

City of Montgomery
City Council Work Session Minutes
December 19, 2007

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Present

Cheryl Hilvert, City Manager
Terry Donnellon, Law Director
Susan Hamm, Clerk of Council
Frank Davis, Community Development Director
Wayne Davis, Assistant City Manager
Bob Nikula, Public Works Director
Amber Morris, Recreation Director
Don Simpson, Police Chief
Matthew Vanderhorst, Customer Service Director

City Council Members Present

Gerri Harbison, Mayor
Mark Combs
Vicki Hirsch
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 for a motion to dispense with the roll call since everyone was in attendance.

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

GUESTS AND RESIDENTS

There were no residents or guests to address City Council tonight.

LEGISLATION FOR CONSIDERATION TONIGHT

An Ordinance to Amend General Appropriations for Current Expenses and Other Expenditures of the City of Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2007

Mr. Combs moved to read the ordinance by title only. Mr. Joffe seconded. City Council unanimously agreed.

Mr. Combs read the ordinance by title only and moved suspension of the rules. Ms. Roesch seconded.

The roll was called and showed the following vote:

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

Mr. Combs explained that this ordinance represents the City's annual budgetary "housekeeping" ordinance and is designed to address any budget areas that have exceeded their original appropriations and must have additional funds appropriated. He further explained that there are various budget areas that will need supplemental appropriations prior to year end. He also explained why the following major areas needed supplemental appropriations:

- In May, the City Council committed to an accelerated street repaving program. The first contribution to this four-year effort will be \$1,645,000 in 2007. This infrastructure investment will shorten the street repaving cycle, thereby extending the life of capital assets. This will require a transfer from the General Fund to the Capital Improvements Fund.

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- The Legal Administration budget is exceeded by \$88,000 because of higher than expected costs for labor negotiations with the FOP and extra costs related to the parkland initiative petition. This adjustment would bring the legal account into compliance.

The proposed change to the Vintage Club Construction Fund is to reduce its appropriation by \$15,000,000. As part of last year's budget, this appropriation was put into place in the event that construction on the garages at the Vintage Club would commence in 2007. It is now known that the construction phases for the garages at the Vintage Club have been programmed and budgeted for 2008 and 2009.

The roll was called and showed the following vote:

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

ESTABLISHING AN AGENDA FOR JANUARY 2, 2008

Pending Legislation

New Legislation

A Resolution Authorizing the City Manager to Enter into a Contract with CDS Associates, Inc. for Professional Services Related to General Engineering and Architectural Services

Mr. Bob Nikula, Public Works Director, explained that staff is requesting that City Council adopt this resolution which will authorize the City Manager to enter into a contract with CDS Associates, Inc. for professional services. He further explained that the City has contracted for a number of years with CDS Associates Inc. to provide civil, traffic and stormwater engineering, as well as architectural design and review services. He also explained that in keeping with the commitment that CDS Associates, Inc. made to the City to provide professional engineering and architectural services at a reasonable cost, CDS Associates, Inc. has once again established that their fee structure utilizing their prior year fee schedule will be in effect for 2008. He also explained that it is anticipated that the City will spend more than \$25,000 with CDS Associates, Inc. during 2008 and funding for these services was included in the 2008 Operating and Capital Improvement Program.

Mr. Frank Davis, Community Development Director, noted that many of the costs associated with the architectural design and review services are ultimately recovered by the fees collected from the builder.

Ms. Hilvert indicated that CDS Associates, Inc. does a lot of municipal work for communities around the Hamilton County area. She further indicated that the CDS Associates, Inc. has always served the City well and the City has been very satisfied with their services.

A Resolution Authorizing the City Manager to Enter into a Contract with Ray Kingsbury for Professional Services Related to Communications, Public Relations, and Citizen Outreach

Ms. Hilvert explained that a major goal area in the City's current Strategic Plan includes a work plan for citizen outreach and engagement. The purpose of this work was to enhance communications and understanding between citizens and their local government. She further explained that in mid-2007, the City retained the services of Ray Kingsbury as a consultant to assist in this work. Over the past few months, Ray Kingsbury has been instrumental in organizing the upcoming Montgomery Citizens' Leadership Academy. He has also been

