

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56

City of Montgomery  
City Council Work Session Minutes  
August 24, 2011

Present

Cheryl Hilvert, City Manager  
Terry Donnellon, Law Director  
Susan Hamm, Clerk of Council  
Wayne Davis, Assistant City Manager  
Frank Davis, Community Development Director  
Jim Hanson, Finance Director  
Amber Morris, Community Engagement Director  
Faith Dickerhoof, Assistant Director of Community Engagement  
Bob Nikula, Public Works Director  
Brian Riblet, Assistant Public Works Director  
Don Simpson, Police Chief  
Paul Wright, Fire Chief  
Matthew Vanderhorst, Customer Service Director

City Council Members Present

Gerri Harbison, Mayor  
Chris Dobrozsi  
Barry Joffe  
Craig Margolis  
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. Margolis moved to dispense with the roll call. Mr. Steinbrink seconded. City Council unanimously agreed.

**SPECIAL PRESENTATION**

State Representative Connie Pillich provided City Council with a brief legislative update on the budget, proposed bills before the various Committees and changes in the election process.

**GUESTS AND RESIDENTS**

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

**ESTABLISHING AN AGENDA FOR SEPTEMBER 7, 2011**

**Special Presentation**

**Presentation of Miami Valley Risk Management Association Safety Awards**

Ms. Hilvert noted that Ms. Starr Markworth, Loss Control Manager of the Miami Valley Risk Management Association, is scheduled to be in attendance at this meeting to make a presentation to the City. She further noted that Ms. Markworth will be presenting an award to the Public Works and Recreation Departments for having no insurance losses in the last ten years.

**Certificate of Appreciation Recognizing September 11, 2001**

Mayor Harbison noted that this certificate of appreciation will be in observance of the 10<sup>th</sup> anniversary of the September 11, 2001 terrorist attacks on America, and will honor all those who perished on September 11, 2001 in the attacks on the World Trade Center, the Pentagon and Shanksville, Pennsylvania and the many who gave of themselves in service to their communities and to this country in the aftermath of the attacks. She further noted that this Certificate of Appreciation will also ask the residents of Montgomery to participate in this

57 observance through moments of silence, the flying of the United States flag at half-staff, as well as community  
58 service and charitable activities in tribute and remembrance of this special day in American history.

59  
60 **Pending Legislation**

61  
62 **New Legislation**

63  
64 **A Resolution Authorizing an Assessment for the Cutting of Noxious Weeds and Removal of Debris/Trash**

65  
66 Mr. Frank Davis, Community Development Director, explained that staff is requesting that City Council adopt  
67 this resolution that will authorize an assessment for the cutting of noxious weeds at 8739 Tiburon Drive. He  
68 further explained that the City has been forced to maintain the property located at 8739 Tiburon Drive since its  
69 owners abandoned the property. Section 302.11 of the City of Montgomery Property Maintenance Code provides  
70 that all weeds and plant growth in excess of 6 inches shall be cut within five (5) days after service of a notice of  
71 violation. If the owner fails to comply with the notice within the time allotted, the City may begin minor  
72 nuisance abatement. He also explained that the owner of the property at 8739 Tiburon Drive has been notified  
73 and has failed or refused to take action within the time allowed pursuant to the notice. The City, after  
74 submitting the notice, has entered upon the property to cut the noxious weeds at a cost of \$75. He noted that the  
75 City now desires to assess a lien upon the property for the cost incurred by the City to cut the noxious weeds,  
76 and an additional administrative fee. He further noted that the adoption of this resolution will allow for the  
77 assessment to be included in the upcoming property tax bills that will be mailed in January.

