

April 26, 2024

TO: Mayor and City Council Members
FROM: Brian K. Riblet, City Manager *BKR*
SUBJECT: City Council Business Session of Wednesday, May 1, 2024

As a reminder, City Council is scheduled to meet in Business Session on Wednesday, May 1, 2024 at 6:00 p.m.

Board & Commission Chair Updates

Prior to the meeting the following Chair Updates will be provided to City Council:

- 5:00 p.m. Mary Jo Byrnes-BZA
- 5:15 p.m. Marcallene Shockey- Sister Cities Commission
- 5:30 Dennis Hirotsu- Planning Commission
- 5:45 Aaron Kellenberger- Beautification and Tree Commission

Business Session

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Special Presentation
 - a. Officers Andy McGuffey and Dan Pohl will be formally sworn in and introduced to City Council as our newest officers in the Police Department
 - b. Connie Banning with the Montgomery Farmers Market will provide an update to City Council
5. Guest and Residents
6. Legislation for Consideration this Evening

Since all following legislation has been made available to the public before this evening's meeting it is moved that Council accept the legislative Agenda and read all legislation by title only.

Voice Vote

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.

Move for passage of the second reading of the Ordinance.

Voice Vote

Explain the Ordinance

Roll Call Vote

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.

Move for passage of the second reading of the Ordinance.

Voice Vote

Explain the Ordinance

Roll Call Vote

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—(Mr. Suer) Information has been previously supplied on this Ordinance requesting that City Council consider approval and that, if adopted, will 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.

Move to suspend the second and third readings

Roll Call Vote

Move for passage of the Ordinance as an emergency

Voice Vote

Explain the Ordinance

Roll Call Vote

- b. A Resolution Authorizing A Grant Agreement With The Board Of County Commissioners, Hamilton County, Ohio To Accept And Administer A Stormwater Infrastructure Grant—(Mr. Margolis) Information has been previously supplied on this Resolution requesting that City Council consider approval and that, if adopted, 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.

Move for passage of the Resolution

Explain the Resolution

Roll Call Vote

- c. A Resolution Of Necessity To Implement The Huntersknoll Court Stormwater Sewer Project And Special Assessments—(Mr. Margolis) Information is being provided on this Resolution that, if approved, is the initial step in allowing the City of Montgomery to coordinate a Special Assessment with the five property owners who are directly and positively affected by the Huntersknoll Court Stormwater Sewer Project. All five property owners are fully aware of the project scope, are supportive of the project, and have signed a Petition for Assessment to initiate this action.

Move to amend the Resolution to reflect attached Exhibits

Voice Vote

Move for passage of the Resolution as amended

Explain the Resolution

Roll Call Vote

- d. An Ordinance Repealing Ordinance 19, 1977 and Declaring an Emergency—(Mrs. Bissmeyer) 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.

Move to amend the Ordinance

Voice Vote

Move to suspend the second and third readings

Roll Call Vote

Move for passage of the Ordinance as amended as an emergency

Voice Vote

Explain the Ordinance

Roll Call Vote

- e. An Ordinance Enacting New Section 150.0206 Prohibiting Recreational Marijuana Businesses As A Permitted Use Within The City Of Montgomery Zoning Code—(Mrs. Bissmeyer) Information has been previously supplied on 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.

Move to suspend the second and third readings

Roll Call Vote

Move for passage of the Ordinance

Voice Vote

Explain the Ordinance

Roll Call Vote

7. Administration Report

8. Minutes- April 17, 2024 Work Session

9. Mayor's Court Report

10. Other Business

a. Appointment of Dorothy Stadelmann to the Parks and Recreation Commission

Mrs. Mills Reynolds-move to appoint Dorothy Stadelmann to the Parks and Recreation Commission with a term ending January 31, 2025

No second is required as this is a Committee recommendation.

Voice Vote

11. Executive Session

12. 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



CITY COUNCIL BUSINESS SESSION AGENDA

10101 Montgomery Road • Montgomery, Ohio 45242
(513) 891-2424 • Fax (513) 891-2498

May 1, 2024
City Hall
6:00 p.m.

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Special Presentation
 - a. Officers Andy McGuffey and Dan Pohl will be formally sworn in and introduced to City Council as our newest officers in the Police Department
 - b. Connie Banning with the Montgomery Farmers Market will provide an update to City Council
5. Guest and Residents
6. Legislation for Consideration for this Evening

Since all following legislation has been made available to the public before this evening's meeting it is moved that Council accept the legislative Agenda and read all legislation by title only.

Voice Vote

Pending Legislation

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

Move for passage of the second reading of the Ordinance.

Voice Vote

Explain the Ordinance

Roll Call Vote

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)

Move for passage of the second reading of the Ordinance.