105 working with a number of local neighborhood associations, civic organizations and demographic groups in an
106 effort to enhance the two-way dialogue between the City and its citizens. She also explained that it is
107 anticipated that this work will continue into the calendar year 2008 and may exceed \$25,000; therefore, City
108 Council is being asked to adopt a resolution authorizing a contract with Ray Kingsbury for the calendar year
109 2008. Funding for this service was included in the City's 2008 Operating Budget and was estimated at \$30,000.
110

111 Mrs. Hirsch stated that she was very pleased that the City developed a work plan for citizen outreach and
112 engagement. She further stated that she believes that it is a step in the right direction and hopes that City
113 Council will continue to receive updates on the work.
114

115 Ms. Hilvert noted that Mr. Kingsbury and the Impact Group are scheduled to provide City Council with an
116 update of their work on Wednesday, February 6, 2008. She further noted that Mr. Kingsbury does a monthly
117 report that is included in the Friday Updates.
118

119 **A Resolution Authorizing the City Manager to Enter into a Contract with Statewide Ford for the**
120 **Purchase of Two Police Cruisers**

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122 Police Chief Simpson explained that he was requesting that City Council adopt this resolution, which will
123 authorize the City Manager to enter into a contract with Statewide Ford for the purchase of two police vehicles.
124 He further explained that the purchase of these two police vehicles is part of a scheduled rotation program to
125 replace older police vehicles in the Police Department's fleet. He also explained that funding for the purchase
126 of these vehicles is contained in the Police Department Operating and Capital Budget for 2008.
127

128 **A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with Lithko**
129 **Restoration Technologies for the Re-Painting of the Municipal Swimming Pool**

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131 Ms. Amber Morris, Recreation Director, explained that experts advised staff to follow a three year waiting
132 period before proceeding with sandblasting, repair and painting of the entire pool bottom including the wading
133 pool to allow time for the "chirting" to complete. She further explained that "chirting" is the popping off of
134 aggregate in the concrete base. She also explained that this project would also address the need to change from
135 the PVC based paint to epoxy paint since the PVC based paint is being phased out by the EPA. She noted six
136 bids were received and only three of these bids were complete with the inclusion of square foot pricing on
137 concrete repairs. She further noted that the bids were evaluated based on the competitiveness of the quoted
138 price, the level of related experience with commercial pool painting projects and feedback from references on
139 the quality of the work, responsiveness of service. She also noted that based on the evaluative criteria, staff is
140 recommending that City Council adopt this resolution, to accept a bid and authorize the City Manager to enter
141 into a contract with Lithko Restoration Technologies for the re-painting of the municipal swimming pool.
142

143 **ADMINISTRATION REPORT**

144
145 Ms. Hilvert noted that Mayor Harbison did send out to everyone the committee assignments for the next term of
146 City Council. She further noted that she has heard back from most of the City Council members as to their
147 preferred meeting dates and times, and based on this information received, staff has moved forward and
148 published a list.
149

150 Ms. Hilvert reported on the following items:
151

- 152 • City offices will be closed on Monday and Tuesday, December 24, 2007 and December 25, 2007 in
153 observance of Christmas Eve and Christmas Day holidays. City offices will also be closed on Tuesday,
154 January 1, 2008 in observance of the New Year's Day holiday.

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- Thanks to everyone who assisted in or attended the 25th anniversary memorial service for the FBI plane crash at the Sheppard Bookstore. The ceremony was very well attended and was a fitting tribute to those who lost lives and property, as well as those who were injured in this tragedy.
- Best wishes to everyone for a joyous holiday season and a very happy, healthy and productive new year.

Ms. Hilvert explained that a report from the Tax Commissioner was included in the Friday Update and this packet on the year-end tax receipts. She further explained that the tax collections are going to be flat for 2007, largely due to the loss of Cincinnati Eye Institute. She also explained that staff will continue to monitor any changes in collections as the City enters into the 2008 fiscal year.

LAW DIRECTOR REPORT

Mr. Donnellon reported that there was a news report over the last couple of weeks, in conjunction with the County is planning to sell delinquent real estate taxes. He noted that the old Montgomery Chevrolet site is listed as one of largest delinquencies in the County. He further noted that the site is \$228,000 behind in taxes. He explained that after reviewing some the material, the concern that he has is that if the County is selling these tax liens and that they sell them at a discount; is the City going to collect their portion, because \$30,000 is owned to the City. He further explained that the City has nothing to do with collecting that tax and there is no enforceability that the City has as a community. He also explained that he will be following up with Mr. Portune's office to find out if the County is going to be selling these at a discount; what is going to happen if it is collected and will the City have to take a discount on what it is going to receive.

