

City of Montgomery
City Council Work Session Minutes
April 23, 2008

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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
James Hanson, Finance Director
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
Barry Joffe
Lynda Roesch
Todd Steinbrink
Ken Suer

City Council Member Absent

Vicki Hirsch

City Council convened in Council Chambers for the work session at 7:00 p.m. with Mayor Harbison presiding.

ROLL CALL

Mayor Harbison asked that the roll be called.

The roll was called and showed the following Council Members present:

PRESENT: Combs, Joffe, Harbison, Roesch, Steinbrink, Suer
ABSENT: Hirsch

Mayor Harbison noted that Mrs. Hirsch was absent due to being out of town. She asked for a motion to excuse Mrs. Hirsch.

Mr. Steinbrink moved to excuse Mrs. Hirsch. Mr. Joffe seconded. City Council unanimously excused Mrs. Hirsch.

SPECIAL PRESENTATIONS

Mayor's Proclamation for Arbor Day

Mayor Harbison read the Mayor's Proclamation in its entirety. She noted that this proclamation proclaims Friday, April 25, 2008 as Arbor Day in the City of Montgomery. She further noted that this is an annual proclamation recognizing the importance of Arbor Day in the City of Montgomery.

Presentation from McBride Dale Clarion on the Montgomery Road Corridor/Schoolhouse Interim Development Control District Report

Ms. Emily Crow from McBride Dale Clarion explained that in 2006, the Montgomery City Council voted to place an area on the east side of Montgomery Road from Marketplace Lane north to Hopewell Road under interim development controls to allow for the completion of a land use study and plan. In the past several years the City has experienced significant pressure for redevelopment and development especially along the Montgomery Road Corridor. The City completed and adopted the 2006 Strategic Plan and the 2007 Comprehensive Plan and with them, the vision for the City's future. City staff and McBride Dale Clarion believe that this land is unique along Montgomery Road and required a detailed analysis and assessment to determine if there are other regulatory tools the City could use to promote positive development and

55 redevelopment in this area. This study examined the existing conditions surrounding the study area, and based
56 on the findings of the physical analysis and the prevailing trends, the key issues are identified. Three land use
57 alternatives were presented and assessed for their positive and negative impacts. The final recommendation
58 included the preferred alternative and the method necessary to implement the recommendations, including
59 possible modification to zoning. She further explained that the proposed study includes twelve parcels and
60 approximately twenty acres of land located on the east side of Montgomery Road between Marketplace Lane
61 and the City's Safety Center. This area lies at a critical transition point between the higher intensity
62 commercial/retail uses of the Montgomery Road Corridor and some of the City's lowest density residential. The
63 study area is also located at the City's border with the Village of Indian Hill. For analysis and
64 recommendations, the study area has been divided into two sub-areas. Sub-area A includes the seven northern
65 parcels and is currently undeveloped. Sub-area B includes the five southern parcels, which are currently
66 developed with commercial/retail uses. She also explained that the report includes the following
67 recommendations:

- 68 • Making modifications to the "LB" zoning district which includes footprint limitations and some use
69 modifications;
- 70 • Expanding language in the Montgomery Road Corridor Design guidelines to cover the residential area
71 between the Safety Center and Clossons;
- 72 • Rezoning the property in the study area that is currently zoned "GB" General Business District to "LB"
73 Limited Business District.

74
75 Mr. Frank Davis, Community Development Director, explained that the Planning Commission reviewed the
76 report at their April 7, 2008 meeting and has recommended that City Council accept the report and move
77 forward with the recommended text and map changes.

78
79 Mr. Donnellon explained that the next step in the process would require that City Council either take these
80 recommendations under consideration and refer the report to the Planning, Zoning and Landmarks Committee of
81 City Council for further consideration, or make a motion recommending that the Planning Commission move
82 forward with the text and map changes.

83
84 City Council agreed that they were comfortable with moving forward tonight and not deferring it back to the
85 Planning, Zoning and Landmarks Committee of City Council for further consideration.

86
87 Mr. Steinbrink moved to accept the report and have Planning Commission move forward with the necessary text
88 and map changes. Mr. Combs seconded.

89
90 The roll was called and showed the following vote:

91
92 AYE: Harbison, Combs, Joffe, Roesch, Steinbrink, Suer (6)
93 NAY: (0)
94 ABSENT: Hirsch (1)

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96 **GUESTS AND RESIDENTS**

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

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100 **ESTABLISHING AN AGENDA FOR May 7, 2008**

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102 **Special Presentation**

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104 **Mayor's Proclamation to Jeff Kmet**

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Pending Legislation

An Ordinance Amending Section 33.24 of the Code of Ordinances Governing Promotional Examinations (3rd Reading)

