

City of Montgomery
City Council Work Session Minutes
October 19, 2005

Present

Cheryl Hilvert, City Manager
Terry Donnellon, Law Director
Susan Hamm, Clerk of Council
Frank Davis, Community Development Director
Wayne Davis, Finance Director
Bob Nikula, Public Works Director
Matthew Vanderhorst, Information Technology Director

Council Members Present

Gary Blomberg, Mayor
Ed Daniel
Gerri Harbison
William Niehaus
Lynda Roesch
Todd Steinbrink
Ken Suer

City Council convened in Council Chambers for the work session at 7:00 p.m., with Mayor Blomberg presiding.

ROLL CALL

Mayor Blomberg asked that the roll be called.

The roll was called and showed the following Council Members present:

PRESENT: Blomberg, Daniel, Harbison, Niehaus, Roesch, Steinbrink, Suer
ABSENT:

ADMINISTRATION REPORT

Ms. Hilvert reported on the following items:

- The City Hall Staff will be hosting a luncheon at the Recreation Annex Building on Thursday, October 26, 2005 from 11:00 a.m. – 1:00 p.m.
- The annual Volunteer Dinner is scheduled for Tuesday, November 15, 2005 beginning at 6:30 p.m. in the Business Club. Your formal invitation is “in the mail.” Hopefully, you will be in attendance to acknowledge our City’s dedicated volunteers that serve on boards and commission or provide staff support.

Ms. Hilvert asked if the Chairs of the City Council Committees wanted to combine their November and December Committee meetings.

Mrs. Harbison noted that the Government Affairs Committee of Council discussed combining its two (2) meetings for Tuesday, November 30, 2005.

Mr. Suer noted that the Financial Planning Committee of Council is scheduled to meet on Monday, November 7, 2005, and that he did not have any agenda items for the December meeting.

Mr. Steinbrink noted that the Planning, Zoning and Landmarks Committee of Council would be meeting on Monday, November 7, 2005, and he did not have any agenda items for the December meeting.

Mr. Niehaus noted that the Law & Safety Committee of Council will be combining its November and December meetings for Tuesday, November 30, 2005.

Ms. Roesch noted that she did not have any agenda items and except to cancel the Public Works Committee of Council meetings.

Mr. Frank Davis explained that the stop work order that was placed on 8764 Arcturus Drive remains in effect. He further explained that this stop work order was issued because the builder, Chrisman Homes failed to install erosion and sediment control measures and failed to submit an "as built" survey of the elevation of the home foundation. Staff met with the builder on October 12, 2005 to review the information about the "as built" foundation height. Chrisman Homes indicated the foundation had been installed 1.53' high and the garage floor was installed 1.39' higher than what had been approved in the site plan submittal. He also explained that he has notified the builder that the stop work order will remain in place until further notice and that the foundation height is unacceptable and construction of the home cannot proceed. Erosion and sedimentation controls were installed by the builder on October 14, 2005 bringing the site into compliance with erosion and sedimentation control regulations.

Ms. Hilvert noted that Staff has developed some new standards to assist in the "teardown" construction issue, which will be presented to the Planning, Zoning and Landmarks Committee of Council at their next meeting on November 7, 2005.

Ms. Hilvert requested an executive session to discuss matters regarding the purchase and sale of real estate and labor negotiations.

GUESTS AND RESIDENTS

Mr. Bob Jordon, 8775 Arcturus Drive, thanked City Council and Staff for responding so quickly to the residents' concerns with the new single family home being built at 8764 Arcturus Drive. He noted that he is still concerned with the height of the foundation and possible drainage issues. He also noted that he is happy to see that the City is considering changes to the approved regulations.

Mr. Roger Waldon, of McBride Dale Clarion's Chapel Hill, North Carolina office, introduced himself to City Council and explained that he has been retained by the City of Montgomery to work with staff and the developer of the Heritage District dealership properties on the redevelopment of these sites.

COMMUNICATIONS

There were no communications.

LEGISLATION FOR CONSIDERATION TONIGHT

Mrs. Harbison moved to add the following piece of legislation to the agenda for consideration. Mr. Niehaus seconded.

A Resolution Establishing Compensation For The City Manager

The roll was called and showed the following vote:

AYE: Blomberg, Daniel, Harbison, Niehaus, Roesch, Steinbrink, Suer	(7)
NAY:	(0)
ABSENT:	(0)

An Ordinance Authorizing The City Manager To Enter Into A Contract With Montgomery Gateway Partners, LLC Pursuant To R.C. §5709.40 *et seq* For The Redevelopment Of Property Known As The Montgomery Road Triangle Site

Ms. Roesch read the ordinance in title only and moved passage. Mr. Suer seconded.

Ms. Roesch noted that this ordinance, if approved, would authorize the City Manager to enter into a Development/Service Agreement with Montgomery Gateway Partners, LLC controlling the development of the Montgomery Road Triangle Property site and obligating Montgomery Gateway Partners, LLC to the redevelopment of the site, the maintenance of public improvements within the site, and further obligating Montgomery Gateway Partners, LLC to make Service Payments in lieu of taxes to the City of Montgomery.

