

City of Montgomery
City Council Work Session Minutes
April 19, 2006

Present

Cheryl Hilvert, City Manager
Terry Donnellon, Law Director
Susan Hamm, Clerk of Council
Frank Davis, Community Development Director
Wayne Davis, Assistant City Manager/Finance Director
Bob Nikula, Public Works Director
Don Simpson, Police Chief
Matthew Vanderhorst, Information Technology
Paul Wright, Fire Chief

City Council Members Present

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

City Council Member Absent

Todd Steinbrink

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

ROLL CALL

Mayor Harbison asked that the roll be called.

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

PRESENT: Harbison, Combs, Joffe, Niehaus, Roesch, Suer
ABSENT: Steinbrink

Mayor Harbison noted that Mr. Steinbrink had indicated that he would be absent at this meeting due to business. She asked for a motion to excuse Mr. Steinbrink.

Mr. Combs moved to excuse Mr. Steinbrink. Mr. Niehaus seconded. City Council unanimously excused Mr. Steinbrink.

SPECIAL PRESENTATION

The Montgomery Kiwanis Club presented awards to the winners of its annual speech contest.

ADMINISTRATION REPORT

Ms. Hilvert reported on the following items:

- The follow up to the City Council Meet and Greet session has been scheduled for Tuesday, May 2, 2006 at 5:30 p.m. at Terwilliger's Lodge.
- Review of the strategic plan implementation strategies is scheduled for Monday, June 12, 2006 at 5:30 p.m. at City Hall.
- Congratulations are extended to Susan Hamm and Matthew Vanderhorst, both of whom will be receiving Public Administrator of the Year Awards from the Cincinnati Chapter of the American Society for Public Administration. Susan will be receiving the award in the Administrative Support category and Matthew will receive the award in the Early Careerist category. A luncheon banquet honoring the award winners will be held on Friday, April 28, 2006.

- The Financial Planning Committee of City Council has cancelled its April meeting.
- The Planning, Zoning and Landmarks Committee of City Council will meet on Monday, April 3, 2006 at 4:30 p.m. at City Hall.

Ms. Hilvert requested an executive session to discuss matters regarding pending litigation and purchase of real estate.

GUESTS AND RESIDENTS

Mr. Brett Leonard, 10426 Londonridge Court, stated that he is representing the residents committee Preserve Pioneer Park and he wanted to thank City Council for giving him the opportunity to speak tonight. He further stated that he realized the dog park issue is not on the agenda, so he would be brief. He came here tonight to hand in their petition opposing the proposed dog park in Pioneer Meadow, and thereby formally terminating this petition drive. He read the attached petition statement.

COMMUNICATIONS

There were no communications.

LEGISLATION FOR CONSIDERATION TONIGHT

An Ordinance Adopting Gateway District Regulations

Mr. Suer read the ordinance by title only and moved passage of the 3rd reading. Mr. Niehaus seconded.

Mr. Suer explained that if approved, this ordinance would adopt an amendment to the City of Montgomery Zoning Code. He further explained that Chapter 151.15 would establish the Old Montgomery Gateway District (OMG) regulations. He also explained that this ordinance has been reviewed by the Planning Commission and the Planning, Zoning and Landmarks Committee of City Council and has been forwarded to City Council for its consideration.

The roll was called and showed the following vote:

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

An Ordinance Establishing Schedules of Municipal Compensation

Mr. Suer read the ordinance by title only and moved passage of the 2nd reading. Mr. Combs seconded.

Mr. Suer explained that staff has been working for some time on a plan to restructure the Public Works and Community Development Departments to create enhanced customer service and also to provide critical staff backup for some of our senior level staff positions. He further explained that this proposal would split the current responsibilities of the Assistant Zoning Administrator/Code Compliance Officer. A portion of this position's responsibilities would be housed in the new position of City Planner and the balance of the

responsibilities would be transferred to a re-titled position called Construction and Code Compliance Officer, that would also include some responsibilities from the Project Manager/Inspection position. The Project Manager/Inspector position would be upgraded to the position of Assistant Public Works Director and would be responsible for the supervision of the construction and code compliance function, as well as, other activities and backup for the Public Works Director. He also explained that this proposal would result in a restructuring of two (2) City positions and the creation of one (1) new position. To implement the new/modified positions, it will be necessary for City Council to approve this ordinance revising the wages and salaries.

