

City of Montgomery
City Council Work Session Minutes
February 21, 2007

Present

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

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

GUESTS AND RESIDENTS

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

ESTABLISHING AN AGENDA FOR MARCH 7, 2007

Pending Legislation

New Legislation

A Resolution Authorizing Law Mowing Contract Extensions for the Mowing of Various Parcels Throughout the City of Montgomery During 2007

Mr. Nikula, Public Works Director, explained, that this resolution will authorize the extension of the contracts granted in 2006 for KMB Lawn and Landscaping, the Planted Earth Lawn and Landscaping, and Merkle Lawn Care for the mowing of various parcels throughout the City. He further stated that during the bidding process in 2006, the City also requested proposals for 2007 pricing. As a result of this process and the City's satisfaction with the lawn mowing services, staff recommended that these contracts be extended for the 2007 mowing season.

A Resolution Authorizing the City Manager to Enter into a Federal Local Let Project Agreement with the Ohio Department of Transportation for the Project Known as the HAM-US22-15.29 Project, PID No. 81422

Mr. Nikula, Public Works Director, explained that the City of Montgomery made application to the Ohio Department of Transportation for funding to modify the existing roadway and turn lanes of Montgomery Road at the Bethesda North Hospital Intersection, based on a review of crash history at this intersection. He further explained that this project would require the modifications of the existing Montgomery Road medians immediately north and south of the Bethesda North Hospital's main entrance to align the northbound and southbound left turn lanes. This realignment will be designed to reduce the likelihood of right angle collisions at this intersection. The other component of the project will provide improved warning signs along southbound Montgomery Road to advise motorists of the lane "drop" between the Bethesda North Hospital intersection and Pfeiffer Road. He also explained that the funding for the project will be on a 50%-50% basis between the Ohio Department of Transportation and the City with a cap set at \$120,000.

Mayor Harbison asked what "Local Let" meant.

Mr. Nikula explained that the Ohio Department of Transportation has approved the City to be a qualified "Local Let" agency, which would allow the City to specify, bid and award the contract through subsequent City Council authorization. Designation as a "Local Let" agency also allows the City to complete all inspections and project administration of the contract after the award is authorized through City Council action. He further explained that this will allow the City to control how the project is completed as compared to a project that is not "Local Let" project that would be controlled entirely by the Ohio Department of Transportation and its staff.

Mr. Combs asked when the project was scheduled to begin.

Mr. Nikula indicated that the project was scheduled to begin this year and have a possible fall completion date.

Mayor Harbison asked how much of medians would have to be removed to complete the work.

Mr. Nikula noted that approximately 40' to 50' would have to be removed in both directions.

Ms. Roesch asked if the work would be performed at night.

Mr. Nikula indicated that the work would be performed at night.

An Ordinance Amending Section 50.02 of the Code of Ordinances Governing the Disposal of Real Estate Pursuant to an Urban Renewal/Urban Redevelopment Plan or Through the Montgomery Community Improvement Corporation

Mr. Donnellon explained that, as result of the discussions during the meeting with the Community Improvement Corporation, he is recommending that an amendment be made to Section 50.02 of the Code of Ordinance governing the disposal of real estate. He further explained that Section 50.01 of the Code of Ordinance places certain restraints upon the disposition of real estate devoted to parks, recreation areas, green belts, and other preserves, and this amendment will not disturb that restriction. He also explained that the amendment to Section 50.02 would recognize that there are exceptions to the disposition of other real estate within the community. If property is acquired through an urban renewal plan and it is the intent of the City to sell the property through such a plan, that Chapter of the Code would prevail. A question currently exists regarding the validity of such plans but, in the future when this issue is resolved through the legislature and the courts, the City will want to be sure that it can adopt appropriate legislation for urban renewal and redevelopment and have the flexibility to acquire and dispose of real estate through such plans. He further noted that the City has always had the ability to dispose of real estate through the Montgomery Community Improvement Corporation. In fact, past City Councils have acquired and sold property through the Community Improvement Corporation. He further noted that this is an implied authority within the Code and it has never presented an obstacle. However, it is important

that the City clarify this issue now so there are no title questions in the future as to the authority of City Council or the Community Improvement Corporation to dispose of real estate.