The roll was called and showed the following vote:

AYE: Blomberg, Daniel, Harbison, Niehaus, Roesch, Steinbrink, Suer	(7)
NAY:	(0)
ABSENT:	(0)

An Ordinance Declaring Improvements to Parcels of Real Property Located in the City Of Montgomery, Ohio to be a Public Purpose Under Section 5709.40 (B) of the Ohio Revised Code, Exempting Such Improvements From Real Property Taxation, Authorizing the Execution of a Tax Incentive Agreement, a Service Agreement and Such Other Documents as may be Necessary

Mr. Steinbrink read the ordinance in title only and moved passage. Mr. Daniel seconded.

Mr. Steinbrink noted that this ordinance, if approved, would create a Tax Increment Financing District on the Triangle property in the Heritage District. He further noted that through the creation of the tax increment financing district, the City Council will declare certain improvements to parcels of that property to be for a public purpose and exempt those improvements from real property taxation for a period of 20 years.

The roll was called and showed the following vote:

AYE: Blomberg, Daniel, Harbison, Niehaus, Roesch, Steinbrink, Suer	(7)
NAY:	(0)
ABSENT:	(0)

An Ordinance Authorizing The Sale Of Certain Real Estate Known As The Montgomery Triangle Property Pursuant To An Urban Renewal And Redevelopment Plan

Mr. Daniel read the ordinance in title only and moved passage. Mrs. Harbison seconded.

Mr. Daniel stated that, if approved, this ordinance would authorize the City Manager to enter into a contract with Montgomery Gateway Partners, LLC to sell the property known as the Triangle site, at a sale price of \$450,000. He further stated that City Council adopted an Urban Renewal and Redevelopment Plan, acquired the property, solicited development proposals and designated Montgomery Gateway Partners, LLC as the preferred developer for the Triangle property. Montgomery Gateway Partners, LLC has received development approval from the Landmarks Commission and the Planning Commission for the redevelopment of the site, which is consistent with the City's plan for urban renewal and redevelopment. He also stated that this sale is contingent

upon the developer accepting and executing a separate Development/Service Agreement, which obligates the developer to complete the property, consistent with the approved plans, and requires certain service payments in lieu of taxes.

The roll was called and showed the following vote:

AYE: Blomberg, Daniel, Harbison, Niehaus, Roesch, Steinbrink, Suer	(7)
NAY:	(0)
ABSENT:	(0)

A Resolution Authorizing a Parking Agreement Between the City of Montgomery and Montgomery Gateway Partners, LLC

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

Mrs. Harbison read the resolution by title only and moved passage. Ms. Roesch seconded.

Mrs. Harbison explained that as a part of the development package for the Triangle property, Montgomery Gateway Partners, LLC and the City have negotiated a lease to allow public parking within the underground parking garage proposed to be developed on the site. She further explained that staff has been working with Montgomery Gateway Partners, LLC to acquire these parking rights to provide additional public parking in the Heritage District. She also explained that this resolution will authorize the City Manager to execute a parking agreement between the City of Montgomery and Montgomery Gateway Partners, LLC for 17 parking spaces in the garage during designated hours for a period up to 20 years for \$450,000 to be paid upon completion of the project and the authorized use of the parking garage.

The roll was called and showed the following vote:

AYE: Blomberg, Daniel, Harbison, Niehaus, Roesch, Steinbrink, Suer	(7)
NAY:	(0)
ABSENT:	(0)

An Ordinance Vacating a Portion of Main Street in the City of Montgomery, Ohio

Mr. Niehaus moved to read the resolution by title only. Mr. Steinbrink seconded. City Council unanimously agreed.

Mr. Niehaus read the resolution by title only and moved suspension of the rules. Mr. Daniel seconded.

The roll was called and showed the following vote:

AYE: Blomberg, Daniel, Harbison, Niehaus, Roesch, Steinbrink, Suer	(7)
NAY:	(0)
ABSENT:	(0)

Mr. Niehaus moved passage. Mr. Steinbrink seconded.

Mr. Niehaus noted that staff is proposing vacating a portion of the Main Street right-of-way to permit the planned development of the Triangle property by Montgomery Gateway Partners, LLC. This vacation of property represents a small amount (approximately 0.040 acres) on the eastern side of the Triangle and will not result in any restriction of future traffic flow in the area.

The roll was called and showed the following vote:

AYE:	Blomberg, Daniel, Harbison, Niehaus, Roesch, Steinbrink, Suer	(7)
NAY:		(0)
ABSENT:		(0)

A Resolution Establishing Compensation For The City Manager

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

Mrs. Harbison read the resolution by title only and moved passage. Mr. Niehaus seconded.

