

City of Montgomery
City Council Work Session Minutes
September 20, 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
William Niehaus
Barry Joffe
Lynda Roesch
Todd Steinbrink
Ken Suer

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, Niehaus, Roesch, Steinbrink, Suer
ABSENT: Joffe

Mayor Harbison noted that Mr. Joffe was absent due to illness in his family. She asked for a motion to excuse Mr. Joffe.

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

SPECIAL PRESENTATION

Mayor's Proclamation to Montgomery Square Shopping Center/Meyers Y. Cooper Company

Mayor Harbison read the Mayor's Proclamation in its entirety. She noted that this proclamation commemorates the 40th anniversary of the Montgomery Square Shopping Center and recognizes the Meyers Y. Cooper Company for their many contributions to the City of Montgomery. She presented the proclamation to Mr. Randy Cooper, representative of the Meyers Y. Cooper Company.

Mr. Randy Cooper stated that the reason why the Montgomery Square Shopping Center has been under the same ownership for the past forty (40) years is because of the City Council and how it maintains the quality of the community and makes it a desirable place to live.

City Council expressed its sincere appreciation to Mr. Randy Cooper.

LEGISLATION FOR CONSIDERATION TONIGHT

Ms. Julie Bradley, 10113 Woodfern Way, explained that she was representing the Montgomery Moms group of Montgomery and they would like to present City Council with a petition stating the following.

Minimize the zoning density of all the parcels of land on the east side of Montgomery Road, from south of the Montgomery Safety Center to Clossons. Specifically, they do not want to exceed "D-2" zoning for this area (for example, we do not want "D-3" multi-family zoning for this land.)

Conduct a traffic study to consider the safety hazards of further development of this land exiting directly onto Montgomery Road.

ADMINISTRATION REPORT

Ms. Hilvert reported on the following items:

- Thanks to Mayor Harbison and the entire City Council for the great pizza party for all employees who assisted with this year's Bastille Day and July 3rd and 4th activities. Also thanks to all employees, volunteers, and City Council members who assisted with these great summer activities.
- The City received notice from the Hamilton County Municipal league regarding their golf outing which will be held on August 23, 2006 at Blue Ash Golf Course. As a member of HCML, the City is entitled to two (2) golfers at no charge. The golf outing will be following by the regular HCML membership meeting. If you would like to attend the meeting or the golf outing, please advise her no later than Friday, July 28, 2006.
- The City also received information from the Ohio Municipal League on its annual conference, which will be held in Columbus from September 20-22, 2006. This conference can be informative for City Council members and staff, so if you are interested in attending part or all of the program, please let her know as soon as possible.
- The Board of Hamilton County Commissioners approved the Vintage Club Tax Increment Financing (TIF) District at its business meeting today. This approval, and the subsequent approval by Montgomery City Council, will authorize a service agreement between the City and the County that will provide a level of compensation to the County that is approximately \$100,000 per year beginning in year 11 of the TIF, if sufficient funds exist in the account after debt service is paid and compensation to the Sycamore Schools has been made. This is a win-win arrangement for the County and the City and represents the first TIF District created under the new state statues requiring County approval. It is also the second in a series of steps (the first being the approval by the Sycamore Schools) we have to take to authorize a TIF on the Vintage Club property.

Ms. Hilvert requested an executive session to discuss matters regarding pending litigation and labor negotiations.

GUESTS AND RESIDENTS

There were no residents or guests to address Council tonight.

