bookkeeping or how to finance. He continued to explain  
174 that he had heard comments about why the city needed a park across from Montgomery Park and in the past the  
175 Montgomery Parks and Recreation Commission was approached to eliminate the park and construct a Safety  
176 Center, the commission was also approached to put the swimming pool in at Pioneer Park. He continued to  
177 explain that he felt that a way to enhance the city and the live-ability of the city is with a park. A lot of people  
178 are not for green space and he understands that, but he does feel that this a positive approach to some of the  
179 city's problems and he felt this was worth looking at.

180  
181 Mr. Richard Tuten, 10561 Adventure Lane, explained that one of things that is missing from what he has read or  
182 heard is the history. He further explained that the city has 96 acres of active parks and now 141 acres, including  
183 green space, which is a considerable amount. The parks are well distributed within the geographic area of the  
184 city and connected by 14 miles or so of walks between the parks, schools and shopping areas. He also explained  
185 that Dulle, Pioneer, Pfeiffer and Weller parks were done during the time when he was in public service. He  
186 continued to explain that the walks and the improvement to Montgomery Road were also done during his time in  
187 public service. When City Council was considering the improvements to Montgomery Road they were very  
188 conscious of the zoning of these properties and were interested in protecting the existing residential houses that  
189 were on the north and up to Pfeiffer Road and one of the things that City Council did was to put in the medians.  
190 He explained that there were other reasons including traffic; however the medians made the street a little more  
191 conducive to a residential type of a street and it also intended to inhibit the development of retail and offices  
192 because the one way entrances don't tend to support that kind of business. He also explained that there was a lot  
193 of attention given by the Council to put in transitional zoning that goes from six units an acre to five units an  
194 acre. He pointed out that the current residential zoning would require that forty percent of the lot remain in  
195 green space and not be totally covered by concrete and building. He continued to explain that over the years the

196 city has put a lot of time and effort into protecting the residential zoning on Montgomery Road, so that it didn't  
197 become a long street of retail businesses. He further explained that at least one time; this was challenged, by the  
198 residents to the north, who requested that City Council change the zoning to commercial so they could sell their  
199 houses and get more money for them. He stated that this wasn't a prudent use of the city's money to put into  
200 this park, when the city has enough parks already.

201  
202 Mrs. Janet Korach, 12040 Cooperwood Lane, explained that every decision that City Council makes is a long  
203 drawn- out discussion and there were times when she was on City Council and she thought, will this never end,  
204 but City Council always had the help of professionals. She further explained that Mr. Donnellon cited some  
205 details that were wrong in the initiative petition and cannot go forward in the way it is and she understood how  
206 that happens because when you get a few people together and no matter how good the intentions may be, if you  
207 don't have the professional expertise to get it done, chances are you're not going to get it done correctly. She  
208 also explained that the city has a system where we elect officials to represent us and represent what we need and  
209 they can hire the necessary professional people to get it done correctly. She continued to explain that it is  
210 unfortunate that this petition has been put out the way it is, obviously it doesn't work the way it is and she didn't  
211 know what real choice the city had other than putting it on the ballot because right now the city has been backed  
212 into a corner and the only thing to do is to put it on the ballot unless the people who signed and initiated were  
213 willing to admit that perhaps it's not perfect and can make some kind of changes and recognize that the needs of  
214 the people of Montgomery don't necessarily lie in spending money on that property across the street.

215  
216 Mr. Chris Dobrozsi, 9891 Zig Zag Road, explained that he thought that he should do a little research, so he  
217 contacted Jess Parrott, who is working on the parks master plan. He further explained that he verified the 141  
218 acres, which equals 14.1 acres per 1000 resident in the city. That is over twice the acreage of approximately ten  
219 other communities in our area of similar population. It is about the same acreage per 1,000 population as larger  
220 communities, such as Cincinnati and others, which is more than enough space. He also explained that of that  
221 space, 34 percent is active, 66 percent is passive and 40 miles of trails. Mr. Parrott stated that as part of his  
222 research and master plan summary, less than two percent of the individuals who participated in the master plan,  
223 stated they wanted more space. He continued to explain that in his mind this came down to responsible  
224 government and he felt that responsible government does not put an issue on the ballot that seems to be amid a  
225 distinct minority of this community. Responsible government does not put an idea on the ballot without a  
226 master plan that fits into the city's master plan. He continued to explain that he did not feel that responsible  
227 government should hand a blank check to a person or group of individuals that owns 10 acres and tell them to  
228 write their own numbers. He explained that he is in the real estate business and 10 acres along this corridor is  
229 going to millions and millions of dollars. He continued to explain that he felt that what responsible government  
230 should do is to complete the parks master plan, if that plan identifies that the city should have more green space  
231 then the city should identify that site and it should be identified as many others within the community. The city  
232 should develop a list of those sites, rank those sites, pre-negotiate on what the sales price is going to be, so that  
233 the city is not handing out blank checks, create a development plan and a budget associated with all these parks,  
234 so everyone knows the use, the cost and why it benefits this community. He also explained that once this is  
235 done then it can go to the ballot and until then the city would be wasting all their time.

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237 Mr. Fred Kleiser, 13037 Coopermeadow Lane, noted that his comments have been pretty much reflected by the  
238 previous speakers; however he wanted to say that he came in support of City Council and hoped that City  
239 Council would not pass this without taking a serious look at it.

240  
241 Mr. Bill Cleary, 8313 Turtlecreek Lane, explained that he was the man that first measured and marked the bike  
242 paths that were in existence in the early nineties. He further explained that the topic of his essay was going to be  
243 deja vu all over again. He became a City Council watcher in 1997, because the city had a few cantankerous

244 members of City Council at time and he probably attended every meeting from the middle of 1997 on until the  
245 elections of 1999 when we had to form a group call Pro Montgomery to bring sanity back to City Council  
246 because of the cantankerous nature of some of the members of City Council at that time. The organization, Pro  
247 Montgomery was formed, and put up a slate of candidates against another slate of candidates for three positions.  
248 The Pro Montgomery choice candidates defeated the other slate of candidates by at least 2 to 1 in the elections  
249 of 1999. He further explained that the reason he says deja vu all over again was because he felt that there is a  
250 hidden agenda and there is more to it than just buying a park or forcing the city to buy a park, which the city  
251 does not need. There may be 750 people who signed the petition, but he felt if they realized all the  
252 ramifications, financial and otherwise, that would be placed if the city was forced to spend millions and millions  
253 of dollars to buy this land. He continued to explain that, as Mr. Donnellon has explained, the petition is flawed  
254 and can not go forward as it is, so in agreement with the other speakers he supports the statement that this  
255 petition should not go forward.  
256

257 Mr. Ed Daniel 7609 Trailwind Drive, explained that he is not new to the initiative petition process. In fact he  
258 participated with Gene McCracken, Don Jenner, and Janeanne Archiable in a group called MAACA, which  
259 basically brought three initiative petitions to the City of Montgomery. He further explained that two of those  
260 initiative petitions were accepted, the first one was called, Good Government Petition, and required that property  
261 being sold by the city be put out for bid. That was accepted and is still law today. He also explained that the  
262 second petition was the Pioneer Park initiative petition and he thought that it was a good petition, it included a  
263 price tag, told the voters what it was going to cost, and they asked the voters to pay for the park. He also  
264 explained that this initiative petition other than being flawed, as Mr. Donnellon explained, has no price tag, no  
265 idea were it is going to get the money for the unknown price tag, and it cannot be executed, which are flawed  
266 beyond Mr. Donnellon's thoughts. He further explained that if an agreement can be worked out between City  
267 Council and the petitioners to adjust the petition to make it acceptable as far as a legal document, then he would  
268 recommend that City Council place an issue on the ballot to at least fund the purchase, such as a property tax  
269 increase, that way the citizens would know what they are voting on and will have an understanding of what it is  
270 going to cost them.  
271

272 Mr. Chuck Abbott, 7649 Trailwind Drive, stated that he has watched with admiration in the way the city has  
273 expanded the park system and has placed them very well geographically to match up with the population of  
274 Montgomery. He further stated that he does not understand why the city would need another park across the  
275 street from Montgomery Park, let alone the cost of it.  
276

277 Mr. Bob Saul, 10705 Hollowood Circle, noted that he welcomes the rebuild because it raises the property  
278 values. He further explained that he does not think that the city needs more green space and he thought that the  
279 petition says that there is no limit on purchase price and that is a totally awful position to put City Council in and  
280 he really objects to this very thin veil to attempt to block the street.  
281

282 Mr. Dean Lennard, 3036 Arborcreek Lane, indicated that a lot he was going to say has already been covered.  
283 He further indicated that he was on the Charter Committee that wrote the Charter that the city is operating under  
284 today, and it was the general intent that the City Council and the City Manager would establish the priorities in  
285 the financing in the best interest of the total community. With that point there are several things that the city has  
286 look at besides green space. There are people, like him and his wife, who want to continue to live the rest of  
287 their lives in Montgomery and Twin Lakes made that possible. He also indicated that denying the expansion to  
288 allow other Montgomery citizens the option of retiring here is wrong. As Mr. Tuten has previously stated, the  
289 intent of putting the median in was to block the movement of business beyond Clossons.  
290

