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City of Montgomery  
City Council Work Session Minutes  
May 23, 2007

Present

Cheryl Hilvert, City Manager  
Terry Donnellon, Law Director  
Evelyn Dumont, Acting Clerk of Council  
Wayne Davis, Assistant City Manager  
Frank Davis, Community Development Director  
Bob Nikula, Public Works Director  
Matthew Vanderhorst, Customer Service Director  
Paul Wright, Fire Chief  
Peter Hames, Finance Director  
Tracy Roblero, City Planner

Council Members Present

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

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Council convened in Council Chambers at 7:15 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. Suer moved to dispense with the roll call. Mr. Combs seconded. City Council unanimously agreed.

**ESTABLISHING AN AGENDA FOR JUNE 6, 2007**

**PENDING LEGISLATION**

**A Ordinance Amending Ordinance No. 20, 2006, Which Ordinance Established the Procedure for the Receipt and Disposition of Personal Property (3rd Reading, Mr. Suer)**

**An Ordinance Granting an Access Easement Within Safety Center Lot to Twin Lakes In Ohio, Not For Profit Corporation (3rd Reading, Mr. Steinbrink)**

Mayor Harbison stated that a resident has requested that she be permitted to make a presentation to Council exceeding the normal 3 minute time limit normally imposed on residents addressing Council. Mr. Niehaus moved to waive the 3 minute limitation. Mr. Combs seconded. Motion carried.

Ms. Connie Pillich, Forestglen Drive, made a lengthy presentation to Council enumerating her reasons why Council should not grant an easement to Twin Lakes in order to construct a driveway to their development directly across from Forestglen Drive. She made a PowerPoint presentation showing alternate access points for the proposed drive and supportive data that indicated that these alternate routes are safer. She also reported on statistics that she has found on the Internet showing that U-turns are safer than 4-way intersections. She ended her presentation by asking Council to deny the access easement to Twin Lakes.

Mrs. Harbison asked Ms. Pillich to forward a copy of her presentation along with the name of the software used to produce the calculations that were cited in her presentation to the clerk for distribution to City Council.

Council members then asked questions relative to the data used in the presentation and the software that was used to generate some of the statistical data in the presentation.

54 Ms. Julie Bradley, Mr. McCracken and Ms. Pillich all responded to these questions.

55  
56 Mr. Niehaus thanked those residents who had put effort into this presentation.

57  
58 Mayor Harbison then opened the floor to other residents who wished to address City Council on this legislation.

59  
60 Mr. Wiwi, 9843 Forestglen Drive, addressed City Council and presented a petition signed by Montgomery  
61 residents and others who drive through Montgomery urging Council to not grant this easement in order to  
62 construct the intersection adjacent to Forestglen Drive. He stated that it is a perception that city staff is in the  
63 pocket of special interests in this city.

64  
65 Ms. Linda Wilbers, 9892 Forestglen Drive, addressed City Council stating that she would rather see the city  
66 develop the land south of the safety center to expand the city pool which is in great need of improvement. She  
67 further stated that she is distressed that the right turn access to northbound Montgomery traffic onto Hopewell  
68 will be shortened.

69  
70 Mr. David Skopin, 9863 Forestglen Drive, addressed City Council stating that the planning commission earlier  
71 this year had stated that there is a lot of opposition to this proposed development. He stated that he doesn't  
72 know if someone is lying about whether or not this statement was made but he would be willing to state in a  
73 court of law that it was. He then spoke about greenspace being preserved to improve air quality.

74  
75 Ms. Janet Kilburn-Philips, 9926 Forestglen Drive, stated that Ms. Pillich already covered her points in her  
76 presentation regarding conflict points in the traffic flow. She also referred to the number of accidents that have  
77 occurred in this area.

78  
79 Ms. Joan Recker, 9938 Forestglen Drive, addressed Council regarding fire trucks being able to get to residents'  
80 homes in the case of fire and emergencies. She then spoke regarding a report that KZF did many years ago that  
81 she had requested a copy of, and it took two months for staff to get this report to them.