COMMUNICATIONS

There were no communications

ESTABLISHING AN AGENDA FOR AUGUST 2, 2006

Pending Legislation

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 (C) 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 (2nd Reading)

New Legislation

A Resolution Authorizing the City Manager to Enter into a Contract with Humana, to Provide Medical Coverage for Full-Time Employees

A Resolution Authorizing the City Manager to Enter into a Contract with Dental Care Plus to Provide Dental Coverage for Full-Time Employees

Mr. Wayne Davis, Finance Director/Assistant City Manager explained that the Employee Health Care Benefits Committee has been meeting over the past two weeks to review proposals for the renewal of the health and dental insurance for the period September 1, 2006 through August 31, 2007. He further explained the Committee, comprised of Don Jasper, Ben Shapiro, Becki Wellbrock, Jim Stewart and himself, were tasked with reviewing and evaluating the proposals, presenting the information to staff and making a recommendation on the insurance renewal coverage options. Feedback was received from a number of staff members, and it was felt that the proposal being recommended by the Committee offered the best combination of service and value for the City and the employees. He also explained that the City received twenty-eight (28) different health insurance proposals from five (5) different providers with rates varying from a high of a 28.19% increase from United Health Care to a low quote of a 28.29% reduction in costs from a Humana option.

Mr. Don Jasper explained that following a thorough review of each plan and provider, as well as, dialogue with staff members, the committee felt that it would best benefit the City to continue service with Humana, selecting three (3) different options that would best fit the needs of the City, the employees and their families. He further explained that the three (3) options recommended by the Committee include a Point of Service (POS) plan, Preferred Provider Organization (PPO) plan and a Health Savings Account (HSA) plan. He also explained that the POS plan is the plan closest to our current coverage, and would include an increase of 11.5% over our existing premiums. This increase in cost was minimized by Humana's offering to the City of a four-tier approach for coverage, which includes the currently existing tiers of Single and Family coverage, combined with an Employee Plus Spouse option and an Employee Plus Child(ren) option. The 11.5% increase in the rates of the POS plan would result in monthly costs of \$297.76 for Single coverage, \$595.51 for Employee Plus Spouse, \$565.74 for Employee Plus Child(ren) and \$952.83 for Family coverage. For employees, the cost per pay period will be \$13.70 for Single coverage, \$27.40 for Employee Plus Spouse or Employee Plus Child(ren), and \$68.43 for Family coverage.

Ms. Becki Wellbrock explained that Humana's second option, the PPO plan is based on the national network and offers a deductible of \$1,000 for Single coverage and \$2,000 for Family coverage. She further explained that the plan would decrease our existing premiums by 2.1%. This plan also offers the four-tier approach to coverage with Single, Employee Plus Spouse and Employee Plus Child(ren) and Family options. She also explained that the 2.1% decrease in this PPO plan would result in monthly costs of \$261.94 for Single coverage, \$525.88 for Employee Plus Spouse, \$498.08 for Employee Plus Child(ren) and \$835.40 for Family coverage.

For employees, the cost per pay would be \$5.43 for Single coverage, \$11.10 for Employee Plus Spouse or Employee Plus Child(ren) and \$41.34 for Family coverage.

