

April 12, 2024

TO: Mayor and City Council Members
FROM: Brian K. Riblet, City Manager *BKR*
SUBJECT: City Council Work Session of Wednesday, April 17, 2024

As a reminder, City Council is scheduled to meet in Work Session on Wednesday, April 17, 2024 at 6:00 p.m.

As a reminder, the 2024 Volunteer Walk of Fame Ceremony is scheduled at 5:30 p.m. in Montgomery Park. In case of Inclement weather, the ceremony will be held in Council Chambers.

Work Session

1. Call to Order
2. Roll Call
3. Special Presentation
 - a. Patrick and Ruth Richter will be presented with a Certificate of Appreciation as the 2023 Winter Seasons of Beauty Winners by the Beautification and Tree Commission
 - b. Staff will present an update on the 2022-2026 Strategic Plan
4. Guest and Residents
5. Legislation for Consideration this Evening
6. Establishing an Agenda for May 1, 2024 Business Session

Pending Legislation

- a. An Ordinance Establishing The Schedule Of Municipal Compensation For Employees —(Mr. Dobrozsi-2nd reading) Information has been previously supplied on this Ordinance that, if approved, will establish a new Schedule of Municipal Compensation for non-bargaining unit employees. It is necessary to establish a new Schedule of Municipal Compensation as the current Schedule does not specify any wage rate adjustments for July 2024 or beyond.

Add this Ordinance to the May 1, 2024 Business Session agenda for second reading. The third reading will be conducted at the May 15, 2024 Work Session with adoption of the Ordinance requested at that meeting.

- b. An Ordinance Amending Chapter 34, Personnel Policies; Bond - (Mr. Dobrozsi-2nd Reading)—Please find attached correspondence from City Manager Brian Riblet requesting that City Council consider approving proposed modifications to Chapter 34 of the Montgomery Ohio Code of Ordinances.

Add this Ordinance to the May 1, 2024 Business Session agenda for second reading. The third reading will be conducted at the May 15, 2024 Work Session with adoption of the Ordinance requested at that meeting.

New Legislation

- a. An Ordinance Providing For The Issuance Of Not To Exceed \$6,000,000 Of Notes By The City Of Montgomery, Ohio, For The Purpose Of Making Public Infrastructure Improvements Within The City And Declaring An Emergency—Please see attached correspondence from Finance Director Maura Gray requesting that City Council consider approval of this Ordinance that, if approved, will approve the action to authorize issuance of not to exceed \$6,000,000 Public Infrastructure Improvements Limited Tax General Obligation Bond Anticipation Notes, Series 2020, 2024 Renewal. This was discussed at the April 1 Finance Committee of Council with a unanimous motion to pay down a minimum of \$500,000 towards the BANs and flexibility to pay down more if it is in the City's best interest.

Add this Ordinance to the May 1, 2024 Business Session agenda for first reading. It is requested that the second and third readings of this Ordinance be suspended with adoption of the Ordinance requested at that meeting as an emergency.

- b. A Resolution Authorizing A Grant Agreement With The Board Of County Commissioners, Hamilton County, Ohio To Accept And Administer A Stormwater Infrastructure Grant—Please see the attached correspondence from City Manager Brian Riblet requesting City Council to consider approval of this Resolution that, if approved, will allow the City of Montgomery to receive up to \$340,500 of funding through the Hamilton County "Stormwater Infrastructure Grant" program to assist with public infrastructure components for the Huntersknoll Court Drainage Improvement Project.

Add this Resolution to the May 1, 2024 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

- c. A Resolution Of Necessity To Implement The Huntersknoll Court Stormwater Sewer Project And Special Assessments—This legislation is being proffered tonight as a placeholder with the hopes that the Resolution may be passed May 1 once the final Petition has been signed by all property owners. Gary Heitkamp has been working with the various property owners to secure their signatures so the legislation may move forward on May 1. There were some final engineering changes which he is reviewing with one of the property owners.

Add this Resolution to the May 1, 2024 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

- d. An Ordinance Repealing Ordinance 19, 1977 and Declaring an Emergency—Please see the attached correspondence from law Director Terry Donnellon requesting that City Council consider approving this Ordinance that, if approved, will repeal Ordinance 19, 1977 designating the property at 10305 Montgomery Road as a Historic Landmark. The decision to repeal the Ordinance was based upon extensive research by Staff which discovered an error in the designation process decades earlier. The owner has requested the City to correct this error. The owner has a contract pending and to meet the due diligence and contingency periods for the contract, it is recommended Council pass this Ordinance as an emergency so it will take effect immediately and not prejudice the property owner.

Add this Ordinance to the May 1, 2024 Business Session agenda for first reading. It is requested that the second and third readings of this Ordinance be suspended with adoption of the Ordinance requested at that meeting as an emergency.

- e. An Ordinance Enacting New Section 150.0206 Prohibiting Recreational Marijuana Businesses As A Permitted Use Within The City Of Montgomery Zoning Code—Please see the attached correspondence from Law Director Terry Donnellon requesting that City Council consider approving this Ordinance that, if approved, will advance the recommendation from the Planning Commission to prohibit Adult Use Cannabis Operators as a permitted use within the City. The matter was studied by the Planning Commission, Council held a public hearing, and consistent with Chapter 3780 of the Revised Code the City is opting out of the various uses from manufacturing to dispensing as a permitted zoning use within the community.

Add this Ordinance to the May 1, 2024 Business Session agenda for first reading. The second reading will be conducted at the June 5, 2024 Business Session. The third reading will be conducted at the July 10, 2024 Business Session with adoption of the Ordinance requested at that meeting.

7. Administration Report

8. Law Director Report

9. City Council Member Reports

- a. Mrs. Bissmeyer
- b. Mrs. Mills-Reynolds
- c. Mr. Dobrozsi
- d. Mrs. Naiman
- e. Mr. Suer
- f. Mr. Margolis
- g. Mayor Messer

10. Approval of Minutes- April 3, 2024 Public Hearing and Business Session

11. Other Business

12. Executive Session

13. Adjournment

Should you have any questions or concerns regarding this information, please do not hesitate to contact me.

C: Connie Gaylor, Executive Assistant/ Clerk of Council
Department Heads
Terry Donnellon, Law Director

April 17, 2024
City Hall
6:00 p.m.

1. Call to Order
2. Roll Call
3. Special Presentation
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 - b. Staff will present an update on the 2022-2026 Strategic Plan
4. Guests and Residents
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6. Establishing an Agenda for the May 1, 2024 Business Session

Pending Legislation

- a. An Ordinance Establishing The Schedule Of Municipal Compensation For Employees
—(Mr. Dobrozsi-2nd reading)

Add this Ordinance to the May 1, 2024 Business Session agenda for second reading. The third reading will be conducted at the May 15, 2024 Work Session with adoption of the Ordinance requested at that meeting.

- b. An Ordinance Amending Chapter 34, Personnel Policies; Bond—(Mr. Dobrozsi-2nd Reading)

Add this Ordinance to the May 1, 2024 Business Session agenda for second reading. The third reading will be conducted at the May 15, 2024 Work Session with adoption of the Ordinance requested at that meeting.

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Add this Resolution to the May 1, 2024 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

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Add this Resolution to the May 1, 2024 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

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7. Administration Report

8. Law Director Report

9. City Council Member Reports

- a. Mrs. Bissmeyer
- b. Mrs. Mills-Reynolds
- c. Mr. Dobrozsi
- d. Mrs. Naiman
- e. Mr. Suer
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C: Connie Gaylor, Executive Assistant/Clerk of Council
Department Heads
Terry Donnellon, Law Director



CITY OF

MONTGOMERY

Certificate of Appreciation

to

Patrick and Ruth Richter

8732 Tanagerwoods Drive

WHEREAS, the Montgomery Beautification and Tree Commission selected the home of **Patrick and Ruth Richter**, as the 2023 Winter Seasons of Beauty Award Winner as their home was beautifully and tastefully decorated this past November, December, and January; and,

WHEREAS, the **Richter** home stunned during the winter and holiday seasons with a unique color scheme and an abundance of greenery and lighting. Flower boxes under the upper windows and large urns flanking the front door displayed beautiful evergreens, glimmering ornaments, ribbon, and dried plants bursting with colors of red, green, gold, and orange; and,

WHEREAS, a beautiful wreath on the front door was complemented by wreaths hung above each flowerbox, and a lamppost decorated in corresponding colors. At night, the home was perfectly lit with miniature white bulbs running across the lower roofline and bookended by two trees on the left and right of the home in similar lighting; and,

WHEREAS, the Seasons of Beauty award recognizes homes and businesses in Montgomery with special front yards, window boxes, and planters that peak during certain seasons as well as those homes and businesses with decorative features that celebrate the "season" or holiday; and,

WHEREAS, **Patrick and Ruth Richter** have contributed to the beautification of Montgomery through the landscaping of their property, thereby visually enhancing the City for all its citizens.

NOW THEREFORE, BE IT CERTIFIED by the Council of the City of Montgomery, Ohio:

SECTION 1. The Council of the City of Montgomery, Ohio recognizes this extraordinary effort and contribution to our City and calls upon all residents and officials of this community to honor **Patrick and Ruth Richter** for their efforts.

LA Bissmeyer
Lee Ann Bissmeyer, Councilmember

C. Margolis
Craig Margolis, Councilmember

Catherine Mills-Reynolds
Catherine Mills-Reynolds, Councilmember

CHRIS DOBROZSI
Chris Dobrozi, Councilmember

Ron Messer
Ron Messer, Councilmember

Sasha Naiman
Sasha Naiman, Councilmember

Ken Suer
Ken Suer, Councilmember

ORDINANCE NO. _____, 2024

**AN ORDINANCE ESTABLISHING THE
SCHEDULE OF MUNICIPAL COMPENSATION FOR EMPLOYEES**

WHEREAS, Council must establish a Schedule of Municipal Compensation for City employees who are not members of a collective bargaining unit to be effective the first day of the first full pay period in July 2024; and

WHEREAS, the Administration has recommended an increase in compensation for such employees, which is reflected in the Schedule of Municipal Compensation attached hereto; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Ohio:

SECTION 1. Pursuant to requirements of Chapter 34 of the Montgomery Code of Ordinances, the Schedule of Municipal Compensation ("Schedule") is hereby established to govern the annual compensation of municipal employees who are not governed by collective bargaining agreements, which schedule shall be effective on the first day of the first full pay period in July 2024. The Schedule governing such positions is attached hereto as "Exhibit A" and is hereby made a part of this Ordinance as if fully rewritten herein.

