

City of Montgomery
City Council Work Session Minutes
February 15, 2006

Present

Wayne Davis, Acting City Manager
Terry Donnellon, Law Director
Susan Hamm, Clerk of Council
Frank Davis, Community Development Director
Bob Nikula, Public Works Director
Don Simpson, Police Chief
Matthew Vanderhorst, Information Technology
Tom Wolf, Assistant Fire Chief

City Council Members Present

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

Absent

Cheryl Hilvert, City Manager

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.

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

ADMINISTRATION REPORT

Mr. Davis reported on the following items:

- The Planning, Zoning and Landmarks Committee will meet at City Hall on Monday, February 20, 2006 at 4:30 p.m. The Government Affairs, Parks and Recreation, and Law and Safety Committees will meet at City Hall on Tuesday, February 21, 2006 at 2:30, 3:30 and 5:30 p.m. respectively. The Public Works Committee has cancelled its meeting for the month of February.
- Two (2) public hearings will precede the April 5, 2006 business session beginning at 5:30 p.m. The public hearings on the request from Great Traditions for the rezoning and PUD application for the Vintage Club at Montgomery and the rezoning of properties in the Old Montgomery Gateway District are scheduled for April 5, 2006 at 5:30 and 6:30 p.m.
- Thanks are extended to everyone for their participation in the Community Leadership Forum held on Saturday, February 11, 2006.
- The meeting on the dog park issue is scheduled for Thursday, March 9, 2006 at 6:30 p.m. at City Hall. The report from the staff and the dog park advisory group will be forwarded to City Council and the Parks and Recreation Commission on Friday February 24, 2006. The report will be available on the City's website beginning Monday, February 27, 2006.

Mr. Davis requested a brief executive session to discuss matters regarding labor negotiations.

GUESTS AND RESIDENTS

Mrs. Tracy Fry, 10441 Grand Oaks Lane, explained that she is a Montgomery resident and was representing many other citizens from several neighborhoods across Montgomery who have formed Preserve Pioneer Park, a Resident Committee to keep Pioneer Park Clean, Green and Serene. She presented the attached statement.

Mayor Harbison explained that any further comments should be directed to the appropriate decision makers at the appropriate time and location and that the appropriate forum for these comments and presentations should be at the joint meeting of the Parks and Recreation Commission and City Council scheduled for March 9, 2006 at 6:30 p.m. She asked that the minutes include the attached list of people who were in attendance and were in support of Tracy Fry's comments.

COMMUNICATIONS

There were no communications.

LEGISLATION FOR CONSIDERATION TONIGHT

An Ordinance Extending Gateway Interim Development Control Overlay District

Mr. Combs read the ordinance in title only and moved passage to the third reading. Mr. Suer seconded.

Mr. Combs explained that, on March 23, 2005, City Council adopted Ordinance No. 3, 2005, creating a one-year Interim Gateway Overlay District to protect the Heritage District and the Old Montgomery District by restricting development in the proposed Gateway area on an interim basis while the City completed its planning study for the area. He further explained that since the one-year interim district is about to expire, it is necessary for the designation to be extended to permit the adoption of the new Old Montgomery Zoning District regulations, which are currently being reviewed by Planning Commission. Therefore, this ordinance would extend the existing 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.

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 MARCH 1, 2006

Pending Legislation

An Ordinance Extending Gateway Interim Development Control Overlay District

New Legislation

A Resolution Terminating Streetlight Installation Program

Mr. Nikula explained that he was requesting that City Council rescind the City of Montgomery's Neighborhood Safety Incentive Program that provided for the installation of decorative electric streetlights through a petition

and assessment process. He further explained that staff discussed the program and the one (1) year moratorium with the Public Works Committee of City Council at their January 17, 2006 meeting. During that discussion staff provided background information about the assessment program and the difficulties in the amount of staff time required to administer the program, the lack of use by residents, potential cost to the city, and the availability of similar services through Cinergy. He also explained that staff and the Public Works Committee of City Council are recommending that the Neighborhood Safety Incentive Program for Decorative Streetlight Installation be terminated through a revocation of Resolution No. 11, 2001, which created the Streetlight Installation Program, and Resolution No. 25, 2002 amending the program.