Mr. Wayne Davis explained that the third option available from Humana would be a Health Savings Account (HSA) plan which would be a low premium, high deductible plan. In the case of the option being recommended, the reduction in the City's premium would amount to 28.19%. This option, like the POS and PPO, would also be a four-tiered option with coverage choices for Single, Employee Plus Spouse, Employee Plus Child(ren), and Family. The costs of the HSA plan would be \$193.79 for Single coverage, \$368.20 for Employee Plus Spouse, \$368.20 for Employee Plus Child(ren), and \$620.12 for Family coverage. Due to the low premiums falling under the caps, the employees would not have a cost per pay period with this option. He further explained, that similar to the City's movement to a Flexible Spending Account (FSA) last year, the recommended option for an HSA is a continuing effort to bring new health care options to the City's employees, while simultaneously delving into consumer-driven products. It is felt that this option will give City employees the opportunity to become more active consumers in their health care decisions. As the HSA product represents a strong opportunity to better contain health insurance costs, the Committee is recommending that the City provide a one-time incentive for employees to participate in the HSA product. This incentive would be good for employees making the switch to the HSA product in either 2006 or 2007, and for any new employee joining the City from this point forward. The purpose of the incentive is to provide for a deposit of funds into the HSA to assist in deductible coverage in the first year of the plan when the employee is most at risk for large unfunded health care costs. It is recommended that these one time incentives for 2006 or 2007 total \$1,500 for Single coverage and \$3,000 for Family coverage which, includes the Employee plus Spouse and Employee plus Children options. These amounts are equal to sixty percent of the deductible that would be required of employees for their medical expenses. The incentives could be reevaluated each year based upon the amount of savings to the City from the HSA. He also explained that the funding source for this 2-year incentive would be the savings to the City for the cost of the plan that is under the established cost caps (\$44.61 per month for Single Coverage and \$36.16 per month for Family coverage.) Additionally, the current vision incentive of \$393.60 could be utilized for the incentive. The remaining cost for the incentive could come from the savings to the City in premiums for an employee to move to the HSA, which has been identified as a savings of 28.19% in premiums in 2006. It is recommended that this incentive be available only to employees who join the HSA in 2006 or 2007 and also for any new employee joining the City in the future. In future years, the staff would anticipate any savings in premium costs below established caps as the funding to what employees are entitled to have available for the employee's HSA without further financial incentive from the City. The City would need to reevaluate this incentive on an annual basis.

Mr. Jim Stewart explained, that for dental coverage, the City received a quote from the current carrier, Dental Care Plus, showing no renewal rate increase and no reduction in services over the current coverage. Based on the City's past experience with Dental Care Plus and the reasonable renewal rates, the committee elected not to solicit additional quotes from other carriers for dental coverage. The committee agreed to recommend a continuation of coverage with Dental Care Plus at a cost of \$31.01 for Single coverage and \$90.83 for Family coverage, the same as the current rates.

Mr. Wayne Davis explained that for the City's vision care, the committee agreed to recommend continuing to cover vision care through a self-insured program with reimbursement per employee not to exceed \$393.60 for prescription eyewear. The proposed rate is an increase of \$43.20 from the current rate. This would be available for employees in the POS and PPO plans. The self-funded amount would be deposited to the HSA account of any employee choosing that option. He further explained that in addition to the three (3) health insurance plans, it is proposed that an FSA be continued for the employees to put aside a portion of their wages per pay period on a pre-tax basis, not to exceed an amount of \$100 per pay period, or a maximum of \$2,600 per year. This program would continue, as it has over the past year, to be managed by our third-party administrator, Chard

Snyder, at the same annual cost of \$1,658. The committee would also recommend using Chard Snyder to function as the third-party administrator for the City's HSA at an annual cost of \$958.

A Resolution to Adopt a Recommendation of the Montgomery Tax Incentive Review Council with Respect to the Compliance of all Tax Increment Financing Districts within the City of Montgomery

Ms. Hilvert explained that the City of Montgomery Tax Incentive Review Council meets annually to review all existing tax increment financing districts to ensure their compliance with all requirements of the agreements that created the districts. This Tax Incentive Review Council is comprised of one representative from the Hamilton County Auditor's Office, one representative of the Sycamore Community Schools, one representative of the Great Oaks Joint Vocational School District, one Council Member, and the City Manager. She further explained that the Ohio Law mandates that City Councils approve, reject or remand the decision of local tax incentive review councils relative to the compliance of existing tax increment financing districts. The resolution indicating City Council's action is required to be filed with the Ohio Department of Development by September 1st of each year. She also explained that the Montgomery Tax Incentive Review Council will meet on August 1st to review our current TIF Districts and determine whether or not they are in compliance with all standards. A report on the Council's determination will be available at the August business session.

