

City of Montgomery
City Council Work Session Minutes
March 22, 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
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 for a motion to dispense with the roll call since everyone was in attendance.

Ms. Roesch moved to dispense with the roll call. Mr. Steinbrink seconded. City Council unanimously agreed.

ADMINISTRATION REPORT

Ms. Hilvert reported on the following items:

- The next Hamilton County Municipal League meeting will be held on Tuesday, March 30, 2006 at the Woodlawn National Guard Building. The speaker for the evening will be Sue Cave, Executive Director of the Ohio Municipal League.
- The City has received the 2005 Tree City USA Award.
- The City received a summary from the Ohio Municipal League on the Tax Expenditure Limitation (TEL) amendment that will appear on the November ballot in Ohio. This amendment will have devastating effects on local governments in terms of spending and taxation. It is important that the public be educated on this amendment.
- The members of City Council and the members of the Parks and Recreation Commission should have received all materials submitted at the March 9, 2006 joint meeting, except for the signature pages of the petition. These pages are available upon request.

Ms. Hilvert indicated that the Montgomery Kiwanis Club will hold a speech contest at Sycamore High School and would like to present the award to the winner of the contest at the April 19, 2006 work session.

Ms. Hilvert noted that she would like to schedule a date and time for a presentation to City Council on the strategic plan implementation strategies.

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

GUESTS AND RESIDENTS

There were no residents or guests to address Council tonight.

COMMUNICATIONS

There were no communications.

LEGISLATION FOR CONSIDERATION TONIGHT

An Ordinance Amending Chapter 154: Water Management, Sediment Control and Flood Damage Prevention

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

Mr. Suer explained that if approved, this ordinance will amend Chapter 154 of the Montgomery Code of Ordinances: “*Water Management, Sediment Control and Flood Damage Prevention*”. He further explained that these amendments include changes and updates to define those times when requirements for protective measures to control erosion and provide sedimentation controls during construction projects are required. While the recommended changes would simply replace existing regulations, the adoption of these revisions will strengthen the City’s Construction Site Runoff Control measures, which is one of the six (6) minimum control categories federally mandated by the NPDES Phase II Stormwater 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, Steinbrink, Suer (7)
NAY: (0)
ABSENT: (0)

An Ordinance Adopting Amendments to the Montgomery Zoning Code

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

Mr. Combs noted that this ordinance, if approved, would amend Chapter 150 and 151 of the City of Montgomery Zoning Code. He further noted that these changes include modifications to language for panhandle lots, heights of building foundations, and regulations on residential cluster developments. He also noted 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, Steinbrink, Suer (7)
NAY: (0)
ABSENT: (0)

An Ordinance Adopting Gateway District Regulations

Mr. Suer explained that, in connection with this ordinance, City Council needs to have some discussions regarding parking cover ratio, and based on that discussion, decide whether to amend this ordinance.

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

Mr. Suer noted that at the last City Council meeting, Mr. Joseph Trauth, attorney for district property owner Bear Creek Capital, expressed his client's concern that the proposed regulation limiting the amount of surfacing parking on lots being redeveloped in the district was overly restrictive and was unrealistic. He further explained that City Council requested that staff and McBride Dale Clarion provide additional information about existing conditions and the effect of the proposed regulation. He also explained that staff has provided City Council with this additional information and there appears to be some rationale to raising the coverage ratio.

Mr. Frank Davis explained that staff worked with McBride Dale Clarion to conduct a further analysis of existing parking coverages that exist both in the downtown core and also the land proposed for the OMG. The results of this analysis are shown on the accompanying "Gateway Parking Assessment" table and accompanying map. Blocks 1-6 represent the core heritage district along Montgomery Road between Cooper Road and Remington Road. He further explained that the average for the six (6) core blocks in between Cooper Road and Remington Road is 36% surface lot coverage. The Gateway west area, which includes Perkins, UC Medical, EDB, etc. is much higher, ranging from 46%-55%. The triangle, which will have mostly underground parking, will only have a 2% coverage, not counting the roundabout access drive. It is important to note that Section 151.1511(b) states "surfacing parking should be limited to no more than 30% of the site area." Therefore, there is flexibility and this is more of a guideline than a regulation. He also explained that based on the additional information generated on existing conditions in the Gateway District, staff supports increasing the surface coverage parking parameters to 40%. This is particularly important for lots of two (2) acres or less. However, due to the strong desire to develop urban landscape that enhances the Historic District, creates a vibrant and unique downtown, and creates a pedestrian friendly atmosphere, staff recommends that the 40% ratio be established as a regulation rather than just a guideline.