SECTION 2. The Schedule of Municipal Compensation prescribes the basic rates of pay for various classes of employees. Employees will normally be hired at the starting point of the appropriate salary range, but an employee may be placed at a higher location within their pay range at the discretion of the City Manager depending upon qualifications, experience, and education. Employees may move through their

respective salary range based upon work performance as determined through an annual performance review. The amount of the annual merit increase is dependent upon employee performance and funding availability.

SECTION 3. The City Manager is hereby authorized to grant an annual merit bonus, not to exceed two percent (2%) of the base salary of the employee, for full-time employees who have reached the top of their respective pay range. Permanent part-time employees who have reached the top of the pay range may be eligible for a merit bonus of up to 20 hours of pay at their current hourly rate for exceptional work performance.

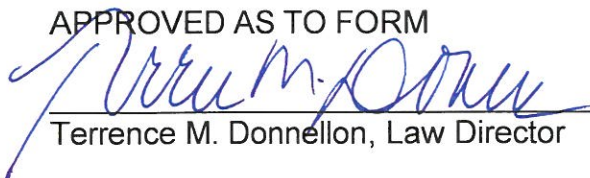
SECTION 4. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Ronald G. Messer, Mayor

APPROVED AS TO FORM



Terrence M. Donnellon, Law Director

Full -Time Schedule

Exhibit "A"

Range	Position	Effective first day of first full pay period in July 2024		Effective first day of first full pay period in July 2025	
		Minimum	Maximum	Minimum	Maximum
1	Assistant City Manager	\$116,292.80	\$166,296.00	\$120,952.00	\$172,952.00
1A	Fire Chief Police Chief Public Works Director Director of Finance	\$116,292.80	\$154,668.80	\$120,952.00	\$160,846.40
1B	Community Development Director Community and Information Services Director	\$110,822.40	\$147,721.60	\$115,252.80	\$153,628.80
2	Assistant Fire Chief Assistant Police Chief Assistant Public Works Director Human Resources Manager Executive Assistant/Clerk of Council	\$106,475.20	\$132,038.40	\$110,739.20	\$137,321.60
3A	Assistant Director of Finance/Tax Commissioner	\$82,534.40	\$108,139.20	\$85,841.60	\$112,465.60
3B	Communications and Engagement Coordinator Recreation Director	\$81,265.60	\$106,371.20	\$84,510.40	\$110,635.20
4	City Planner Public Works Department Supervisor Tax Commissioner	\$72,675.20	\$92,955.20	\$75,587.20	\$96,678.40
5	Construction and Compliance Inspector Mechanic	\$33.66	\$42.40	\$35.01	\$44.10
6	Administrative Coordinator Assistant to the City Manager Office Manager Senior Finance Specialist Clerk of Court	\$31.75	\$39.69	\$33.02	\$41.28
7	Recreation Specialist Customer Service Representative Finance Specialist	\$29.67	\$37.38	\$30.86	\$38.88

All annual, salaried positions in Ranges 1 through 4 are calculated assuming a 26 pay period annual pay schedule, which is the normal annual pay schedule for the City. In the event that the City experiences a year which has 27 bi-weekly pay periods, the City's wage scale will reflect an increase of an additional 1/26th of the maximum salary for the purpose of meeting payroll for the 27th pay period. For all other years, the minimum and maximum salaries are as published on the pay schedule above.

Part - Time Schedule

Exhibit "A"

Range	Position	Effective first day of first full pay period in July 2024		Effective first day of first full pay period in July 2025	
		Minimum	Maximum	Minimum	Maximum
1A	Special Projects Coordinator	\$54.07	\$67.06	\$56.23	\$69.74
1B	Assistant to the City Manager	\$31.75	\$39.69	\$33.02	\$41.28
1C	Finance Specialist	\$26.81	\$33.50	\$27.88	\$34.84
1D	Customer Service Representative Volunteer Coordinator	\$26.25	\$32.72	\$27.30	\$34.03
2	Firefighter/Paramedic	\$20.43	\$26.04	\$21.25	\$27.08
3	Custodian Firefighter/EMT	\$18.24	\$23.26	\$18.97	\$24.19
4	Intern Seasonal Service Worker	\$15.88	\$20.19	\$16.52	\$21.00
6	Auxiliary Police Officer	\$12.26	\$30.68	\$12.75	\$31.91

ORDINANCE NO. _____, 2024

AN ORDINANCE AMENDING CHAPTER 34, *PERSONNEL POLICIES; BOND*

WHEREAS, Chapter 34 of the Code of Ordinances provides details for compensation and various benefits available to City employees; and

WHEREAS, with an ever-increasing menu of options for employees to enjoy benefits through their employment, the Administration has recommended amending Chapter 34 to confirm some additional benefits which the Administration recommends be given to Montgomery employees; and

WHEREAS, to provide the maximum flexibility possible, the Administration has requested that specific employment benefits be detailed in Chapter 34, but the Administration be given the flexibility within the policies and procedures of the City to define eligibility and refine the terms and conditions under which these evolving benefits are available to employees of the City.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. The attached Chapter 34, *Personnel Policies; Bond*, as revised, is hereby adopted in its entirety as if fully rewritten herein.

SECTION 2. Confirming the intent of the modifications to Chapter 34, Council will establish the budget and appropriations for employee benefits, and so long as such employee benefits have been properly budgeted and approved through appropriations, the City Administration is authorized to define, refine and implement such benefit programs.

SECTION 3. The previous Chapter 34 is hereby revoked in its entirety and the modified Chapter 34 as attached hereto is hereby adopted.

SECTION 4. All Ordinances or parts of Ordinances inconsistent with these modified regulations are hereby repealed.

SECTION 5. All sections, subsections, parts and provisions of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

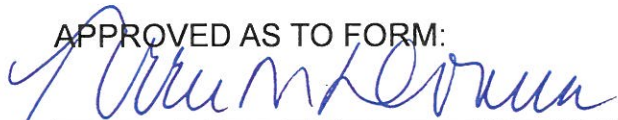
SECTION 6. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Ronald G. Messer, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

CHAPTER 34: PERSONNEL POLICIES; BOND

Section

General Provisions

- [34.01](#) Compensation/wages and benefits
- [34.02](#) Roster of personnel
- [34.03](#) Employment authorization
- [34.04](#) Full and part-time personnel
- [34.05](#) Employee leave benefits
- [34.06](#) Statutorily required contributions to pensions and retirement funds
- [34.07](#) Longevity pay
- [34.08](#) Collective bargaining agreement
- [34.09](#) Transitional employment appointments

Bond

- [34.15](#) Municipal officials

Cross-reference:

Civil Service Commission and regulations, see §§ [33.15](#) et seq.

GENERAL PROVISIONS

§ 34.01 COMPENSATION/WAGES AND BENEFITS.

(A) The Council shall establish a general schedule of municipal compensation for all offices and positions in the municipal service:

(1) The compensation of the municipality's regular personnel and the compensation of part-time, temporary and seasonal personnel shall be governed by a schedule established by the Council for such employees. The schedule shall provide a range of pay for each position.

(2) During the first year of employment in the municipal service, an employee shall be compensated at the lower end of the pay range unless the City Manager shall determine that a higher rate, not exceeding the maximum, is warranted by virtue of skill or experience. Such employee's rate of pay may thereafter be increased annually based on satisfactory performance as set by the City Manager in conjunction with the periodic evaluation of performance until the maximum rate is attained.

(B) Elected officials of the municipality shall be paid on a monthly basis. Payroll periods for employees shall be weekly or bi-weekly as the City Manager shall designate.

(C) *Medical.*

(1) Each full-time employee shall be entitled to medical insurance coverage as established by City Council and subject to any negotiated benefits within a collective bargaining agreement. City Council shall choose the insurance carrier, or carriers, to provide such coverage, the plan options to be offered to employees, and the maximum contribution for such coverage to be paid by the City.

(2) If the cost to provide such insurance coverage exceeds the maximum contribution limits established by City Council, 50% of the cost in excess of such maximum contribution shall be paid by the City and 50% of the cost in excess of the maximum contribution shall be paid by the employee. Insurance cost payments to be paid by the employee shall be paid by payroll deduction.

(3) (a) If the administration determines that it is necessary to change insurance coverages and/or if the anticipated cost of insurance coverage, as it exists or as proposed,

will exceed the maximum contribution limits established by City Council, then these issues shall be referred to the Employee/Management Healthcare Benefits Committee ("EHBC") for review and recommendation to City Council. The EHBC shall be comprised of five members, one of whom shall be appointed by the Police Department bargaining unit, one of whom shall be appointed by the Fire Department bargaining unit, one of whom shall be appointed by the Public Works Department bargaining unit, and one of whom shall be appointed by the administrative employees who are not members of an organized and recognized bargaining unit. The fifth member of the EHBC shall be appointed by the City Manager.

(b) The EHBC shall have the authority to recommend a change in either the level of, or provider for, comprehensive major medical coverage and such additional healthcare benefits as may be authorized by City Council including dental insurance, optical benefits, life insurance or other related benefits. The EHBC shall have the authority to recommend to City Council that Council continue the current plan benefits, even if such plan benefits exceed the maximum contribution limits, if the EHBC determines that such health care benefits at such cost are in the best interest of the City and employees. The EHBC shall not have the authority to modify the maximum contribution limits on employer paid health care benefits. A majority of the EHBC shall constitute a quorum and it may take action or make recommendation only by a consensus vote of its EHBC members. If the EHBC is unable to reach a consensus after exhausting all efforts to do so, their recommendation may be made by a majority of the EHBC members. Council may consider but is not bound by the recommendations of the EHBC.

(D) *Wellness incentive program.* The City may offer a wellness incentive program for its full-time and part-time employees. This program will be developed by the City Manager with the assistance of an employee committee designated by the City Manager. The program shall allow eligible employees to qualify to receive an annual wellness incentive payment in an amount established by City Council. Employees who qualify for an incentive award shall receive their incentive pay no later than March 1 of the year after acceptable levels of program participation by the employee have been achieved.

(E) In addition to the wage compensation, medical insurance and wellness incentive as provided herein, Council may from time to time upon the recommendation from the City Manager authorize additional non-compensatory benefits such as dental insurance, vision benefits, life insurance, accidental death and disability and/or similar benefits.

(F) The compensation and benefits prescribed herein shall constitute the total remuneration for the work performed in the public service by a municipal employee unless otherwise provided by Council.

