

City of Montgomery  
City Council Work Session Minutes  
August 21, 2024

Present

Brian Riblet, City Manager  
Terry Donnellon, Law Director  
Tracy Henao, Asst. City Manager  
Kevin Chesar, Community Development Director  
John Crowell, Police Chief  
Maura Gray, Finance Director  
Gary Heitkamp, Public Works Director  
Matthew Vanderhorst, Community and Information Services Director  
Paul Wright, Fire Chief  
Amy Frederick, Community Engagement Coordinator  
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 Work Session for August 21, 2024 at 6:00 p.m. at City Hall with Mayor Messer presiding.

**ROLL CALL**

Mayor Messer explained that all council members were present and asked for a motion to dispense with the roll call.

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

**GUESTS AND RESIDENTS**

Stacey Bie, 7773 Remington Road —Ms. Bie explained that she was attending the meeting to learn more about two issues about which she was concerned. She stated that her first item of concern was the 7:00 p.m. curfew for pickleball. She stated she did not like the rule and felt it was only fair to a small percentage of people. She then stated that her second concern was the deer problem in Montgomery. She stated that she understands it is a cross community problem. She stated she had a couple of solutions in mind. She explained that she felt sterilization could be effective if done cooperatively with area communities. She stated that she understands it is expensive. She also stated that the use of Scram Deer Repellent could be another consideration. She explained that it was approximately \$120 a bucket which could make it cost prohibitive for some residents. She stated that she had spoken with Ms. Gaylor about these concerns and was willing to get involved to find solutions. She explained she read the City's policy on deer management and felt that the position of controlling the deer by not feeding them or only planting flowers or vegetation that would deter them was not managing the problem. She stated that she felt the City could help by providing Scram on a bimonthly or quarterly basis rather than putting the management back on the residents.

Mr. Riblet stated that he spoke with Ms. Bie and offered to talk to her offline to bring her up to speed on the pickleball hour restrictions as it has been in front of Council and Staff for a couple of years. He also explained that Staff has reviewed and modified the current Deer policy and are preparing to bring recommendations to a future Government Affairs Committee.

**ESTABLISHING AN AGENDA FOR SEPTEMBER 4, 2024 BUSINESS SESSION**

**PENDING LEGISLATION**

**An Ordinance Repealing Section 33.01 Of The Code Of Ordinances Creating An Investment Committee And Establishing Its Authority**

Mayor Messer explained that this would be the second reading of this Ordinance and asked if there were any updates on the legislation. Mr. Suer replied there were none.

Mayor Messer explained that the second reading would be done at the September 4, 2024 Business Session. The third reading will be held at the October 2, 2024 Business Session with adoption requested at that meeting.

**NEW LEGISLATION**

**A Resolution to Adopt Recommendation of the Montgomery Tax Incentive Review Council with Respect to The Compliance of All Tax Increment Financing Districts Within the City of Montgomery**

Mayor Messer assigned the legislation to Mr. Suer.

Ms. Gray explained that, if approved, this Resolution will adopt the recommendation of the Montgomery Tax Incentive Review Council with respect to the compliance of all Tax Increment Financing Districts within the City of Montgomery. She stated the Montgomery Tax Incentive Review Council met on Thursday, August 15, 2024. Ms. Gray explained that Ohio Law mandates that City Council approve, reject, or remand the decision of the Tax Incentive Review Council relative to the compliance of the tax increment financing districts with their enabling legislation.

Mayor Messer explained that this legislation will be added to the September 4 agenda for consideration that evening.

**A Resolution Requesting The County Auditor To Make Tax Advances During The Year 2024 Pursuant To Ohio Revised Code § 321.34**

Mayor Messer assigned the legislation to Mr. Suer.

Ms. Gray explained that, if approved, this Resolution will authorize the request of advanced payment for taxes from the Hamilton County Auditor. Currently, the City receives these funds in April and September. Ms. Gray explained that if the City were to request monthly distributions of these funds in the three months prior to the settlement on the usual settlement dates, it could result in interest income of over \$119,000.00. She added that there are 43 political subdivisions in Hamilton County who pursue similar advances. She explained that staff contacted Hamilton County to ensure that this would not jeopardize the relationship between the City and Hamilton County and were assured that it would not. She explained that is was an automated system of disbursement and does not add additional work to the Hamilton County Auditor's Office staff.

