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

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

City Council Members Present

Gerri Harbison, Mayor  
Mark Combs  
Vicki Hirsch  
Barry Joffe  
Lynda Roesch  
Todd Steinbrink  
Ken Suer

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City Council convened in Council Chambers for the work session at 7:11 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.

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

**GUESTS AND RESIDENTS**

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

**ESTABLISHING AN AGENDA FOR FEBRUARY 6, 2008**

**Pending Legislation**

**New Legislation**

**An Ordinance Amending Schedule of Municipal Compensation**

Mr. Wayne Davis, Assistant City Manager explained that the most recent version of the City's 2008 Wage Scale for full and part-time employees was approved on June 13, 2007. Since that time a couple of changes have occurred within the City's organizational structure. These changes have necessitated a change in the existing wage scale and it is recommended that these adjustments be made to accommodate the organizational changes. He further explained that it was important to note that each of these changes were included in the 2008 Operating and Capital Budget. He explained the following three personnel changes:

- The upgrade of the Recreation Director position from a mid-level management position to a department head position as Recreation and Community Relations Director;
- The conversion of the Assistant Recreation Director from part-time position to a full-time position; this change would be to account for additional responsibilities for this position in the management and operations of the department. While the part-time Assistant Recreation Director position will continue to be included on the part-time scale, this is being done to maintain the position as it is currently filled by an existing staff member. When the new, full-time position is filled, it is understood that the part-time position will be eliminated.
- The movement of the Finance Director position from Range 1A to Range 1. The Finance Director position is a key position in the City's senior management, with significant responsibility for conducting the City's business and carrying out the City's strategic vision.

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54 Mayor Harbison noted that this issue was discussed at the Governmental Affairs Committee of City Council  
55 meeting.

56  
57 Mr. Combs questioned why the staff was recommending suspension of the rules.

58  
59 Mr. Wayne Davis explained that the reason staff was requesting that City Council consider rule suspension was  
60 because Ms. Morris has been performing in the capacity and has taken on the additional responsibilities of the  
61 Recreation and Community Relations Director position. He further explained that the other reason for this  
62 request was to enable staff to start the hiring process of the Assistant Recreation Director position.

63  
64 Ms. Hilvert explained that staff held this piece of legislation until after the passage of the budget. She further  
65 explained that the budget actually contained the plan to shift the communications work into the Recreation  
66 Department. She also explained that the upgrade to the Recreation and Community Relations Director position  
67 was not that significant due to the wage overlap that exists between the two positions. She noted that the major  
68 concern that she had was insuring that City Council wanted to move forward with the upgrade of the part-time  
69 Assistant Recreation Director position to a full-time position because there is a bit of urgency to get that process  
70 started with the summer coming up. She further noted that the City does have an opportunity to market the job  
71 at the Park and Recreation Conference in Ohio, which tends to be a good place to market the job and get the  
72 word out. She also noted that with the Finance Director position, she has advised Mr. Hanson that the staff is  
73 making this recommendation and he understands that he has accepted the job at the current range.

74  
75 Ms. Roesch suggested that City Council move forward with the suspension of the rules.

76  
77 Mr. Joffe noted that he felt that the timing of the hiring was a valid reason for moving forward with the  
78 suspension of the rules.

79  
80 Mr. Steinbrink indicated that it was something that was discussed during the budget review and the priorities  
81 were set to get it done and this was just the way to get it executed.

82  
83 Mr. Suer stated that staff rarely requests that City Council consider suspending the rules, therefore he is  
84 comfortable with passing this ordinance at the February 6, 2008 business session.

85  
86 Mrs. Hirsch noted that since this is an exception and not something that City Council normally does, she fully  
87 understands and approves of suspending the rules.

88  
89 Mr. Combs explained that if City Council was being asked to pass the ordinance with emergency language, then  
90 he would be opposed, but suspending the rules is not really an issue.

91  
92 **A Resolution Authorizing the City Manager to Enter into a Contract with Cincinnati Pool Management**  
93 **Inc. for Professional Services Related to the Operation and Management of the Montgomery Municipal**  
94 **Pool**

95  
96 Ms. Amber Morris, Recreation Director, explained that Cincinnati Pool Management Inc., has provided serviced  
97 related to the operation and management of the swimming pool since 2001 with much success and improvement  
98 on areas of concerns generated from surveys from pool members and special focus groups. She further  
99 explained that the previous contracts covered the following:

- 100
- Management of the pool;

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- 101 • Staffing of guards throughout operations;
- 102 • Management and staffing of the concessions and front desk;
- 103 • Staffing and scheduling for swim lessons and the swim team.