(Ord. 30-1973, passed 12-27-73; Am. Ord. 27-1981, passed 10-7-81; Am. Ord. 20-1987, passed 9-2-87; Am. Ord. 12-1989, passed 5-3-89; Am. Ord. 11-1999, passed 7-7-99; Am. Ord. 14-2001, passed 11-7-01; Am. Ord. 4-2012, passed 3-7-12; Am. Ord. 6, 2018, passed 6-6-18; Am. Ord. 7, 2020, passed 6-3-20)

§ 34.02 ROSTER OF PERSONNEL.

A roster of all persons in the employment of the municipality shall be maintained by the City Administration. The roster of personnel shall record the full or part-time classification of each position in the municipal service, the person's name, address, date of appointment to, or employment in, the municipal service, the department in which

employed, the title of the office or the position held, the salary or compensation of the officer or employee, and, in the case of resignation, separation or removal, the date thereof.

(Ord. 30-1973, passed 12-27-73; Am. Ord. 20-1987, passed 9-2-87; Am. Ord. 11-1999, passed 7-7-99; Am. Ord. 4-2012, passed 3-7-12)

§ 34.03 EMPLOYMENT AUTHORIZATION.

Department heads shall, on written application to the City Manager setting forth such facts and circumstances which such department head believes justifies the employment of additional personnel, and with the approval of the City Manager, employ such persons as shall be necessary to conduct the work of the department, provided that the total salaries and wages of a department shall not exceed the total amount appropriated for the department or for the purpose which occasions the employment.

(Ord. 30-1973, passed 12-27-73; Am. Ord. 27-1981, passed 10-7-81; Am. Ord. 20-1987, passed 9-2-87; Am. Ord. 11-1999, passed 7-7-99; Am. Ord. 4-2012, passed 3-7-12)

§ 34.04 FULL AND PART-TIME PERSONNEL.

(A) For the purposes of determining eligibility for employment benefits set forth within this chapter, except as otherwise mandated by pre-empting state or federal legislation, municipal employees and personnel shall be considered as full-time personnel if they work at least 37.5 hours per week on an annual basis. An employee who works less than 37.5 hours per week on an annual basis is considered a part-time employee. These definitions apply to City authorized benefit programs and are not intended to modify eligibility status under any other state or federal program.

(B) Part-time City employees are not eligible to accrue sick leave, vacation leave, personal leave, holiday pay or longevity bonuses. Part-time employees may participate in any other benefit programs established by City Council consistent with the policies for eligibility and participation as established by the City Council and/or City Manager.

(Ord. 12-1976, passed 5-5-76; Am. Ord. 27-1981, passed 10-7-81; Am. Ord. 20-1987, passed 9-2-87; Am. Ord. 13-1995, passed 5-3-95; Am. Ord. 11-1999, passed 7-7-99; Am. Ord. 4-2012, passed 3-7-12; Am. Ord. 3-2013, passed 2-6-13)

§ 34.05 EMPLOYEE LEAVE BENEFITS.

Full-time employees may also receive the following benefits. Eligibility for such benefits and the qualifying events for such benefits shall be defined by City personnel policies established by the City Manager. The roster of benefits may be expanded by City Administration from time to time if appropriately budgeted and appropriated by City Council.

(A) *Vacation.* Each full-time municipal employee with one or more years of credited service with the City and/or with a state agency or political subdivision of the state upon becoming employed by the City shall be entitled to vacation with pay corresponding to the following schedule. Credited service shall only include full-time service with any other state agency or political subdivision of the state. Full-time service with any such agency or subdivision shall be the same as defined in § 34.04(A).

Completed years of service	Hours to accrue per bi-weekly <i>pay period</i>
Less than 6 years	3.077
6	3.385
7	3.692
8	4.000
9	4.308
10	4.615
11	4.923
12	5.231
13	5.538
14	5.846
15 or more	6.154

(1) *Accumulation rights.* Vacation time may be accumulated and carried over in subsequent calendar years in an amount not to exceed the total amount of vacation earned in a two-year period.

(B) *Sick leave.*

(1) Each full-time employee of the municipality shall be entitled to receive sick leave with pay at the rate of 3.692 hours for each completed 80 hours of service. The policies and procedures for utilizing sick leave shall be established by the City Manager subject to any rights reserved within a negotiated collective bargaining agreement.

(2) When an employee has accumulated 864 hours of unused sick leave, the employee may, subject to policies established by the City Manager, surrender or redeem sick leave days at the employee's then current rate of pay at the rate of one hour of such compensation for each one and one-half hours of sick leave surrendered. The City Manager shall establish rules governing the frequency of redemption, the maximum number of days which may be redeemed within a period, and such other incidents of redemption as may be necessary to protect the public interest and rights of employees. Sick leave cannot be accumulated in excess of 960 hours.

(3) An employee who retires from the City with 5 to 9 years of service with the City of Montgomery shall be paid for one-fourth the value of his or her accrued but unused sick leave up to a maximum accumulated sick leave of 960 hours, which equates to a pay-out of 240 hours.

(4) An employee who retires from the City with 10 to 19 years of service with the City of Montgomery shall be paid for one-third the value of his or her accrued but unused sick leave up to a maximum accumulated sick leave of 960 hours, which equates to a pay-out of 320 hours.

(5) An employee who retires from the City with 20 or more years of service with the City of Montgomery shall be paid for one-half the value of his or her accrued but unused sick leave up to a maximum accumulated sick leave of 960 hours, which equates to a pay-out of 480 hours.

(C) *Jury duty.* If a full-time employee is called for jury duty, the City will permit the employee to take the necessary time off and the City will pay the employee's regular pay,

not to exceed their regularly scheduled hours. In order to receive jury duty pay, an employee must present a statement of jury service.

(D) *Bereavement Leave*. Full-time employees are eligible for Bereavement Leave for up to 24 consecutive work hours. Bereavement Leave will be paid at the employee's current rate of pay and will not be deducted from any of the employee's sick leave, vacation leave or personal leave balances.

(E) *Parental Leave*. Non-seasonal, non-probationary, full-time employees experiencing a New Parental Event are eligible for up to 12 consecutive weeks (480) hours) of Paid Parental Leave at 100% base pay immediately following eligible Parental Events. For Fire Department employees on a 24/48-hour schedule, an adjustment to total paid parental leave hours will be made to meet the intent of the Parental Leave Policy. Details of the leave policy can be found in the City's Personnel Policies.

(F) *Holidays*. With the exception of employees whose terms of employment are governed by separate collective bargaining agreements, all full-time employees shall be paid for the holidays declared in this section and should not be required to work on such holidays unless, in the opinion of the employee's supervisor, the failure to work on such holiday would negatively impact public service and/or safety.

(1) The following are recognized holidays for employees other than those whose terms of employment are governed by separate collective bargaining agreements:

- (a) New Years Day;
- (b) Martin Luther King, Jr. Day;
- (c) Memorial Day;
- (d) Independence Day;
- (e) Labor Day;
- (f) Thanksgiving Day;
- (g) The day following Thanksgiving Day;
- (h) Christmas Eve; and
- (i) Christmas Day.

(2) Holidays are scheduled on the day designated by common business practice.

(3) In the event any of the above listed holidays should fall on Sunday, the Monday immediately following such holiday shall be observed as the holiday. In the event any of the above holidays should fall on a Saturday, the Friday immediately preceding the observed date shall be the holiday. If a non-exempt employee is scheduled to work on any of the listed holidays, those employees shall be paid at one and one-half times the rate of pay for the hours worked on the holiday.

(G) *Personal leave*.

(1) Each full-time employee, other than those employees whose terms of employment are governed by a separate collective bargaining agreement, shall be provided with 32 hours annually for personal leave which must be used during the calendar year in which the leave is awarded. Such leave shall not be charged to the employee's vacation time.

(2) Personal leave may be used by the employee subject to the approval of the employee's supervisor and such regulations as the City Manager may promulgate. The regulations may vary among departments and offices.

(3) Personal leave shall be calculated annually and will be pro-rated for new employees. Personal leave not taken shall not carry forward beyond the calendar year.

Personal leave not taken shall not be compensable in money unless the City Manager establishes regulations to the contrary.

(H) *Prior service credit.*

(1) Any employee who transfers from one political subdivision of the state to the City shall be credited with the unused balance of his accumulated sick leave up to a maximum of 960 hours upon presentation of appropriate documentation.

(2) Upon presentation of appropriate documentation, any employee previously employed by a political subdivision of the state is entitled to have his prior service with any of these employers counted as service with the City for the purpose of computing vacation credit as detailed in § 34.05(A). The anniversary date of his employment, for the purpose of computing the amount of vacation leave, is the anniversary date of such prior service.

(Ord. 19-1995, passed 6-7-95; Am. Ord. 9-1998, passed 7-1-98; Am. Ord. 11-1999, passed 7-7-99; Am. Ord. 12-1999, passed 7-21-99; Am. Ord. 9-2001, passed 8-1-01; Am. Ord. 2-2002, passed 1-2-02; Am. Ord. 9-2004, passed 6-2-04; Am. Ord. 11-2007, passed 8-1-07; Am. Ord. 9-2008, passed 5-7-08; Am. Ord. 4-2012, passed 3-7-12; Am. Ord. 3-2013, passed 2-16-13)

§ 34.06 STATUTORILY REQUIRED CONTRIBUTIONS TO PENSIONS AND RETIREMENT FUNDS.

(A) (1) Effective July 26, 1998, the full amount of the statutorily required employee contributions to the Public Employees Retirement System of Ohio shall be withheld from the gross pay of each employee who is or will become a contributing member of the Public Employees Retirement System of Ohio and shall be "picked up" (assumed and paid to the Public Employees Retirement System of Ohio) by the City. This "pick-up" by the City is, and shall be designated as, public employee contributions and shall be in lieu of contributions to the Public Employees Retirement System of Ohio by each person who is a contributing member of the Public Employees Retirement System of Ohio. No person subject to this "pick-up" shall have the option of choosing to receive the statutorily required contribution to the Public Employees Retirement System of Ohio directly instead of having it "picked-up" by the City or of being excluded from the "pick-up".

(2) Effective August 1, 2001, City employees who are or become contributing members of the Public Employees Retirement System of Ohio may purchase additional service credit, tax deferred, and the City of Montgomery shall withhold the required service credit deduction from the gross pay of each person who elects to do so and shall "pick up" (assume and pay) such deduction to the Public Employees Retirement System of Ohio. A person electing this "pick up" deduction shall not have the option of choosing to receive the payroll deduction directly instead of having this deduction "picked up" by the City. Members who have elected to participate in this plan cannot increase, decrease, or terminate the amount of the "pick up" deduction.