78  
79 **A Resolution Authorizing an Assessment for the Cutting of Noxious Weeds and Removal of Debris/Trash**

80  
81 Mr. Frank Davis, Community Development Director, explained that staff is requesting that City Council  
82 authorize an assessment for the cutting of noxious weeds and removal of dead tree at 7845 Pfeiffer Road. He  
83 further explained that the City has been forced to maintain the property located at 7845 Pfeiffer Road since its  
84 owners abandoned the property. Section 302.10.2 of the City of Montgomery Property Maintenance Code  
85 provides that trees, which are dead, afflicted with decay, disease or insect infestation or otherwise considered  
86 dangerous shall be removed or appropriately treated. Section 302.11 provides that all weeds and plant growth in  
87 excess of 6 inches shall be cut within five (5) days after service of a notice of violation. If the owner fails to  
88 comply with the notice within the time allotted, the City may begin minor nuisance abatement. The owner of  
89 the property at 7845 Pfeiffer Road has been notified and has failed or refused to take action within the time  
90 allowed pursuant to the notice. The City, after submitting the notice, has entered upon the property to remove  
91 the tree and cut the noxious weeds at a cost of \$495. He noted that the City now desires to assess a lien upon the  
92 property for the cost incurred by the City to remove the tree and cut the noxious weeds, and an additional  
93 administrative fee. He further noted that the adoption of this resolution will allow for the assessment to be  
94 included in the upcoming property tax bills that will be mailed in January.

95  
96 **An Ordinance Establishing an Interim Development Control Overlay District for the City of**  
97 **Montgomery**

98  
99 Mayor Harbison noted that information on this ordinance was discussed in detail during the public hearing. She  
100 that if approved this ordinance that will create an Interim Development Control District to protect the City's  
101 Business District by placing a twelve-month moratorium on operating Internet/Sweepstake Cafés within the  
102 City while it continues to study the matter locally and monitor progress with the Attorney General's office and  
103 the State in regulating these businesses.

105 Ms. Hilvert noted that City Council is being asked to consider suspension of the rules requiring reading on three  
106 separate occasions to expedite the placement of this moratorium on this type of business and to enable the study  
107 to begin on regulating these businesses in the future.  
108

109 **An Ordinance Accepting Publicly Dedicated Easement Rights From Various Properties for the**  
110 **Montgomery Road Corridor Signalization Project**  
111

112 Mr. Terry Donnellon, Law Director, explained that City Council is being asked to adopt an ordinance accepting  
113 publicly-dedicated easement rights adjacent to Montgomery Road to support the public roadway improvements  
114 and a coordinated traffic signalization project through the Montgomery Road corridor within the City. He  
115 further explained that while performing the survey work it was discovered that there were traffic signal  
116 improvements which were located outside of the right-of-way. He also explained that for the past several  
117 months, staff has been working with property owners throughout the Montgomery Road corridor to acquire  
118 certain easement rights to support the traffic signalization project. Most of the property owners have responded  
119 positively and staff has acquired these rights for little or no monetary consideration. He indicated that there are  
120 three remaining parcels over which we believe we will acquire the rights hopefully before the reading of this  
121 legislation at the September 7, 2011 business session. Each of these property owners is aware of our deadline  
122 and is internally finalizing their approval of the Easement Agreements. He further indicated that there were two  
123 property owners who have not granted the necessary easements at this time; however, one of those property  
124 owners has agreed to grant the easement rights. He noted that City Council is also asked to consider suspension  
125 of the rules requiring reading on three separate occasions so that the City may proceed with the acceptance of  
126 these easements for the traffic signal installation project.  
127

128 **ADMINISTRATION REPORT**  
129

130 Ms. Hilvert report on the following items:  
131

- 132 • Budget reviews continued with department managers this week in an effort to continue to reduce budget  
133 requests. Senior staff will be meeting next week to review the entire draft budget document to more  
134 fully understand the implications of the draft budget, further examine it for cost efficiencies, and to  
135 continue to spread the “stewardship” responsibilities for the entire budget to others in the organization.  
136 This type of oversight, understanding, and ownership will be critical to us as we move forward in the  
137 “new normal” of fewer budgetary resources.  
138
- 139 • Congratulations are extended to Superintendent Adrienne James and the Sycamore Community  
140 Schools’ School Board on the recent district rating of “Excellence with Distinction.” We are fortunate  
141 indeed to have such a fine school system serving our community and are excited about the many  
142 opportunities for partnership with the schools that we have and continue to pursue.  
143
- 144 • Several staff members met this week with representatives of the Sycamore Junior High School to  
145 discuss a planned 5K race event that they have planned for October 1, 2011. Unfortunately, most of the  
146 planning for this event had already occurred and publicity on it had been issued before the City was  
147 contacted. The City has developed some ways that it can accommodate the race, yet we cannot comply  
148 with the request to close all of the streets requested for extended periods of time. The race course will  
149 be Cooper Road, Zig Zag Road and Monte Drive. We have stressed the importance of pre-planning  
150 with all appropriate parties to permit coordination of work prior to publicity on the event. Hopefully,  
1 this will happen in a more coordinated way in the future  
152
- 153 • The Cornell Road sidewalk project has reached completion prior to the start of the school year for  
154 Sycamore High students.