291 Mr. John Buse, 9856 Tollgate Lane, stated that the houses at 9853 and 9854 Tollgate Lane are for sale and he  
292 would suggest that the City purchase these houses, tear them down and make parks out of them, that way the  
293 city would not have any problems with eminent domain, and the city would know how much it was going to  
294 pay.  
295

296 Mr. Richard Griffiths, 7924 Jolain Drive, stated that he had a very different perspective of what Montgomery  
297 was and where he would like to see it go. He further stated that when his family moved here they chose  
298 Montgomery because it was clearly the fineness town in the area and it still is a very attractive place to live. He  
299 also stated that he tried to do a little research on things that support acquiring this park land because he wanted  
300 to see this go through. He explained that he went through the website and found that the city has 4.2 % green  
301 space, and if he looked simply at park land the city has 3.0% and he thought that it was not a lot. He further  
302 explained that he has lived in a number of other towns ranging in size from much smaller to much larger than  
303 Montgomery and he looked up a few of them and found that Cincinnati has 9.8% parkland, more than twice as  
304 much as the green space in Montgomery and three time as much park land in Montgomery and the City of New  
305 York has 14% parks. He also explained that he knows that Montgomery is very different from these places,  
306 however, the parks we have are very nice and the city is very attractive but the city can indeed use more. If the  
307 city passes up this opportunity then it will not get it again. He suggested that this committee recommend to City  
308 Council that the city take this opportunity and acquire the new park land. He suggested that the flaws in the  
309 proposal be fixed and the city should move on with what is the objective of the proposal and whether it is by  
310 City Council approving it by ordinance or by going to the ballot in a more acceptable form then he would like to  
311 get on with because he would like that property to be park land.  
312

313 Mr. David Marsh, 10671 Creeknoll Court, noted that he came at this from a different perspective and looked at  
314 the CALM website, which had a nice presentation, however he walked the acreage today and what he found was  
315 that the picture, taken by CALM were from one section of the creek, but the bulk of the land is mainly  
316 consisting of honeysuckle thickets, which he has pictures of to verify that fact. He further noted that one of the  
317 reasons he was doing that was because this proposal is to make a nice pristine wood land park and if the city is  
318 going to do that the city needs to have something that is indigenous of a natural setting for this part of the  
319 country and that does not exist right now. He also noted that the city would have to take bobcats in and clear out  
320 the area of honeysuckle and he would have to say that it is 50% to 70% honeysuckle. The only parts that are a  
321 problem would be within 70 to 100 feet of the creek, that area would probably be a situation where the city  
322 could have that donated because of the topography. He further noted that if the current development was  
323 approved as opposed to the park having that section of the creek donated as some kind of small nature preserve  
324 for some parkland setting. He also noted that if you go further back into the park there are no beech, there are  
325 hardly any maples and there are very few other types of trees in that section like you would find at Johnson  
326 Nature Preserve. In his perspective this is not what he would call a prestige park land and the city would have to  
327 go in and replant that area with something that is indigenous to this area. He suggested that the city should have  
328 an arborist go back in there and assess what is actually in there and have a report presented to this City Council  
329 and have it posted on the website so the citizens actually know what the city is really getting into. He further  
330 noted that every one of the pictures posted on the CALM website is from the creek area, nothing is beyond that  
331 area. He noted that the other issue he has isn't this a precedent setting situation, there is a lot of vacant land  
332 around the hospital and what happens if the residents that abut the hospital decide they don't want a future  
333 development and then the city has another petition were it is looking at buying another twenty acres of land  
334 around the hospital to build a green space. This kind of precedent setting where one neighborhood can become  
335 very costly and he thinks that the city should look at that too and if this sets a precedent that what would be the  
336 next issue that people are expecting the whole community to fix for one street.  
337

338 Mr. John Lovro, 7840 Hartford Hill Lane, explained that what attracted him to Montgomery was that it is a  
339 wonderful community, very well run, well developed and the park land is great. He further explained that he is  
340 not opposed to adding more parks or green space if the opportunity is upon us. From a standpoint to what  
341 attracted him to Montgomery was that it is well run city even though he may disagree with some of the decision  
342 that City Council makes, he generally likes the way the city is run. He also explained that he liked the fact that  
343 the city has set-up a reserve of money in case something happens, which showed that the city was being fiscally  
344 responsible. He continued to explain that these are strategic decisions; they are things that require a lot of  
345 thought, require a lot of planning, require some foresight and you have to be optimistic about what you do here,  
346 because the best opportunities to acquire additional land for parks may be here somewhere in the city. As a  
347 previous speaker said, there is a lot of land coming up for sale and if the city has the opportunity, especially if it  
348 abuts another park, it must be very strategic, it may be very optimistic and it may be a very good value of the  
349 resources. He continued to explain that those are the decisions that need to go into this kind of planning for  
350 additional park space, which he does actually support and he would like to see more, but it needs to be strategic  
351 and fiscally sound. Don't want to hand cuff City Council in how they move forward in how they negotiate  
352 prices for any purchase, for any reason because we are all taxpayers and it is our money whether it comes from a  
353 levy or whether it comes from the reserves that came out of the taxes. He continued to explain that he thinks  
354 that the city should be very prudent on how the money is spent and to put an initiative on the ballot that forces  
355 this issue and doesn't allow City Council to negotiate is not fiscally responsible and he could not support it as a  
356 taxpayer.

357  
358 Ms. Julie Bradley, 10113 Woodfern Way, explained that she was here in support of the green space initiative  
359 and she wanted to point out that this is something that they are asking City Council to have some faith in the  
360 citizens of Montgomery and place their faith in us as we would normally place our faith in you that they are  
361 intelligent and well educated, farsighted people who want to have the right in how we move forward in the  
362 direction of the city. She further explained that a lot of them value green space and a lot of them are concerned  
363 about the over development along Montgomery Road and she thinks that it takes some surrender of  
364 responsibility from City Council's perspective because you need to relinquish control to them in this decision.  
365 She also explained that she knows that it is a big decision but City Council needs to be careful

366  
367 Ms. Barbara Kelly, 10059 Old Town Court, stated that enough people cared to sign the initiative, and thought  
368 they should be listened to. She further stated that she and her husband were very interested in parkland, and she  
369 felt it was one of the things that attracted people to Montgomery – the beautiful trees and the park. She  
370 explained that this land would be the most easily accessible of all the parks, and that would be the most  
371 accessible to the greatest number of citizens. She thought that having more parkland in Montgomery would  
372 increase the property values more so than redevelopment would, with asphalt and buildings along Montgomery  
373 Road. Ms. Kelly hopes you consider this, and appreciates the opportunity to live in Montgomery and the hard  
374 work that City Council has done.

375  
376 Dr. Tom Firor, 9925 Forestglen Drive, explained that the 10 acres provided a carbon filter for 4 million car-  
377 miles per year. He further explained that the misconception about this is that we are trying to get another park --  
378 not so. We are trying to get people to vote on keeping woods. He also explained that one thing he continues to  
379 hear is that the city is as good as or better than other communities; however, he found that Hamilton County is  
380 one of the worst 10 counties in America on green space and pollution and smog. He felt it didn't do any good to  
381 compare - and wants better than that. He continued to explain that he felt that when you wanted an initiative  
382 like this, there were so many issues and problems with our Charter, you would look at the broader aspect of  
383 what you are trying to do. You want to grant flexibility, you want things to change. He expressed that this may  
384 have to be made more specific, and in the future we need more initiatives; maybe we need a Charter  
385 Commission to revise the entire thing. He continued to explain that when canvassing, he thought it would be

386 hard, but it was easy. He volunteered to do this, and received 130-140 signatures. Nine out of 10 people were  
387 very supportive and very much for this. He couldn't verify that it was a scientific, random sampling, but he did  
388 poll all over. The people that were against it would say: "They messed up our neighborhood, so I don't know  
389 why I should help you." There were several people that didn't believe in having one park across from another –  
390 once again, this is woods. There were several people that clearly had business interests in seeing that land  
391 developed.

392  
393 Mr. Michael Schock, 9895 Forestglen Drive, stated that this was not a thinly veiled continuation of an argument  
394 about the Forestglen easement. This was about a group of citizens who sincerely believed that parkland in the  
395 form of woods and undeveloped green space is of much higher value than continued development, even  
396 residential D2s and D3s, which is what would go into that land. He further stated that he was an environmental  
397 scientist, by profession, and had experience in looking at these things and understanding them. He explained  
398 that this is now a positive environmental factor – with drainage, nice filtration of contaminants throughout the  
399 soil, and trees removing a tremendous number of airborne pollutants, oxygen generation from the trees. He  
400 further explained that you have the protection against more pavement, more heat islands, more development.  
401 You remove that, and what do you have? You have more pavement, you have contamination from the run-off,  
402 you have landscaping contaminants, you have gasoline motors on the land, and even more importantly, you have  
403 much more power use, as far as the houses that go in there. Duke Energy advised people last weekend that their  
404 power rates would probably go up, because of the higher energy uses that are happening. This is just putting in  
405 more of it - more competition with other residents. In the winter, it goes the other way. You are using more  
406 heat. Right now, you have a tremendous environmental buffer, and the green space is a wildlife habitat, which  
407 is pleasurable for people. There are deer and birds - that are not just grackles, starlings and pigeons out there.  
408 He explained that it is a major positive, the only other park in the city that is like it would be the Johnson Nature  
409 Preserve, and yet that is not readily accessible, except, ironically by driving. He further explained that he don't  
410 think you can really say that we have enough green space. He also explained that as a taxpayer, he prefers to  
411 have his tax money going to that, than to subsidize more commercial and residential development. He  
412 continued to explain that he felt that for every taxpayer that thought the parkland was a bad investment, there  
413 was at least another taxpayer that would rather have their money going to that. He stated that he thought this is  
414 the last chance city have to save the land and that this is a much better investment than the alternative – more  
415 housing development.