(B) (1) Effective July 26, 1998, the full amount of the statutorily required contributions to the Police & Firemen's Disability & Pension Fund of Ohio shall be withheld from the gross pay of each employee who is or will become a contributing member of the Police & Firemen's Disability & Pension Fund of Ohio and shall be "picked up" (assumed and paid to the Police & Firemen's Disability & Pension Fund of Ohio) by the City of Montgomery. This "pick-up" by the City of Montgomery is, and shall be designated as, public employee

contributions and shall be in lieu of contributions to the Police & Firemen's Disability & Pension Fund of Ohio by each person who is a contributing member to the Police & Firemen's Disability & Pension Fund of Ohio. No person subject to this "pick up" shall have the option of choosing to receive the statutorily required contribution to the Police & Firemen's Disability & Pension Fund of Ohio directly instead of having it "picked up" by the City or of being excluded from the "pick up".

(2) Effective August 1, 2001, City employees who are or become contributing members of the Police and Firemen's Disability and Pension Fund may purchase additional service credit, tax deferred, and the City of Montgomery shall withhold the required service credit deduction from the gross pay of each person who elects to do so and shall "pick up" (assume and pay) such deduction to the Police and Firemen's Disability and Pension Fund. A person electing this "pick up" deduction shall not have the option of choosing to receive the payroll deduction directly instead of having this deduction "picked up" by the City of Montgomery. Members who have elected to participate in this plan cannot increase, decrease, or terminate the amount of the "pick up" deduction.

(Ord. 7-1998, passed 7-1-98; Am. Ord. 8-1998, passed 7-1-98; Am. Ord. 11-1999, passed 7-7-99; Am. Ord. 7-2001, passed 8-1-01; Am. Ord. 8-2001, passed 8-1-01; Am. Ord. 11-2001, passed 9-5-01; Am. Ord. 4-2012, passed 3-7-12)

§ 34.07 LONGEVITY PAY.

(A) All full-time municipal personnel shall be compensated with an annual longevity bonus computed solely upon the employee's tenure in the municipal service of Montgomery and payable at the close of the first full pay period following the employee's anniversary of hire. The amount of the bonus shall correspond to the following schedule:

<i>Length of Service</i>	<i>Amount</i>
1 Year or more	\$100 and an additional \$50 per year of service after 1 year up to 5 years of service
5 Years or more	\$500 and an additional \$50 per year of service after 5 years up to 10 years of service
10 Years or more	\$1,000 and an additional \$50 per year of service after 10 years up to 15 years of service
15 Years or more	\$1,500 and an additional \$50 per year of service after 15 years up to 20 years of service
20 Years or more	\$2,000 and an additional \$50 per year of service after 20 years up to 25 years of service
25 Years or more	\$2,500 and an additional \$50 per year of service after 25 years up to 30 years of service
30 Years or more	\$3,000 and an additional \$50 per year of service after 30 years

(B) A municipal employee who is rated, graded or tested for qualification or for performance of the duties assigned to that employee shall not receive his or her longevity payment for any year in which the employee fails to secure a satisfactory performance review.

(Ord. 19-1995, passed 6-7-95; Am. Ord. 9-1998, passed 7-1-98; Am. Ord. 11-1999, passed 7-7-99; Am. Ord. 12-1999, passed 7-21-99; Am. Ord. 4-2012, passed 3-7-12)

§ 34.08 COLLECTIVE BARGAINING AGREEMENT.

If anything contained in this chapter should be in conflict with provisions of a collective bargaining agreement governing the employment of municipal personnel, the terms of such collective bargaining agreement shall supersede and shall prevail over provisions of this chapter.

(Ord. 15-1989, passed 5-3-89; Am. Ord. 11-1999, passed 7-7-99)

§ 34.09 TRANSITIONAL EMPLOYMENT APPOINTMENTS.

During an employment transition, such as the retirement or resignation of an employee, when an overlapping period of employment with the transitioning employee and the proposed appointee may be important for succession training, the City Manager is authorized to appoint two persons to the same job position within the City. Such overlap appointment may not exceed a period of 45 days and the cost for such overlapping appointment must be appropriately budgeted. Under such circumstances, the incumbent, or transitioning employee, will hold the official job designation for all statutory, signatory, and decision-making purposes.

(Ord. 20-2014, passed 12-17-14)

BOND

§ 34.15 MUNICIPAL OFFICIALS.

(A) The following elected and appointed officials of the municipality shall, upon election or appointment to office, furnish a corporate surety bond issued by a company authorized to do business in Ohio to protect the municipality against loss due to his/her actions in the amounts set forth below. Premiums thereon shall be paid by the municipality.

(1) City Manager: \$25,000

(2) Finance Director: \$25,000


(3) Assistant Finance Director/Tax Commissioner: \$25,000

(B) Whenever, in the opinion of the City Manager, by reason of the scope and nature of the responsibilities of a position in the municipal service, bonding is considered desirable in order to protect the interests of the municipality, the City Manager shall require that such officer or employee furnish an official bond in an amount he/she deems sufficient, based upon his/her evaluation of the amount of money or negotiable paper for which such officer or employee is responsible.

(Ord. 30-1973, passed 12-27-73; Am. Ord. 27-1981, passed 10-7-81; Am. Ord. 11-1999, passed 7-7-99; Am. Ord. 4-2012, passed 3-7-12)

April 8, 2024

TO: Brian K. Riblet, City Manager

FROM: Maura Gray, Finance Director 

SUBJECT: Montgomery Quarter Public Infrastructure Improvements Limited Tax General Obligation Bond Anticipation Notes, Series 2020, 2024 Renewal

Request

It is necessary for City Council to consider an Ordinance authorizing the City Manager to renew the Series 2020 Bond Anticipation Notes issued for public infrastructure improvements in an amount not to exceed \$6,000,000.

Background

On June 23, 2020, the City issued \$7,500,000 Series 2020 Public Infrastructure Improvements General Obligation Bond Anticipation Notes. The City paid down \$1,000,000 of principal and renewed the BANs on June 13, 2023 in an amount of \$6,500,000 with a final maturity on June 12, 2024. The interest due on June 12, 2024, totals \$291,687.50. The short term borrow was used to fund the construction of public improvements in the Montgomery Quarter development. These Notes can either be converted to General Obligation Bonds in the coming years or continue to be rolled each year as Bond Anticipation Notes. The current plan is to renew the BAN for one more year to mature in June 2025.

Financial Impact

These notes are general obligations of the City. No separate tax is levied and collected to pay such notes as the required debt service payments have been appropriated in the City's annual budget. The Series 2024 BAN Renewal is projected to have a total interest cost of less than 4%. As a reminder, beginning in 2021 the City began allocating 5% or approximately \$500,000 of our general fund monies to pay down the BANs

Recommendation

Staff recommends City Council approve the action to authorize issuance of not to exceed \$6,000,000 Public Infrastructure Improvements Limited Tax General Obligation Bond Anticipation Notes, Series 2020, 2024 Renewal. This was discussed

at the April 1 Finance Committee of Council with a unanimous motion to pay down a minimum of \$500,000 towards the BANs and flexibility to pay down more if it is in the City's best interest. It is also recommended this request be added to the May 1st agenda for the first reading with Council consideration in suspending the second and third readings and passing as an emergency to allow us to meet the anticipated June closing date.

ORDINANCE NO. , 2024

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$6,000,000 OF NOTES BY THE CITY OF MONTGOMERY, OHIO, FOR THE PURPOSE OF MAKING PUBLIC INFRASTRUCTURE IMPROVEMENTS WITHIN THE CITY AND DECLARING AN EMERGENCY.

WHEREAS, this Council has previously issued bond anticipation notes in the amount of \$6,500,000, which notes are about to mature and should be refinanced in a like or reduced principal amount; and

WHEREAS, the Finance Director, the fiscal officer of the City of Montgomery has heretofore estimated that the life of the project hereinafter described is at least five (5) years, and certified that the maximum maturity of the bonds issued therefor is twenty-five (25) years, and of the notes to be issued in anticipation thereof is sixteen (16) years; and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Montgomery, (hereinafter called the "City"), County of Hamilton, Ohio, that:

SECTION 1. It is necessary to issue bonds of the City in the principal amount of not to exceed \$6,000,000, to refinance outstanding notes originally issued for the purposes of making public infrastructure improvements, including road improvements consisting of constructing new roads, curbs and sidewalks; installing water mains, sewers and storm sewers; and all related improvements, including site development and engineering in the City of Montgomery. Said bonds shall be dated approximately March 1, 2025, shall bear interest at the estimated rate of six per centum (6%) per annum and shall mature in substantially equal annual or semiannual installments over a period not exceeding twenty-five (25) years after their issuance.

SECTION 2. It is hereby determined that notes (hereinafter called the "Notes") in the principal amount of not to exceed \$6,000,000 shall be issued in anticipation of the issuance of said bonds.

SECTION 3. The Notes shall be dated the date of their issuance, shall bear interest at a rate not to exceed six per centum (6.00%) per annum, payable at maturity, shall mature not more than one year from the date of their issuance, and shall be of such number and denomination as may be requested by the purchaser, however the Notes shall be issued only in authorized denominations of \$100,000 or integral multiples of \$5,000 in excess of \$100,000. This Council hereby covenants that it will not exchange or reissue the Notes in less than authorized denominations other than through a "primary offering", as that term is defined in SEC Rule 15c2-12. Interest on the Notes shall be calculated on an actual days elapsed, 360-day year basis.

Final terms of the Notes, which shall be consistent with this Ordinance, shall be set forth in the certificate of award ("Certificate of Award") which is hereby authorized and which shall be executed by the Finance Director without further action of this Council.

SECTION 4. The Notes shall be executed by the City Manager and Finance Director and shall bear the seal of the corporation. The Notes shall be designated "Public Infrastructure Improvements

Limited Tax General Obligation Bond Anticipation Notes, Series 2020, 2024 Renewal” or as otherwise designated in the Certificate of Award, and shall be payable in Federal Reserve funds by the paying agent and registrar for the Notes as determined by the Finance Director, and shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance.

SECTION 5. Said Notes shall be sold by the Finance Director at public or private sale, at the discretion of such officer and awarded by such officer without further action by this Council, at not less than the par value of such Notes together with interest thereon, if any, as specified in Section 3 of this Ordinance. The proceeds from such sale, except any premium or accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other reason, and for which purpose said money is hereby appropriated. Accrued interest and premium, if any, received on the sale of said Notes, shall be transferred to the bond retirement fund to be applied to the payment of principal and interest of said Notes in the manner provided by law.