The roll was called and showed the following vote:

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

An Ordinance Establishing the Environmental Advisory Commission

Mr. Suer read the ordinance by title only and moved passage of the 2nd reading. Ms. Roesch seconded.

Mr. Suer explained that if approved, this ordinance would establish the Environmental Advisory Commission.

The roll was called and showed the following vote:

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

An Ordinance Rezoning Property Abutting Montgomery Road and Main Street From a Point South of Cooper Road to Ronald Reagan Cross County Highway

Mr. Combs read the ordinance by title only and moved passage of the 2nd reading. Ms. Roesch seconded.

Mr. Combs explained that if approved, this ordinance would rezone 21 parcels located along Montgomery Road and Main Street between Cooper Road and Cross County Highway from "GB" General Business to "OMG" Old Montgomery Gateway and would rescind the designation as part of the Heritage Overlay District. He further explained that this would be the final step in the process creating the appropriate land usage regulation for this property as identified in the September, 2005 *Gateway Area Plan* conducted by McBride Dale Clarion.

The roll was called and showed the following vote:

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

An Ordinance Rezoning Property Fronting Montgomery Road and Kemper Road and Approving an Application for a Planned Unit Development Overlay District and General Development Plan for such Property

Mr. Suer read the ordinance by title only and moved passage of the 2nd reading. Mr. Combs seconded.

Mr. Suer explained that this ordinance, if approved, would rezone portions of a seventy acre tract owned by the Archdiocese of Cincinnati and would create a Planned Unit Development Overlay over the entire parcel consistent with the General Development Plan and accompanying conditions. He further explained that this will allow development of the property by Great Traditions for a mixed use residential, office, and commercial development on this vacant land.

Mr. Donnellon explained that attached to the ordinance are the modified conditions. A copy of these conditions has been sent to Great Traditions for their review and comments. A clarification was added in paragraph 10 of the General Conditions that the roadway improvements are to be made at the Developer's costs. This was not discussed at the meeting. It was reflected in the Planning Commission and staff reports, but added to the conditions to be clear. He further explained that the General Conditions Report and the amendments have been provided to City Council as separate items to give City Council the option to either approve the report with the amendments or to vote on each amendment separately. City Council should decide at the outset whether to vote upon them as a package or individually and proceed accordingly. He also explained that a final determination is needed from CDS Associates Inc. as to whether or not the storm water detention basin can be re-engineered to direct overflow to the east. The language of the amendment leaves this issue open to allow that review. The type of fence has not been settled upon, which would be required along the buffer, and it may be difficult to obtain a consensus from the property owners unless we have a proposed style to add to the conditions. Great Traditions has been in touch with the property owners, and, perhaps, they could give City Council some more guidance before the third and final reading of the ordinance so that City Council can clarify what fence would be required to be installed, and City Council can clarify where it will be installed in the development. This amendment could be deferred until final reading on May 3, 2006. He also explained that procedurally, Section 150.2208, requires only a simple majority to approve the text as amended, if it is germane to the subject matter and consistent with the Planning Commission recommendation. These text changes are only clarifying the General Conditions and the recommendation from the Planning Commission.

Ms. Roesch asked if Great Traditions had reached a consensus with the property owners on the type of fence to be installed.

Mr. Harold, representative of Great Traditions, indicated that they have had discussions with the property owners; however, a consensus has not been reached.

Ms. Roesch recommended that City Council defer the buffer/landscaping condition until final reading on May 3, 2006.

Mr. Niehaus moved to amend items 8, 9 and 10 of the General Conditions to read as follows:

8. *Porches, trellis', bay windows (including foundations), roof overhangs, decks, stairs, chimneys, and architectural features may extend to 3' into the front side and rear yard setbacks.*
9. *In addition to standard Hamilton County storm water management plans, the applicant will adhere to the following:*
 - f. *If practicable, the storm water detention area abutting the Reserve of Montgomery located at the southeast corner of the site, shall be engineered to direct overflow to the east. The City staff and City Engineer shall work together with the applicant to determine if this is practical and if an additional easement can be obtained for such overflow.*
10. *As part of Phase I, the intersection of Road C and Kemper Road will be improved. A left turn lane, both eastbound, will be constructed. A cross-walk will be provided on the east side of the intersection. A*

right turn lane onto Road C from eastbound Kemper Road will be provided if it is determined to be necessary for the permanent long term safety and efficiency of Kemper Road travel by CDS and the Public Works Director. These roadway improvements shall be at the expense of the Developer.