416  
417 Mrs. Liz Ricci, 10360 Pendery Drive, stated that she agreed with Mr. Schock, that this is not just another park,  
418 and this was not about the easement of Twin Lakes. She further stated that she felt it was a much broader ideal  
419 of what Montgomery can be and what many citizens may want it to be, against the future direction that the City  
420 may be headed into. She also stated that she wanted balance, in the level of development we need and the  
421 incoming drive from commercial interest. She explained that she understands that, that the hospital and the  
422 medical complex are also vital and important. She lives right next to the hospital, and is glad it's there, but she  
423 doesn't want to continue getting bigger and bigger. She further explained that she didn't want to lose the  
424 balance between the residential interest and the commercial interest, whether it's the developers or the medical  
425 complex; that residents would suffer. She also explained that the rate of growth derived by the city over the past  
426 5 years, from commercial interests – things like withholdings from employees, property taxes paid by  
427 commercial interests. That rate of growth in terms of our budget and what's available to spend on services and  
428 keeping the city the way it is, has grown at a rate of about 5% per year, since 2000. Conversely, the rate of  
429 growth from revenue from mass residents who are paying property tax, as well as our share of earnings taxes,  
430 has grown at .5%. She projected out, in terms of revenue the city derived from commercial interests, (whether  
431 from the earnings tax or property), today the city are getting about 58% of our revenue from commercial  
432 interests. In 10 years, that will be close to 70% from commercial interests. Initial reaction may be "halleluiaah,  
433 they'll be paying my tax bill", but the price we pay for that level of leverage over the residents, will be the

434 degree that we are held hostage by the demands of the commercial interests against those of the residents -- in  
435 terms of zoning, how we use our services; in fact, how we use our green space.

436  
437 Mr. David Skopin, 9863 Forestglen Drive, stated that he was a resident here for 15 years and a certified arborist  
438 for the last 10 years. He further stated that he recently noticed the pollution. We have already heard the positive  
439 advantages of having far more green space than we could ever hope for, here in Cincinnati. He remembered that  
440 Cincinnati and Hamilton County rated exceedingly low. He also stated that he could be in many other cities in  
441 this country and not suffer from the smog that he suffers from here. He explained that the city needed a certified  
442 arborist to walk that, and it has been walked by a certified arborist. He further explained that honeysuckle does  
443 not require a backhoe or track-steering device to pull out that he could pull that out easily. He stated that the  
444 city has the opportunity to purchase that land or the city has the opportunity to return it to the way it could be.  
445 He further stated that if the city loses it, he can tell you that trees do not grow overnight. The value of a tree far  
446 outweighs a developer. He also stated that the fact that he could lose that green space, but still have 40%  
447 permeable surface is absolutely appalling. We lost 60% and we're going to revel in having 40%! If you walk  
448 those woods, you will notice that it has trees that are native to this environment. Honeysuckle is a small shrub,  
449 easily contained. He further stated that he would encourage everyone here to rethink the thought that  
450 development is good, it's positive. Green space does a human being good, psychologically, to be around - it is  
451 invaluable. He also stated that he hoped, that we will be listened to and respected, because he have already seen  
452 that City Council can be a formidable adversary. We do not choose the adversarial. Right from the start, we  
453 have attempted to work with the Planning Commission, and hopefully we will continue to do so, and make real  
454 progress.

455  
456 Ms. Mary Jo Byrnes, 7980 Schoolhouse Lane, stated that City Council has made it possible for the city to  
457 maintain their level of service even with the loss of the Eye Institute; that nobody knew that tax revenue was  
458 gone. She further stated that when there were losses, the community didn't know it because there was enough in  
459 reserve. She sited other examples, and commended City Council for their fiscal responsibility. She also stated  
460 that she didn't foresee a time when residents would be held hostage by any development. She explained that  
461 businesses want to come to Montgomery and do business here because of who the city is. She further explained  
462 that the city has to fund this; and she wanted to know how it's going to be funded, and she wanted to know how  
463 much it's going to cost her before she make a decision. She stated that so far, no one is going to tell us that,  
464 from the initiative. She also stated that City Council has done a great job. She explained that City Council  
465 members are citizens, too, and are going to be effected by this as much as the residents will be. She further  
466 explained that we live in a great city, and she felt that it's all because of the management of City Council.

467  
468 Ms. Connie Pillich, 9910 Forestglen Drive, commended City Council for all the calls they made to the residents  
469 to get people to participate tonight. She, and others she consulted with, disagreed with Mr. Donnellon's analysis  
470 of the initiative. She felt it should be two issues, if it included a tax levy. When asked about price, Ms. Pillich  
471 could not define what the price of this land would be; she pointed out that you must first start with a willing  
472 seller and willing buyer, and that we had one. She stated that Sam Boymel is a willing seller. Twin Lakes was a  
473 willing buyer for the top 2 ½ acres or so and had agreed upon a price. She felt this was a good indication of  
474 where to start, in order to figure out a cost, because the market set that price. She further stated that as far as  
475 funding, this initiative gives the City a lot of flexibility. The City's first response was to see how much money a  
476 property tax levy could generate. She also stated that she thought that was premature, because there were a lot  
477 of options. She pointed out that the City has approximately \$11 million in reserve. She noted the City has  
478 historically purchased real estate in order to control how it is developed; the City purchased the Triangle  
479 property, the Sage tavern, and more. She noted that there have been many times that we have greatly benefited  
480 from it. She suggest to do something different -- to spend our money on something that will benefit all of us,  
481 every day for the rest of our lives: the cleaning and esthetic capacity of those woods. She confirmed this was a

482 precedent, and it was our legal right to participate in democracy. She stated that she supports this issue and  
483 would like to see it get on the ballot and encourages the voters to participate in deciding what the community  
484 looks like and how the City sets it's spending priorities.  
485

486 Mr. George Rehfeldt, 12 Coventry Court, stated that he was concerned that was beyond the question of the  
487 woods. He was concerned that they were wandering toward a government run by referendum rather than  
488 government being inventive to the collective petitions. He suggested to those who wanted to do something  
489 about this, that there was an alternative other than a referendum, and that was to get a slate together, run it at  
490 next election of City Council and then move forward with this problem; that is the way it is described in the  
491 Constitution of the United States. He explained that he had read that document several times and had never seen  
492 the word referendum. He suggested that all would be better served to work through the avenue of changing the  
493 elected officials, then if you get the votes, can enact the kind of legislation that you want.  
494

495 Susan Jacklin Forestglen Drive, questioned why everyone was so afraid to let the voters vote. She stated that  
496 she felt that was the whole basis for tonight. She further stated that we really need to let the people decide, to  
497 give them the opportunity – that's what democracy is all about.  
498

499 Mr. Dave Naber, 10745 Wellerwoods Drive, state that he felt that if there wasn't a cost of what it will be, you  
500 wouldn't have anything to vote on.  
501

502 Mr. Craig Margolis, 8270 Mellon Drive, stated that his concern was with everyone throwing around the term  
503 "democracy", yet we vote for people to represent us, for a representative democracy. He questioned if people  
504 did not have enough faith in their elected officials to make the right decision. He asked if everything needed to  
505 come before referendum; what should not come before referendum and what should. He queried if we vote for  
506 everything and not have any faith in who we voted for. He asked why, then do we go through the process of  
507 voting?  
508

509 Mr. Brett Leonard, 10426 Londonridge Court stated that he was part of the petition committee. He stated that  
510 for the record, he did not represent Forestglen, in fact he did not know anyone who lived on Forestglen, so he  
511 was asked to participate in this petition. He explained why he participated – not because of the easement, not  
512 between of Twin Lakes. In fact, he had been to Twin Lakes a few times and believed it to be an asset to the  
513 community. He explained that he also believed in the value of green space. He noted that almost one year ago,  
514 he was in front of City Council with another initiative petition. He further noted that he felt that democracy is  
515 not only representative democracy; it is also active democracy – that's what the initiative petition process was  
516 all about. He noted that there are certain times when the public needed to step in, if given the opportunity, like  
517 we've had, by the State of Ohio, to present a different approach. The reason he got involved was because he  
518 was not an expert on the law. He stated that he was not an expert on the environment or on the history of  
519 Montgomery – he has lived here for only 3 years. He stated that he was impressed with everyone involved  
520 (including Council). He expressed his love for the trees; that he didn't want to see them toppled down. He  
521 wants to get the information on the table and talk about it, to come up with something that we can all live with,  
522 that solves the community's problems and challenges. He would like to look at potentially buying this green  
523 space.  
524

525 Ms. Peg Lewin, 10729 Wellerwoods Drive, stated her love for green space. She acknowledged that there were  
526 improvements the city could make to it's tax system. She further stated that she wants to preserve green space,  
527 but is concerned what it will cost as a resident and doesn't know how it will be funded. She also stated that she  
528 has not heard any dialogue around Option A or Option B, the pros and cons of each, and what the impact will be

529 for each household. She encouraged working out a plan and setting a precedent for all to work together and  
530 make this the best community.