SECTION 6. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value received from the sale of bonds anticipated by the Notes, and any excess fund resulting from the issue of the Notes, shall to the extent necessary be used only for the retirement of the Notes at maturity, together with interest thereon and is hereby pledged for such purpose.

SECTION 7. During the period while the Notes run there shall be levied upon all of the taxable property in the City within applicable limitations, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if bonds had been issued without the prior issue of the Notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes, or the bonds in anticipation of which they are issued, when and as the same fall due; provided, however, to the extent that debt service on said obligations is appropriated and paid from other municipal sources said tax shall not be collected for the purposes thereof.

SECTION 8. This Council, for and on behalf of the City, hereby covenants that it will restrict the use of the proceeds of the Notes hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or “arbitrage bonds” under Section 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the “Code”), and the regulations prescribed thereunder. The Finance Director or any other officer having responsibility with respect to the issuance of the Notes is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of the Notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of Sections 103(b)(2) and 148 of the regulations thereunder.

These Notes are hereby designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Code. The City did not anticipate issuing more than \$10,000,000 of "qualified tax-exempt obligations" during the year of original designation.

SECTION 9. The Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the County Auditor.

SECTION 10. The firm of Dinsmore & Shohl LLP, is hereby engaged as the City's "Bond Counsel" pursuant to the engagement letter on file with the City.

SECTION 11. All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates and other instruments or agreements as are, in the opinion of Bond Counsel, necessary to carry out the purposes of this Ordinance.

SECTION 12. This City Council hereby authorizes and directs the Finance Director to take any and all actions which may be necessary to issue the Notes in book-entry-only form without further action by this Council including execution of all documents necessary therefor.

SECTION 13. The Finance Director is hereby authorized to apply, if she deems it appropriate, for a rating on the Notes from either Standard & Poor's Corporation or Moody's Investors Service, and to pay the fee or premium for said rating to the extent authorized by law and approved by Bond Counsel.

SECTION 14. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

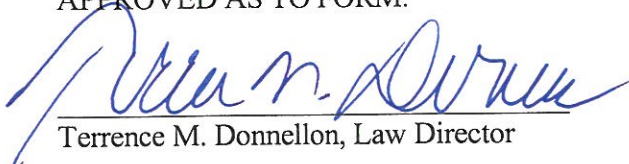
SECTION 15. This Ordinance is hereby declared to be an emergency measure for the reason that the public peace, health, safety and welfare of the inhabitants of the City of Montgomery require the immediate issuance of said notes to provide funds for the orderly refinancing of the improvements, to which they relate, including obtaining a favorable interest rate, and this Ordinance shall take effect immediately upon its adoption.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Ronald G. Messer, Mayor

APPROVED AS TO FORM:


Terrence M. Donnellon, Law Director

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No. _____, passed by the Council of the City of Montgomery, Ohio in session on the _____ day of _____, 2024, and approved by the Mayor in conformity with the Charter of the City of Montgomery, Ohio.

I certify that I filed a copy of said Ordinance with the Auditor of Hamilton County, Ohio on _____, 2024.

In Witness Whereof, I have hereunto set my hand and affixed the Official Seal of the City of Montgomery, Ohio this ____ day of _____, 2024.

Connie M. Gaylor, Clerk of Council

RECEIPT

Received this _____ day of _____, 2024, a certified copy of the foregoing Ordinance of the City of Montgomery, Ohio.

Auditor, Hamilton County, Ohio

By _____
Deputy County Auditor

CERTIFICATE

The undersigned, Clerk of Council of said City, hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the Council of said City, held on the _____ day of _____, 2024, to the extent pertinent to consideration and adoption of the above-entitled legislation.

Connie M. Gaylor
Clerk of Council

CERTIFICATE OF MEMBERSHIP

The undersigned, Clerk of the Council of the City of Montgomery, County of Hamilton, Ohio, hereby certifies that the following were the officers of the City and the members of Council during the time period when proceedings were taken authorizing the issuance of not to exceed \$6,000,000 – Public Infrastructure Improvements Limited Tax General Obligation Bond Anticipation Notes, Series 2020, 2024 Renewal, dated the date of their issuance:

Mayor	<u>Ronald G. Messer</u>
City Manager	<u>Brian K. Riblet</u>
Finance Director	<u>Maura Gray</u>
Member of Council	<u>Lee Ann Bissmeyer</u>
Member of Council	<u>Catherine-Mills Reynolds</u>
Member of Council	<u>Craig Margolis</u>
Member of Council	<u>Sasha Naiman</u>
Member of Council	<u>Chris Dobrozsi</u>
Member of Council	<u>Ken Suer</u>
Clerk of Council	<u>Connie M. Gaylor</u>
Director of Law	<u>Terrence M. Donnellon</u>

Connie M. Gaylor, Clerk of Council

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of the City of Montgomery, County of Hamilton, Ohio, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above identified notes, and that all such proceedings were held in compliance with the law.

Connie M. Gaylor, Clerk of Council

CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS
AND BOND ANTICIPATION NOTES

Based upon information provided by and in response to the request of the Council of the City of Montgomery, Ohio, the Finance Director of the City of Montgomery, Ohio, being the fiscal officer of the City of Montgomery, Ohio, within the meaning of Section 133.20 of the Uniform Public Securities Law of the Ohio Revised Code, hereby certifies to the City Council that the estimated life of the improvements to be acquired with the proceeds of the sale of not to exceed \$6,000,000 of bonds for the purpose of refinancing outstanding notes originally issued for the purposes of making public infrastructure improvements in the City, including road improvements consisting of constructing new roads, curbs and sidewalks; installing water mains, sewers, and storm sewers; and all related improvements, including site development and engineering, is at least five (5) years and that the maximum maturity of said bonds is twenty-five (25) years and of notes issued in anticipation thereof, sixteen (16) years.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 2024.

Maura Gray, Finance Director



April 12, 2024

TO: Mayor and City Council Members

FROM: Brian K. Riblet, City Manager

SUBJECT: Resolution Authorizing a Joint Agreement between the Board of County Commissioners, Hamilton County, Ohio and the City of Montgomery, Ohio to Administer a "Stormwater Infrastructure Grant" for the Huntersknoll Court Drainage Improvement Project.

Request

It is necessary for City Council to consider a Resolution authorizing the City Manager to enter into a Joint Agreement between the Board of County Commissioners, Hamilton County, Ohio and the City of Montgomery, Ohio to Administer a "Stormwater Infrastructure Grant" for the Huntersknoll Court Drainage Improvement Project.

Financial Impact

If approved, this joint agreement will allow the City of Montgomery to receive up to \$340,500 of funding through the Hamilton County "Stormwater Infrastructure Grant" program to assist with public infrastructure components for the Huntersknoll Court Drainage Improvement Project.

The grant is a reimbursable grant, and it is anticipated work associated to allow us to submit for reimbursement will be completed in late 2024 or early 2025.

Background

This grant award will assist with constructing the public infrastructure and improvements associated with the Huntersknoll Court Drainage Improvement Project.

Analysis and preparation of this project began several years ago with portions of the project area located within a public drainage easement and portions within private drainage easements providing an opportunity for the city to collaborate with individual homeowners receiving their support to complete the project.

It is anticipated that the Hamilton County Board of Commissioners will vote on the approval of this grant at their regularly scheduled meeting on Thursday, April 18 beginning at 1:00 p.m.

Recommendation

Staff recommends City Council adopt a Resolution authorizing the City Manager to enter into a Joint Agreement between the Board of County Commissioners, Hamilton County, Ohio and the City of Montgomery, Ohio to Administer a "Stormwater Infrastructure Grant" for the Huntersknoll Court Drainage Improvement Project in an amount not to exceed \$340,500.

RESOLUTION NO. _____, 2024

A RESOLUTION AUTHORIZING A GRANT AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS, HAMILTON COUNTY, OHIO TO ACCEPT AND ADMINISTER A STORMWATER INFRASTRUCTURE GRANT

WHEREAS, the City of Montgomery has applied to the Board of County Commissioners, Hamilton County, Ohio, for a stormwater infrastructure grant to enable the City to fund in part infrastructure costs to develop a stormwater management system in support of the Huntersknoll Subdivision; and

WHEREAS, the County Administration has recommended to the Board of County Commissioners that a grant be made available to the City to support such infrastructure construction consistent with the guidelines for federal funding under the American Rescue Plan Act of 2021; and

WHEREAS, the Board of County Commissioners, Hamilton County, Ohio, has tendered the attached Grant Agreement to the City to be accepted and approved by the City setting forth the terms and conditions to receive and administer the grant program; and

WHEREAS, the Administration has recommended that Council accept the Grant Agreement and proceed with the appropriate planning to implement the stormwater infrastructure construction project within the Huntersknoll Subdivision.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. The attached Grant Agreement between the Board of County Commissioners, Hamilton County, Ohio and the City of Montgomery, Ohio to administer a

stormwater infrastructure grant is hereby accepted, and the City Manager is authorized to execute the Grant Agreement and to proceed according to the grant guidelines to receive the funds and to implement the grant program project.

SECTION 2. The City Manager is authorized to execute such additional documentation as may be necessary to administer the stormwater infrastructure grant.

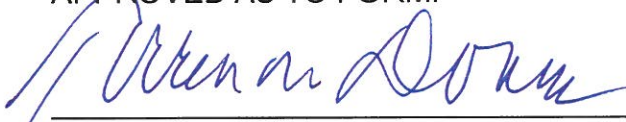
SECTION 3. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Ronald G. Messer, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

RESOLUTION NO. , 2024

**A RESOLUTION OF NECESSITY TO IMPLEMENT THE HUNTERSKNOLL COURT
STORMWATER SEWER PROJECT AND SPECIAL ASSESSMENTS**

WHEREAS, there has been a history of stormwater drainage and runoff problems on a portion of Huntersknoll Court as it intersects Deerfield Road, which has been reviewed and studied by the City; and

WHEREAS, attempts by property owners to divert stormwater runoff through a surface drainage swales and private stormwater easements have proven to be inadequate; and

WHEREAS, the Administration has received a Petition from the impacted property owners on Huntersknoll Court and the abutting property owner on Deerfield Road (a copy of which is attached hereto as Exhibit A), which Petition represents unanimous written approval for the construction of the project and allocation of a portion of expense of the project through a special assessment; and

WHEREAS, the nature and location of the improvements are depicted on the plat drawing attached hereto and identified as Exhibit B, which consists of an underground drainage system; and

WHEREAS, the lots and parcels to be assessed are: 603-0010-0156, 603-0010-0155, 603-0010-0154, 603-0010-0153 and 603-0010-0157, all of which are represented by the petitioners for the project; and

WHEREAS, plans and specifications and an estimated cost of the project construction totaling \$571,000.00 have been prepared by the City's Engineers and filed with the Clerk of Courts for public inspection; and

WHEREAS, the City Administration is recommending that the City assume and pay all survey and engineering costs for the project and 94.75% of the Total Construction Cost, the balance of which will then be equally assessed against the Five (5) impacted properties; and

WHEREAS, Council does desire to initiate the process to construct this public/private improvement project for the common benefit of the area in question and to assess a portion of such costs to the properties, which properties equally benefit from this improvement.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. The City shall undertake construction of a Stormwater Improvement Project to specifically benefit the properties located at 7943 Huntersknoll Court, 7945 Huntersknoll Court, 7947 Huntersknoll Court, 7951 Huntersknoll Court, and 10350 Deerfield Road ("Properties"), based upon a determination by the Administration that such project will improve stormwater runoff in the area, and based upon the unanimous written support by a Petition of all of the property owners in the impacted area.