104 She also explained that staff has recommended that Cincinnati Pool Management Inc. be contracted to provide  
105 the same basic services for 2008, 2009, and 2010. The proposed contract shall commence March 1, 2008 and  
106 shall expire October 30, 2010, unless otherwise terminated by either party in accordance with the agreement.  
107 She noted that the sum of the agreement was \$152,750 for 2008, which represents a 2.5% increase over the 2007  
108 contract price, including the minimum wage amendment; \$155,805 for 2009, which represents a 2% increase  
109 over 2008; and \$158,920 for 2010, which represents a 2% increase over 2009. She further noted that the Parks  
110 and Recreation Committee of City Council reviewed and discussed the proposal submitted from Cincinnati Pool  
111 Management and concurred with staff's recommendation. Therefore, it is recommended that City Council adopt  
112 legislation to authorize the City Manager to enter into a contract with Cincinnati Pool Management, Inc. for the  
113 operations and management of the pool in 2008, 2009, and 2010.

114  
115 Ms. Roesch questioned if this was the second renewal but the third time the City has engaged in contract with  
116 Cincinnati Pool Management Inc.

117  
118 Ms. Morris stated the City had done two single years; then a three year contract and this would be the next three  
119 year contract.

120  
121 Mr. Suer asked if Cincinnati Pool Management Inc. was going to try to do something different with the pool  
122 manager's position to try to keep people in place longer, since the people in that position seem to change every  
123 year.

124  
125 Ms. Morris noted that the pay range for this position and the front desk worker were increased in order to attract  
126 possibly a school teacher, or someone that would be looking for a regular summer-time job; would have more  
127 ties to the community; and would have more of an interest in staying in the position. She further noted that  
128 typically what you get is a college student and once they have their degrees, then they no longer want to stay in  
129 this type of position.

### 130 131 **ADMINISTRATION REPORT**

132  
133 Ms. Hilvert reported on the following items:

- 134  
135 • The Hamilton County Municipal League membership meeting is scheduled for January 31, 2008 at the  
136 Village of Evendale.
- 137  
138 • The third session of the Montgomery Citizens' Leadership Academy was held Tuesday, January 22,  
139 2008 and focused on the Sycamore Community Schools. The participants enjoyed this session that  
140 focused on Montgomery Elementary, technology in the classroom and proficiency testing.  
141 Additionally, the School District highlighted the cooperation between itself and the City by talking  
142 about the School Resource Officer position. Participants were also treated to a musical theatre  
143 performance by high school students. The next session of the Academy is scheduled for Saturday,  
144 February 2, 2008 and will feature a presentation on Disaster Preparedness and Homeland Security lead  
145 by Police and Fire Departments.

146

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147 Ms. Hilvert requested an executive session to discuss matters related to the purchase of real estate, labor  
148 negotiations and imminent litigation.

149

150 **LAW DIRECTORS REPORT**

151

152 Mr. Donnellon reported on the following items:

153

154 • A follow-up meeting was held with the Joseph Auto Group and they seem to have a better  
155 understanding of the City's concerns. The Joseph Auto Group has indicated that they are going to  
156 address some operational issues, not just the short term issues, but the long term issues as well. The  
157 Joseph Auto Group is scheduled to get back with him by the middle of February with what their long  
158 term plan is to address the over-crowding on their lot.

159

160 • A meeting with Great Traditions regarding the progress of the Vintage Club Tax Increment Financing  
161 District. Great Traditions is very interested in finalizing the Service Agreement, Maintenance  
162 Agreement for the garage and the Construction Management Agreement with the idea that they want to  
163 go forward with the construction of one of the garages this year, along with one of the commercial  
164 building on the site. The plans will be submitted to the Planning Commission for their review and  
165 approval in mid-February.

166

167 • A meeting was also held with Bearcreek Capital about their project, where it was stressed to them that  
168 the City has worked with them for two to three years on their project located on the Schottco site and if  
169 they want the City to participate by way of public improvements, and what he keeps explaining to them  
170 is, that if they want the City to be an investor, the City has shareholders that they have to answer to and  
171 right now he doesn't think that the shareholders will be real happy with the City's investment in the  
172 project the way it is being proposed, both financially and esthetically. He stressed this again today with  
173 Bearcreek's attorney, that the City is here and it wants to see the project move forward, but not at the  
174 City's cost. It was suggested that they meet with the Community Development Director, Mr. Frank  
175 Davis, on the aesthetics; with the new Finance Director to go over some of the financial details on their  
176 model; continue communications with the City, and that the site be changed from an empty parking lot  
177 into something more productive.