Ms. Roesch seconded.

The roll was called and showed the following vote:

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

The roll was called on the passage of the 2nd reading and showed the following vote:

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

ESTABLISHING AN AGENDA FOR MAY 3, 2006

Pending Legislation

An Ordinance Establishing Schedules of Municipal Compensation

An Ordinance Establishing the Environmental Advisory Commission

An Ordinance Rezoning Property Abutting Montgomery Road and Main Street From a Point South of Cooper Road to Ronald Reagan Cross County Highway

An Ordinance Rezoning Property Fronting Montgomery Road and Kemper Road and Approving an Application for a Planned Unit Development Overlay District and General Development Plan for such Property

New Legislation

A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with Barrett Paving for the 2006 Street Resurfacing Program

Mr. Nikula, Public Works Director, explained that he was requesting that City Council authorize the City Manager to enter into a contract with Barrett Paving for the annual street resurfacing program. He further explained that the 2006 Street Resurfacing Program primarily includes resurfacing work in three (3) subdivisions: Montgomery Woods, Storybook Acres and the Winds, as well as, two (2) other locations outside of these subdivisions. He also explained that the funding for this program is included in the 2006 capital improvement program.

A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with Langenheim & Thomson Co. for the 2006 Renovation of City Hall

Mr. Nikula, Public Works Director, explained that he was requesting that City Council authorize the City Manager to enter into a contract with Langenheim & Thomson Co. to complete the general construction base bid items for the Montgomery City Hall Renovation Project. He further noted that the funding for this project is included in the capital improvement budget and in the central services operating budget.

Mr. Vanderhorst, Information Technology Director, indicated that the work would be performed in three (3) phases. He further indicated that the contractors would be required to perform work between the hours of 10:00 p.m. to 6:00 a.m.

Mr. Suer asked about the completion date.

Mr. Nikula indicated that September 1, 2006 had been established as the completion date.

COUNCIL COMMITTEE REPORTS

Financial Planning Committee

Mr. Combs had nothing to report at this time

Governmental Affairs Committee

Mr. Suer reported that the Governmental Affairs Committee of City Council met on April 18, 2006 and discussed the following:

- Surplus Property Designation – Staff presented information from various City Departments on property that it wished to have designated as surplus by the Committee. This was a large list of equipment, furniture, computers, lost and found items, and confiscated equipment, etc. that the City would like to dispose of through an auction process. The Committee agreed to designate the property as surplus.
- General Discussion on City Special Events – The Committee discussed doing a review of various special events that the City hosts to ensure that it is hitting all segments of the population, and that the events are in line with the City's mission and not duplicative in nature. They also discussed developing a checklist that could be used to review new events that may be undertaken by staff or various board and commissions.

Public Works Committee

Mr. Niehaus reported that the Public Works Committee of City Council met on April 18, 2006 and discussed the following:

- Update on the Ohio Department of Transportation Cooper Road Bridge Project – Mr. Nikula explained to the Committee the work associated with the project and provided an estimated timetable for construction as discussed thus far with ODOT and the Eagle Bridge Company.
- Update on the Ohio Department of Transportation Cross County Highway – I-71 Interchange Improvements – Mr. Nikula summarized to the Committee recent discussions with the ODOT Traffic engineering staff regarding the status of proposed interchange improvements. City Council may recall that ODOT had originally proposed the installation of traffic signals for SB I-71 at Cross County Highway that would require the removal of the pedestrian bridge over Cross County Highway. This

was most recently discussed during the June, 2005 Public Works Committee meeting, at which time ODOT had requested that the City of Montgomery approve the removal of the bridge, so that the construction of the improvements could proceed. Subsequently, staff contacted ODOT and requested that additional design options be considered that would not require the removal of the pedestrian bridge.

- Duke Energy Project in Forest Glen Estates – Mr. Nikula explained to the Committee that due to power outages in the area of Forest Glen Estates, the Duke Energy Company is proposing a project to remove the underground transformer vaults and install above ground transformer boxes.

Parks & Recreation Committee

Ms. Roesch had nothing to report at this time.