Mr. Suer noted that he had concerns about this matter at the last City Council meeting, however, he has changed his view based on the additional information provided by staff. He further noted that it appears that raising this ratio to 40% would be a reasonable course of action.

Mr. Niehaus stated that he was in support of staff's recommendation.

Ms. Roesch voiced concern that this change would lose urban character, which is what the City was trying to implement with these regulations. She stated that she would rather see it stay at 30%.

Mr. Joffe noted that he felt that the report from staff was reasonable and he felt comfortable with making the adjustment to 40%.

Mr. Combs indicated that the existing site already has 90% surface parking, so the 40% would be more of a transition into the downtown, which would be consistent.

Mr. Trauth explained that what his client was proposing was a mixed use development which will be broken down into residential, retail, and office. He further explained that the parking will be screened from the roadway with the building to be constructed in the front, close to the roadway. He also explained that the concern is that it works for everyone, and if they can get by with the 35% and do more with deck parking and

with TIF funding this might be feasible, but they don't want to go in with a resolution that hamstrings everyone upfront and makes it economic infeasible to develop.

Mayor Harbison noted that when she looks at the Ford and Chevrolet sites being considered in this and they are at 58%-60%, that takes up a significant amount when it is averaged out. She further noted that when you look at the historic core block, the core of the triangle and the gateway west, which are 36% and 37%, she wondered if City Council would be interested in modifying the recommendation to 35%.

Mr. Niehaus indicated that he would have to go along with staff's recommendation.

Ms. Roesch stated that the City paid for this study and the City has made a decision to go toward a different type of look, so to say that where we are now, we want to stay at, why change.

Mr. Harbison, Planning Commission Member, stated that this is additional information that the Planning Commission didn't have, however, the history in that area was under the old code and the City forced people to meet minimum parking. He further stated that the Planning Commission was trying to provide something different for the City than what has been going on down there and they wanted to make something better and move in a different direction. He also stated that the suggested change is a 33% change, which is a big change and the Planning Commission voted unanimously on this decision and he recommended maintaining the suggested 30%.

Mrs. Harbison explained that should City Council wish to amend the ordinance to reflect the increased parking coverage ratio, it should amend the ordinance prior to approving the second reading of the ordinance. She further explained that this amendment will require a simple majority to adopt the amendment. If the amendment is adopted, the ordinance itself will have to be adopted by a super-majority of City Council because it would reflect a change from the recommendation of the Planning Commission.

Mr. Niehaus moved to amend the ordinance regulations to read as follows:

*“Section 151.1511(b)(1) Surface parking **shall be** limited to no more than 40% of the site area.”*

Mr. Combs seconded.

The roll was called and showed the following vote:

AYE: Combs, Joffe, Niehaus, Suer	(4)
NAY: Harbison, Roesch, Steinbrink	(3)
ABSENT:	(0)

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

The roll was called and showed the following vote:

AYE: Combs, Joffe, Niehaus, Suer	(4)
NAY: Harbison, Roesch, Steinbrink	(3)
ABSENT:	(0)

Mr. Donnellon noted that City Council had denied the second reading of the ordinance unless someone wanted to change their vote or make a motion to approve the ordinance as currently written, or make a motion for another amendment.

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

Ms. Roesch moved to to amend the ordinance regulations to read as follows:

*“Section 151.1511(b)(1) Surface parking **shall be** limited to no more than 35% of the site area.”*

Mr. Niehaus seconded.

The roll was called and showed the following vote:

AYE: Harbison, Combs, Joffe, Niehaus, Roesch, Steinbrink, Suer	(7)
NAY:	(0)
ABSENT:	(0)

Ms. Roesch moved to reconsider the ordinance as amended. Mr. Niehaus seconded.

