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City of Montgomery
City Council Work Session Minutes
April 22, 2009

Present

Cheryl Hilvert, City Manager
Terry Donnellon, Law Director
Susan Hamm, Clerk of Council
Frank Davis, Community Development Director
Wayne Davis, Assistant City Manager
Jim Hanson, Finance Director
Amber Morris, Recreation and Communications Director
Bob Nikula, Public Works Director
Don Simpson, Police Chief
Paul Wright, Fire 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. Combs seconded. City Council unanimously agreed.

GUESTS AND RESIDENTS

Mr. John Dawson, 9883 Zig Zag Road, voiced concerns with the purchase of the new Gem vehicle.

Ms. Hilvert suggested that Mr. Nikula meet with Mr. Dawson and explain why this vehicle was selected and how it would be used.

ESTABLISHING AN AGENDA FOR MAY 6, 2009

Pending Legislation

An Ordinance to Amend Appropriations for Current Expenses and Other Expenditures of the City of Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2009 (2nd Reading, Mr. Combs)

Mr. Hanson, Finance Director, explained that the proposed ordinance has been amended to include a \$55,000 supplemental appropriation. He further explained that this supplemental appropriation represents the funding needed to complete the additional costs associated with the streetscape removal and replacement work along the south side of Ted Gregory Lane that is required as a result of Montgomery Inn not proceeding with the outdoor dining area.

Ms. Hilvert explained that prior to second reading, it will be necessary for City Council to amend the ordinance to reflect this additional appropriation.

New Legislation

A Resolution Authorizing the Extension of a Contract with R.A. Miller Construction Co., Inc. for the Montgomery Road Streetscape Replacement Project

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56 Mr. Nikula, Public Works Director, explained that this resolution would authorize the extension of a contract with
57 R.A. Miller Construction Co., Inc. for the Montgomery Road Streetscape Replacement Project. He further
58 explained that City Council adopted Resolution No. 34, 2008, which authorized the City Manager to enter into a
59 contract with R.A. Miller Construction Co., Inc. for the construction of the Montgomery Road Streetscape
60 Replacement project. Since Montgomery Inn was proposing to construct an outdoor dining area on Ted Gregory
61 Lane, this authorization did not include the streetscape removal and replacement along the south side of Ted
62 Gregory Lane. Montgomery Inn has indicated that it will not be constructing the outdoor dining area; therefore,
63 additional work will need to be undertaken to complete Ted Gregory Lane as a part of this contract. He also
64 explained that because this work requires a change order in excess of ten percent of the original contract, it is
65 necessary for City Council to authorize the additional expenditures under this contract. Therefore, this resolution
66 will authorize the required \$55,000 modification to the existing contract to complete the work along the south side
67 of Ted Gregory Lane.

68

69 **A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with**
70 **Schumacher Dugan Construction, LLC for the 2009 Street Resurfacing Program**

71

72 Mr. Nikula, Public Works Director, explained that this resolution would authorize the City Manager to enter into
73 a contract with Schumacher Dugan Construction, LLC for the annual street resurfacing program. He further
74 explained that this year's 2009 Street Resurfacing Program primarily includes resurfacing work for two
75 subdivisions--Indianwoods and Swaim Field, as well as resurfacing of three cul-de-sac streets off of Deerfield
76 Road, the Safety Center parking lot and the roadways in the Hopewell Cemetery. He also explained that the
77 funding for this program is included in the 2009 capital improvement program.

78

79 **An Ordinance Prohibiting Farm Animals Within the City**

80

81 Terry Donnellon, Law Director, explained that if adopted, this ordinance would establish regulations on domestic
82 farm animals within the City. He further explained that at the April 1, 2009 business session City Council
83 discussed prohibiting farm animals within the community, but opening a potential exception for larger tracts of
84 land. After reviewing our Rules, the Rules from surrounding communities, and guidelines from the Ohio State
85 University Extension, it does not appear practical that the City can allow farm animals within the community
86 except on large tracts of land. There is not only the potential for unnecessary noise, but these animals can present
87 waste management issues, as well as possibly interfering with storm water quality. Therefore, City Council is
88 being asked to enact this ordinance, which would represent the first step in the process that would impose criminal
89 restrictions. He also explained that the second step in the process would be for the Planning Commission to
90 consider what rules need to be in place concerning the regulation of domestic farm animals and exotic animals
91 within the City of Montgomery.

92

93 **ADMINISTRATION REPORT**

94

95 Ms. Hilvert reported on the following items:

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97 • The City's annual board and commission training program will be held on Thursday, April 30th at 6:30
98 p.m. at City Hall. This is a great opportunity for both new and tenured volunteers to brush up on some
99 of our processes, procedures and rules, so please encourage anyone who would like to attend to join us.
100 It is also a nice refresher for Council members or staff who would like to participate.

101

102 • The Financial Planning Committee will meet at 5:00 p.m. on Monday, May 4, 2009 at City Hall. The
103 Planning, Zoning and Landmarks Committee has cancelled its meeting for the month of May.

