

City of Montgomery
City Council Work Session Minutes
January 18, 2006

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
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
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, Joffe, Niehaus, Roesch, Steinbrink, Suer
ABSENT:

SPECIAL PRESENTATION

Ms. Jen Gallo and several other members of the Landmarks Commission presented a Landmark Preservation Award to Mr. John Phillips of Phillips' Law Firm in recognition of excellence in preservation and recent restoration of the Bell House.

ADMINISTRATION REPORT

Ms. Hilvert reported on the following items:

- The Community Improvement Corporation (all City Council Members are members) will meet to organize and review financial statements from the previous year on Wednesday, February 1, 2006 at 6:15 p.m.
- The strategic planning retreat will begin at 4:00 p.m. on Friday, February 3, 2006 and resume again at 8:30 a.m. on Saturday, February 4, 2006. All retreat activities will take place at Terwilliger Lodge.
- Sincere get well wishes are extended to Amber Morris, Recreation Director, who will be having surgery on Friday, January 20, 2006.
- The Hamilton County Municipal League will meet on Monday, January 30, 2006 at 6:00 p.m. at the Sycamore Senior Center in Blue Ash. The guest speaker will be the new Cincinnati Mayor, Mark Mallory. Please let Susan Hamm know if you would like to attend this meeting. The City is entitled to two (2) attendees at no charge at all meetings of the Hamilton County Municipal League.

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- On Tuesday, January 10, 2006, the City Manager along with members of the Finance Department greeted State Auditor Betty Montgomery as she visited the City to deliver the Auditor's Award for the City's 2005 Annual Financial Report. Ms. Montgomery stated that "Fewer than five percent (5%) of all the agencies that are audited are eligible for the award. That says a great deal about the City's commitment to safeguarding taxpayer's dollars." It is nice to receive this type of recognition for the efforts that go into conducting the City's business. Congratulations to the Finance Department and all the City staff in making this type of recognition possible.

GUESTS AND RESIDENTS

Mr. Brett Leonard, 10426 Londonridge Court, explained that he is a Montgomery resident and was representing many other citizens from several neighborhoods across Montgomery because of concerns they have about a dog park that is being proposed for development in Pioneer Park. He presented the attached statement.

Ms. Roesch explained that the Parks & Recreation Committee of Council met on Tuesday, January 17, 2006, and received a update from staff on the work of the Dog Park Advisory Group and input received from the survey. She further explained that several residents were present and voiced their concerns with the concept. She also explained that the Committee is recommending that a special meeting of the Parks and Recreation Commission and City Council be scheduled for March 9, 2006 at 6:30 p.m. to receive a report, presentation and recommendation from the Dog Park Advisory Group.

Mrs. Cohen, 10577 Adventure Lane, voiced concerns on how this concept would affect her property, how the animal urine would propose health problems and the dog waste would create a smell in the surrounding area. She asked City Council to protect the area.

Mrs. Abele, 10431 Grandoaks Drive, stated that she supported Mr. Leonard's statement.

Mrs. Sonntag, 10405 Londonridge Court, stated that she supported Mr. Leonard's statement and is also concerned with the location of the proposed dog park.

Mr. Jackson, 10433 Londonridge Court, stated that he supported Mr. Leonard's statement, and is also concerned with the smell that will be created by the dog waste. He further stated that he originally voted in favor of the City purchasing and constructing the park; however, he is very opposed to constructing a dog park.

Mrs. Polonsky, 10461 Grandoaks Drive, stated that she supported Mr. Leonard's statement. She also asked who were members of the Dog Park Advisory Group and if there were additional slots available for citizens with concerns.

Mrs. Morand, 10409 Londonridge Court, stated that she supported Mr. Leonard's statement. She further stated that there are many citizens from several neighborhoods, not just surrounding neighborhoods, have concerns with a dog park being developed in Pioneer Park.

Mr. Abele, 10431 Grandoaks Drive, stated that she supported Mr. Leonard's statement. He further stated that he is concerned about a possible safety issue.

Mr. Morand, 10409 Londonridge Court, stated that he supported Mr. Leonard's statement.

Mr. Young, 10450 Grandoaks Drive, stated that he supported Mr. Leonard's statement. He further stated that he is concerned that the dog park will lower his property value.

Mr. Patel, 10460 Grandoaks Drive, stated that he lived in one (1) of the three (3) houses directly behind the proposed dog park and that he supported Mr. Leonard's statement. He further stated that the original proposal for this area included a housing development, which was not carried through with, and the residents of the City voted to develop this unique park. He also stated that several of the residents in the surrounding neighborhood, including his wife, enjoy walking in the park, however they are scared of dogs and with a large number of dog visiting the park, they will not be able to enjoy it in the future.