SECTION 2. This Stormwater Improvement Project shall consist of the installation of an underground stormwater sewer system and related catch basins, as depicted on Exhibit B attached hereto. Council does hereby accept and approve the plans, specifications and estimated costs of the project.

SECTION 3. Only a portion of the project cost totaling \$30,000.00 shall be assessed to the Properties, which cost is approximately 5.25% of the proposed construction cost excluding engineering, planning and survey expenses. The engineer's

estimate is predicted to be a total of \$571,000.00 for construction of the entire project. This estimated cost is predicated upon the property owners for the area in question granting certain temporary and permanent easement rights to the City to install and maintain the stormwater sewer. The remaining project costs as noted in the engineer's estimate shall be paid by the City.

SECTION 4. The private cost of the improvements, once finally determined upon completion of the project, shall be assessed equally among the Properties: 603-0010-0156, 603-0010-0155, 603-0010-0154, 603-0010-0153 and 603-0010-0157, Council having determined that the impacted Properties benefit equally from the proposed improvements, and all other statutory methods of assessment may be inequitable. Such improvements shall be paid over a period of Twenty (20) years as a special assessment on the Properties, collected with real estate taxes by the Hamilton County Auditor and Hamilton County Treasurer, and reimbursed to the City of Montgomery. No separate securities shall be issued to fund the project, but the cost of the owners' share of the project plus interest at the annual rate of 4.75% shall be properly assessed and amortized over the Twenty (20) year period. The final effective rate shall not exceed 4.75% per annum and shall be adjusted to reflect market rates at the time of final assessment. These costs do not include any cost for the acquisition of real estate, however all costs to design and engineer the project shall be paid by the City as a part of its public partnership with the homeowners.

SECTION 5. Upon passage of this Resolution, the Clerk of Council's office is hereby instructed to prepare an estimated assessment cost for each of the Properties in question and to send an estimate of the assessment cost to each property owner of the

Properties as required by Ohio law.

SECTION 6. Council does hereby appoint the Board of Tax Review as the Equalization Board to consider and review any appeal of the assessment by the property owners in question, and to file a report of such appeals and recommendations to City Council before Council adopts an Ordinance to proceed. Any appeal shall be made within fourteen days of receipt of the notice from the Clerk of Council's office.

SECTION 7. The City Manager, Public Works Director and Clerk of Council are hereby authorized to take any additional steps as may be required by Ohio law to implement this Resolution of Necessity.

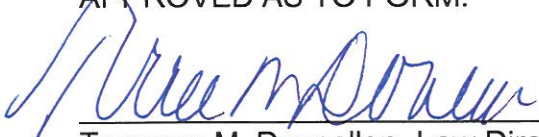
SECTION 8. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Ronald G. Messer, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

PETITION FOR ASSESSMENT

The undersigned Petitioners are homeowners on Huntersknoll Court and an adjacent property on Deerfield Road negatively impacted by stormwater runoff. We are petitioning the City of Montgomery pursuant to Ohio Revised Code Chapters 727 and 729 to complete certain public improvements on and across our properties for the purpose of maintaining surface water runoff which is impacting the properties in our neighborhood. We are petitioning the City, in conjunction with such public improvements anticipated by the City, to assess a portion of the cost to upgrade the stormwater system to better mitigate the problems we have been experiencing.

We understand and agree that if 100% of the homeowners in the impacted area sign and accept this Petition, the City will initiate the process for a Special Assessment consistent with Chapters 727 and 729. Without 100% acceptance, the City cannot complete the process.

This Petition may be executed in component parts, together which shall constitute the entire Petition among the homeowners identified herein.

7943 Huntersknoll Court
Auditor's Parcel No.: 603-0010-0156:

Scott Crawford

Stacy Crawford

7945 Huntersknoll Court
Auditor's Parcel No.: 603-0010-0155:

Marcy L. Thornicroft

Todd A. Thornicroft

7947 Huntersknoll Court
Auditor's Parcel No.: 603-0010-0154:

Geoffrey Snider, Co-Trustee of the
Snider Family Trust U/A dated 6/13/2019

Michelle Snider, Co-Trustee of the
Snider Family Trust U/A dated 6/13/2019

7951 Huntersknoll Court
Auditor's Parcel No.: 603-0010-0153:

Jon A. Stockert

Erin D. Stockert

10350 Deerfield Road
Auditor's Parcel No.: 603-0010-0157:

Glenn Michael Sheehan

Linda L. Sheehan

TO: Mayor Ronald G. Messer
Members of City Council

FROM: Terrence M. Donnellon

RE: Repealing Ordinance 19, 1977

DATE: April 10, 2024

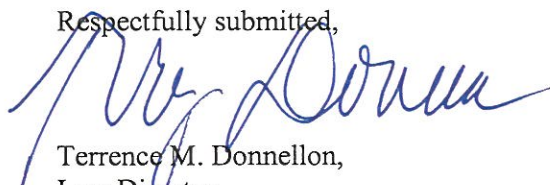
The City Administration received a request from Barbara Giblin, the property owner at 10305 Montgomery Road, to reconsider the City's designation of her home as a City Landmark. As part of that discussion, she brought to light that she and her husband Mike, who is now deceased, vocally objected to the designation of their property as a Landmark in 1977. They purchased the property in early 1977.

In researching Council's action in 1977, it was specifically noted that Mr. and Mrs. Giblin objected to the designation as a Landmark. Over time our Code has evolved to require the application by or concurrence by a property owner before a Landmark designation is placed upon the property.

Mrs. Giblin has indicated that continuing to maintain the property is not only physical, but an economic drain. Looking back through the records, mirroring our Landmarks control with the controls imposed for the National Historic Trust Fund, a property may be removed as a Landmark designation if it was determined that there was prejudicial error in nominating and approving the listing property. Based upon that federal regulation, Council is taking action now to remove the Landmarks designation from this property at 10305 Montgomery Road.

This case is distinguishable as the Giblins not only objected in 1977 to the property designation, but they are the current owners and Mrs. Giblin continues to object to the designation. The property lies outside of the Historic District and the City has no identifiable public purpose to purchase the property at its current asking price. Weighing all of these factors, it is recommended that Ordinance 19, 1977 be repealed as the best course of action to correct this issue.

Respectfully submitted,



Terrence M. Donnellon,
Law Director

TMD/lld

Enclosure

cc: Brian Riblet, City Manager
Connie Gaylor, Executive Assistant
Department Heads
File

ORDINANCE NO. , 2024

**AN ORDINANCE REPEALING ORDINANCE 19, 1977
AND DECLARING AN EMERGENCY**

WHEREAS, on August 3, 1977, Council passed Ordinance 19, 1977 designating the property at 10305 Montgomery Road as a City Landmark; and

WHEREAS, the current owner of the property, Barbara Giblin, with her late husband, Michael Giblin, acquired the property in February 1977 prior to its consideration as a Landmark; and

WHEREAS, it has recently come to light that in 1977 the Giblins repeatedly objected to the designation of their property as a Landmark and never volunteered the designation for the property; and

WHEREAS, this 1977 history recently has come to the attention of the Administration in researching the Landmarks Commission, Planning Commission and Council records to address a public records request. Such research disclosed that not only was there no application nor agreement by the Giblins to designate the home as a Landmark, but there was vocal opposition to the designation and some dissent by Council in making the designation over the objections of the property owner; and

WHEREAS, the current Code of Ordinances at § 150.1802 requires a concurrence of the owner, or an application by the owner, before a Landmark may be designated; and

WHEREAS, consistent with evolving caselaw and regulatory law, this Council believes it is appropriate to repeal Ordinance 19, 1977 to remove the Landmarks designation from such property since the current owner is the same as the owner in 1977 and objects now, and has objected then, to its designation which the owner believes negatively impacts

the use and value of the property; and

WHEREAS, recognizing that the rules and regulations for the National Register of Historic Landmarks allows that if a prejudicial procedural error was made in the nomination or listing process, the property may be removed from the National Register, and consistent with such regulation Council believes it is appropriate to remove it from the current destination as a Landmark within the City of Montgomery, Ohio.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. Ordinance 19, 1977 is hereby repealed removing the Landmarks designation from the property at 10305 Montgomery Road, Montgomery, Ohio 45242, recognizing the unique circumstance of the Giblins having acquired the property prior to its designation as a Landmark, the Giblins having voiced their objections to the designation of the property as a Landmark, the Giblins having remained the continuing owner of the property since its designation, and the fact that the property stands outside the Old Montgomery Zoning District.

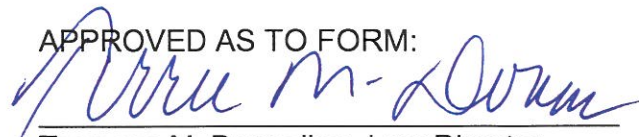
SECTION 2. In order to preserve the public health, safety and welfare, and to correct this prejudicial error so as not to improperly burden the property rights of the current owner, Council hereby designates this Ordinance to be an emergency measure which shall take effect immediately upon passage.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Ronald G. Messer, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellan, Law Director

TO: Mayor Ronald G. Messer
Members of City Council

FROM: Terrence M. Donnellon

RE: Prohibiting Recreational Marijuana Businesses
As A Permitted Use within the Zoning Code

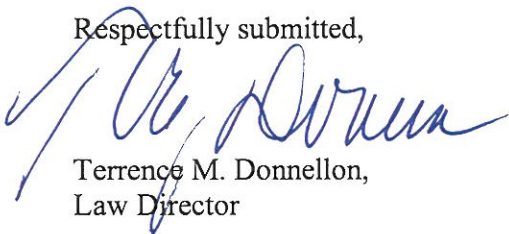
DATE: April 10, 2024

This Ordinance implements the Planning Commission's recommendation which would restrict any Adult Use Cannabis operations within the City. By statute, Adult-Use Cannabis Operators include Level I, Level II and Level III Adult-Use Cultivators, Adult-Use Processors, and Adult-Use Dispensaries. The City's Zoning Code does not recognize these more commercial/industrial uses which would support a Cultivator or Processor, but this Ordinance will prohibit Adult-Use Dispensaries as a retail use or home occupation use within the City.