Mrs. Harbison explained that City Council has completed its annual performance review of the City Manager, and in conjunction with that performance review has recommended an increase in compensation. She further explained that if approved this resolution would establish the increase in compensation for the City Manager

The roll was called and showed the following vote:

AYE:	Blomberg, Daniel, Harbison, Niehaus, Roesch, Steinbrink, Suer	(7)
NAY:		(0)
ABSENT:		(0)

ESTABLISHING AN AGENDA FOR DECEMBER 2, 2005

Pending Legislation

An Ordinance to Make Appropriations for Current Expenses and Other Expenditures of the City of Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2005

New Legislation

A Resolution Accepting The Amounts And Rates As Determined By The Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them To The County Auditor

Ms. Hilvert explained that the Hamilton County Budget Commission has approved the 2006 Montgomery Tax Budget. She further explained that in order for taxes to be collected in fiscal year 2006, City Council action is required to certify the tax rates and amounts as presented by the Hamilton County Budget Commission that would result in the estimated collections as specified in the City's 2006 Tax Budget.

A Resolution Accepting A Bid And Authorizing The City Manager To Enter Into A Contract With Morton International, Inc. Morton Salt Division, For The Purchase of De-Icing Rock Salt

Mr. Nikula explained that staff is requesting that City Council authorize the City Manager to enter into a contract with Morton International Inc., Morton Salt Division for the purchase of de-icing rock salt. He further explained that this purchase is part of the City's annual street and road maintenance program, and is included as a part of the operating budget for the Service Department.

COUNCIL COMMITTEE REPORTS

Parks & Recreation

Mr. Daniel had nothing to report at this time.

Financial Planning

Mr. Suer had nothing to report at this time.

Law & Safety

Mr. Niehaus had nothing to report at this time.

Mr. Niehaus moved that City Council not request a hearing on a new D3 liquor license for Price Enterprises Inc. DBA Pomodoris Pizza located at 7880 Remington Road. Mrs. Harbison seconded. City Council unanimously agreed.

Governmental Affairs

Mrs. Harbison reported that the Governmental Affairs Committee of Council reviewed a revised policy for making memorial donations for persons associated with the City. Staff is recommending that the City create a public service memorial planting grove to recognize any City Council member or employee who may die while in service to the City through the planting of a memorial tree with a plaque designating that individual's name, title and dates of service to the community. Any Mayor of the City, whether in service to the community or retired at the time of his/her death, will also be recognized in this fashion. The policy also stated that recognizing the sensitive nature of public funds, the City will not use its funds to send flowers and/or make memorial donations in recognition of the death or illness of any individual, current or retired, or family member of an employee or elected official.

Mrs. Harbison moved to adopt the policy for Memorial Donations/Recognitions by the City of Montgomery. Mr. Steinbrink seconded. City Council unanimously agreed to adopt the policy.

Mrs. Harbison noted that the staff is currently working on the City calendar for 2006 and discussed with the committee the possibility of setting a date for the Community Leadership Forum so that it may be included in the calendar. She further noted that the committee agreed that the Community Leadership Forum will be scheduled for February 11, 2005 at City Hall from 8:00 a.m. to 11:30 a.m.

Mrs. Harbison explained that she has been working with Joyce Yock, Volunteer Coordinator, on developing ideas to enhance the City's volunteer program. She further explained that the committee discussed the possibility of scheduling a Volunteer Fair. The committee agreed this would be a good start to enhancing the program and scheduled the Volunteer Fair for January 26, 2006 at 9:00 until 11:00 a.m. and 4:30 until 6:30 p.m.

Mrs. Harbison reported that Rev. Tim Hungler has submitted his resignation from the Sister Cities Commission due to a meeting conflict.

Public Works

Ms. Roesch had nothing to report at this time.

Planning, Zoning & Landmarks

Mr. Steinbrink had nothing to report at this time.

MINUTES

City Council reviewed the minutes from the September 21, 2005 special session, September 21, 2005 work session and October 5, 2005 business session.

OTHER BUSINESS

Discussion on Scheduling of November 2006 City Council Work Session Date

Ms. Hilvert explained that the November 2006 work session date would fall on the Wednesday evening before Thanksgiving. Since everyone will be cooking on November 23, 2006, the meeting could be rescheduled for either November 15, 2006 or November 29, 2006.

Mrs. Harbison moved to reschedule the 2006 November work session to November 15, 2006. Mr. Suer seconded. City Council unanimously agreed.

Great Tradition

Mr. Frank Davis, Community Development Director, discussed briefly the current plans of Great Traditions for the development of the site north of Gate of Haven Cemetery as well as the idea for a possible tax increment financing district on the site.

Mayor Blomberg asked if there was any further business to discuss in public session. There being none, he asked for a motion to adjourn into executive session to discuss matters regarding the purchase and sale of real estate.

Mr. Niehaus moved to adjourn into executive session to discuss matters regarding the purchase and sale of real estate and labor negotiations. Mr. Steinbrink seconded.

The vote was called and showed the following:

AYES: Blomberg, Daniel, Harbison, Niehaus, Roesch, Steinbrink, Suer	(7)
NAYS:	(0)
ABSENT:	(0)

City Council adjourned into executive session at 8:24 p.m.

City Council reconvened into public session at 8:43 p.m.

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

Mrs. Harbison moved to adjourn. Ms. Roesch seconded.

Council unanimously agreed.

Council adjourned at 8:44 p.m.

Clerk of Council