An Ordinance Enacting and Adopting the 2006 Recodification to the Code of Ordinance and Declaring an Emergency

Mr. Donnellon explained that this ordinance would update the Code of Ordinances within the City through the close of calendar year 2005, which included ordinances adopted over the past two (2) years and State Law changes which impact the City's traffic and criminal enforcement. He further explained that some of the highlights in the recodification included:

- The comprehensive re-write of our Income Tax Code and the update of our Land Usage Code
- The Criminal Code updates included the City's ordinance to set the maximum fine for a minor misdemeanor at \$150.00.
- Certain omissions deleted during the last recodification, such as the sale of fireworks.
- The State Law changes included the update in Chapter 71 for driving under suspension offenses, and changes in Chapter 73 to govern the new operating a vehicle while impaired statutes.

He also explained that staff was asking that this ordinance be considered as an emergency so that the Code can be updated and put into use immediately upon adoption.

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

Mr. Frank Davis explained that Chapter 154 of the Montgomery Code of Ordinances establishes the requirements for stormwater management, sedimentation control and flood damage prevention. He further explained that in 2004, the city updated the flood damage prevention regulation to meet FEMA requirements. The water management and sediment control regulation are local controls adopted by Montgomery for construction projects. These provisions were initially adopted in 1988 and amended by Ordinance No. 5, 1993. He also explained that in the last several years, the issue of stormwater drainage in residential areas has become a significant concern. This concern has been heightened by the current "teardown" activity. As a result, staff believes that some modification and clarification are needed. These amendments include the requirement that a water management, erosion and sedimentation control plan must be approved for a single family home construction, the creation of new definitions, and the establishment of new criteria for when a drainage plan is required. Staff believes that these changes help to clarify and strengthen the City's controls over water run-off on residential properties. While in most cases, single family residents are not required to meet detention standards that apply to commercial and institutional developments, these standards will bring some consistency to those standards and allow the City to provide additional protection to residential neighborhoods.

An Ordinance Adopting Amendments to the Montgomery Zoning Code

An Ordinance Adopting Gateway District Regulations

COUNCIL COMMITTEE REPORTS

Financial Planning Committee

Mr. Combs had nothing to report at this time.

Governmental Affairs Committee

Mr. Suer reported that the Community Leadership Forum was a success and the City received a lot of input from those who participated in the forum. He also reported that he has started implementing the mentoring program with the new City Council members.

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.

Planning, Zoning, and Landmarks Committee

Mr. Steinbrink had nothing to report at this time.

MINUTES

City Council reviewed the minutes from the January 18, 2006 Work Session and February 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.

Ms. Roesch moved to adjourn into executive session to discuss matters regarding labor negotiations. Mr. Suer 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 8:00 p.m.

City Council reconvened into public session at 8:28 p.m.

City Council Work Session Minutes

February 15, 2006

Page 5.

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. Suer seconded.

Council unanimously agreed.

Council adjourned at 8:28 p.m.

Clerk of Council

PRESERVE PIONEER PARK



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

<http://montgomery.com/preservepioneerpark/>
preservepioneerpark@yahoo.com

Submitted To: Montgomery City Council at Council Meeting 2/15/2006

Re: Statement from Resident Committee to Preserve Pioneer Park

My name is Tracy Fry, and I am a Montgomery resident at 10441 Grand Oaks Lane. I am here representing many other citizens from several neighborhoods across Montgomery who have formed Preserve Pioneer Park, a Resident Committee to keep Pioneer Park Clean, Green, and Serene.