When Issue 2 was adopted in the November 2023 election, the resulting Chapter 3780 of the Ohio Revised Code, specifically under § 3780.25, reserved to the local communities the right to regulate Adult-Use Cannabis Operators within the jurisdictions. This power under Home Rule allows the City to either regulate or prohibit Adult Use Cannabis operations as a permitted use within the City.

Previously, the City passed a restriction against Medical Marijuana Dispensaries, and this expands that ban consistent with Ohio law to prohibit Adult-Use Cannabis Operators throughout the City. This would not impact the rights reserved to residents under Ohio law to grow a restricted number of cannabis plants on their property. This restriction would still be managed by the State of Ohio.

Respectfully submitted,



Terrence M. Donnellon,
Law Director

TMD/lld

Enclosure

cc: Brian Riblet, City Manager
Connie Gaylor, Executive Assistant
Department Heads
File

ORDINANCE NO. , 2024

**AN ORDINANCE ENACTING NEW SECTION 150.0206 PROHIBITING
RECREATIONAL MARIJUANA BUSINESSES AS A PERMITTED USE
WITHIN THE CITY OF MONTGOMERY ZONING CODE**

WHEREAS, the Ohio voters at the November 2023 General Election approved Issue 2, and the enactment of Chapter 3780 of the Revised Code which legalized certain forms of recreational marijuana under State law while preserving the powers of municipalities to regulate, zone and/or prohibit land uses related thereto; and

WHEREAS, after enactment of Issue 2 and Chapter 3780 of the Revised Code, Council referred this matter to the Planning Commission to consider a legislative text amendment to the Zoning Code which would prohibit recreational marijuana-related businesses and/or home occupations within all zoning districts of the City of Montgomery; and

WHEREAS, the Planning Commission, with the Administrative Staff, carefully studied zoning regulations for such businesses and whether accepting or prohibiting such uses within the community would be consistent with the vision and planning for the City; and

WHEREAS, with notice and an opportunity for testimony as proscribed by law, the Planning Commission held a public hearing on any proposed text amendment, and on February 19, 2024 noting no discernable negative impact in restricting such businesses, the Planning Commission by a 6-0 vote recommended approval of a text amendment prohibiting Adult Use Cannabis Dispensaries and Adult Use Cannabis Operators within the City; and

WHEREAS, upon the Planning Commission's recommendation, with notice and an opportunity for testimony as proscribed by law, Council held a public hearing on a proposed text amendment on April 3, 2024, and weighing the recommendation from the Planning Commission, Council unanimously accepted such recommendation and authorized proposed legislation to be added to Council's Agenda for consideration.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. Section 150.0206, *Recreational Marijuana*, of the Montgomery Zoning Code is hereby adopted and made a part of the codified Ordinances of the City of Montgomery to read as follows:

§ 150.0206

(A) *Legislative Purpose.* Although recreational marijuana is in some respects legal under applicable state law with the passage of Issue 2 and the enactment of Chapter 3780 of the Ohio Revised Code, it remains illegal under federal law. The purpose of this section is to prohibit an Adult Use Cannabis Operator as a business or home occupation use within all zoning districts of the City. This section is expressly adopted as authorized by ORC § 3780.25 as an exercise of the City's power of local self-government and Home Rule authority reserved to the City under the City Charter and Section 3, Article XVIII of the Constitution of the State of Ohio.

(B) *Definitions.*

(1) "Adult Use Cannabis" or "Cannabis" or "Marijuana" means Marihuana as defined in RC § 3719.01.

(2) “Adult Use Cannabis Operator” means a Level I Adult Use Cultivator, a Level II Adult Use Cultivator, a Level III Adult Use Cultivator, an Adult Use Processor, and an Adult Use Dispensary, all of which are further defined under RC § 3780.01, *Definitions*.

(C) Prohibition.

No Adult Use Cannabis Operator or home occupation which is an Adult Use Cannabis Operator may be established, operated or maintained within the City, nor shall any provision of the Zoning Code be construed to permit the use of any property for such purpose. This prohibition shall apply within all zoning districts within the City.

(D) Home Grow Exceptions.

Nothing in this section shall restrict or preempt State authority under RC § 3780.29 to permit Adult Use Cannabis consumers from lawfully cultivating, growing and possessing cannabis plants at the individual’s primary residence. The limitations and controls for cultivating, growing and processing such cannabis plants at an individual’s primary residence shall be controlled by the laws and regulations of the State of Ohio. The cultivating, growing and possessing of cannabis plants at an individual’s primary residence shall not authorize the sale or distribution of Adult Use Cannabis as restricted herein as a prohibited use within the City.

SECTION 3. All sections, subsections, parts and provisions of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

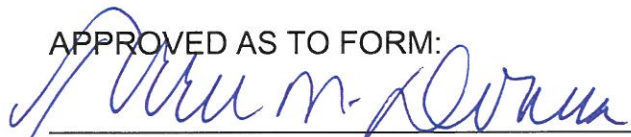
SECTION 4. In the event that any portion of this section shall be declared invalid or unenforceable for any reason by a court of competent jurisdiction, that portion shall be considered severable and the remainder of this section shall remain in full force and effect.

SECTION 5. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Ronald G. Messer, Mayor

APPROVED AS TO FORM:


Terrence M. Donnellon, Law Director

These minutes are a draft of the proposed minutes from the Public Hearing. They do not represent the official record of proceedings until formally adopted by the City Council. Formal adoption is noted by signature of the Clerk within the minutes.

City of Montgomery
City Council Public Hearing Minutes
April 3, 2024

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Present

Brian Riblet, City Manager
Terry Donnellon, Law Director
Tracy Henao, Asst. City Manager
Gary Heitkamp, Public Works Director
Maura Gray, Finance Director
John Crowell, Police Chief
Kevin Chesar, Community Development Director
Paul Wright, Fire Chief
Matthew Vanderhorst, Community and Information Serv. Dir.
Connie Gaylor, Clerk of Council

City Council Members Present

Ron Messer, Mayor
Sasha Naiman, Vice Mayor
Lee Ann Bissmeyer
Chris Dobrozsi
Craig Margolis
Catherine Mills-Reynolds
Ken Suer

City Council convened its Public Hearing for April 3, 2024 at 5:45 p.m. at City Hall with Mayor Messer presiding.

Mayor Messer requested a moment of silence in memory of the late Brigid Kelly, Hamilton County Auditor.

Mayor Messer asked for a motion to dispense with the roll call as all Council Members were present.

Mr. Margolis made a motion to dispense with the roll call. Vice Mayor Naiman seconded. City Council unanimously agreed.

NEW BUSINESS

Planning Commission Request for the Prohibition of Recreational Marijuana Sales within the City of Montgomery

Mr. Chesar explained that following the passage of Issue 2, Recreational Marijuana has gained approval for both consumption and sale within Ohio. Under this legislation, local cities have been granted Home Rule authority to oversee and potentially restrict the operation of marijuana dispensaries, cultivators, and processors within their jurisdiction, mirroring the framework established for the Medical Marijuana Program sanctioned in 2018. After a thorough evaluation by the Planning Commission in 2018, City Council passed the recommendation to modify the Zoning Code, thereby prohibiting the establishment of Medical Marijuana-related businesses or any associated home occupations within the City. Given the authority vested in the City through the enactment of Issue 2, the question arose regarding whether Recreational Marijuana sales should likewise be prohibited as a sanctioned activity within the City limits. City Council recommended that Planning Commission study and review the issue to determine if a zoning amendment would be recommended in accordance with Chapter 150.22 of the Zoning Code.

Mr. Chesar stated that regulations regarding licensing still require development at the State level. He stated that it is anticipated that cultivation or processing of Recreational Marijuana may not align with permitted uses within the City, as these activities resemble more of a manufacturing or commercial nature, which currently is not recognized under the existing Code. Any regulatory measures would not entail a complete ban on marijuana use but would rather focus on limiting the presence of dispensaries or home occupation sales.

In closed, Mr. Chesar explained that the Planning Commission met on February 19, 2024, to consider the question of whether retail sales should be prohibited within city limits. After discussing the options, the Planning

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City Council Public Hearing Minutes

April 3, 2024

Page 2.

53 Commission voted unanimously to recommend a prohibition of retail sales of recreational marijuana within city
54 limits to the City Council with the intent that the Law Director prepare the appropriate code language.
55

56 Mrs. Bissmeyer stated that she felt this recommendation would go along with the prohibition on medical
57 marijuana businesses or home occupations in the City. She stated that since there has been no response from
58 residents or attendance to any of the meetings that she would defer to Planning Commission's recommendation to
59 prohibit retail sales of recreational marijuana in the city.
60

61 Mrs. Mills-Reynolds stated that she agreed with Mrs. Bissmeyer to keep the marijuana issues consistent in
62 prohibiting the sales of medical marijuana and recreational marijuana in the city.
63

64 Mr. Dobrozsi stated that he supports the recommendation by the Planning Commission.
65

66 Vice Mayor Naiman asked Mr. Chesar to provide a review of the process of the Planning Commission.
67

68 Mr. Chesar explained that in 2018 a survey of our large institutions in the city was done to gauge support for the
69 sale of medical marijuana. He stated that the Planning Commission relied on that research during the discussion of
70 this issue. He stated that their thought was to be consistent with medical marijuana. He reiterated that this
71 recommendation would not prohibit the use of recreational marijuana or home growing of the plant, just the ban
72 on retail sales within the city.
73

74 Vice Mayor Naiman asked if the two CBD establishments in the city were contacted as they may want to have
75 retail sales.
76

77 Mr. Chesar replied that they were not specifically contacted. He added that reports from the State are that a
78 business that is not a medical dispensary would likely not be granted a license to sell recreational marijuana.
79

80 Vice Mayor Naiman confirmed that this prohibition would have no impact on individuals who want to use
81 recreational marijuana or grow it.
82

83 Mr. Chesar confirmed that was correct.
84

85 Mr. Donnellon added that not every detail is totally confirmed at the State level yet. He stated with that in mind, it
86 is good to affirm the Planning Commission position as in the future it would be harder to pull back legislation as
87 opposed to taking a position now and see how the final details are decided.
88

89 Mr. Margolis stated that he supports the Planning Commission recommendation as there were no advocates
90 known for an opposing position.
91

92 Mr. Margolis made a motion to accept the recommendation of the Planning Commission to prohibit recreational
93 marijuana sales within the City of Montgomery. Mrs. Bissmeyer seconded. City Council unanimously agreed.
94

95 Mayor Messer asked if there was any further business to be heard in the Public Hearing. There being none, he
96 asked for a motion to adjourn from the Public Hearing.
97

98 Vice Mayor Naiman made a motion to adjourn. Mr. Dobrozsi seconded. City Council unanimously agreed.
99

100 The meeting was adjourned at 5:56 p.m.
101

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City Council Public Hearing Minutes

April 3, 2024

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Connie Gaylor, Clerk of Council

DRAFT

These minutes are a draft of the proposed minutes from the City Council meeting. They do not represent the official record of proceedings until formally adopted by the City Council. Formal adoption is noted by signature of the Clerk within the minutes.