Law & Safety Committee

Mr. Joffe had nothing to report at this time.

Planning, Zoning, and Landmarks Committee

Due to Mr. Steinbrink's absence, there was no report given.

MINUTES

City Council reviewed the minutes from the March 22, 2006 Work Session and April 5, 2006 Business Session.

OTHER BUSINESS

Mr. Frank Davis, Community Development Director, explained that staff is requesting a motion from City Council indicating if it wishes to proceed with the lease agreement between the City of Montgomery and TCP Management LLC, dba The Corner Pub for the use of the Montgomery Commons for outdoor dining/entertainment. Mr. Davis recommended that the new lease follow the same term; the last weekend in April through the last weekend in October, and maintain the same rental rate of \$2,400.00, and that all other terms remain essentially the same.

Ms. Roesch moved to proceed with the lease agreement between the City of Montgomery and TCP Management LLC, dba The Corner Pub for the use of the Montgomery Commons for outdoor dining/entertainment. Mr. Joffe seconded. City Council unanimously agreed.

Mayor Harbison asked if there was any further business to discuss in public session. There being none, she asked for a motion to adjourn into executive session to discuss matters regarding pending litigation and purchase of real estate.

Ms. Roesch moved to adjourn into executive session to discuss matters regarding pending litigation and purchase of real estate. Mr. Joffe seconded.

The roll was called and showed the following vote:

AYE: Harbison, Combs, Niehaus, Roesch, Suer, Joffe (6)
NAY: (0)

ABSENT: Steinbrink

(1)

City Council adjourned into executive session at 8:23 p.m.

City Council reconvened into public session at 10:06 p.m.

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

Ms. Roesch moved to adjourn. Mr. Joffe seconded.

Council unanimously agreed.

Council adjourned at 10:07 p.m.

Clerk of Council

PRESERVE PIONEER PARK



A resident committee to keep Pioneer Park
Clean, Green and Serene

preservepioneerpark@yahoo.com

Submitted To: Montgomery City Council at Council Meeting 4/19/2006

Re: Statement from Resident Committee to Preserve Pioneer Park

My name is Brett Leonard, and I am a Montgomery resident at 10426 Londonridge Court. I come to you today representing the resident committee Preserve Pioneer Park and I want to thank you for giving me the opportunity to speak tonight.

I realize the dog park is not on the agenda so I will be brief. I came here tonight to hand in our petition opposing the proposed dog park in Pioneer Meadow and thereby formally terminate this petition drive. The petition reads:

Dear Montgomery City Council,

We, the undersigned, are writing to express our strong opposition to the proposed Pioneer Park Dog Park. While we do not oppose dogs or dog parks in general, the proposed site is unacceptable for the following reasons:

- 1) Pioneer Park is a small, family-oriented, neighborhood park intended to be a natural, passive parkland, whose rustic setting is enhanced by the creek, woods, wildflower meadow, and gazebo. This serene setting would be disturbed by a dog-park development.
- 2) The proposed dog park creates increased traffic, safety/security risks, noise nuisance, and litter problems for Montgomery residents.

PLEASE VOTE "NO" ON THE PIONEER PARK DOG PARK PROPOSAL!

We know that there are many more people willing to sign this petition but we believe we have made our point. We have reached our goal of over 1000 signatures and are turning in to you 1030 adult resident signatures.

Allow me to discuss with you the significance of 1000 signatures. According to the Hamilton County Board of Elections, in November of the election years 2001, 2003, and 2005, the average vote count for council races in this city was 1541 - 1000 signatures is about 67% of that number. Unlike the online survey conducted by this city, that is a statistically significant number. I can tell you from my own experience knocking on doors - and others have confirmed this experience throughout this city - that about 7 out of every 10 contacts of resulted in a signature and about half of them owned dogs. Out of the three that didn't sign, two were not interested in signing any petition, they just didn't want to get involved, and one thought the dog park was a good idea. We believe if we continued petitioning the result would continue to be the same.

As a result, Preserve Pioneer Park confidently concludes that there is very little public support amongst the residents of Montgomery for this project. Since it is the residents of this city that every single one of you have been put here to serve, we believe that should matter a great deal, don't you? Thank you for your time.

Dated this 19th day of April, 2006

Respectfully Submitted,



Brett Lloyd Leonard