155

156 Ms. Hilvert noted that the Financial Planning Committee of City Council is scheduled to review the 2012-  
157 2016 Operating Budget and Capital Improvement Budget on Monday, September 12, 2011. She further noted  
158 that City Council will need to schedule their review of the 2012-2016 Operating Budget and Capital  
159 Improvement Budget.

160

161 City Council agreed to schedule its review of the 2012-2016 Operating Budget and Capital Improvement Budget  
162 on Tuesday, October 4, 2011 at 5:00 p.m. at City Hall.

163

164 Ms. Hilvert requested an executive session to discuss matters related to the purchase of property, imminent  
165 litigation and personnel.

166

167 **LAW DIRECTOR REPORT**

168

169 Mr. Donnellon had nothing to report at this time.

170

171 **CITY COUNCIL MEMBERS REPORTS**

172

173 Mr. Dobrozsi noted that the Sycamore School District Planning Commission will begin meeting in September.

174

175 Mr. Suer had nothing to report at this time.

176

177 Mr. Margolis had nothing to report at this time.

178

179 Ms. Roesch moved to appoint Ms. Kelly Lutmer to the Parks and Recreation Commission for a term expiring  
180 January 31, 2013. Mr. Joffe seconded. City Council unanimously agreed with the appointment.

181

182 Ms. Roesch moved to appoint Ms. Denise Keller to the Beautification and Tree Commission for a term expiring  
183 February 28, 2014. Mr. Dobrozsi seconded. City Council unanimously agreed with the appointment.

184

185 Mr. Joffe had nothing to report at this time.

186

187 Mr. Steinbrink had nothing to report at this time.

188

189 Mayor Harbison reported that Cheryl, Wayne, Amber, Faith, Frank and she meet with the Montgomery  
190 Chamber of Commerce. She further reported that the Bastille Day Committee met to review the event.

191

192

193

194

195

196 Mr. Margolis moved to approve the August 3, 2011 business sessions. Mr. Steinbrink seconded. City Council  
197 unanimously agreed

198

199

200

201

202

203 Ms. Hilvert explained that the City has received a notice from the Ohio Department of Liquor Control asking  
204 whether the City wishes to request a hearing on a change of corporate stock ownership application of a "D5I" liquor

205 license for Sidhu & Sidhu Inc., Bombay Brazier located at 7791 Cooper Road. She further explained that the  
206 Police Department has indicating that there is no objection on their part to the change of corporate stock ownership  
207 application of a "D5I" liquor license based on the background of the Sidhu & Sidhu Inc., Bombay Brazier.  
208

209 Mr. Margolis move to not request a hearing on the transfer. Mr. Joffe seconded. City Council unanimously  
210 agreed.  
211

212 Mayor Harbison asked if there was any further business to discuss in public session. There being none, she  
213 asked for a motion to adjourn into executive session to discuss matters related to the purchase of property,  
214 imminent litigation and personnel.  
215

216 Mr. Margolis moved to adjourn into executive session to discuss matters related to the purchase of property,  
217 imminent litigation and personnel. Mr. Joffe seconded.  
218

219 The roll was called and showed the following vote:  
220

221 AYE: Dobrozsi, Harbison, Joffe, Margolis, Roesch, Suer, Steinbrink (7)  
222 NAY: (0)  
223 ABSENT: (0)  
224


225 City Council reconvened into public session at 11:05  
226

227 Mayor Harbison asked if there was any further business to discuss in public session. There being none, she  
228 asked for a motion to adjourn.  
229

230 Mr. Steinbrink moved to adjourn. Mr. Dobrozsi seconded  
231

232 City Council unanimously agreed.  
233

234 City Council adjourned at 11:06 p.m.  
235  
236  
237  
238

  
Clerk of Council