We understand that the formal dog park proposal is not yet completed, however we feel it is important to maintain an open dialog with city council regarding the proposed changes to Pioneer Meadow, and to counter all inaccurate statements regarding Pioneer Park in a timely fashion. The February issue of the Montgomery Bulletin states that the dog park advisory group "has focused on an area within Pioneer Park that has been underutilized". It also states that "The proposed area would not displace any of the parks (sic) current amenities or uses." My primary purpose for speaking to you this evening is to discuss the many current uses and amenities of the existing Pioneer Meadow, thereby refuting these statements.

First, let me reiterate that as a group we are not opposed to dogs or dog parks. Most of our members are in fact, responsible dog owners. In my case,

I am the proud owner of both a 90 pound black lab and an 85 pound chocolate lab, which makes me the grand prize winner on my street with a total dog weight of 175 pounds. However, despite my personal love for dogs, I strongly believe, along with my fellow members of the Preserve Pioneer Park committee, that Pioneer Meadow is not an appropriate site for a dog park.

I first heard the meadow at Pioneer Park characterized as "underutilized" at a Parks and Recreation Commission Meeting that I attended on January 12, 2006. After hearing Ms. Rabkin's report from the dog park advisory committee to the Commission, I asked why Pioneer Park was chosen as the preferred site. The answer that I received was that this space is "underutilized". I was surprised by this statement from the moment I heard it, because it is contrary to my personal experience. Last week I attended the Parks and Recreation Commission Meeting on February 9th, 2006 and heard no less than three members of this commission repeat the claim that this area is underutilized and that the addition of a dog park would not affect any of Pioneer Park's current amenities. True, the meadow is not developed. It is not home to numerous permanent structures nor is it the site of weekly time-driven activities posted on the city calendar. These attributes, however, do not make it underutilized. I accept that this mischaracterization is not based in malice, but rather a prevailing ignorance of the meadow's current uses. Knowing that this misconception needed to be resolved if the impact of the proposed dog park was to be fully understood, I started asking people to tell me their personal stories of how they have used Pioneer Park and specifically, its meadow. I also asked them to provide a tangible symbol of their stories. The response I have received from Montgomery residents has

been over-whelming and very touching. I was not at a loss for stories to tell you tonight, but rather was forced to edit the list in an effort to keep my comments to a reasonable length. There were simply too many stories to tell. It is my hope that listening to these stories and seeing the physical representations of them will influence you to understand and place a high value on the current utilization and current amenities of Pioneer Meadow.

NICK: From Nick, I have a Boy Scout uniform. Nick is a Life Scout, Patrol Leader, and recently elected member of the Order of the Arrow. This uniform includes an Environmental Sciences merit badge which is a required merit badge to attain the rank of Eagle. As part of his requirements, Nick made four visits to the park. Each time, he sat on the creek bed just south of the meadow silently observing the world around him for 30 minutes. His notes tell the story of what happened in the creek on those summer days. The untold story is what a teenage boy learns by sitting in silence and observing nature.

MITCH: These pictures are from Mitch. Mitch and his friends recently re-enacted an entire season of Survivor in just one afternoon for his birthday celebration. Base camp was the gazebo, and the meadow provided the green space necessary for many games and adventures. The theme was "Survivor: Hawaii" and the pictures tell the story better than I ever could.

CHRISTOPHER: Christopher gave me a pair of glow stick glasses. Christopher is not one of the neighborhood children; he is a 44-year-old scientist who last summer created a treasure hunt mystery for his oldest daughter's 14th

birthday. It was a wild hike through Pioneer Park with a group of "kidnappers" trying to hide the guest of honor while her "rescuers" tried to free her and obtain the final clue to a hidden treasure. In the quiet grass of the meadow, the second group actually passed within a few feet of the first group without seeing them! Through the use of glow sticks and clues, the rescuers eventually prevailed and a great time was had by all. This gift from a father to his teenage daughter is a testament to what can happen when creativity and open green space intersect.

APRIL: April asked her mother to give me a picnic blanket. April is a recent Sycamore High School graduate who is currently studying at Harvard University. Upon hearing about the proposed changes to the meadow, April offered this reflection via e-mail: "I know that my friends and I used to have blanket picnics in that grassy area, and it will be very disappointing to come back from college for spring breaks and not be able to do it again!"