531  
532 Mayor Harbison stated that they would move on to City Council comments at this time.

533  
534 Mr. Suer started that he has been to all of the parks, and believes that the current park system is good right now  
535 and it is well-situated around the city. He further stated that he supported the idea of adding some green space  
536 in different points in time. He also stated that his concern with this issue is with the funding. He was not in  
537 favor of using the reserves of the city, and gave examples of using US reserves of oil. He explained that he  
538 believes that the purpose of reserves is to get the city through the hard times because the city does not know  
539 when that will happen. He discussed possibilities of eliminating estate tax, businesses leaving the city, and  
540 needing new equipment for the city; that these are the items the reserve is used for. He stated that in 2001, there  
541 was legislation passed mandating that we have reserves. The Council has tried, since then, to maintain those  
542 levels and those funds. His main concern was with the cost and funding of this issue.

543  
544 Mr. Joffe explained that when you are talking about a new acquisition, you need to identify a new stream of  
545 revenue to fund it. He asked Ms. Pillich if there was an estimate of the cost of the purchase of the property and  
546 how they have arrived at that estimate. He also inquired as to whether they had taken into account other costs,  
547 such as legal fees or any litigation costs that might be associated. He explained that when looking at a project,  
548 he would like to look at the totality of the cost, not just in terms of the acquisition. He then queried if there was  
549 an estimate for the development cost of the property. He asked if they had taken into account the off-street  
550 parking that might be needed in order to gain access; also acknowledging that there were still concerns as to  
551 adequate parking for the pool, as it stands. He further asked about the cost of hiking trails, and bridges and  
552 various other developments that need to be made. He stated that he would like to know costs associated with the  
553 entire project. He referred to the citizen's participation in the Master Park Plan. He asked if there was any  
554 strong interest to acquire this land, shown on any of the various citizens' surveys or during the public comment  
555 period as they were working on the Master Park Plan, to acquire this land as a natural area. He wondered if this  
556 had come up at all as a spontaneous and unsolicited idea.

557  
558 Mayor Harbison asked if Ms. Hilvert would like to address any of these items at this time.

559  
560 Ms. Hilvert explained that staff did review the 2001 citizen survey that had been conducted by the University of  
561 Cincinnati. There was no specific question on that survey that pertained to the acquisition of an additional park.  
562 The questions were more at satisfaction levels of the parks and programs. There was an open-ended question as  
563 to what respondents thought the single most important issue was facing the community in the next five years.  
564 She further explained that there were a number of responses relative to traffic and tear-downs, more of the issues  
565 we hear about frequently. Staff did review those verbatim responses, and based upon what we found, there was  
566 one specific reference to the 10 acres of property that is the subject of this petition. There were 9 comments  
567 regarding green space, which included references to development along Montgomery Road, construction of new  
568 homes in the city generally, and the importance of green space to the community. There was a comment  
569 regarding need for additional parks and playing fields and bike paths. She stated there were 7 comments  
570 regarding the need for a recreation center, 7 comments regarding the need to maintain the surfaces, including  
571 those in our parks. There was 1 comment on the need for neighborhood and park security and 1 on the need to  
572 increase the tax base, so that the city could maintain parks and streets. She noted that they did a word search on  
573 the verbatim questions, putting in "green space, parks, and parkland" to come up with that information. She  
574 further explained that there was a reference made earlier to the proposed Park's Master Plan, and as you know,  
575 the city is still in the public comment phase relative to that ongoing plan. She further explained that there was a  
576 reference made to the 312 individual comments recorded during initial public meetings. Of the 312, there were

577 19, or 6% comments received about land acquisition, generally. Five of the 19 comments, or 2% of comments  
578 received, specifically addressed this particular project. Obviously, this is not a scientific survey, as Ms. Bradley  
579 noted, but that is the information that was available.  
580

581 Mr. Niehaus explained when the Pioneer Park property initially came up for being available, the Parks and  
582 Recreation Commission surveyed all available land and they suggested that the City make an offer on that  
583 property. In 1988, the City began a series of efforts to acquire the two pieces of property that are comprised of  
584 Pioneer Park. The City gained control of these sites through a lease-purchase agreement, but was unable to  
585 complete the purchase and development of the properties, as a result of a repeal and earnings tax in November  
586 of 1989. In 1990, the City received an initiative petition signed by 1140 residents concerning the preservation of  
587 Pioneer Park. This petition required the City to purchase the property for the park, and it included a 0.7 mil 20-  
588 year property tax levy funding the acquisition. This initiative petition for the property tax levy was adopted by  
589 the voters of Montgomery in November of 1990. The park millage tax remained in effect until 2001.  
590 Collections of the levy were terminated by City Council as a result of sufficient funds being available to make  
591 the repayment of debt of the property purchase. This termination of the plan occurred 10 years ahead of the  
592 plan. The way in which we acquired Pioneer Park is very important. He stated that his main concern tonight is  
593 of finding the money to do it, doing it the way we have done it in the past, and not affect the reserve. What we  
594 have here is a precedent of a purchase plan in Pioneer Park. We paid it off 10 years ahead of time, and  
595 everybody was pleased.  
596

597 Mr. Combs stated that his perspective on this issue has always been that this is a public issue and that it must be  
598 regarded as a public issue. He felt that there was language used (which was discussed earlier in the evening),  
599 that needed to be rectified. He stated that in its present form, the initiative petition presented problems, as far as  
600 the legality before or after the election, and needed some corrections so that everyone was clearly operating  
601 from the same set of documents. He further stated that he felt that from the voters' standpoint, it would be very  
602 awkward to have something and then come along and start making changes – it would undermine their  
603 confidence. He also stated that he felt it was imperative that opponents of the initiative sort out the language in  
604 talks with City Council before August 22<sup>nd</sup>. He also felt strongly that if we were going to pass any legislation to  
605 pass an initiative to make this a parkland, that it be financially solvent, and stand on its own legs, as its own  
606 project. He did not agree with using the city's reserve for this. He responded to the comments made about  
607 having faith in the voters, and stated that has never been an issue.  
608

609 Mr. Steinbrink explained that he felt the fundamental issue was the investment the community wanted to make.  
610 He was not afraid to put it on the ballot, but felt it was an investment that our citizen's should choose wisely on.  
611 He expressed his concerns with not knowing a cost for the land or the development, or of not having an  
612 adequate analysis of the funding options. Everybody does a cost benefit analysis, whether it be in business or in  
613 government, and he felt we needed to do the same thing. He encouraged the initiative petition committee to sit  
614 with the city and figure out a way to fund this. He stated that there might be the need for a levy, (it worked in  
615 the past), or there may be a little extra money in the reserve that could go towards the park. He also stated that  
616 until a price is determined, and we know what we are willing to pay for a park, he didn't think it was even fair to  
617 ask the question.  
618

619 Mayor Harbison stated that the comment had been made tonight that City Council jumped too quickly to  
620 investigate putting a levy on the ballot. She explained that part of our fiscal responsibility to all of us, ourselves  
621 included as citizens, is that if we are going to buy something, we need to know how we are going to pay for it.  
622 We have to investigate all options. She stated that the petitioners had suggested that these property owners  
623 would donate their homes to the City. Mr. Donnellon sent out letters to all of the property owners associated  
624 with this property. She asked Mr. Donnellon if he would update everyone.

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Mr. Donnellon explained that there were 5 property owners on the various lots in question, and that he has heard from 4 of them. He pointed out that 3 of the 4 had their attorney call him, stating they were not interested in donating. He did not continue the discussion to ask for a selling price, because it was not an appropriate discussion at this point in time. He was not hopeful of having a willing buyer and a willing seller, but thought rather it would wind up being a buyer, and having a seller. He expressed that he thought everyone on Council was willing to take this to the ballot for a decision. He noted that we have to face up to the fact that when we're at the table, the seller knows that we have to buy. He also indicated that eminent domain would be our friend in this case because that will allow us to have a jury make a determination of fair market value rather than just having a gun held to our head. He also concurred with Mr. Joffe regarding other costs involved that need to be factored in.