Mr. Margolis thanked Ms. Gray for investigating this option of payment and felt it would be a tremendous boon to the general fund.

Mr. Suer explained that this topic was discussed at the last Financial Planning Committee meeting where the Committee felt it was an excellent path to pursue. He added that he felt it should not be a disruption to the County.

Vice Mayor Naiman asked if the City had requested this before.

Ms. Gray responded that she did not find evidence that it had been requested before.

Mr. Dobrozsi asked if there was a change in the Ohio Revised Code and if this would include TIF payments.

Ms. Gary replied that there was no change to the Ohio Revised Code and that the advance did not include TIF payments.

Mrs. Mills-Reynolds asked if after the payments had been advanced there was discovered to be an overpayment would the City have to repay those funds.

Ms. Gray stated that we would not have to repay any discrepancies that if the annual settlement revealed an overpayment that future advances to be made after that would be decreased.

Mayor Messer explained that this legislation will be added to the September 4 agenda for consideration that evening.

**A Resolution Authorizing The City Manager To Enter Into A Federal Local Let Project Agreement With The Ohio Department Of Transportation For The Project Known As HAM-US 22-15.22 Montgomery Road Resurfacing Project, PID No. 115757**

Mayor Messer assigned the legislation to Mr. Margolis.

Mr. Heitkamp explained that, if approved, this Resolution will authorize the City Manager to enter into an LPA Federal Local-Let Project Agreement with ODOT for the HAM-US22-15.22 Montgomery Road (Pfeiffer Road to Weller Road) Resurfacing Project, PID #115757. He stated that this agreement will allow the City to manage the design, bid and construction of the paving of Montgomery Road from Pfeiffer Road to Weller Road. He explained that with this agreement ODOT pays 80% of the street work at approximately \$450,000. He stated the City would be responsible for 20% of the street work and 100% of all curbs, sidewalk and ADA ramp repair and installation. He explained that, if approved, the project would move forward with CT Consultants to create the designs. He stated he anticipated the resurfacing project to begin in the summer of 2025 and being completed by late fall.

Mrs. Mills-Reynolds asked about the coordination of the construction with Bethesda North Hospital and Sycamore Schools. She also asked if there would be large signage informing motorists of closures.

Mr. Heitkamp replied that we are required by ODOT to inform for emergency services, but it would be our practice to do that anyway. He stated that they always coordinate with the schools and local emergency services in these kind of projects. He added that her suggestion of signage to notify motorists was a good one and he would keep that in mind for when the project begins.

Mr. Suer asked if the area of roadway in front of the hospital wears out faster due to the topography. He stated he felt like it needs to be resurfaced more frequently.

Mr. Heitkamp explained that the area in the medical district is the oldest pavement section of Montgomery Road. He explained that the stretch from Pfeiffer Road to I-275 handles the most traffic with all kinds of vehicles which take their toll on the pavement.

Council continued to discuss the nuances of the project.

Mayor Messer explained that this legislation will be added to the September 4 agenda for consideration that evening.

**ADMINISTRATION REPORT**

Mr. Riblet reported the following items:

- A Council Business Session is scheduled for Wednesday, September 4 at 6:00 p.m.
- Staff requested a CIC meeting prior to the September 4 Business Session at 5:45 p.m. to consider a historic matching grant application for 7960 Remington Road.

City Council agreed to the CIC meeting. Mr. Margolis made a motion to begin the Business Session immediately following the conclusion of the CIC meeting. Mrs. Bissmeyer seconded. City Council unanimously agreed.

- The Law and Safety; Financial Planning; and Planning, Zoning and Landmarks Committees have cancelled their meetings for the month of September. Mr. Riblet added that the 2025 Budget Books would be delivered to Council at the September 4 Business Session for review prior to the September 12 Budget Review Meeting.
- The Parks and Recreation; Government Affairs; and Public Works Committees have no agenda items at this time, but an update will be provided at the September 4 meeting.
- Mr. Riblet commented on how great the Top Work Place celebration was and thanked City Council for attending to celebrate the sixth straight year of receiving the recognition.
- The Safety Center Interim Renovation bid opening was held Tuesday morning. There were three bids submitted and unfortunately all three bids were significantly higher than the engineers estimate. A follow up meeting is scheduled for this coming Monday to consider options moving forward.
- Brian Riblet and Tracy Henao presented on the State of the City to residents of Twin Lakes on Tuesday afternoon. Approximately 150 people showed up to hear about the latest developments in the City. This is a great opportunity to keep the residents of Twin Lakes informed and engage with residents on things happening in the City.