FRITZ: Fritz's parents supplied this white sheet. Apparently Fritz used it to collect bugs from Pioneer Park as part of an Honors Field Biology class at Sycamore High School. The sheet was brought to the park at night and a flashlight was held behind it to attract bugs. The bugs were then captured, identified, and inventoried. While they offered to bring some dead bugs, I assured them that this sheet would tell the story equally well. Apparently, you catch more bugs in open green space than in a suburban backyard, or maybe it is just more fun for a high school student to do his homework at the park.

SIERRA: This Brownie vest shows a "Water Everywhere" Try-It earned by Sierra at Pioneer Park. Her troop explored the creek, learned about fossils, and

learned about ways to keep water sources clean and protected from pollutants. Her experience is not unique. Two other Girl Scout troop activities and several Boy Scout troop activities were also submitted to me for inclusion in this talk.

MAX: Max's story spans several years, and therefore warrants two items. The first is a fishing pole. As an elementary school boy, Max and his friends spent a lot of time fishing in both the pond and the lake. If you believe their "fish tales" they were often very successful. More importantly, they learned lessons of confidence and teamwork on these fishing excursions. Today, as a teenager and a member of the Sycamore High School Men's' lacrosse team, Max still frequents Pioneer Park. Now he meets his meets his friends Joe and Blake at the meadow to practice lacrosse skills. I suspect he still comes home full of success stories; this time related to his great feats of athletic prowess. Max's confidence and teamwork skills continue to blossom from his exploits at Pioneer Park.

DICK: This walking stick represents Dick's story. Dick is 32 year resident of Montgomery and a member of the Montgomery Woodsmen, a local men's group. Unfortunately, this group of 25 men has lost three of its members in recent years. As a lasting tribute to those members, the Woodsmen have purchased three remembrance trees in Pioneer Park. When Dick walks through the park, he is able to reflect on those friendships. The current state of Pioneer Park offers, according to Dick, a "tranquility and peacefulness of nature" that he believes we should protect. The members of Preserve Pioneer Park agree wholeheartedly with Dick's assessment.

HENRY AND JULIUS: This fish tank ornament represents the story of Henry and Julius. Henry and Julius are brothers who happened upon the creek at Pioneer Park one day last summer. They were instantly hooked. They continued to have their mom drive them to the park all summer to explore the fish and the rest of the creek creatures. Fish became their new passion. This fall, they convinced their parents to buy an aquarium for their home.

FOSSIL HUNTERS: I would be remiss if I didn't show at least one fossil and mention the names of some of our local creek and fossil explorers. Fossil hunting is a favorite pastime of many Montgomery children who visit Pioneer Park. I received numerous stories of fossil hunts. Charles IV, Audrey, Sabrina, Nicholas, Erinn, Keara, Alanah, Beth, Ben, Sam and Charlie have all been identified as the great hope for the future of local paleontology.

In closing, I will give you one more, simple story.

MARY: This rock was recently given to me by Mary to reflect her favorite Pioneer Park activity. It came from the creek. Mary loves to run down the meadow, through a break in the woods to the creek bed and find the best flat rock available. She then runs back through the meadow, all the way around to the pond swings as fast as her 47-pound frame will take her and attempts to skip the prized rock across the pond. The process repeats itself numerous times until she is completely worn out, or finds a butterfly to chase. Why she doesn't select more than one rock at a time is a mystery. Why she doesn't skip the rocks from the south side of the pond instead of running all the way over to the pond swings is also a mystery. Maybe she's not in a

hurry. Maybe she has learned the lesson of serenity that Pioneer Park meadow is meant to teach all of us.

The stories that I have told this evening and the utilization that they represent have several things in common. They are not scheduled, nor publicized, just the daily comings and goings of one of our remaining areas of serene, green space in the Montgomery Park System. These uses do not interfere with each other. They can, and often do, occur simultaneously. Finally, a unique aspect of all these uses is that they do not take anything away from the meadow, nor do they leave anything behind. The events occur, and then disappear without a trace, leaving the meadow ready for the next user.