New Legislation

An Ordinance Enacting Part Eight, Title IX, Chapter 112 of the Codified Ordinance of the City of Montgomery, Ohio Entitled “Video Service Authorizations” and Adding Provisions for Video Service Authorizations, Establishing Fees, Defining Terms and Authorizing the City Manager or Designee to Provide Notice to the Video Service Providers Offering Video Service in the City Pursuant to a State Authorization and Declaring an Emergency

Mr. Donnellon explained that last year the Ohio legislature passed a bill, which substantially changed the landscape for cable TV franchises within the State of Ohio. The intent of the legislation is to remove local franchising authority from the communities and substitute a statewide franchising mechanism. He further explained that over a year ago, the City received notice from Time Warner that the franchise agreement was up for renewal and requested that the City engage in negotiations to extend the franchise agreement. Before the renewal negotiations started, the state passed the bill, which stopped the City’s efforts to renew the Time Warner franchise agreement. The current agreement remains in place until April, 2009, unless terminated earlier as permitted by law. Time Warner has started the process to terminate the franchise agreement before April, 2009, with their filing before the Federal Communications Commissions. Time Warner has asked the Federal Communications Commission to determine that there is effective competition in the Montgomery community through the satellite dish services, and if they are successful, they will be able to terminate their franchise prior to next April and the statewide franchise would then substitute. He further explained that the ordinance being proposed by Schottenstein, Zox and Dunn would allow the City to retain some local control relative to franchising fees and public access. The City does not utilize the public access services so the direct impact upon the City would be our franchising fees. The new ordinance defines franchising fees to include the revenues generated from providing cable TV service, but also provides advertising revenues as a basis for fee calculation. He also explained that Schottenstein, Zox and Dunn has recommended that City Council adopt this ordinance with suspension of the rules requiring reading on three separate occasions and emergency language that would cause the ordinance to become effective immediately upon its passage.

An Ordinance Amending Schedule of Municipal Compensation

Mr. Wayne Davis explained that staff is requesting that City Council adopt this ordinance that will make amendments to Ordinance No. 8, 2007 and Ordinance No. 1, 2008 “Establishing Schedule of Municipal Compensation.” He further explained that the amendments to this ordinance reflect organizational an changes in the Finance Department: the reclassification and re-titling of the positions of Senior Account Clerk, Account Clerk, and part-time Account Clerk to the new position of Finance Specialist. The job classification of Finance Specialist has been created to better describe the functions and responsibilities of the account clerks working in the areas of Earnings Tax, Payroll and Accounting. Rewriting this job description was accomplished through a collaborative effort of the Finance Director and the Account Clerks in the Finance Department. In addition, it is requested that the position title of Deputy Finance Director be amended to Assistant Finance Director. This change is recommended in order to be consistent with similar positions held in the City Administration, Public Works, Fire and Recreation Departments. He also explained that in addition to the changes in the Finance Department, the other change to the Schedule is the elimination of the position of Fire Marshall. With the retirement of Fred Horsley, the City has eliminated this position and transitioned responsibilities for this position to a full-time Fire Lieutenant.

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ADMINISTRATION REPORT

Ms. Hilvert reported on the following items:

- Natasha Dempsey joined the Finance Department as the City's Assistant Finance Director, her first day on the job was April 21, 2008. She was a staff accountant for the City of Hamilton working a time for both the Tax and Accounting Divisions during her four-year tenure there. Natasha has a Bachelor's Degree in Accounting and Finance from Bowling Green State University.
- Congratulations to Cindy Rains, who received the American Society for Public Administration Public Administrator of the Year Award in the Support Services category. Several employees attended the ceremony for the award on Friday, April 18, 2008.
- The Safety Center Open House, as well as a number other City activities and events, including the plant swap and kids garage sale, will be held on Saturday, April 26, 2008. The Safety Center Open House will run from 11:00 a.m. to 2:00 p.m. Please stop by for some or all of these events as they are really great showcases of our community, its volunteers and our many spring events.
- The annual Board and Commission Training Session will be held on Tuesday, May 6, 2008 from 6:30 p.m. to 8:30 p.m.
- The Financial Planning Committee is scheduled to meet on Monday, May 5, 2008 at 5:00 p.m. at City Hall. The Planning, Zoning and Landmarks Committee has cancelled its meeting for the month of May.

Ms. Hilvert noted that she will be out of town from Wednesday, May 14, 2008 until Saturday evening, May 17, 2008 to attend the Gettysburg Leadership Institute in Gettysburg Pennsylvania.

Ms. Hilvert requested an executive session to discuss matters related to labor negotiations and purchase of real estate.

LAW DIRECTORS REPORT

Mr. Donnellon indicated that he had nothing to report at this time.