The roll was called and showed the following vote:

AYE: Harbison, Combs, Joffe, Niehaus, Roesch, Steinbrink, Suer	(7)
NAY:	(0)
ABSENT:	(0)

ESTABLISHING AN AGENDA FOR APRIL 5, 2006

Pending Legislation

An Ordinance Amending Chapter 154: Water Management, Sediment Control and Flood Damage Prevention

An Ordinance Adopting Amendments to the Montgomery Zoning Code

An Ordinance Adopting Gateway District Regulations

New Legislation

A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with Terry Asphalt Materials, Inc. for the 2006 Bituminous “Black Mat” Surfacing Project

Mr. Nikula explained that he was requesting that City Council authorize the City Manager to enter into a contract with Terry Asphalt Materials, Inc. for the Bituminous “Black Mat” Surfacing Project. He further explained that Montgomery Road from Perin Road to Taulman Alley and East Kemper Road from 300’ west of Acrewood Drive to the east Corporation limits were the two (2) streets selected for this year’s project. He also explained that funding for this project is planned in the 2006 Capital Improvement Budget, 2006 Street

Maintenance Operating Budget and the 2006 State Highway Operating Budget and is within the budgetary estimate for the project.

A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with Trend Construction for the Construction of the Tollgate Lane Sidewalk Project

Mr. Nikula explained that he was requesting that City Council authorize the City Manager to enter into a contract with Trend Construction for the construction of the Tollgate Lane Sidewalk Project. He further explained that this is 6th year of a multi-year construction plan for sidewalk installation on various streets throughout the City. This sidewalk project will complete a pedestrian connection along the west side of Tollgate Lane between Schoolhouse Lane and Mitchellfarm Lane. During the design phases for this project, public information meetings were held to solicit input and comments from residents regarding the preliminary engineering design of this project. Staff received suggestions from two (2) of the ten (10) property owners that “front” the project. As a result of these discussions, one (1) modification was incorporated to the bid specifications and project design. He also explained that the funding is included in the City’s Capital Improvement Budget and is within the budgetary estimate for the project.

A Resolution Accepting a Bid and Authorizing Lawn Mowing Contracts in the City of Montgomery During 2006

Mr. Nikula explained that he was requesting that City Council adopt a resolution authorizing the City Manager to enter into contracts for lawn mowing service in the City during 2006. He further explained that historically, the City has advertised for bids and subsequently entered into contract for mowing of specified public parks and public property in the community. Once again in 2006, interested bidders were allowed the option of submitting a bid for mowing any or all of the individual parcels. Staff has reviewed all bids and contractor references and has established that each company is equipped and staffed to complete the mowing work specified. Therefore, staff is recommending that KMB Lawn and Landscaping be awarded a contract for mowing of the Montgomery Safety Center, Pfeiffer Park and Pfeiffer Road Gateway Falls; The Planted Earth Lawn and Landscape for the mowing of Dulle Park, Montgomery Park, Pioneer Park, Swaim Park, Weller Park, the Montgomery Road medians and the Municipal Swimming Pool; and Merkle Lawn Care Company for the mowing of Hopewell Cemetery.

An Ordinance Establishing Schedules of Municipal Compensation and Declaring an Emergency

Ms. Hilvert 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 staff level positions. She 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. This proposal would result in a restructuring of two (2) city positions and the creation of one (1) new position.

An Ordinance Establishing the Environmental Advisory Commission

Mr. Suer explained that the Government Affairs Committee discussed one (1) of two (2) options related to the Environmental Advisory Group. The options were to continue the Environmental Advisory Group as an advisory group and to extend the term of the group beyond its expiration date of May 31, 2006 or to convert the Environmental Advisory Group to a permanent commission of the City. He further explained that the Committee did recommend to City Council that the Environmental Advisory Group should be converted to a permanent commission of the City. He requested that City Council hold the first reading of this ordinance at the April 5, 2006 business session, second reading at the April 19, 2006 work session, and third reading at the May 5, 2006 business session. This expedited reading and adoption schedule is requested so that the new Environmental Advisory Commission terms can become effective prior to the term expiration of the current Environmental Advisory Group.

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

Mr. Frank Davis explained that City Council is being asked to take under consideration a recommendation from the Montgomery Planning Commission to 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 to 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.

Ms. Hilvert noted that a public hearing on this matter has been scheduled for April 5, 2005 at 6:30 p.m. and City Council has agreed to proceed with the first reading of the ordinance at that time.