A Resolution Authorizing the City Manager to Apply to the Ohio Board of Building Standards to Certify the Building Department for Code Enforcement

An Ordinance Adopting the Residential Code of Ohio for One-, Two-, and Three-Family Dwellings as Supplemented

Mr. Frank Davis, Community Development Director, explained that in the past, there was no single residential building code for one-, two-, and three-family dwellings. Jurisdictions throughout Ohio operated under a variety of building codes, and there were no specific requirements on the qualifications of building departments. In the spring of 2005, the State enacted House Bill 175 which established a single State Residential Code and required any jurisdiction which operates and enforces the code to be certified by the Board of Building Standards. A certification is already required for administering the commercial building code (OBC), and Montgomery is certified. The Bill, while it was passed in 2005, gave jurisdictions until May 27, 2006, to begin enforcing this code, and until May 27, 2007, to have their building department certified. National Inspection Corporation (NIC) has been operating under the new code since May 27, 2006. He further explained that the code is essentially the same as the current OBOA 2004 code that the City has operated under, except for the requirements for administration. The new code also excludes certain current OBOA regulations regarding swimming pools and hot tubs which National Inspection Corporation recommends the City maintain. The day-to-day operation of the Montgomery Building Department will not change. The City will continue to contract with National Inspection Corporation (NIC) for residential plan review and inspection, and it will be NIC's responsibility to maintain their qualifications so that the Department continues its certification. It is likely, that in the future, the State will require the City to charge an additional 3% onto its residential building permits, which will be remitted to the State for support of the OBBS. The City currently is required to do this for all commercial projects. He also explained that in order to complete the certification process, the City must adopt by ordinance, the new State Residential Code for one-, two-, and three-family dwellings, and also authorize the City Manager to apply for certification of the Building Department by the Ohio Board of Building Standards. This authorization would be by resolution. The bulk of the application, including qualifications of the department, will be prepared by NIC and the application will be submitted by them.

An Ordinance Correction Section 91.21 Offenses Involving Underage Persons and Declaring an Emergency

Mr. Donnellon explained that the text of Section 91.21 (B) “the keg law” prohibits any property owner from allowing an underage person to possess or consume alcoholic beverages on their property without the underage person being accompanied by their parent or legal guardian was found to be incorrect. He further explained in an earlier recodification of the ordinances, it was appropriately stated that the regulations governed the owner of a public or private place, but later in the same sentence, the reference to private place was omitted and the restriction only became enforceable if the owner of a public place permitted consumption in a public place. To correct this oversight, subsection (B) has been rewritten so that it is clear that the owner of property who permits an underage person to consume alcoholic beverages on the property can be prosecuted. This oversight was noted in a recent prosecution in the Mayor’s Court.

Mr. Combs questioned the use of the emergency language.

Mr. Donnellon noted that the ordinance could be read in three (3) consecutive readings, however, the staff does not want to disrupt the enforcement of this section, so staff has asked that the ordinance be passed as an emergency so that the Code will immediately be updated with the adoption of the ordinance.

Ms. Roesch suggested that the ordinance be passed as an emergency, so as to not disrupt the enforcement of this section.

Mr. Donnellon stated that section three (3) of the ordinance does explain the reason for the passing of the ordinance as an emergency.

An Ordinance Accepting Dedicated Property and Certain Easement Rights on Main Street and Remington Road

Mr. Frank Davis explained that it is requested that City Council take under consideration the acceptance of land for additional right of way on Main Street as part of the Montgomery Row project. Additionally, an easement along Remington Road is needed where the current sidewalk is located. He further explained that Bravir Investments is developing the property at the northeast corner of Remington Road and Main Street. The development, called Montgomery Row, will consist of ten (10) two story condominiums with rear parking below the units. This project has been approved by the Montgomery Landmarks Commission and the Planning Commission. As part of the approval process, the City required Bravir to provide the City’s standard ten (10) foot streetscape for the Historic District along Main Street and the portion of frontage on Remington Road that does not currently have the streetscape. The developer agreed, however, there is currently not enough right of way along Main Street to build the ten (10) foot wide streetscape. Since this will be a public sidewalk, the developer has agreed to dedicate the land necessary for the sidewalk to the City as right of way. Also, during the design process, the applicant’s engineer discovered that portions of the existing streetscape along Remington Road were built on land that is still private property. The developer is agreeing to provide an easement to the City to clean up this problem.