#### Events

- On 8/24, the Diversity Dinner will be held. The dinner party theme is Celebrating Indian Culture and will be held at the Swaim Park Small Picnic Shelter. Attendees are asked to bring a dish to share with 10 people. The event is held from 6:00-8:00 p.m. Registration is requested.
- On 8/29, a Community Mental Health Panel Discussion on Suicidal Ideation – Signs, Treatment, and Survivors will be hosted by the Church of the Saviour on Pfeiffer Road. The discussion will begin at 7:00 and run until approximately 8:30 p.m. Also, representatives from Care Solace will be there to share information about their services. Mr. Riblet added that the first full report of data from Care Solace was received. He explained that for the months of June and July there were 25 referrals made with 1,231 services provided. He stated that he was impressed to see that the average to match services took only two days and an average of only nine days until an appointment.
- On 8/29 a First Suburbs meeting will be held beginning at 6:00 p.m. in Silverton featuring Hamilton County Board of Commissioners President, Alicia Reece providing an update on all things Hamilton County.
- On 9/1 a BAMSO Labor Day Concert will be conducted at the Tom Stone Amphitheater beginning at 7:00 p.m. (4309 Cooper Road, Blue Ash)
- On 9/2 Labor Day – City Offices Closed
  - K-9 Kerplunk 5-8 p.m.
  - Pool Closes for the Season

Mr. Riblet requested an Executive Session to consider matters related to the employment or compensation of a public employee or official.

**LAW DIRECTOR REPORT**

Mr. Donnellon reported that he attended a MVRMA roundtable that consisted of legal counsel from 12 different municipalities that were members of MVRMA. He explained that the conversations focused on marijuana and temporary signs. He summarized that one of the panelists was an attorney that specialized in employment law, especially around the issues of alcohol and drugs. He stated that the panelist discussed policies and practices and was going to share these documents with the group. He explained that they discussed when to test employees and also how to regulate public consumption such as in parks or public places. He stated he will provide a follow up once the sample policy and the City's policy has been reviewed and compared with staff and City Council.

Mr. Donnellon explained that since we are headed into the political season that the discussion of signs was very timely. He explained that the discussion focused on 1<sup>st</sup> Amendment freedoms and political speech. He stated that we cannot well regulate the size and number of signs that a resident has. He explained that signs placed in the right of way is something that we can regulate. He added that signs that block the line of sight for traffic can be regulated as a safety issue. Similarly, signs that are left up continually that become deteriorated, can be managed by asking the homeowner to update or replace. Mr. Donnellon added that areas where there are no sidewalks is where it gets tougher to manage as the 13' from the roadway can be sometimes hard to determine. He stated that our practice is to take the sign down, leave it in the yard with a note advising the homeowner of the proper way to display the sign. He added that as a courtesy we would leave notes with signs that are deemed offensive asking the homeowner to remove the sign. He stated that the City would not be in the practice of filing suits against homeowners for sign violations. Mr. Donnellon explained that staff would be doing a deep dive into the Sign Code in conjunction of the overall Code of Ordinance review.

Mr. Margolis asked what the magnitude of complaints regarding temporary signs was and if they were in the hundreds.

Mr. Chesar replied that while it has not been in the hundreds, it is significant and the calls that are being fielded by staff are with individuals who are upset about other people's signs or theirs being removed. He stated this takes a good deal of time from staff's regular duties. He explained there have already been calls received regarding political signs.

Vice Mayor Naiman asked if there were regulations that would prevent someone from putting up a really tall sign.

Ms. Henao explained that like a tent, the height could require a building permit that approved the height and the wind strength. She stated that the building permit process would likely prevent really tall signs from being placed by homeowners.

**CITY COUNCIL REPORTS**

**Mrs. Bissmeyer**

Mrs. Bissmeyer stated she attended the DORA event and felt it was a success. She stated the music was great and that everyone seemed to enjoy the event.