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Mayor Harbison reported that before the easement was approved for the Twin Lakes property that was approved in June, City Council pushed them pretty hard because we had concerns that as each property was developed, there would be another driveway. She stated that it wasn't told publicly, as far as explaining exactly what we were asking them to do; she stated that they did not violate the Sunshine Law in their meetings or in the direction they gave Staff and the attorney. Ms. Harbison explained that Twin Lakes had an agreement with the second property owner, where a driveway would have come out across from annex. There would have been one access point for all of the properties over there that they would have had to tie into. The Friday before the initiative petition hit the newspaper, there was an agreement on the table – Twin Lakes had met their price. On Monday, after it was in the newspaper, the property owners called Twin Lakes and said they were going to sit on it a while, and talk later. So, while there may have been a willing buyer and seller on the initial property, those property owners were pretty savvy, and they knew that if the City was forced to buy their property, they could demand a pretty hefty price. She explained that she felt this is a matter of fiscal responsibility. She recalled the Forestglen meetings, and stating that it was not for City Council to decide to buy that property, that it would be up to the voters. She agrees that Council is in favor of putting this issue on the ballot, but there is a concern with how it will be funded. She explained that she is concerned with how the City's reserves might be stripped, which could eliminate other services now being provided – possibly the street maintenance. She did not want this to be taken as a scare tactic, she would consider this a fact, and asks that you consider facts. She responded to comments made that City Council didn't look at property for parkland, that they first consider developers and request for tax incentive financing. She explained that when the city was investigating the purchase of the Triangle, a park / gathering place was one of the first ideas considered; however when 3 members went to the Triangle property and stood there at 2pm on a Wednesday afternoon and couldn't even hear each other, it was very apparent that a park was not the best use for that property. She agreed the City has used tax incentive financing -- to take the parking underground, to give you the beautiful building you have now. The city used tax incentive financing on the Vintage Club, again to put a parking garage underground so there would be green space involved and pathways and walkways and trees. The city is governed by the policies of the State of Ohio when it comes to tax incentive financing. She stated that City Council is very careful with their delegation of tax incentive financing. She explained that having \$11 million in reserves is approximately 1 year's worth of city expenses. She also pointed out that the reserves were there to cover income lost from the Cincinnati Eye Institute, to allow city services to continue – road repair, sidewalks replaced, streets plowed. Those reserves have helped the city get a tremendous bond rating from Moody's. She explained that should the city have to strip those reserves, our bond rate would go down. She responded to comments made about their 7-0 votes, and 6-1 votes, and how well City Council members worked together. She stated that people tonight have talked about how City Council was prior to this City Council. She explained that people came to some of us and said, will you run, will you help take us off the front page with all of the bickering? And we ran, and we've worked together, and it take a lot more work to come to those folks, because we work with something that we can all live with. If you don't believe that, talk to any of these former Council members in the audience, because they

673 were in on those discussions, too. She continued to explain that she does not always agree with Mark Combs,  
674 but she respects that he has a different opinion than she does. In filing for the City Council race this fall, a  
675 gentleman called Ms. Susan Hamm and asked if they really got along like that, and she said, yes, they do. She  
676 stated that she supported putting this petition on the ballot, with a companion piece that funds it, so that the  
677 voters can make an informed decision, based on the facts for that property only. She also encouraged the  
678 petitioners to work with City Council and Staff to try to come up with something that is a quality piece to put in  
679 front of the voters and let them make their own decision. She asked Mr. Donnellon to explain the legislation for  
680 the pieces that they have talked about with the Hamilton County Auditor's office, the value of those and what  
681 those levies would cost.

682  
683 Mr. Donnellon explained that the reason that Council had to take action a few meetings ago to request  
684 information on a levy was due to time constraints, because it is a two-step process in the State of Ohio. He  
685 stated that before you can pass a resolution to put a levy on the ballot, you must first pass legislation requesting  
686 the auditor to certify what value you would get from putting the levy on the ballot. This way, you can ask the  
687 auditor what you would receive from these 3 different millage amounts. He noted that the final decision,  
688 relative to this initiative and relative to a levy, had to be made at the council meeting on August 22 because the  
689 last day for filing anything to go on the ballot is August 23. He explained that it was necessary to take these  
690 steps a couple of weeks ago, to have this information to share tonight:

691  
692 A .75 mil levy would produce approximately \$360,000 per year. A 1 mil levy would produce  
693 approximately \$480,000 per year. A 1.25 mil levy would produce about \$600,000 per year. What those  
694 equate to, in real dollars, is a .75 mil levy would cost a homeowner in \$100,000 of market value for their  
695 home, \$22.18/year. A 1 mil is \$29.57/year, and a 1.25 mil is \$36.96/year.

696  
697 He described that when you look at borrowing funds to bond the cost out over a number of years, you are  
698 typically looking at a bond issue of 20 years, which was done at Pioneer Park. The easy calculation is that you  
699 look at what monies we have produced over a 20 year period from your levy, and then you have to figure out  
700 half of that is what you can borrow. He explained that if the city produces \$360,000 per year with a .75 mil  
701 levy, the city is going to get \$7.2 million over 20 years. That would allow the city in today's dollars to borrow  
702 \$3.6 million to fund the cause. If the levy goes to the ballot, it's not a levy for general operating expenses, it has  
703 to be specifically defined as to its purpose, and it would say, "for the purpose of parks." So, if it was passed, it  
704 could not be used for any other purpose in the community, but parks. If it's then passed, we have the ability to  
705 go out in the bond community to show them that we have a commitment for a levy, and then the bond can be  
706 issued to us. The city generate that money, the city would then have that in the bank to go ahead with the  
707 particular park project, whether it's acquisition, development or any cost related to that park -- such as any fees  
708 associated with acquiring the park, or an engineered sign to build the park out.

709  
710 Ms. Hilvert explained that City Council was also in process of putting together the 2008 budget, and had been  
711 working with staff in anticipation of this meeting to get a good idea on where we are, relative to finances, and  
712 whether there's any additional funding that would be available to put toward this project. She stated that because  
713 it will take a few more weeks to get the 2008 budget together, her best estimate at this time, is that there may be  
714 approximately \$750,000 that could be put toward this project. She also confirmed that there is no known cost to  
715 this project. She further stated that the city does not know the cost of the land, it does not know the process for  
716 acquiring this land, whether it will be a willing buyer and willing seller, or if it would be an eminent domain  
717 action. She further explained that they have to assume development costs and borrowing costs. She suggested  
718 the 1.25 mil levy, basing it on all of the uncertainties listed above and any other unanticipated costs, to cover the  
719 high-end. She explained that the city has the ability to terminate property tax collections once it has reached a  
720 certain level and the transaction is completed; as in the case of the Pioneer Park levy.

721

722 Mr. Suer asked for clarification that the city is anticipating that once it get further into the budget process for the  
723 upcoming budget, that there might be an amount of money that could be up to \$750,000 that could possibly be  
724 put towards this purchase, without stripping our reserves.

725

726 Ms. Hilvert confirmed. She noted that the target was the twelve-months' worth of operating cash for the general  
727 fund. She indicated that, at this point, these are the excess funds over and above that. She reminded Council  
728 that in the past, if there was a situation where we they had more cash than what was anticipated, Council  
729 traditionally looked at an infrastructure to put it towards. She estimated this figure, with a really big caveat on  
730 it, in that this is the budget that the staff is submitting to City Council for their consideration. This is the budget  
731 that ultimately gets adopted as your budget. She stated that if there are things in the budget that City Council  
732 does not like that City Council want to pull out, if there are things that are not in there that City Council would  
733 like, City Council absolutely has the right to add that. She further stated that this caveat that she was giving City  
734 Council is very much conditioned on a lot of that knowledge.

735

736 Mr. Suer stated that he felt that at this point, there might be some money that could be used toward some parks.  
737 He recalled the petitioners mentioning that one thing City Council might do, besides asking the property owners  
738 to donate the property, (which was already explained that we've tried that) was to utilize grants and various  
739 funds to help defray the cost. He asked if staff had come up with anything on that.

740

741 Ms. Hilvert stated that staff did investigate all of the suggested financing alternatives that were outlined in the  
742 petition. They requested financial support from foundations, green space organizations, grants from foundations  
743 or governmental agencies. She stated that, with the assistance of Mr. Bob Nikula, they investigated 3 grant  
744 programs from the Ohio Department of Natural Resources – which include the Nature Works Park and  
745 Recreation Program grants, the Land and Water Conservation Fund and the Recreational Trails Program. We  
746 also investigated the Hillside Trust, which is a 501(c)(3) non-profit corporation that services Hamilton County  
747 and the OKI service areas. She noted that the OKI service area is a fairly large area. She reported that The  
748 Nature Works Grant was a grant fund that the City had used on several occasions --for development in Swaim  
749 and Weller Parks. That grant fund can be used to fund improvements to property that the City controls by title,  
750 or has at least a 15-year non-revocable lease; or for acquisition costs associated with properties that can be  
751 obtained within 6 months. The average grant amount for the latest round of Nature works was \$21,396.14. It's  
752 a relatively small grant amount designed to be matched with other dollars that are available out there. The Land  
753 and Water Conservations Fund is not permitted for the use of property acquisition. The program does provide  
754 reimbursement for outdoor recreation projects on property owned by the applicant. The Recreational Trails  
755 program is a federally-funded program and includes up to an 80% matching federal funding reimbursement for  
756 eligible projects that are along the line of trail construction and rehabilitation. This particular grant program is  
757 something we could pursue. She pointed out that the competition was pretty stiff on this. During the last two  
758 funding cycles, only 1/3 of applications received within the state were funded. The funding amount, on average  
759 in 2005, was \$81,230. In 2006, it was \$106,277. She noted that all of these resources were small in the scheme  
760 of things relative to the acquisition and development of this property. She stated that they also investigated the  
761 Hillside Trust, an organization created to provide active design, communications and protection enhancement of  
762 hillsides, (again an OKI service area - generally southwest Ohio, southeastern Indiana, and northern Kentucky).  
763 The manner that Hillside Trust acquires property is through the generosity of private landowners who donate  
764 property or have agreed to place a conservation easement on the land, and then donate the easement to Hillside  
765 Trust. The CALM website does reference one instance in Mt. Washington and we investigated this one. That is  
766 the only property that Hillside Trust has purchased. It was acquired through multiple grant sources with no  
767 capital outlay by the Hillside Trust. She stated that they could not be considered as a grant funding source for  
768 us.