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- A big congratulations is extended to all City Council members, staff, and volunteers who were instrumental in the City's receipt of its 13 Tree City USA designations. Additionally, the City received the Sterling Award for the first time, which is an award for jurisdictions that receive ten Growth Awards through the Tree City USA program.
 - Thanks to everyone who participated in the 10-Year Commemoration Ceremony for the April 9, 1999 tornado. This was a wonderful and very moving ceremony that recognized the spirit of community in Montgomery. Approximately 200 persons attended and all seemed to be very touched by all aspects of the ceremony. Thanks are extended to the committee that developed and executed the program.
 - This is just a reminder for any City Council member who is interested in participating in the Blue Ash Memorial Day parade to advise Susan Hamm at your earliest convenience so that we may respond in a timely manner to this invitation.
 - In terms of another reminder, if any City Council or staff member is interested in attending the annual HB 9 training on public records on May 21, 2009 at the Miami University, Hamilton Branch, please advise Susan Hamm at your earliest convenience.
 - The Fire and Police Departments will host their annual open house at the Safety Center this Saturday, April 25, 2009, from 11:00 a.m. to 2:00 p.m. Numerous demonstrations, activities, safety related information, food and refreshments will be available to the public. Other events scheduled for Saturday include the plant swap, Great American Cleanup Day, Kids' Garage Sale, and the Bicycle Maintenance Program. Please stop by and check it out, the weather forecast indicates that it will be a gorgeous day!

129

130 Ms. Hilvert requested an executive session to discuss matters related to the purchase of real estate and eminent

131 litigation.

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133 **CITY COUNCIL MEMBERS REPORTS**

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135 Mr. Suer explained that the Government Affair Committee of City Council met and discussed the following

136 items:

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- Review of New Event Planning Documents and Discussions on Next Steps—The Committee reviewed the new event planning policy. The committee discussed a plan for educating board and commission chairs/members, as well as staff members on this new policy and updated event planning checklist.
 - Recognition of Outgoing Board and Commission Members—The Committee discussed the City's program for recognizing outgoing board and commission members. Ms. Joyce Yock, Volunteer Coordinator, provided an update on the volunteer recognition efforts to date.
 - City Informational/Promotional Video—Staff updated the Committee on the project to produce an informational/promotional video that will be used on the City's website will be and available on DVD for presentations, etc.
 - Montgomery History Book Update/Alternative Media Options—The Committee discussed several routes that could be taken to update the Montgomery History Book, ranging from creating a supplement for the current history that would cover the period of 1995-present to a more simplified publication with less information and more photos, to a video presentation that could be housed on the website and available for presentation.

151

152 Ms. Roesch noted that she attended the following:

- 153
- OKI meeting

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- 154 • Tree City USA ceremony
- 155 • Blue Ash/Montgomery Symphony Orchestra Board Meeting
- 156 • Civic Collaborative meeting

157

158 Mayor Harbison indicated that she attended the following:

- 159 • Patriots Day Celebration
- 160 • First Suburbs meeting
- 161 • Bastille Day Committee meeting
- 162 • Blue Ash/Montgomery Rotary Club meeting

163

164 **MINUTES**

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166 Mrs. Hirsch moved to approve the March 4, 2009 Business Session minutes. Ms. Roesch seconded. City
167 Council unanimously agreed.

168

169 **OTHER BUSINESS**

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171 Mr. Donnellon explained that the City received a letter from William Tippman, Development Partner for Bear
172 Creek Capital, requesting to withdraw both their application for the General Development Plan conditionally
173 approved by Planning Commission on November 3, 2008 and the request that City Council approve the
174 equivalency heard in the public hearing on December 17, 2008. He also explained that Bear Creek Capital
175 indicated that in the event Bear Creek is able to gain control over all of the land necessary to complete the project
176 as envisioned in the applications, they would intend to resubmit the package as previously approved and to satisfy
177 all of the conditions contained in the conditional approval, including City Council's approve of the equivalency.

178

179 Mr. Steinbrink moved to cancel the public hearing that is pending on this application and close the file on the
180 original request. Mr. Joffe seconded. City Council unanimously agreed.

181

182 Mayor Harbison asked if there was any further business to discuss in public session. There being none, she
183 asked for a motion to adjourn into executive session to discuss matters related to the purchase of real estate and
184 eminent litigation.

185

186 Mr. Joffe moved to adjourn into executive session to discuss matters related to the purchase of real estate and labor
187 negotiations. Mr. Suer seconded.

188

189 The roll was called and showed the following vote:

190

191 AYE: Combs, Harbison, Hirsch, Joffe, Roesch, Steinbrink, Suer (7)

192 NAY: (0)

193 ABSENT: (0)

194

195 City Council adjourned into executive session at 7:56 p.m.

196

197 City Council reconvened into public session at 8:33 p.m.

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

201

202 Mrs. Hirsch moved to adjourn. Mr. Joffe seconded.

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204 City Council unanimously agreed.
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206 City Council adjourned at 8:34 p.m.
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Clerk of Council