Mr. Donnellon also reported that he and staff had a meeting this afternoon with the Joseph Auto Group to talk about some of the operational enforcement issues. He explained that one of the issues discussed was the fact that there are very strict limitations on what they can do with cars, where cars can be parked and where cars can be displayed. He further explained that they were told that the City is going to have to start issuing citations if it does not get the Joseph's operational cooperation. He also explained that the biggest issue is with the number of cars parked on the Audi Store site. The Joseph's solution was to rent space off-site and start moving cars to that site and it was pointed out to them that they cannot move cars off-site without a conditional permit for that site. He noted that as of this evening, they have removed all those cars from that other site and after talking with their attorney. They have agreed to work with the City to find a solution to remedy a good problem that they have, which is that the business has been much more successful then anticipated.

Mr. Frank Davis, Community Development Director, noted that he had a conversation with Bearcreek Capital, who advised him that their failure to pay taxes was based on an ongoing dispute with Schottco and the Joseph's as to who owes those taxes. He further noted that Bearcreek Capital did indicate that they intend to pay the delinquent taxes and then pursue legal action.

CITY COUNCIL MEMBERS REPORTS

Mr. Combs noted that the work of the Financial Planning Committee of City Council is done for the year and that they anticipate no action items for the committee meeting in January, but they will have agenda items for the February 4, 2008 meeting.

Ms. Roesch reported that the Parks and Recreation Commission met the first week of December and received the park study. The Parks and Recreation Commission has formed a subcommittee, which will then join together with several members from City Council to study the recommendations and plan for the future. She

204 noted that there were several people who attended the commission meeting and offered their comments, which
205 were taken under advisement. She further reported that the Beautification and Tree Commission met the second
206 week in December and is considering hosting the southwestern Ohio Tree City Award Ceremony in 2010. The
207 Commission also hosted a very successful Emerald Ash Bore seminar at Terwilliger's Lodge on December 10,
208 2007. She suggested that the Commission consider hosting another seminar because of the success.

209
210 Mrs. Hirsch asked if she could receive a copy of the parks study that was completed.

211
212 Mr. Joffe moved to reappoint Ms. Diana Haaser to the Civil Service Commission for a term expiring January 31,
213 2011. Mr. Suer seconded. City Council unanimously agreed with the reappointment.

214
215 Mr. Steinbrink noted the Planning, Zoning and Landmarks Committee of City Council is scheduled to meet on
216 January 7, 2008 at 5:00 p.m. He further noted that he will be out of town on January 15, 2008 and will not be
217 able to attend the Parks and Recreation and Public Works Committees of City Council meetings.

218
219 Mayor Harbison explained that she attended the First Suburb Executives Committee meeting, where they
220 discussed making some Charter changes to allow more involvement of elected officials instead of just Mayors.
221 This will be further discussed at their regular meeting in January. She further explained that in the past, City
222 Council has discussed moving the Environmental Advisory Commission from the Governmental Affairs
223 Committee of City Council to the Public Works Committee of City Council.

224
225 Mr. Suer moved to move the City Council Committee assignment of the Environmental Advisory Commission
226 from the Governmental Affairs Committee of City Council to the Public Works Committee of City Council.
227 Mr. Combs seconded. City Council unanimously agreed.

228
229 Mayor Harbison noted that the City does have a City Council liaison assigned to the Sycamore School's
230 Planning Commission, which has been Mr. Suer for a couple of years. She asked Mrs. Hirsch if she would be
231 willing to take over this position.

232
233 Mrs. Hirsch indicated that the Sycamore School's Planning Commission meets on the second Monday night of
234 each month and she already has a commitment that evening. She further indicated that she has always attended
235 the Northeast Community Challenge meetings and will continue to attend those meetings.

236
237 Mayor Harbison asked if Mr. Suer would be willing to continue on with his position on the Sycamore School's
238 Planning Commission.

239
240 Mr. Suer indicated that he is also having a problem with scheduling; however, he thought they could work
241 something out, but it was not a pressing emergency right now.