Mrs. Weissbuch, 8720 Tiburon Drive, stated that she is a dog behaviorist, and she would not recommend putting a dog park anywhere near residential property. She further stated that she would be concerned with liability issues.

Mrs. Ledbetter, 7711 Pfeiffer Road, stated that she supported Mr. Leonard's statement. She further stated that her children play in the meadow and the creek.

Mr. Ledbetter, 7711 Pfeiffer Road, stated that he is not opposed to the concept; however, he is opposed to the concept in Pioneer Park.

Mr. Griffith, 10430 Londonridge Court, stated that he lives 216' from the creek and next to the proposed dog park. He further stated that the residents had been told that this greenspace would be maintained and that the original vision for this park had been lost for the children of Montgomery. He also stated that he is concerned about the existing wildlife and the runoff into the creek.

Mr. Polonsky, 10461 Grandoaks Drive, stated that he backs up to Pioneer Park and he did not want to lose his view. He further stated that he supported Mr. Leonard's statement.

Mayor Harbison thanked the public for their input and explained that the Parks and Recreation Commission and City Council will conduct a joint meeting to review the report from the advisory group on March 9, 2006 at 6:30 p.m. at City Hall. She further explained that the public is encouraged to attend to learn more about the "off leash" area concept, as well as provide additional feedback to the City on the idea.

COMMUNICATIONS

There were no communications.

ESTABLISHING AN AGENDA FOR FEBRUARY 1, 2006

Pending Legislation

An Ordinance Amending Temporary Sign Regulations (3rd Reading)

Mr. Steinbrink moved to place this ordinance on the February 1, 2006 Business Session Agenda for 3rd reading. Mr. Niehaus seconded. City Council unanimously agreed.

An Ordinance Adopting Revisions to the Land Usage Code to Implement Montgomery Road Corridor Design Standard (3rd Reading)

Mr. Steinbrink moved to place this ordinance on the February 1, 2006 Business Session Agenda for 3rd reading. Mr. Suer seconded. City Council unanimously agreed.

New Legislation

An Ordinance Extending Gateway Interim Development Control Overlay District

Ms. Hilvert explained that this ordinance would extend the Gateway Interim Development Control Overlay District for an additional six (6) months while the Planning Commission finishes its review of the Montgomery Gateway Plan and permanent zoning legislation. She further explained that staff is recommending that City Council place this ordinance on the February 1st business session to hold the first reading of the ordinance.

Mr. Steinbrink moved to place this ordinance on the February 1, 2006, Business Session Agenda for 1st reading. Mr. Joffe seconded. City Council unanimously agreed.

Mayor Harbison assigned the ordinance to Mr. Combs.

COUNCIL COMMITTEE REPORTS

Financial Planning Committee

Mr. Combs had nothing to report at this time.

Governmental Affairs Committee

Mr. Suer moved to reappoint Mrs. Claire Houchell to the Sister Cities Commission for a term expiring February 28, 2009.

City Council unanimously approved the reappointment.

Public Works Committee

Mr. Niehaus reported that the Public Works Committee of City Council met on Tuesday, January 17, 2005 and discussed the following items:

2006 Street Resurfacing Program – The committee received an update from Mr. Nikula on the planned resurfacing work for 2006.

Mr. Nikula noted that the work will occur in Montgomery Woods, Storybook Acres, and the Winds subdivisions.

2006 Bituminous Black Mat Program – The Committee discussed the proposed 2006 program for the bituminous black mat program. This year's program will include a portion of Montgomery Road and East Kemper Road.

Discussion on Streetlight Installation Assessment Program - Mr. Nikula reviewed with the committee an analysis on the state of street lighting in neighborhoods throughout the community, as well as, cost estimates if the program were to be utilized throughout the community. He discussed the resident - to - resident difficulties that have been encountered in the City program and the availability of a similar program through Cinergy. The committee is recommending that City Council terminate the Streetlight Installation Assessment Program.

Mr. Niehaus moved to place a resolution on the March 1, 2006 Business Session Agenda, terminating the Streetlight Installation Program through a revocation of Resolution No. 11, 2001, which Resolution created the Streetlight Installation Program, and Resolution No 25, 2002 amending such program, because of the difficulty in administering the program, lack of use by residents, potential cost to the City, and availability of a similar service through Cinergy. Mr. Combs seconded the motion. City Council unanimously concurred with the motion.

Parks & Recreation Committee

Ms. Roesch moved to reappoint Gail Pulliam to the Parks & Recreation Commission for a term expiring January 31, 2009.

City Council unanimously approved the reappointment.