Mrs. Bissmeyer reported that she attended a Hamilton County Library Board meeting held at the new downtown branch. She explained that the Symmes Branch is scheduled for demolition in October and that it was temporarily being moved to a location on Governor's Drive during construction of the new branch. She stated the new branch was anticipated to open in 2025/2026.

Mrs. Bissmeyer shared her appreciation for the Top Work Place celebration held on Friday, August 16. She praised leadership and staff for receiving this recognition for the sixth year in a row.

**Mrs. Mills-Reynolds**

Mrs. Mills-Reynolds reported that the Parks and Recreation Commission is diligently working on the final touches for The Amazing Race scheduled for September 28 from 3:00 to 6:00 p.m. She explained there was a small increase in the entrance fees to \$10 a person. She added that the Commission was also working on the Star Party scheduled for September 20. The kids' session was already sold out, however there were still openings for the adult session.

Mrs. Mills-Reynolds reported that the Beautification and Tree Commission did not meet in August, however, they are scheduled to meet on September 12. She stated that they are working on an October 8 B & T Talk featuring Doug Gilbert speaking on Pollinator Gardens. She added that the Swaim Garden had recently been designated as a Pollinator Garden by the Cincinnati Zoo.

Mrs. Mills-Reynolds closed stating that the Sycamore Schools Advisory Board would be meeting next month now that school is back in session.

**Mr. Dobrozsi**

Mr. Dobrozsi shared his appreciation to staff for the Top Work Place designation and the fantastic celebration.

Mr. Dobrozsi reported on the following:

- Arts Commission events:
  - Food Tour on September 14 is sold out
  - Live @the Uni is sold out
- Sister Cities is working on securing bands for the 2025 Bastille Day event. He asked Mr. Vanderhorst to confirm the final alcohol ticket sales collection for this year's event. Mr. Vanderhorst reported that it was a record breaking year with \$27,000 in ticket sales. Mr. Dobrozsi added that the Commission is also looking into hosting another Soiree En Blanc dinner in 2025. He explained that the themed dinner will be held indoors in February of 2025.

**Vice Mayor Naiman**

Vice Mayor Naiman echoed the sentiments of her peers regarding the Top Work Place celebration and thanked the leadership team for maintaining the positive culture for City staff.

Vice Mayor Naiman also enjoyed the DORA event and the music.

Vice Mayor Naiman stated that the Beam Signing for Phase II of the MQ project was fun and exciting to see the next phase of construction begin.

Vice Mayor Naiman encouraged everyone to register for the Diversity Dinner if they had not already done so.

**Mr. Suer**

Mr. Suer stated that while he was not able to attend the TWP celebration he wanted to note that the significance of receiving these recognitions was a credit to the culture driven by the leadership and the organization. He explained that the majority of staff feel good about working for the City and that was not always the case.

**Mr. Margolis**

Mr. Margolis reported that he too was excited by the beam signing and the beginning of Phase II of the MQ.

Mr. Margolis thought the DORA event was very good.

Mr. Margolis reported that the EAC hosted another monthly cardboard recycling event the past Saturday. He added that the EAC was hosting a Composting Seminar in October.

#### **Mayor Messer**

Mayor Messer shared how wonderful the Top Work Place celebration was and how unique it was for a municipality to earn the designation for six straight years. He added that the award is the result of employee surveys reflecting on the positive culture of the organization.

Mayor Messer also reported of the ribbon cutting for The Growing Room. He stated it was always great to see the local businesses growing and succeeding.

#### **MINUTES**

Mr. Margolis moved to approve the minutes of August 7, 2024 as written. Mrs. Bissmeyer seconded. City Council unanimously agreed.

#### **OTHER BUSINESS**

There was no other business.

#### **EXECUTIVE SESSION**

Mayor Messer stated that Mr. Riblet had requested an Executive Session to consider matters related to the employment or compensation of a public employee or official.

Mr. Margolis made a motion to adjourn into Executive Session to consider matters related to the employment or compensation of a public employee or official.

Vice Mayor Naiman seconded.

The roll was called and showed the following vote:

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

NAY: (0)

City Council adjourned into Executive Session at 7:08 p.m.

City Council reconvened into Public Session at 7:40 p.m.


#### **ADJOURNMENT**

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

Mr. Margolis moved to adjourn. Vice Mayor Naiman seconded. City Council unanimously agreed.

City Council adjourned at 7:40 p.m.

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Connie Gaylor, Clerk of Council