82  
83 Mr. Richard Schnedler, 9874 Forestglen Drive, spoke to City Council regarding the difficulty that residents have  
84 pulling out of their street onto Montgomery Road. He stated that building this driveway into Twin Lakes across  
85 from Forestglen will create a very dangerous traffic situation. He also stated that with the expansion of  
86 Bethesda North traffic will increase on Montgomery Road substantially.

87  
88 Ms. Julie Bradley, 10113 Woodfern Way, addressed City Council regarding Montgomery's access points which  
89 throughout the city are very weak. She also stated that shortening the right turn lane for Hopewell off of  
90 northbound Montgomery Road is going to have a very negative impact on traffic on Montgomery Road.

91  
92 **An Ordinance to Amend General Appropriations for Current Expenses and Other Expenditures of the**  
93 **City of Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2007 (2<sup>nd</sup> Reading, Mr.**  
94 **Combs)**

95  
96 Mayor Harbison asked for any discussion on this item. Mr. Combs stated that this item has already been  
97 thoroughly discussed at a previous meeting and that no further discussion is necessary.

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**NEW LEGISLATION**

**A Resolution Authorizing the City Manager to Contract with Frost Brown Todd, LLC to Provide Special Counsel Services – Barry Joffe**

Ms. Hilvert stated that this legislation will authorize the city manager to execute a contract with Frost Brown Todd, LLC for the purpose of labor negotiations as well as any labor relations matter that may come up over the year.

**A Resolution Amending Resolution No. 48, 2004, Establishing a Budgetary/Financial Policy for the City of Montgomery Relative to Targeted Fund Balances for Effective Planning and Emergency Financial Needs – Mark Combs**

Mr. Peter Hames, Finance Director, explained that at the February 2007 Financial Planning Committee meeting, the Committee requested a review of the city’s fund balances. The committee reviewed the report at its March meeting, with a follow up discussion at the May meeting, out of which came the agreement to recommend changing the capital improvement target fund balance from \$800,000 to \$1,000,000. The reasons for this change includes the need to strengthen the commitment to maintaining the City’s infrastructure assets, and the fact that the target had not been increased in several years, and did not reflect the impact that inflation had upon the diminished value of the current target.

**An Ordinance Adopting Goals and Policies for a Montgomery Comprehensive Community Plan – Todd Steinbrink**

Mr. Frank Davis made a presentation on the comprehensive community plan proposed for future development in the city. He explained that this plan, in conjunction with ongoing strategic planning, the parks and recreation master plan, capital improvements plan and other planning studies, is intended to establish the policies that the city will use in guiding the future growth of the city. This plan will provide background and context which City Council, the Planning Commission and the administration will use in making decisions on public expenditures, land use regulations and development proposals. It will be the basis for future modifications to the zoning code. The plan does not make specific recommendations on the development of individual parcels of land, rather it provides a framework of goals and objective to insure future decisions are consistent with the City’s mission statement and the health, safety and general welfare of the community.

**An Ordinance Establishing Regulations for Street Furniture/Furnishings in the Heritage Overlay District Bill Niehaus**

There having been a public hearing on this matter prior to the meeting, there was no further discussion on this matter.

**ADMINISTRATION REPORT**

Ms. Hilvert reported on the following items:

- Offices will be closed on Memorial Day.

- 145 • The OKI annual meeting will feature speaker Rob Portman on June 8<sup>th</sup>, and, if anyone is interested in  
146 attending to please notify her or Susan Hamm by May 30<sup>th</sup>.  
147
- 148 • A government efficiency and corporation project, being spearheaded by Senator Richard Finan and Mr.  
149 John Taylor, Management Partners, Inc. will be doing the work associated with this project. She has a  
150 meeting set up with them to share her views on the project and if any council member would like to attend  
151 this meeting, please let her know.  
152
- 153 • The time is approaching for the annual discussion with council on the city's strategic plan and asked them to  
154 think about scheduling this discussion sometime late June early July timeframe.  
155
- 156 • A discussion on the teardown issue in the City also needs to be scheduled for a future meeting.  
157
- 158 • The Community Improvement Corporation needs to be scheduled in order to discuss suggestions for  
159 activities of the C.I.C. body in terms of encouraging some positive development in the community.  
160