Law & Safety Committee

Mr. Joffe reported that the Law & Safety Committee of City Council met on Tuesday, January 17, 2005 and discussed the following:

Update from Police and Fire Chiefs on Plans to Fill Current Vacant Positions - Fire Chief Paul Wright and Police Chief Don Simpson updated the Committee on current plans for filling vacant positions in their departments that have occurred as a result of retirements and resignations. This process will include work with the Civil Service Commission on testing for entry level positions in both the police and fire departments.

Planning, Zoning, and Landmarks Committee

Mr. Steinbrink had nothing to report at this time.

MINUTES

City Council reviewed the minutes from the December 21, 2005 Work Session and January 4, 2006 Business Session.

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.

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

Council unanimously agreed.

Council adjourned at 8:30 p.m.

Submitted To: Montgomery City Council at Council Meeting 1/18/2006
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 am here representing many other citizens from several neighborhoods across Montgomery because of concerns we have about a dog park that is being proposed for development in Pioneer Park.

We understand that we come at an early point in the process but we feel it necessary that our concerns be expressed on the record at this time.

I would like to address some of the specific reasons we are opposed to such a development, and then add some additional questions that we hope the council will answer before considering the proposal.

First, let me state that as a group we are not opposed to dogs or dog parks. In fact, many of us are dog owners ourselves. We strongly believe, however, that Pioneer Park is not an appropriate site for a dog park.

The most compelling reason for this is the nature of Pioneer Park itself and its history and the original vision that went into its establishment. Pioneer Park was initially set aside for, and continues to be, a serene, natural, rustic outdoor space. All the features of the park are consistent with this vision: the woods, pond, creek, wildflower meadow, butterfly gardens, and gazebo. Community residents enjoy this park as a quiet place to commune with nature, fly kites, take walks, jog, ride bikes, and of course walk their dogs all the while enjoying the natural setting before them. Adding a dog park to this space would change the character of this park dramatically. We do not envision people gathering to use the gazebo with a nearby crowd of enclosed, noisy dogs. We do not see children or senior citizens using the meadow walk if it lets out into an area full of off-leashed dogs. We do not see people using the swings by the pond or fishing on a quiet afternoon, as they do now, if there is crowd of dogs nearby. Moreover, although the proposed space does not have any formal official use - Pioneer Meadow (our given name to the area) - is used by our children for playing catch, flying kites, shooting up stomp rockets and just running and horsing around. Let's not forget, the many varieties of wildlife that call it home including deer, squirrels, raccoon, chip monks, and at one time a family of fox, they will impacted as well.

This park is also in inappropriate choice because of its small size and close proximity to residential communities. This brings to mind safety issues, from dogs lost accidentally in close proximity of playing children. Another strong concern are the security issues from outside residents, attracted by the dog park, coming into our neighborhoods with ill intent, leading to an increase in crime. There will likely be more traffic problems, noise nuisance, an increase in dirt and litter problems, along with other unintended consequences that will affect our quality of life. Increased liability risk is another area of strong concern - some homes have property lines that cross the creek and are directly adjacent to the proposed park - if dogs wander onto outlying properties we fear the liability risk will transfer to the owners of these properties. A decrease of property values may also be directly attributable to the establishment of a dog park. One such property is a home that is one of this cities few remaining historic landmarks, that was recently restored at great expense by area neighbors.

In addition to these very significant concerns, we had several questions we would like answered:

1) Has there been any studies concerning the environmental impact of a dog park in this space so close to Sycamore Creek?

There are concerns about the effect on bacteria levels in the water running into the creek, as well as its effect on surrounding wildlife in the woods.

2) How will the park be funded? The cost estimate should include not only the initial development of the park, but ongoing maintenance, cost of additional security, and other hidden costs like insurance or liability risks to the community for bites or other injuries.

3) Have you adequately studied design feasibility in this space and within your budget?

4) Is there a significant need in the community for a dog park? There are several dog parks already close by and Montgomery, in general, is an area with few apartments or condominium complexes and many homes with larger yards that do not have a pressing need for a dog park. Although we are aware of the recent survey on the internet, we are concerned that it was not very well publicized and may be heavily skewed toward individuals who were already aware of the dog park proposal and were strongly in favor of it.

5) How will the park be policed? We have heard suggestions about self-policing or volunteers monitoring the park. We doubt this will provide adequate security for a park so close to residential areas with so many playing children.

I appreciate you giving me the opportunity to me speak and voice our concerns. We hope you will take our concerns seriously. This proposal which will fundamentally change the character of Pioneer Park has been taken seriously by us especially after considering the impact on our children, families, neighbors and other stakeholders of the park. We hope that you will keep us continually informed as the decision making process proceeds, as well as give us specifics about any timetable you have for making the decision. Thank you again for your time and consideration.

Dated this 18th day of January, 2006

Respectfully Submitted,

Brett Lloyd Leonard