769

770 Mr. Suer stated that this meant they might be able to find a little bit of money somewhere from one of these  
771 sources that might help with some trail construction or a relatively minor part of the project. He further stated  
772 that he didn't hear that there was access to money to buy the property, leaving the city with the need to find  
773 major funding source. He also stated that he was supportive of seeing this entire thing being put on the ballot,  
774 feeling that it would be one way to come up with a definitive answer. He thought it would be very confusing for  
775 residents if there was one item on the ballot that talked about the current initiative petition and next to it on the  
776 ballot or below it on the ballot there was a tax levy issue. He also stated that undoubtedly some people would  
777 get confused or would vote for one and not the other, and he didn't think it would provide a true picture of what  
778 the people wanted to do. He suggested working with the Initiative Committee, cleaning up the language and  
779 putting the two issues together: a funding source, a levy issue and their initial idea of purchasing the property.  
780 He encouraged bundling it together, putting it on the ballot, and seeing what the citizens of Montgomery wanted  
781 to do.

782

783 Mr. Steinbrink then asked the question to the Initiative Committee: "In lieu of placing the initiative petition, as  
784 drafted, on the ballot, would the group that brought this petition forward be willing to put the park levy on the  
785 ballot, and let it stand alone, and allow Council to adopt similar legislation stating that we will buy the land and  
786 make it a park?"

787

788 Mr. Donnellon stated that the central issue was acquiring this acreage for a park; that the city has to put that  
789 question in some form, before the voters. He explained that we can reach an agreement in a form of legislation  
790 that says City Council will buy this park. If Council says it will only do that if this levy passes, City Council  
791 would actually adopt legislation that says it will buy this parkland if a ballot initiative relative to the levy passes.  
792 If the levy passes, the city is then committed to buy the parkland. If the levy fails, then the issue has been  
793 resolved – the people decided they didn't want to spend the money to buy that parkland.

794

795 Mayor Harbison pointed out that it still didn't resolve the issue of how much it would cost.

796

797 Mr. Donnellon agreed and pointed out that with Pioneer Park, there was a negotiated price. He did not feel that  
798 would happen in this case. He explained that everything we do under the Sunshine Law is supposed to out in  
799 fresh air for everyone to see. One of the exceptions is real estate because none of you, in buying a home, would  
800 want to sit down with the seller and say, here's what I'm thinking about paying you, what do you think? You  
801 want to be able to set your parameters and negotiate. We're not going to get that, and I don't want to start  
802 discussing up here what the value of that property is. He explained that if you discuss those values openly, the  
803 sellers would know what the buyer is at least willing to pay, and then think of how high they would go. We  
804 talked about all of the values, but what is really required is an appraiser, and we do not have one, as yet. In fact,  
805 the process would be for the city to have the property appraised, then sit down with the sellers and see if they are  
806 willing to buy it within reason, of what we have in our appraisal. If not, again this eminent domain would be  
807 our friend. We would then start the process by offering a good-faith appraisal, and our offer in purchasing the  
808 property and force them to the table with the city, with their offer to value the property. This is not the forum  
809 for City Council to discuss what those numbers may be. The sale between Mr. Boymel and Twin Lakes has not  
810 concluded, so it is not a public record, and he not privy to the private negotiations. He stated that he would be  
811 willing to ask them if they will tell us that value, for the next Council meeting, just as he would ask the property  
812 owners if they wanted to donate it to the city. He asked if the petitioners if they could come to an understanding  
813 with two of the three or all three of the Petition Committee to identify the central question and put that on the  
814 ballot. The central question is, "We'll buy the property and if they realize that we have to have a funding source  
815 for the property, and that's a levy, we can do like we did with Pioneer Park, and say, if you want a levy, if you  
816 pass it, we'll buy this property" We can start that process. It would take a vote at the next Council meeting that

817 that's what we would adopt as a piece of legislation, our commitment to buy it if the levy passes, and then pass a  
818 resolution to put the levy on the ballot, and then educate the people that if you vote for it, this is what we're  
819 going to do with the money.

820  
821 Mayor Harbison asked Mr. Jenner to respond at the podium as one of the petitioners.

822  
823 Mr. Jenner, 9223 Village Green Drive, stated that he was one of the three initiative petitioners. He confirmed  
824 that they wanted a park and would do whatever was required legally to make it work. He did not want to battle.  
825 He felt Ms. Pillich and Mr. Leonard would agree.

826  
827 Mayor Harbison asked if they were willing to include a funding source, if all sat down to work on language that  
828 was acceptable for everyone.

829  
830 Mr. Jenner stated that he couldn't confirm that, but was willing to cooperate, once he could see the verbiage.

831  
832 Mayor Harbison stated that this would still go on the ballot, that just because they would have this discussion, it  
833 would still go on the ballot for the voters.

834  
835 Mr. Jenner stated that they would attempt to change the verbiage to make it a sale-able product. They wanted a  
836 park, and would like to make this work.

837  
838 Mr. Donnellon asked if they were willing to include a levy millage in their petition.

839  
840 Mr. Jenner explained that he couldn't confirm that yet, because he hasn't seen exactly what they are talking  
841 about, but he is willing to work together on this with City Council.

842  
843 Mr. Ken Suer asked Mr. Jenner, if they would be willing to consider that one option at a sit-down meeting?

844  
845 Mr. Jenner confirmed yes, that everything was on the table, they just needed to figure it out, and they were  
846 willing to work toward that end.

847  
848 Mr. Donnellon replied that they would need a recommendation from City Council and the Initiative Committee  
849 as to how to go forward; that between now and the next City Council meeting, the three initiative petitioners and  
850 City Council meet and work out proposed language. If the majority of the three petitioners can agree on  
851 verbiage, we will bring it to City Council as the proposed legislation. He asked Mr. Jenner to clarify their  
852 commitment:

- 853           □ they wanted to clean up the language in the petition  
854           □ If it's posed as a specific question to the voters, clean up the language as to park-yes,  
855           park-no.  
856           □ they would consider putting it forward as park-yes, park-no with this millage attached.

857  
858 Mr. Jenner responded that he couldn't confirm that now, but that they would discuss it, and decide when they  
859 get it in front of them.

860  
861 Mr. Donnellon pointed out that there was a very narrow window of opportunity here – only two weeks.

862  
863 Mr. Jenner stated his timeframe was only until 1:00am tomorrow, and that if they wanted to work tonight, he  
864 would.

865

866 Mayor Harbison asked Ms. Hilvert if she had a recommendation.

867

868 Ms. Hilvert stated that staff recommended the 1.25 mil, and based on unknown information, she needed to  
869 recommend the most conservative approach.

870

871 Mr. Suer stated that Mr. Donnellon had indicated there was other wording in the petition that circumvents  
872 certain rights that we have, as Council members. He encouraged that those issues be taken care of at the same  
873 time.

874

875 Mr. Donnellon responded that Mr. Jenner had stated earlier in the meeting that he was willing to make whatever  
876 changes would be appropriate in the petition language itself to present the central question to the people. The  
877 only issue right now is whether they are willing to put that question forward with a funding source tied to it.

878

879 Mr. Jenner stated that he would like to see it in writing first, and then asked Ms Pillich if she agreed.

880

881 Mayor Harbison asked if the three petitioners of the initiative committee would like to adjourn for 10 minutes  
882 and discuss this in the conference room.

883

884 Ms. Pillich commented from the audience, but the statements were not discernible from the tape of the meeting  
885 as she did not speak from the podium.

886

887 Mr. Donnellon wanted to clarify an identifiable commitment from the Initiative Committee. He asked if the  
888 committee was willing to sit down, identify the issue and talk it through. He stated that all Council could do  
889 was to make a recommendation as to what they wanted to see happen, and if that recommendation is to see a  
890 funding source identified as a 1.25 mil park levy, and have the central question placed on the ballot together,  
891 we'll take that recommendation, we'll meet and come up with a draft, or come back and say we weren't able  
892 achieve that recommendation and let you make a decision at the next meeting. That's all we can do

893

894 Ms. Ricci, 10360 Pendery Drive, stated that she didn't have a solution. Not knowing if it was meant this way,  
895 she explained that it sounded like the only funding option that would be considered by City Council would be  
896 the 1.25 mil. She thought that there still may be some source, literally and figuratively, for an examination of  
897 other funding solutions that might be a combination of the budget overage talked about earlier, and looking at  
898 other priorities and spending decisions that have been made -- some of the choices that are already embedded in  
899 Council's budget figures that might be reconsidered in light of this particular project. She asked if the millage  
900 was the only funding source that City Council wanted to consider, and expressed that was why their Committee  
901 could not give a firm answer on this.