COUNCIL COMMITTEE REPORTS

Financial Planning Committee

Mr. Combs had nothing to report at this time

Governmental Affairs Committee

Mr. Suer explained that the Government Affairs Committee of City Council discussed reviewing the various special events that the City does to ensure that the City is hitting all segments of the population, and that the events are in line with the City's mission and not duplicative in nature. He further explained that the Committee, at a prior meeting, discussed that a process should be developed to review new events that may be undertaken by staff or the various board and commissions. He also explained that a draft checklist had been developed that would be used as a tool by the staff and various board and commission before undertaking a new event. The Committee reviewed the checklist for any additions or modifications. The Committee recommended that staff finalize the checklist for final review by the Committee at its next meeting.

Public Works Committee

Mr. Niehaus reported that the Public Works Committee of City Council met and discussed the following items:

In-Roadway Warning Lights at Crosswalks – The Committee discussed the research Mr. Nikula had completed regarding the installation of in-roadway warning lights. These roadway warning lights are designed to improve pedestrian safety by providing a flashing amber device alerting motorists when a pedestrian has entered a crosswalk at intersections. Mr. Nikula recommended that the installation of these safety devices be installed on Montgomery Road at Ted Gregory Lane and on Main Street between Ted Gregory Lane and Snider Street. The Committee also discussed the installation of the in-roadway warning light at Parrott Alley. The Committee agreed with staff's recommendation for the installation of in-roadway warning lights on Montgomery Road at Ted Gregory Lane and on Main Street between Ted Gregory Lane and Snider Street.

Mr. Nikula explained that a "Use Crosswalk" sign would be posted at the end of Parrott Alley. He further explained that this type of safety device is not recommended to be used at intersections that are controlled by stop signs or traffic signals. The safety devices are installed and anchored in the pavement at crosswalks located at uncontrolled intersections or mid-block crosswalks. He also explained that when a pedestrian is in a crosswalk with an activated light system, the flashing amber lights have been found to have a significant effect on increasing driver awareness of the presence of that pedestrian is in the marked or define crosswalk. He also explained that the funding for this project would be included in the 2007 Capital Improvement Budget.

Installation of 30" Storm Sewer on Deerfield Road North of Huntersknoll Lane – The Committee discussed Mr. Nikula's recommendation to install a 30" storm sewer pipe on Deerfield Road north of Huntersknoll Lane to correct periodical flooding problems. The Committee agreed with Staff's recommendation. The construction of this project will be funded from the 2006 Capital Improvement Budget.

Parks & Recreation Committee

Ms. Roesch had nothing to report at this time.

Law & Safety Committee

Mr. Combs explained that the Law & Safety Committee of City Council held follow-up discussions on the request that the City install some type of traffic calming device on Deerfield Road in the vicinity of Lanyard Drive to address issues related to perceived speeding violations and failure to stop at the stop sign in this location. He further explained that the Committee agreed, that based on the data from the second study and the advice of staff, the area of Deerfield Road does not warrant the use of traffic calming devices.

Planning, Zoning, and Landmarks Committee

Mr. Steinbrink had nothing to report at this time.

OTHER BUSINESS

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

Mr. Suer moved to adjourn into executive session to discuss matters regarding pending litigation and labor negotiations. Mr. Niehaus seconded.

The roll was called and showed the following vote:

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

City Council adjourned into executive session at 8:19 p.m.

City Council reconvened into public session at 8:59 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.

Mr. Niehaus moved to adjourn. Mr. Combs seconded.

Council unanimously agreed.

Council adjourned at 9:00 p.m.

Clerk of Council