CITY COUNCIL MEMBERS REPORTS

Mr. Suer noted that the Governmental Affairs Committee of City Council met on Tuesday, April 15, 2008 and discussed the following topics:

- **New Video Services Franchising Ordinance** - Mr. Donnellon reviewed the proposed ordinance. The Committee noted that with applications pending which could terminate the City's current franchising authority and to preserve and protect the City's limited local contract, it is necessary to implement this legislation as soon as possible; therefore, the Committee would be recommending that City Council adopt the ordinance with suspension of the rules requiring reading on three separate occasions and emergency language that would cause the ordinance to become effective immediately upon its passage.
- **Volunteer Recognition Process** - The Committee reviewed recommendations from an employee/City Council member committee that worked on an appropriate program/process to acknowledge outgoing board and commission members for their service to our City, and volunteers who have made an

204 especially noteworthy contribution to the City. The Committee agreed to moved forward with the
205 appropriate program/process to acknowledge outgoing board and commission members for their service,
206 and for volunteers who have made an especially noteworthy contribution to the City.
207

208 Ms. Roesch noted that the Parks and Recreation Committee of City Council met on Tuesday, April 15, 2008 and
209 discussed the following topics:
210

- 211 • **Appointment to Beautification and Tree Commission** - Ms. Roesch moved to appoint Ms. Jackie
212 Webb to the Beautification and Tree Commission for a term expiring 2/28/09. City Council
213 unanimously agreed with the appointment.
- 214 • **Update on Parks and Recreation Parks Study Review** - The Committee received an update from
215 Ms. Amber Morris, Recreation and Community Relations Director, on the park study received from
216 Leisure Services Management in December of 2007. They reviewed the Parks Study Subcommittee's
217 recommendation, which included a list of projects and general guidelines for prioritizing the
218 recommended projects. Each of these identified projects were evaluated based on community feedback,
219 needed maintenance updates, cost and alternate funding sources. The Committee agreed that the next
220 step in the process would be to have the Parks and Recreation Subcommittee present the report to City
221 Council at the May 21, 2008 work session. The Committee also agreed that an open house would be
222 scheduled to allow the citizens to review the recommendations.
223

224 Mr. Steinbrink noted the Planning, Zoning and Landmarks Committee of City Council met and are
225 recommending the following appointments:
226

227 Mr. Steinbrink moved to appoint Ms. Carolyn Buffington to the Landmarks Commission for a term expiring
228 1/31/2011. City Council unanimously agreed with the appointment.
229

230 Mr. Steinbrink moved to appoint Mr. Larry Schwartz to the Landmarks Commission for a term expiring
231 1/31/2009. City Council unanimously agreed with the appointment.
232

233 Mr. Steinbrink moved to appoint Mr. Stephen Boord to the Planning Commission for a term expiring 1/31/2010.
234 City Council unanimously agreed with the appointment.
235

236 Mayor Harbison noted that she attended the following meetings:

- 237 • City of Montgomery "Meet and Greet"
- 238 • North East Community Challenge
- 239 • Bastille Day Committee
- 240 • First Suburbs

241 She further noted that she attended the following dedications:

- 242 • Dedication of the Edwin E. Green School Walking Track
- 243 • Dedication of the Symmes Township 1999 Tornado Memorial Park

244 **MINUTES**

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247 Ms. Roesch moved to approve the March 19, 2008 Public Hearing minutes and the April 2, 2008 Business
248 Session minutes. Mr. Steinbrink seconded. City Council unanimously approved the minutes.
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250 **OTHER BUSINESS**

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252 Mayor Harbison asked if there was any further business to discuss in public session. There being none, she
253 asked for a motion to adjourn into executive session to discuss matters related to the labor negotiations and
254 purchase of real estate.

255
256 Mr. Combs moved to adjourn into executive session to discuss matters related to the labor negotiations and
257 purchase of real estate. Mr. Suer seconded.

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259 The roll was called and showed the following vote:

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261 AYE: Harbison, Combs, Joffe, Roesch, Steinbrink, Suer (6)
262 NAY: (0)
263 ABSENT: Hirsch (1)
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265 City Council adjourned into executive session at 8:20 p.m.

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267 City Council reconvened into public session at 9:55 p.m.

268
269 Mr. Combs moved to endorse the City Manager's performance and support for the direction she provided in
270 implementing City Council's strategic plan for the growth and progress of the City. City Council reiterated that
271 there are more than adequate procedures in place to assess and evaluate the performance of the City Manager
272 and the senior management. City Council itself undertakes the process to annually review the City's Manager's
273 performance. This process has been used by this City Council and past City Council's. City Council invites
274 comments from a number of sources to assist in this comprehensive evaluation. What this process has told City
275 Council re-affirms Council's belief that the Mission, Vision and Values of the city are being well directed.

276
277 The roll was called and showed the following vote:

278
279 AYE: Harbison, Combs, Joffe, Roesch, Steinbrink, Suer (6)
280 NAY: (0)
281 ABSENT: Hirsch (1)
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283 Mayor Harbison asked if there was any further business to discuss in public session. There being none, she
284 asked for a motion to adjourn.

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286 Mr. Steinbrink moved to adjourn. Mr. Suer seconded.

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288 City Council unanimously agreed.

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290 City Council adjourned at 9:57 p.m.

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Clerk of Council