178

179 • Approximately a year ago, the City authorized the renewal of the City's cable franchise agreement and  
180 authorized Schottenstein Zox and Dunn to assist the City. With the adoption of Senate Bill 117, this  
181 takes Cable TV and makes it a State Regulation and eliminates local participation. Time Warner Cable  
182 is able to opt out of the franchise agreement, if they can show that there is effective competition in the  
183 community. Time Warner has gone to the FCC, claiming that their effective competition in the City of  
184 Montgomery and other surrounding communities is Satellite TV. If the FCC finds that there is effective  
185 competition, then Time Warner can come back to the State and they can opt out of their franchise  
186 agreement. What this means is that the City would lose a little control; however, it would not impact  
187 the programs or access, it would impact the franchise fees that the City receives. He has talked with  
188 Schottenstien Zox and Dunn about responding to the FCC claim. The basis for Time Warner getting out  
189 of the FCC is that the service must cover more than fifty percent of the geographic area, and given the  
190 fact that satellites cover the earth, this standard can be met; the second standard would require that more  
191 than fifteen percent of the subscribers in the area participate with the satellite network and what they  
192 have shown is that there is 15.111% participation. He also told Schottenstein Zox and Dunn that he was

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193 not interested in the City spending thousands of dollars arguing with the FCC over how many satellite,  
194 dishes there are. Schottenstein Zox and Dunn is going to request an extension to respond and see if  
195 there is enough interest with other communities to join together to fight the fight.  
196

## 197 **CITY COUNCIL MEMBERS REPORTS**

198  
199 Mr. Combs noted that the Financial Planning Committee of City Council meeting scheduled for February has  
200 been cancelled.  
201

202 Mr. Suer reported that the Governmental Affairs Committee of City Council met on January 15, 2008 and  
203 discussed the possible participation of the City of Montgomery participating as a potential partner in two  
204 recycling pilot programs: a toter recycling pilot program and a "Recycling Bank" incentive awards pilot  
205 program. He explained that Hamilton County Solid Waste District will be applying for an Ohio Department of  
206 Natural Resources Grant, which would supply the City of Montgomery with 65 gallon recycling toters to use  
207 with its existing curbside recycling program. He further explained that the goals of the pilot program are to  
208 stimulate participation in community curbside recycling programs and to increase the City's recycling rates by  
209 incorporating the larger 65 gallon curbside container. The program also seeks to encourage recycling through  
210 the "Recycle Bank" program that offers "rewards" to residents based upon their level of recycling. He also  
211 explained that the City was chosen for this pilot program for two reasons--first, the City of Montgomery  
212 residents are accustomed to using toters for trash disposal and should be quick to adapt to a recycling toter  
213 program; and, secondly the City's current level of participation in the recycling program. The pilot program  
214 would start sometime in the October/November 2008 timeframe and continue to the end of the contract on  
215 December 31, 2010. He noted that the City would not incur any expense.  
216

217 Mrs. Hirsch asked what happens once the grant-funded pilot program runs out.  
218

219 Ms. Hamm explained that at the end of the grant-funded pilot program, the City would have the option of  
220 bidding the Recycle Bank program or choosing not to bid it. She further explained that with bidding as an  
221 option, the City will be able to evaluate the effectiveness and determine if the program would be worth the  
222 additional cost to continue. She also explained that with the implementation of this pilot program, it has been  
223 estimated that the City could see a significant increase in its recycling rate of up to 35%, which would translate  
224 to an estimated \$81,600 in the Hamilton County Solid Waste District's Residential Recycling Incentives  
225 Program. She noted that the City currently receives about \$ 36,000 a year from this program based upon the  
226 current 18.49% recycling rate. She further noted that this potential increase in recycling incentives could  
227 potentially be used to fund the additional costs of the Recycle Bank program.  
228

229 Mr. Suer noted that the City will need to provide a letter in support of the grant application if it would like to  
230 participate in the program. He further noted that staff has requested a motion from City Council directing staff  
231 to submit a letter of support to Hamilton County Solid Waste District for the proposed recycling grant  
232 application.  
233

234 Mr. Suer moved to direct staff to provide a letter in support of the grant application. Mr. Combs seconded. City  
235 Council unanimously agreed.

236 Mr. Suer explained that the Government Affairs Committee of City Council recommends appointments to a  
237 number of boards and commissions each year. He further explained that many of these commission  
238 appointments do not expire until the end of February; however, the Governmental Affairs Committee of City

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239 Council has reviewed the applications, met with the candidates and would like to make the following  
240 recommendations for appointments and re-appointment.