902

903 Mr. Niehaus recalled language in the initiative petition referring to the various ways that this could be funded.  
904 He read from Section 6, page 3: "Funding the acquisition establishment and maintenance of a nature park. City  
905 Council shall immediately create, implement a plan to designate the funds to accomplish the objectives of this  
906 initiative. City Council shall use all appropriate means to comply with this position, including but not limited  
907 to: general fund reserve balance, grants, contributions from government, institutions, citizens, groups." He  
908 stated that their concern is already in the petition, and thought it would remain in there. He explained that they  
909 were "adding" a levy.

910

911 Mr. Donnellon responded to Mr. Niehaus and clarified to City Council that what we would do, was to take  
912 Council's recommendations, meet and discuss with the petition initiative committee, and see if they can come to  
913 an agreement. This was not the time to discuss what language stays in or not  
914

915 Mr. Suer asked if anyone had comments before he made the motion to move in the direction that Mr. Donnellon  
916 just outlined. There was no further discussion.  
917

918 Mr. Suer moved that Mr. Donnellon take the lead in setting up a meeting with the Initiative Committee to  
919 discuss various items in their petition that he's addressed already this evening, and alter some of the language,  
920 and that they will also consider City Council's idea that a 1.25 mil levy be included in this ballot issue. Mr.  
921 Niehaus seconded.  
922

923 Mayor Harbison asked for any comments from the audience.  
924

925 Mr. Don Hirsch, 10722 Adventure Lane stated that he didn't sign a card, but would like to comment. He stated  
926 that he had been on the Montgomery School Board about 5-8 years ago. He explained an idea they had then to  
927 put the Montgomery School back on that property someplace. They had meetings with some of the owners at  
928 that time; didn't know how they would accomplish it, and it never came to fruition. He did not think they would  
929 be able to buy that property for a 1.25 mil levy from those owners. He asked what would happen if Council  
930 agreed to buy the property, passed the levy, and there still wasn't enough money to buy it from the owners.  
931

932 Mayor Harbison replied that would be where the voters step in and say yes or no to this proposal. There are a  
933 few options: One is amending the petition to include a funding source, like the Pioneer Park levy had. Another  
934 option was one that was discussed earlier about putting the levy on the ballot and letting people decide, and then  
935 the City committing to that. She asked if another viable option was to amend the petition so that the two were  
936 more tied together.  
937

938 Mr. Donnellon agreed they could put the issue out there: do we want to buy this property, and then do you want  
939 to pay for it with this levy? He felt they would still need some flexibility, in case they didn't have enough  
940 money when the time came to make the purchase, that they could then make the hard decision to say they  
941 couldn't afford it. He explained that there were many other issues that go into buying real estate – possibly  
942 contaminated. We would not want to commit to buy property where we have to spend a lot of money cleaning it  
943 up. We know it is covered with honeysuckle and trees now, but many of you may remember there was a  
944 barbecue business there for a number of years. He didn't know what their source of fuel was for that business,  
945 or what may be buried in the ground over there. Something may be there from many years past. There are  
946 many factors, and we need some flexibility in the ultimate question. He stated that the community would give  
947 the direction if they want to buy it, but not at all costs. He restated that the Initiative Committee was willing to  
948 be reasonable – they wanted that question put out there. They wanted the property purchased and want the  
949 citizens to make a decision. City Council is saying they are willing to do that, they just want to make sure  
950 there's funding associated with it; and now we are seeing if we can marry the two together into one question, so  
951 people can simply go into the booth and say yes or no.  
952

953 Mr. David Shardelow, 9903 Knollwind Drive, asked if the 1.25 mil levy would be able to fund the purchase,  
954 develop, legal and other costs associated with this issue.  
955

956 Ms. Hilvert explained that this levy certainly gave them more room than the lower numbers, but that there are  
957 many unknowns. She further explained that the city does not know what the property owners are going to want  
958 for this property. If the city gets into an eminent domain situation, it could literally be years of litigation. She

959 also explained that the city does not know the state of this property. There are lots of properties that have  
960 contamination associated with them, not because of anything anyone intended to do. There are many questions  
961 about this. She continued to explain that City Council considered 3 different levy amounts; the 1.25 was the  
962 largest of the three estimates. If it's more than what the city needs over a period of time, and the city gets into  
963 10 years, and has accumulated enough funds to do what the city needs to do, then this City Council has always  
964 committed to terminating those levies.

965  
966 Mr. Shardelow stated that he was concerned that the city wouldn't know the options, until the discussions  
967 happened and if it would be tied together, even with tying the 1.25 mil levy, there would be a possibility that if  
968 that passed, may not be enough funding.

969  
970 Mr. Donnellon agreed it is a possibility; however, we don't know. He stated that it is prudent for the city to look  
971 at the higher number, and have enough of a bankroll to be able to negotiate or fight the fight. If the city saves  
972 money, City Council can roll it back, or pay it off early. He further stated that the city does not get the opposite  
973 option – which is if you don't have enough, you can't roll it up, that's all you get. If you look at the three  
974 options, the prudent practice would be to look at the higher number and what it gives us, so we can come to the  
975 table and make a good faith effort to acquire the property – if the voters say yes. If the voters say they are not  
976 interested in paying for that park, then we know.

977  
978 Mr. Shardelow asked if the 1.25 mil levy passed, would it enable someone to start backing into estimates of  
979 what the largest piece of the costs is -- the acquisition.

980  
981 Mr. Donnellon replied that it would not be indicative of what the purchase price would be, just as one's net  
982 worth is not indicative of what the value of their property would be to purchase. It merely shows that you have  
983 the ability to come to the table and negotiate. He gave an example that while many homebuyers come in already  
984 pre-qualified, it didn't mean that's what they would pay for their property. It just means they have the ability, if  
985 the price is negotiated, to buy it.

986  
987 Mayor Harbison explained that the funds would also have to fund the borrowing costs, which, in the length of  
988 the term, can double the cost of what you pay. She stated there is issuance costs associated with these types of  
989 bond issues, as well as development costs.

990  
991 Dr. Tom Firor stated that he believed that the Initiative Committee, with their consultants, had looked at least 4  
992 or 5 funding possibilities that weren't grants or a property levy. He felt that if the petitioners were going to have  
993 discussions with that Committee, they needed to have the ability to pull in consultants in those professions, if  
994 necessary, since they would be talking to the entire Council. 2) He found it ironic that contamination was  
995 brought up, in talking about the woods. He noted that it is often discovered once property has been developed,  
996 and the contamination has spread. He stated that he had plenty of patients to prove that point. In that respect, he  
997 felt it would be better left as woods, if the City purchased it, regardless of clean-up costs.

998  
999 Mayor Harbison pointed out that the City Council would not be sitting down as a whole, with the petitioners.

1000  
1001 Mr. Suer stated that there were some people who said they would like to see Council not approve this. He didn't  
1002 think there was a choice on not approving it. He felt the choice was to make it so that it can be put on the ballot.  
1003 There is a point beyond, of which we have several choices here: 1) adopt the proposal, 2) declare it to be  
1004 invalid, or 3) negotiate from the furthest matter as is, to the ballot. He further stated that regardless of what  
1005 choice he would make, he believed that this, one way or the other, should be put up to the voters because in  
1006 everything on there, we are being challenged in the decisions we have made. He felt that the only way to

1007 resolve this was to let the people decide – based on correct information. He encouraged all to present all the  
1008 facts to the people, so they can make that decision. He believed this would be on the ballot, but that it needed to  
1009 be put on in the correct manner, and it needed to be presented to the people, between now and November, in all  
1010 of its correct forms.

1011  
1012 Mayor Harbison asked for any further comments and there were none. She returned to the motion on the table.

1013  
1014 Mr. Joffe requested to hear the motion restated as earlier, to be sure that it was tied to the levy or a funding  
1015 source, whichever route will be negotiated, to the potential acquisition.

1016  
1017 Mr. Suer stated that he moved that Mr. Donnellon take the lead in setting up a meeting with the petitioners to  
1018 discuss the current language of their initiative and any points that need to be rectified; and also in that meeting,  
1019 to discuss City Council's desire that a funding source initiative at a 1.25 mil rate be attached to the ballot.

1020  
1021 Mayor Harbison reported that Mr. Donnellon indicated that the motion was adequate.

1022  
1023 Mr. Skopin, 9863 Forestglen Drive, recalled that Ms. Hilvert mentioned the fact that there was a possibility that  
1024 some \$700,000 was available for the next year. He asked if that might be something that could, if the need  
1025 should arise, repeat itself for the next 10 or 20 years.

1026  
1027 Ms. Hilvert replied no; that based on budget projections and where we see our general fund balance go, with the  
1028 projected loss of estate tax, and relatively flat earnings tax revenues, this would be a one time recommendation.

1029  
1030 Mr. Skopin clarified that Ms. Hilvert suspected it would just be for 2008, and no more.

1031  
1032 Ms. Hilvert confirmed.