City of Montgomery
City Council Business Session Minutes
April 3, 2024

Present

Brian Riblet, City Manager
Terry Donnellon, Law Director
Tracy Henao, Asst. City Manager
John Crowell, Police Chief
Kevin Chesar, Community Dev. Director
Gary Heitkamp, Public Works Director
Maura Gray, Finance Director
Matthew Vanderhorst, Communications and Information Service Director
Paul Wright, Fire Chief
Connie Gaylor, Clerk of Council

City Council Members Present

Ron Messer, Mayor
Sasha Naiman, Vice Mayor
Lee Ann Bissmeyer
Chris Dobrozsi
Craig Margolis
Catherine Mills-Reynolds
Ken Suer

City Council convened in Council Chambers at 6:00 p.m. with Mayor Messer presiding.

ROLL CALL

Mayor Messer stated that as a motion to dispense of roll call was made at the public hearing held prior to the meeting, a roll call was not needed.

SPECIAL PRESENTATION

Brad Hoener and Jeremy Schmid of PepsiCo addressed City Council to express their excitement in moving their Cincinnati administrative offices to the Montgomery Quarter. Mr. Hoener explained that they chose to move to Montgomery for several reasons. The first was the MQ development which offered a fresh new atmosphere with walkability to restaurants and would be attractive to new employees. He stated that being closer to the downtown Kroger offices was also a big factor as their staff managed the contract with Kroger stores in which they placed their products in. Mr. Hoener gave an overview of the products that PepsiCo owns and how many of those were made specifically for Kroger stores. He also expressed their focus on community engagement encouraging their staff to become volunteers. He stated that they designate April as Volunteer Month. He stated he looks forward to getting involved in Montgomery.

City Council thanked Mr. Hoener and Mr. Schmid for coming to Council and welcomed them to the city.

Mr. Riblet stated that he was very pleased to have PepsiCo move into the MQ. He stated that having a company the caliber of Pepsi is a great addition to the MQ and the City. He stated that the best is yet to come.

LEGISLATION FOR CONSIDERATION

PENDING LEGISLATION

There was no pending legislation

NEW LEGISLATION

Mayor Messer stated that since all following legislation has been made available to the public before the meeting a motion can be made to accept the agenda and read all legislation by title only.

Mr. Margolis moved to accept the legislative Agenda and read all legislation by title only. Vice Mayor Naiman seconded. City Council unanimously agreed.

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City Council Business Session Minutes

April 3, 2024

Page 2.

54 **An Ordinance Establishing The Schedule Of Municipal Compensation For Employees**

55

56 Mr. Dobrozsi read the title and moved for passage of the first reading. Vice Mayor Naiman seconded.

57

58 Mr. Dobrozsi explained that information has been previously supplied on this Ordinance that, if approved, will
59 establish a new Schedule of Municipal Compensation for non-bargaining unit employees. It is necessary to
60 establish a new Schedule of Municipal Compensation as the current Schedule does not specify any wage rate
61 adjustments for July 2024 or beyond.

62

63 Mr. Dobrozsi asked if there were any updates.

64

65 Mr. Riblet replied that there were no updates but asked Council to consider passing a motion to make the second
66 and third readings consecutive to accommodate the referendum period and to allow the legislation to be effective
67 on July 1. He explained the second reading would be on May 1 and the third would be on May 15.

68

69 Mr. Margolis moved to change the readings to consecutive readings at the May Business and Work Sessions. Vice
70 Mayor Naiman seconded. City Council unanimously agreed.

71

72 The roll was called and showed the following vote:

73

74 AYE: Bissmeyer, Mills-Reynolds, Dobrozsi, Messer, Naiman, Suer, Margolis (7)

75 NAY: (0)

76

77 **An Ordinance Amending Chapter 34, Personnel Policies; Bond**

78

79 Mr. Dobrozsi read the title and moved for passage of the first reading. Vice Mayor Naiman seconded.

80

81 Mr. Dobrozsi explained that information has been previously supplied on this Ordinance that, if approved, will
82 adopt proposed modifications to Chapter 34 of the Montgomery Ohio Code of Ordinances.

83

84 Mr. Dobrozsi asked if there were any updates.

85

86 Mr. Riblet stated that there was a small change on the table on the second to last page to provide clarification. Mr.
87 Riblet asked that the same adjustment be made to the readings as was made for the prior legislation.

88

89 Mr. Margolis moved to change the readings to consecutive readings at the May Business and Work Sessions. Vice
90 Mayor Naiman seconded. City Council unanimously agreed.

91

92 The roll was called and showed the following vote:

93

94 AYE: Mills-Reynolds, Dobrozsi, Messer, Naiman, Suer, Margolis, Bissmeyer (7)

95 NAY: (0)

96

97 **ADMINISTRATION REPORT**

98

99 Mr. Riblet gave the following report:

100

- City Council Work Session is scheduled for April 17, 2024 at 6:00 p.m.

101

102

103

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City Council Business Session Minutes

April 3, 2024

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- As a reminder the Volunteer Walk of Fame Ceremony will be held at 5:30 p.m. on April 17. This year's inductees include:
 - Jane Garfield, Landmarks
 - Bob Saul-BZA
 - Patrick Stull-Planning
 - Alice Aguilar-EAC
- Staff will also present an update on the Strategic Plan at the beginning of the April 17 Work Session meeting.
- As a reminder, the Government Affairs and Parks and Recreation Committees have been rescheduled from April 8 to Monday, April 15 at 3:30 and 4:30 p.m. respectively. The Public Works Committee has cancelled their meeting for April.
- The Arbor Day Foundation named the City of Montgomery as a 2023 Tree City USA for our commitment to effective urban forest management. The City also received a Growth Award for demonstrating environmental improvement and an outstanding level of tree care. This is the 28th year in a row that the City has received the Tree City USA recognition.
- It is that time of year again to schedule Boards and Commission Chair Updates. Ms. Gaylor would like to begin to scheduling these in May and into June if agreeable with Council. Normally the updates are scheduled in 15 minute intervals. This would allow for 4 updates prior to each Council meeting. Would Council be able to meet at 5:00 prior to the 5/1, 5/15, and 6/5 meetings in order to allow for all updates. City Council agreed and approved for Ms. Gaylor to schedule Chair updates prior to Council meetings on 5/1, 5/15 and 6/5.
- Mr. Riblet authorized a contract with Care Solace for mental health care coordination services in the amount of \$16,500.00 Mr. Riblet reminded Council that the City received a \$5,000 grant from Duke Energy to go towards this contract and One Ohio opioid funds would be used for the remainder of the contract.
- Mr. Riblet also signed a contract with Payton Harshfield to create murals at the MQ in the corridors of the public parking garage leading to the restaurants in the amount of \$15,000. He explained that Ms. Harshfield is very talented, and her art will add something very special to the area. He stated that she estimated it would take several months for her to complete the project.

Human Resources

- Two new Patrol Officers were sworn in on Monday, April 1. Dan Pohl and Andy McGuffey came to us from the City of Fairfield. Both officers will be invited to a ceremonial swearing in and introduction to City Council in the near future.
- Emilie Ziese will begin employment with us on Friday, April 7. Emilie is currently employed by Goshen Township Fire Department. A second candidate is finishing post-offer steps and once finalized this will bring our Fire Department to full staff.
- Rebecca Koligian will begin employment with us on April 22 as our new Police Clerk, replacing Amy Smith. Becky is currently a police dispatcher with the City of Blue Ash.

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City Council Business Session Minutes

April 3, 2024

Page 4.

- 154 • Advertising for summer seasonal positions is currently underway.
155

156 Events
157

- 158 • The Second Annual Mental Health Fair will be held this coming Saturday, April 6 at Twin Lakes Davies
159 Center. The Fair will run from 9:00 to 11:30 a.m. and will feature 4 speaker sessions and 27 vendors.
160 Asha will make her first public appearance at this event.
161
- 162 • The Solar Eclipse in the Park event is on Monday, April 8 from 1:30-4:00 in Weller Park. Our
163 Montgomery on the Move Vehicle will be at Weller Park, with giveaways for kids and snacks. Come to
164 the park for your chance to win a Solar Eclipse Commemorative T-shirt. The partial eclipse is anticipated
165 to happen around 3:00 p.m.
166
- 167 • Montgomery Quarter Park is also hosting a solar eclipse party. Bru Burger Bar, Livery, and Kitchen
168 Social are participating in a Solar Eclipse Cocktail contest.
169

170 MINUTES
171

172 Mr. Margolis moved to approve the March 20, 2024 Work Session minutes as written. Vice Mayor Naiman
173 seconded. City Council unanimously agreed.
174

175 MAYOR'S COURT REPORT
176

177 Mayor Messer requested a motion to disburse the March Mayors Court collections in the amount of \$4,876.
178

179 Mrs. Bissmeyer made the motion to disburse the March Mayors Court Collections in the amount of \$4,876. Vice
180 Mayor Naiman seconded. City Council unanimously agreed.
181

182 Mr. Dobrozsi reminded City Council and Staff that he would be on vacation and would miss the April 17 Work
183 Session.
184

185 EXECUTIVE SESSION
186

187 There was no Executive Session.
188

189 ADJOURNMENT
190

191 Mayor Messer asked if there was any further business to discuss in the Public Session. There being none he asked
192 for a motion to adjourn.
193

194 Mr. Dobrozsi moved to adjourn. Vice Mayor Naiman seconded. City Council unanimously agreed.
195

196 City Council adjourned at 6:30 p.m.
197
198
199
200

Connie Gaylor, Clerk of Council