ADMINISTRATION REPORT

Ms. Hilvert reported on the following items:

- The Planning Commission approved the Twin Lakes proposal with several conditions. One of those conditions being that City Council grant an ingress/egress easement to Twin Lakes. It is anticipated that staff, at the March 21, 2007 work session, will be recommending that City Council add an ordinance granting this easement to the April 7, 2007 business session agenda for first reading that evening.
- In response to our letter to the various state officials regarding the Hazelwood Botanical Preserve, staff will be hosting representatives from the state treasurer's office next Wednesday on an informational tour of the preserve property. It is our hope to convince these officials of the importance of this property in its current natural state and avoid possible disposal of it as surplus property.
- Staff met again with the Impact Group regarding our communication efforts. The purpose of the meeting was to focus on consistent messaging by the City in terms of its communication vehicles, including letterhead, business cards, brochures, website, etc. It is critical that our communication vehicles are consistent in appearance and basic messaging, including phone number, website address, etc. and the purpose of this meeting was to get everyone on the same page so that we can move forward with this base level of effective communications. Also discussed were the preliminary findings of the secret shopper program in an effort to standardize our telephone approach to providing service to the customer. This includes consistent voice mail messages, approach to telephone transfers, greetings etc. The Impact Group is also working extensively on the development of materials to support our efforts at Homearama and we are beginning discussions on the community outreach portion of our work, reviewing ideas that were generated on this topic at the recent Community Leadership forum.
- Peoples Bank will hold a ribbon cutting ceremony next Thursday, marking the opening of the first business on the Triangle property.
- Staff made contact with Sycamore Township regarding its plans for the business area north of Weller Road. Mr. Rob Molloy, Township Administrator, indicates that they have received an inquiry from a restaurant chain on the Frank's site and that BP has expressed its interest in redeveloping at its existing location. No conversations have been held on the other properties.

LAW DIRECTOR'S REPORT

Mr. Donnellon reported that he met with Mr. Hohn, 7889 Shelldale Way, to discuss how the City can handle illegal aliens and reviewed information that Mr. Hohn had pertaining to this matter. He noted that Mr. Hohn has asked to attend a Law and Safety Committee of City Council meeting to discuss this matter further. He further reported that a workers compensation case has been closed without impacting the City rates. He also reported that Miami Valley Risk Management Association has settled a case, where the City of Montgomery had to provide its Policy on use of Stop and Search Policy, and it was noted that the City of Montgomery has one of the best policies.

CITY COUNCIL MEMBERS REPORTS

Mr. Suer reported that the Community Leadership Forum held on February 10, 2007 was a success with good participation. He further reported that he attended the Landmarks Commission meeting, where the members of the commission asked if City Council would be presenting out-going commission members with certificates of appreciation. He also reported that the board and commission surveys have gone out and he will be compiling the results for City Council to review.

Ms. Roesch reported that the first in the series of three public meetings on the parks master plan will be held at Good Shepherd Church on Thursday, March 8, 2007. There are two more public meetings scheduled this month and a series of 10 stakeholder meetings planned.

Mr. Steinbrink reported that the Comprehensive Community Plan Review Ad-Hoc Committee has completed its work on the update to the City Comprehensive Plan. The plan for will be forwarded onto the Planning Commission for the review and approved in March.

Mayor Harbison indicated that she would be attending the ribbon cutting ceremony for Peoples Bank which is scheduled next Thursday.

MINUTES

City Council reviewed the minutes from the January 24, 2007 public hearing, January 24, 2007 work session and February 7, 2007 business session.

OTHER BUSINESS

Ms. Hilvert explained that the City has received notice from the Ohio Department of Liquor Control asking whether the City wishes to request a hearing on the transfer of the economic development liquor license from Price Enterprise Inc. dba Pomodoris Pizza to Pizzadoris LTD dba Pomodoris Pizza. She further explained that recently the City was asked to provide a letter to the Department of Liquor Control on this economic development license. She also explained that this hearing request represents the second step in the approval process for these types of liquor license.

Mr. Combs moved to not request a hearing on the transfer of the economic development liquor license from Price Enterprise Inc. dba Pomodoris Pizza to Pizzadoris LTD dba Pomodoris Pizza. Mr. Steinbrink seconded. City Council unanimously agreed.

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

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

City Council unanimously agreed.

City Council adjourned at 7:32 p.m.