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. Frank Davis explained that City Council is being asked to take under consideration a recommendation from the Montgomery Planning Commission to rezone portions of a seventy acre tract owned by the Archdiocese of Cincinnati and create a Planned Unit Development Overlay over the entire parcel, consistent with the General Development Plan and accompanying conditions established by the Planning Commission. He further explained that this will allow development of the property by Great Traditions for a mixed use of residential, office and commercial development on this vacant land.

Ms. Hilvert noted that a public hearing on this matter has been scheduled for April 5, 2005 at 5:30 p.m. and City Council has agreed to proceed with the first reading of the ordinance at that time.

COUNCIL COMMITTEE REPORTS

Financial Planning Committee

Mr. Combs noted that the Financial Planning Committee met and discussed the administrative steps involved in the processing of delinquent tax returns. He further noted the Financial Planning Committee felt that this information would be valuable for all City Council members and asked Ms. Becki Wellbrock, Tax Commissioner, to prepare the attached report on the various administrative steps involved in the processing of delinquent returns in the City.

Governmental Affairs Committee

Mr. Suer indicated that the Governmental Affairs Committee would like to recommend that the reappointment of Ms. Lisa Pellegrino to the Arts Commission be revised to expire February 28, 2007.

City Council unanimously approved the reappointment of Ms. Lisa Pellegrino.

Mr. Suer indicated that the Governmental Affairs Committee would like to recommend that Ms. Andrea Wilson be appointed to the Arts Commission for a term expiring February 28, 2009.

City Council unanimously approved the appointment of Ms. Andrea Wilson.

Mr. Suer indicated that the Governmental Affairs Committee would like to recommend that Mr. Cliff Goosmann be appointed to the Arts Commission for a term expiring February 28, 2009.

City Council unanimously approved the appointment of Mr. Cliff Goosmann.

Mr. Suer indicated that the Governmental Affairs Committee would like to recommend that Ms. Rosie Stocker be appointed to the Arts Commission for a term expiring February 28, 2008.

City Council unanimously approved the appointment of Ms. Rosie Stocker.

Public Works Committee

Mr. Niehaus had nothing to report at this time.

Parks & Recreation Committee

Ms. Roesch had nothing to report at this time.

Law & Safety Committee

Mr. Joffe had nothing to report at this time.

Ms. Hilvert explained that the City has been asked to provide a letter to the Ohio Department of Liquor Control as to whether or not it has any objections to the transfer of an economic development liquor license from HMS Entertainment LTD dba Burning Desires to TCP Management LLC dba The Corner Pub. She further explained that the Police Department has reviewed this matter, and based on the operations at the current location and the background of the new owners of the Corner Pub, it has no objection to the transfer.

Mr. Steinbrink stated that he would be abstaining from the vote due to a business connection with the new owners.

Mr. Niehaus moved to direct staff to send a endorsement letter to the Ohio Department of Liquor Control not objecting to the transfer of the economic development liquor license from HMS Entertainment LTD dba Burning Desires to TCP Management LLC dba The Corner Pub.

The voice vote was called and showed the following:

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

NAY: (0)
ABSTAIN: Steinbrink (1)

Planning, Zoning, and Landmarks Committee

Mr. Steinbrink reported that the Planning, Zoning and Landmarks Committee conducted a discussion with the Planning Commission members on the operations of the Planning Commission. These discussions included the importance of meeting management, as well as, new techniques to work with applicants to find common interests between the parties that would result in quality developments for the City. The group also discussed the City's strategic direction and interest in providing superior customer service.

MINUTES

City Council reviewed the minutes from the February 15, 2006 Work Session and March 1, 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 into executive session to discuss matters regarding labor negotiations and pending litigation.

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

The vote was called and showed the following:

The roll was called and showed the following vote:

AYE: Harbison, Combs, Niehaus, Roesch, Steinbrink, Suer, Joffe (7)
NAY: (0)
ABSENT: (0)

City Council adjourned into executive session at 8:45 p.m.

City Council reconvened into public session at 9:06 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.

Mr. Steinbrink moved to adjourn. Mr. Joffe seconded.

Council unanimously agreed.

Council adjourned at 9:07 p.m.