Unfortunately, all of these uses would be disrupted by the addition of a fenced dog park in Pioneer meadow. Even on days when the dog park is not being used or is closed due to muddy conditions, the addition of a large fenced area would preclude the use of that area for other activities. Its structures would remain as an impediment to the continuation of its current utilization.

One thing that the stories do not have in common is a particular neighborhood. Unfortunately, there is a continuing misconception that it is only the residents on a limited number of nearby streets that are concerned about losing the use of Pioneer Meadow. As word of the proposed dog park has begun to spread, the support our committee is receiving from residents across the city of Montgomery is growing. The stories I have told tonight are the

experiences of Montgomery residents from the following twelve Montgomery streets: Grand Oaks, Londonridge, Wild Orchard, Storybook, Cinderella, Adventure, Pfeiffer, Hartford Hill, Deerfield, Castleford, Deershadown, and even our new fish tank owners from Monte Drive.

To be fair to the Park and Recreation Commission, they probably were not aware of all these uses or they would certainly not continue to characterize this green space as "underutilized". I can only assume, therefore, that they have an equal lack of understanding of the meadow's current amenities. These amenities do not include the sports complexes and playground equipment offered at many of our other local parks. The current amenities of the Pioneer Meadow were provided by nature. They include, green grass, open space, a creek, a pond, the wind, numerous miscellaneous critters, and serenity. These amenities and their current utilization would be forever degraded by the addition of a dog park and its associated permanent structures. If the Parks and Recreation Commission feels a strong need to add to these amenities, it should not be at the expense of the ones that already exist. If we are to change Pioneer Park, I suggest we start with an understanding of its history and current uses, and then seek to develop new amenities which complement its charter of passive use. Park stakeholders and city leaders should work together to develop a list of criteria which are consistent with the park's charter and the city's vision. These criteria could be applied to any proposed additions to Pioneer Park. You see, it is not about the dog park, IT IS ABOUT THE MEADOW!

I appreciate you giving me the opportunity to speak this evening. I hope that I have left you with a better understanding of the true local treasure that exists at Pioneer Park. Its amenities are simple and pure, as are its uses. Pioneer Meadow is a local treasure of green space that is thankfully undeveloped, but certainly not underutilized. Thank you again for your time and consideration.

Dated this 15th day of February, 2006

Respectfully Submitted,

Tracy Ann Fry



CITY COUNCIL WORK SESSION SIGN IN SHEET
 10101 Montgomery Road • Montgomery, Ohio 45242 • (513) 891-2424 • Fax (513) 891-2498

February 15, 2006

Name	Address
James M. Paddik	CHRYSLER CONSTRUCTION, INC 10 Tenth View Pl. Cinti. Oh. 45215
C. FRANCIS BARRETT	105 E. 4th St., SU 170500 CINCINNATI OHIO 45202
Catherine Bell	Twin Lakes 9890 Montgomery Rd 45242
Linda Priest	7721 Pfeiffer Rd 45242
INGER SONNTAG	10405 LONDON RIDGE CT.
Roxanne Morand	10409 Londondridge Ct.
Lydia McMullen	10767 Moss Hill Ln
Tracy Fry	10441 Grand Oaks Lane
Chuck & Joan Bruffa	10420 Londondridge Ct.
Marilyn Morand	10409 Londondridge Ct.
Sheldon Polonsky	10461 Grand Oaks Lane
WALT KRESEMEYER	8708 ARCTURUS DR.
SANDRA DELVEY	10440 GRAND OAKS
Walter Selig	10440 Grand Oaks
Bob Speller	10406 Londondridge
Bon Speller	10406 London
Dana Nola	10561 Storybook
Joan Keck	13058 Coopermeadow
Margaret Nelson	7859 Wild Orchard Ln.
Bibi Nelson	" " " "
Sharon Floro	8716 Arcturus 45249