161 Ms. Hilvert stated that she needs to request an executive session to discuss matters of labor negotiations and the  
162 purchase of real estate.  
163

164 **LAW DIRECTORS REPORT**  
165

166 Mr. Donnellon reported briefly concerning the new law in Cincinnati regarding the residency requirements of  
167 convicted sex offenders and the concerns that the law is encouraging these offenders to move into  
168 neighborhoods outside the Cincinnati city limits. He stated that the City of Montgomery falls under the state  
169 legislation which restricts such offenders from living within 1000 feet of any school. He stated that while some  
170 other communities have been involved in litigation over this matter, he recommends continued monitoring of the  
171 situation.  
172

173 **GUESTS AND RESIDENTS**  
174

175 There were no residents or guests to address council tonight.  
176

177 **COMMUNICATIONS**  
178

179 There were no communications.  
180

181 **MINUTES**  
182

183 City Council reviewed and approved the minutes from the March 21, 2007 Work Session and April 4, 2007  
184 Business Session.  
185

186 **COUNCIL COMMITTEE REPORTS**  
187

188 Mr. Combs reported that the Financial Planning Committee met and discussed the budget at length, and about  
189 which the Committee will continue to meet and will keep Council apprised of the Committee's  
190 recommendations.  
191

192 Mr. Suer, stated that the Government Affairs Committee discussed the Novak memorial project which is on  
193 track, and also discussed surplus vehicles and what will be done with them. He also reported that the Arts  
194 Commission had their antiques appraisal event last weekend which was very successful. He also reported that  
195 Beautification Day went very well.

196  
197 Mr. Niehaus, reported that the Public Works Committee discussed several public works projects going on in the  
198 City including the installation of a new water works main that is being planned for the City of Montgomery and  
199 the City of Blue Ash.

200  
201 Ms. Roesch, reported that the Parks and Recreation Committee met regarding the July 3rd concert planning.  
202 She also reported that Beautification award nominations are now being accepted for awards.

203  
204 Mr. Steinbrink stated that Planning, Zoning and Landmarks did not meet in May but will meet in June. He  
205 stated that the City has received a landmark request for a portion of Pioneer Park and he asked Mr. Frank Davis  
206 if it would be possible to find out what the costs would be for a survey to see if the request is even feasible.

207  
208 Mayor Harbison asked the Planning Zoning and Landmarks Committee to put this landmarks request on their  
209 agenda for their next meeting.

210  
211 Mayor Harbison stated that City Council was asked to endorse the jail and the tax levy and that in the past, City  
212 Council has not given support for that type of levy.

213  
214 Mayor Harbison stated that she received a request from the Sycamore Junior High School that City Council  
215 attend their Memorial Day ceremony. She stated that she plans on attending the ceremony.

216  
217 Mayor Harbison thanked staff and volunteers for coming out to plant the city flowerbeds over the weekend.

218  
219 **OTHER BUSINESS**

220  
221 Mayor Harbison asked if there was any further business to discuss in public session. There being none, she  
222 asked for a motion to adjourn into executive session to discuss matters regarding the purchase of real estate and  
223 labor negotiations.

224  
225 Mr. Niehaus moved that Council adjourn to executive session to discuss matters regarding the purchase of real  
226 estate and labor negotiations. Mr. Combs seconded. Motion carried unanimously.

227  
228 The roll was called and showed the following vote:

229  
230 AYE: Combs, Joffe, Harbison, Niehaus, Roesch, Suer, Steinbrink (7)  
231 NAY: (0)  
232 ABSENT: (0)

233  
234 Council re-convened at 9:50 p.m.

235  
236 Mayor Harbison asked if there was any further business to discuss in public session. There being none, she  
237 asked for a motion to adjourn.

238  
239 Mr. Suer moved to adjourn. Mr. Combs seconded.

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240  
241 Council unanimously agreed.  
242  
243 Council adjourned at 9:51 p.m.  
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Clerk of Council