241  
242 Mr. Suer moved to appoint Mr. Greg Leader to the Arts Commission for a term expiring 2/28/2009.  
243

244 Mr. Suer moved to re-appoint Mr. Chuck King to the Arts Commission for a term expiring 2/28/2011.  
245

246 Mr. Suer moved to re-appoint Mr. Rosalee Stocker to the Arts Commission for a term expiring 2/28/2011.  
247

248 Mr. Suer moved to re-appoint Ms. Martine Greco to the Sister Cities Commission for a term expiring 2/28/2011.  
249

250 Mr. Suer moved to appoint Ms. Cindy Light to the Sister Cities Commission for a term expiring 2/28/2011.  
251

252 Mr. Suer moved to re-appoint Mr. Dan McNeal to the Environmental Advisory Commission for a term expiring  
253 1/31/2011.

254  
255 City Council unanimously agreed with the appointments.  
256

257 Ms. Roesch explained that the Parks and Recreation Committee of City Council recommend appointments to the  
258 Beautification and Tree Commission and the Parks and Recreation Commission. She further explained that the  
259 Parks and Recreation Committee of City Council has reviewed the applications, met with the candidates and  
260 would like to make the following recommendations for appointments and re-appointment.  
261

262 Ms. Roesch moved to re-appoint Mr. Gene Droder to the Parks and Recreation Commission for a term expiring  
263 1/31/2011.  
264

265 Ms. Roesch moved to re-appoint Mrs. Lee Levy to the Beautification and Tree Commission for a term expiring  
266 2/28/2011.  
267

268 Ms. Roesch moved to re-appoint Mrs. Renie Taylor to the Beautification and Tree Commission for a term  
269 expiring 2/28/2011.  
270

271 City Council unanimously agreed with the appointments.  
272

273 Mr. Steinbrink explained that the Planning, Zoning and Landmarks Committee of City Council recommend  
274 appointments to the various boards and commissions each year. He further explained that the Planning, Zoning  
275 and Landmarks Committee of City Council was unable to meet, however, he would like to make the following  
276 recommendations for appointments and re-appointment.  
277

278 Mr. Steinbrink moved to re-appoint Mr. Todd Deutsch to the Board of Zoning Appeals for a term expiring  
279 1/31/2012.  
280

281 Mr. Steinbrink moved to appoint Mr. Sandra Nunn to the Board of Zoning Appeals for a term expiring  
282 1/31/2009.  
283

284 Mr. Steinbrink moved to appoint Mr. Bob Saul to the Board of Zoning Appeals for a term expiring 1/31/2012.  
285

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286 Mr. Steinbrink moved to re-appoint Mr. Doug Hughes to the Landmarks Commission for a term expiring  
287 1/31/2009.

288  
289 Mr. Steinbrink moved to re-appoint Mr. Greg Brodrick to the Planning Commission for a term expiring  
290 1/31/2012.

291  
292 Mr. Combs seconded. City Council unanimously agreed with the appointments.

293  
294 Mayor Harbison indicated she attended the following meetings:

- 295 • The Hamilton County Solid Waste District Policy Committee meeting with Mr. Suer and Mrs. Hamm.
- 296 • The Kiwanis meeting
- 297 • The City of Montgomery Leadership Academy

298 She noted that she had been notified that she was chair-elect of the First Suburbs Consortium. She further noted  
299 that this position would be confirmed on Tuesday, January 29, 2008.

300  
301 **MINUTES**

302  
303 Mr. Steinbrink moved to approve the December 5, 2007 Business Session minutes, December 19, 2007 Work  
304 Session minutes and January 2, 2008 Business Session minutes. Mr. Suer seconded. City Council unanimously  
305 approved the minutes.

306  
307 **OTHER BUSINESS**

308  
309 Mayor Harbison asked if there was any further business to discuss in public session. There being none, she  
310 asked for a motion to adjourn into executive session to discuss matters related to the purchase of  
311 real estate, labor negotiations and imminent litigation.

312  
313 Mrs. Hirsch moved to adjourn into executive session to discuss matters related to imminent litigation. Mr.  
314 Steinbrink seconded.

315  
316 The roll was called and showed the following vote:

317  
318 AYE: Harbison, Combs, Hirsch, Joffe, Roesch, Steinbrink, Suer (7)  
319 NAY: (0)  
320 ABSENT: (0)

321  
322 City Council adjourned into executive session at 8:13 p.m.

323  
324 City Council reconvened into public session at 9:12 p.m.

325  
326 Mayor Harbison asked if there was any further business to discuss in public session. There being none, she  
327 asked for a motion to adjourn.

328  
329 Mrs. Hirsch moved to adjourn. Mr. Joffe seconded.

330  
331 City Council unanimously agreed.

332

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333 City Council adjourned at 9:12 p.m.

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Clerk of Council