1033  
1034 Ms. Pillich stated that she felt this was a good time to tell everyone that she had a client (who asked to remain  
1035 anonymous) that was very concerned about this issue and about the City's concern in losing their reserves. The  
1036 client said he would pledge \$500,000 to loan the City, if there should be an emergency that would cripple the  
1037 reserves. He would do it at an interest rate that is 1 point below whatever the market is. He hoped that this  
1038 might encourage others to match, as a pledge. This client is willing to meet with Mr. Donnellon and illustrate  
1039 that he has the funds that could be used in a City emergency, as a result of using some of the reserve funds. She  
1040 applauded her client for caring about the community.

1041  
1042 Mr. Suer inquired if the client might be willing to make a bequest towards the purchase of the property?

1043  
1044 Ms. Pillich didn't know.

1045  
1046 Mr. Donnellon asked if the client would be willing to share certified financial statements to determine whether  
1047 or not there is any validity to the proposed offer.

1048  
1049 Ms. Pillich concurred that her client would be willing to do that.

1050  
1051 Mr. Donnellon stated that the Finance Director would look at them. He explained to Ms. Pillich that the client  
1052 must understand that once the records come into our hands, they will be considered public records, which makes  
1053 your proposal quite difficult to analyze adequately.

1054

1055 Ms. Pillich inquired if they would be public record, if submitted in Executive Session.  
1056

1057 Mr. Donnellon replied that once they were in the hands of the City to make a decision upon, they would be  
1058 public record. He stated that he appreciated the offer, and would continue to take that into consideration and  
1059 weigh what impact that could have in the analysis.  
1060

1061 Ms. Julie Bradley, 10113 Woodfern Way explained that she attended the preview of the Park Plan meeting on  
1062 Monday night, and one of the comments made at the end, was, "What was the cost of that going to be?"  
1063 (because it was a really big proposal over the next 10 years, and the consultant in charge did not want to commit  
1064 to the cost, or even a range). She stated that she knew that the decision was supposed to be made by the end of  
1065 October with the City Council. She further stated that the consultant alluded to the fact that it was competing  
1066 with this, in some ways, and that if this would pass, it would hurt the ability to fund that. She asked for  
1067 clarification, if it was part of the 2008 budget that you are looking at, when you are trying to find money to set  
1068 aside?  
1069

1070 Mayor Harbison explained that she and Vice Mayor Suer also attended that meeting. She agreed that Mr. Jess  
1071 Parrott did mention that dollars could compete against each other. She explained that Mr. Parrot informed  
1072 everyone that part of the reason he couldn't give a dollar amount, was because that was not part of the process at  
1073 this time. She further explained that this was the first time the she and Mr. Suer had seen the Park's Master  
1074 Plan, and she believed there were other City Council members who have not even seen it yet. She also  
1075 explained that there are parts of that City Council may or may not support, that is a wish list. She continued to  
1076 explain that Mr. Parrot could not give Ms. Bradley a dollar amount, because there is no dollar amount.  
1077

1078 Mr. Suer pointed out that it was a preview of the Park's Master Plan, that it was not a final report yet, and only  
1079 initial concepts were presented. He stated that this plan also would not be something enacted in its entirety right  
1080 away. The process was that once they had a final plan, and after further public input, there would be two public  
1081 meetings to review it all, and receive more public input. The idea was to get direction for the next 10 years of  
1082 enhancements for our park system. They would then determine how to break it down throughout the next 10  
1083 years. He explained that it was also possible that once some of the ideas were accomplished over a couple of  
1084 years, it may turn it into a 15 or 20 year plan, to continue on with some of the ideas that were still very good, at  
1085 that time. He further explained that the consultant had talked of different grants and other funding sources – for  
1086 solar panels, and little pieces at a time; that he was not attaching dollar amounts now – he would eventually –  
1087 but he was still gathering input.  
1088

1089 Ms. Hilvert stated that if this park initiative is adopted by the voters without a funding source, it would compete  
1090 with a lot of everything in the budget because it is a potentially very large-ticket item. She explained that in  
1091 preparation of the budget, they work on a 2008 budget, as well as a 4-year budget forecast. This includes  
1092 examining trends in terms of revenues and expenditures and allows us to be more fiscally prudent in our  
1093 planning, and to have a good idea where we are headed with our fund reserves. To accompany that, we prepare  
1094 a 5-year capital-improvement program; some departments do a 10-year capital improvement program. She  
1095 reported that in terms of the budget currently being prepared, they are including some placeholder numbers, in  
1096 some of the outer years, relative to the Park Master Plan; however the majority of these are the more simple type  
1097 of things, as opposed to large ticket items that Council will need to make a policy decision on. This includes  
1098 things like digging up ball fields that are not currently appropriate. We do that because we don't have the  
1099 information, as yet.  
1100

1101 Mr. Jenner asked if we would be trapping ourselves on this motion to add a 1.25 mil, or would we be better off,  
1102 leaving it alone and not stating a millage at all.

1103

1104 Mr. Suer stated that the phrase he used was that he thought it should be discussed in the meeting. He reiterated  
1105 that he used the term “discussed”.

1106

1107 Mr. Jenner asked for clarification that it was not tied to a 1.25 mil levy.

1108

1109 Mr. Donnellon stated that he understood that this was our recommendation, and the hope is that we will meet  
1110 that recommendation when we come back with the legislation.

1111

1112 Mr. Jenner asked if that was cast in concrete.

1113

1114 Mr. Donnellon stated that nothing was cast in concrete until it was submitted. He was interested in setting up  
1115 the meeting to discuss it all, and asked who he should contact.

1116

1117 Mr. Combs stated that he believes that the funding for this project should stand on its own. He acknowledged  
1118 that there are competing priorities in every budget cycle; not everybody gets what they want. He echoed Ms.  
1119 Hilvert in stating that whatever surplus was available from this year’s budget, if approved, could be applied to  
1120 this project, but would be considered a one-time source, and it would have to be evaluated annually. He felt the  
1121 entire point of this was to have a fixed dollar amount in mind that could be conveyed confidently to voters. This  
1122 is again, working it backwards. He compared the initiative from Pioneer Park, where they knew what they were  
1123 buying before they ever did it, to this project with so many unknowns. And it turns the tables on us, and to  
1124 throw this petition, this late in the game, so close to the election deadlines, with very little opportunity to  
1125 respond and to do due diligence beyond what we have already done, is unfair. You are putting us behind the 8  
1126 ball, starting out, asking us to make decisions where we don’t have enough information. That is the antithesis of  
1127 the way we normally do business here. We gather the information, we consider legislation, we pound it out,  
1128 work out our differences in Committee and other sources, and then proceed. This is just the antithesis of that.  
1129 We want it, we’re going to give it to you, we’re going to drop it in your laps with language that I shake my head  
1130 at, like Section 8, I just couldn’t believe it was in there. There are a lot of things that have to be pounded out,  
1131 and now we’ve got 2 weeks. And if you think it’s going to happen overnight, I don’t know that it will happen,  
1132 but for the sake of moving a process along, I will support the motion as presented, but I am very much a realist,  
1133 and if I can make a projection – we are buying litigation. If this thing passes, we are buying litigation – it will  
1134 cost us a lot of money.

1135

1136 Mr. Marsh, 10671 Creeknoll Court, inquired if there was a Master Plan of where the sidewalks and the bridge  
1137 and everything was going to be for this proposed park. He asked if all of these items were proposed when  
1138 Pioneer Park was developed. He wanted to know if there would be something to show what we will have  
1139 completed, when it is all said and done. He asked how Pioneer Park was developed.

1140

1141 Mayor Harbison referred the questions to other staff or City Council members, as she was not here at that time.  
1142 She explained that from what she had traced back through the legislation, it appeared as though the Recreation  
1143 Commission made a recommendation to Council that the area to be developed as Pioneer Park become a  
1144 combination of active and passive. That was clearly in the minutes. The city actually had a lease-purchase type  
1145 of agreement with the property owners that were involved. There was a proposal to eliminate a portion of the  
1146 income tax credit, and an earnings tax credit that was subject to a referendum, and when that funding source was  
1147 lost, the city did not have the financial ability to purchase the property that it had planned to. That is what led to  
1148 the initiative petition, which contained the funding source to purchase it.

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1150 Mr. Suer stated that the original purchase was dependent on passing that earnings tax reduction.

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Mayor Harbison explained that for Pioneer Park, it appeared that there were some concepts that were available as to how it be developed. On this petition, there are no concepts that will be developed. We have been presented with this petition to purchase, which indicates that it should be developed with trails and walkways, a bridge, but there is no plan.

Mr. Suer explained that the Parks and Recreation Commission had recommended that the city buy the Pioneer Park property. This is a different case because you are putting it on to the citizens, that if they pass it, they are telling City Council what to do. This presents all kinds of other issues, because it is not our idea.

Mayor Harbison asked if there were any more comments, and there were none she asked for the roll to be called.

The roll was called and showed the following vote:

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

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

Mr. Niehaus moved to adjourn. Mr. Suer seconded.

City Council unanimously agreed.

City Council adjourned at 9:30 p.m.

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Susan Hamm, Clerk of Council