242
243 **OTHER BUSINESS**

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245 **Discussion on U-Turns**

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247 Mr. Nikula, Public Works Director, explained that as a result of the discussions and resident requests heard
248 at the October 16, 2007 and November 27, 2007 joint meetings of the City of Montgomery Public Works and
249 Law and Safety Committees, as well as the November 28, 2007 Montgomery City Council meeting, staff has
250 revisited the staff recommendation that was presented at the November 27, 2007 joint committee meeting with
251 John Pagano. He further explained that after reviewing the staff recommendation, he and Mr. Pagano agreed
252 that the staff recommendation could be modified on an "interim" basis that would allow northbound
253 Montgomery Road traffic to make a u-turn at Forestglen. He also explained that this revised recommendation is

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254 based on a review of existing conditions, observations of traffic making u-turns, resident feedback, a review of
255 accident history and the strong likelihood that the intersection will be reconstructed in the near future and that
256 despite a review of the existing and conceptual improvements, a final determination cannot be made without
257 additional civil design and engineering work. He also explained that this "interim" approval will be reviewed
258 again following the submission and approval of the final intersection design improvements of the Montgomery
259 Road-Forestglen Drive/Twin Lakes access drive, which is a requirement for construction of the Twin Lakes
260 development project.

261
262 Mr. Comer Bond, 10127 Montgomery Road, stated that he is greatly appreciative of the City's decision. He
263 further stated that they have been greatly concerned about this as they have indicated and stated to City Council.
264 He also noted the City Council has always been a staunch defender and protector of residential "A" property and
265 again this City Council has demonstrated that concern. He thanked City Council for hearing them and for the
266 response that they have had regarding this matter.

267
268 Ms. Janet Phillips, 9926 Forestglen Drive, asked if the "interim" basis would be for a limited time period.

269
270 Mr. Nikula indicated that at one of the meetings it had been stated that the property owner at the corner of
271 Forestglen Drive and Montgomery Road could be approached for some additional property, to allow for some
272 reconfiguration of the corner to permit u-turns. He further indicated that the "interim" basis would be until such
273 time that the City would have an engineering design submitted by Twin Lakes. He also indicated that the City
274 would do as much as they can to insure that the design would allow u-turns to continue in the future, if they can
275 be done safely.

276
277 Ms. Phillips suggested that the City have a public meeting for all the residents on the parks study, because she
278 has not seen where much has gone out on that plan since day one. She asked if it would be possible for the City
279 to have a well-advertised public meeting for residents to look at it and discuss it. She also suggested that for the
280 u-turn issue the City have a well-advertised, in-advanced public meeting for all residents that will be affected by
281 this issue, which would include the residents of Forestglen Subdivision and Montgomery Road.

282
283 Mr. Suer stated that the City was looking at these u-turns solely from a public safety standpoint. He further
284 stated that in analyzing the situation, the whole idea has been to take a look at the u-turn behavior along
285 Montgomery Road and to see whether u-turns can be done safely.

286
287 Mr. Bond stated that the residents are also concerned with the safety. He explained that not too long ago, on a
288 Monday, Thursday and Friday, and during the busiest hours of the day, CDS Associates, Inc. did a study on u-
289 turns and traffic on Montgomery Road. He further explained that this report indicated that there were only four
290 northbound u-turns made at Forestglen Drive and one southbound u-turn made at the Service Center. He also
291 explained that it would be his observation that the casual motorist going north does not make a u-turn at
292 Forestglen and that it is used primary for the four residents who live at those junctions. He further stated that
293 when City Council is considering the safety, they would take under consideration that over the past seventeen
294 years, there has been no incidents in this area.

295
296 Mr. Nikula explained that the original recommendation that came forth listing this as one of locations that u-
297 turns would be prohibited was based on the lack of site distance that is required by the Ohio Revised Code and
298 the fact that the AASHTO design vehicle could not successfully make a u-turn within the geometrics of the
299 road. He further explained that the City has taken steps, realizing that people do make u-turns there to improve
300 the site distance with the removal of the existing shrubs at the southern end of the median north of Forestglen
301 Drive and a couple of shrubs further to the north, to the point that the minimum site distance standards are now
302 being met.

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304 Mr. Keith Mealy, 10125 Montgomery Road, noted that he drives a full size van for his business and makes that
305 u-turn at least once a day, and has learned to do it successfully.

306
307 Mayor Harbison asked if there was any further business to discuss in public session. There being none, she
308 asked for a motion to adjourn.

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310 Mr. Joffe moved to adjourn. Mr. Combs seconded.

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312 City Council unanimously agreed.

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314 City Council adjourned at 8:05 p.m.

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Clerk of Council

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