Voice Vote

Explain the Ordinance

Roll Call Vote

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—(Mr. Suer)

Move to suspend the second and third readings

Roll Call Vote

Move for passage of the Ordinance as an emergency

Voice Vote

Explain the Ordinance

Roll Call Vote

- b. A Resolution Authorizing A Grant Agreement With The Board Of County Commissioners, Hamilton County, Ohio To Accept And Administer A Stormwater Infrastructure Grant—(Mr. Margolis)

Move for passage of the Resolution

Explain the Resolution

Roll Call Vote

- c. A Resolution Of Necessity To Implement The Huntersknoll Court Stormwater Sewer Project And Special Assessments—(Mr. Margolis)

Move to amend the Resolution to reflect attached Exhibits

Voice Vote

Move for passage of the Resolution as amended

Explain the Resolution

Roll Call Vote

- d. An Ordinance Repealing Ordinance 19, 1977 and Declaring an Emergency—(Mrs. Bissmeyer)

Move to amend the Ordinance

Voice Vote

Move to suspend the second and third readings

Roll Call Vote

Move for passage of the Ordinance as amended as an emergency

Voice Vote

Explain the Ordinance

Roll Call Vote

- e. An Ordinance Enacting New Section 150.0206 Prohibiting Recreational Marijuana Businesses As A Permitted Use Within The City Of Montgomery Zoning Code—(Mrs. Bissmeyer)

Move to suspend the second and third readings

Roll Call Vote

Move for passage of the Ordinance

Voice Vote

Explain the Ordinance

Roll Call Vote

6. Administration Report

7. Approval of Minutes – April 17, 2024 Work Session

8. Mayor's Court Report

9. Other Business

- a. Appointment of Dorothy Stadelmann to the Parks and Recreation Commission

Mrs. Mills Reynolds-move to appoint Dorothy Stadelmann to the Parks and Recreation Commission with a term ending January 31, 2025

No second is required as this is a Committee recommendation.

Voice Vote

10. Executive Session

11. Adjournment

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

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.

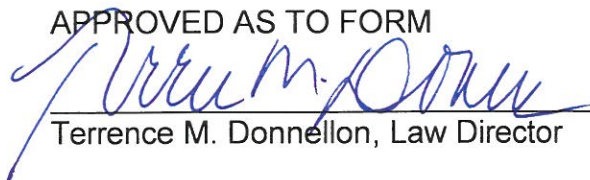
SECTION 4. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

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.

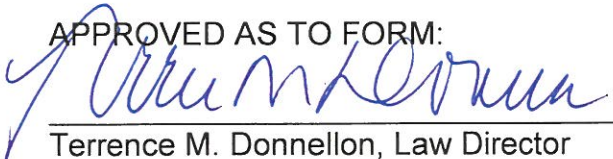
SECTION 6. This Ordinance shall take effect the earliest opportunity as allowable by law.

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)

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.

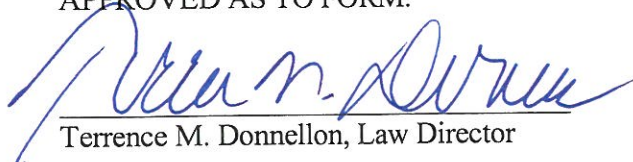
SECTION 15. This Ordinance is hereby declared to be an emergency measure for the reason that the public peace, health, safety and welfare of the inhabitants of the City of Montgomery require the immediate issuance of said notes to provide funds for the orderly refinancing of the improvements, to which 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

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.

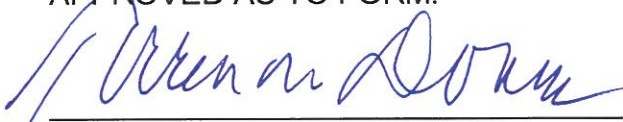
SECTION 3. This Resolution shall be in full force and effect from and after its passage.

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 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: 603-0010-0153, 603-0010-0154, 603-0010-0155, 603-0010-0156 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 up to a total of \$30,000.00 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 proportionate private cost of the improvements, once finally determined upon completion of the project, but not to exceed a total of \$30,000.00, shall be assessed equally among the Properties: 603-0010-0153, 603-0010-0154, 603-0010-0155, 603-0010-0156 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.

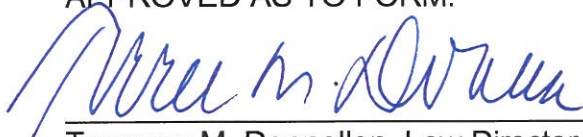
SECTION 8. This Resolution shall be in full force and effect from and after its passage.

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

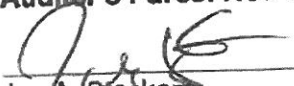
Todd A. Thornicroft

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:

 9/22/201

Jon A. Stockert



Erin D. Stockert

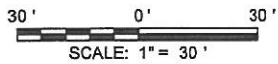
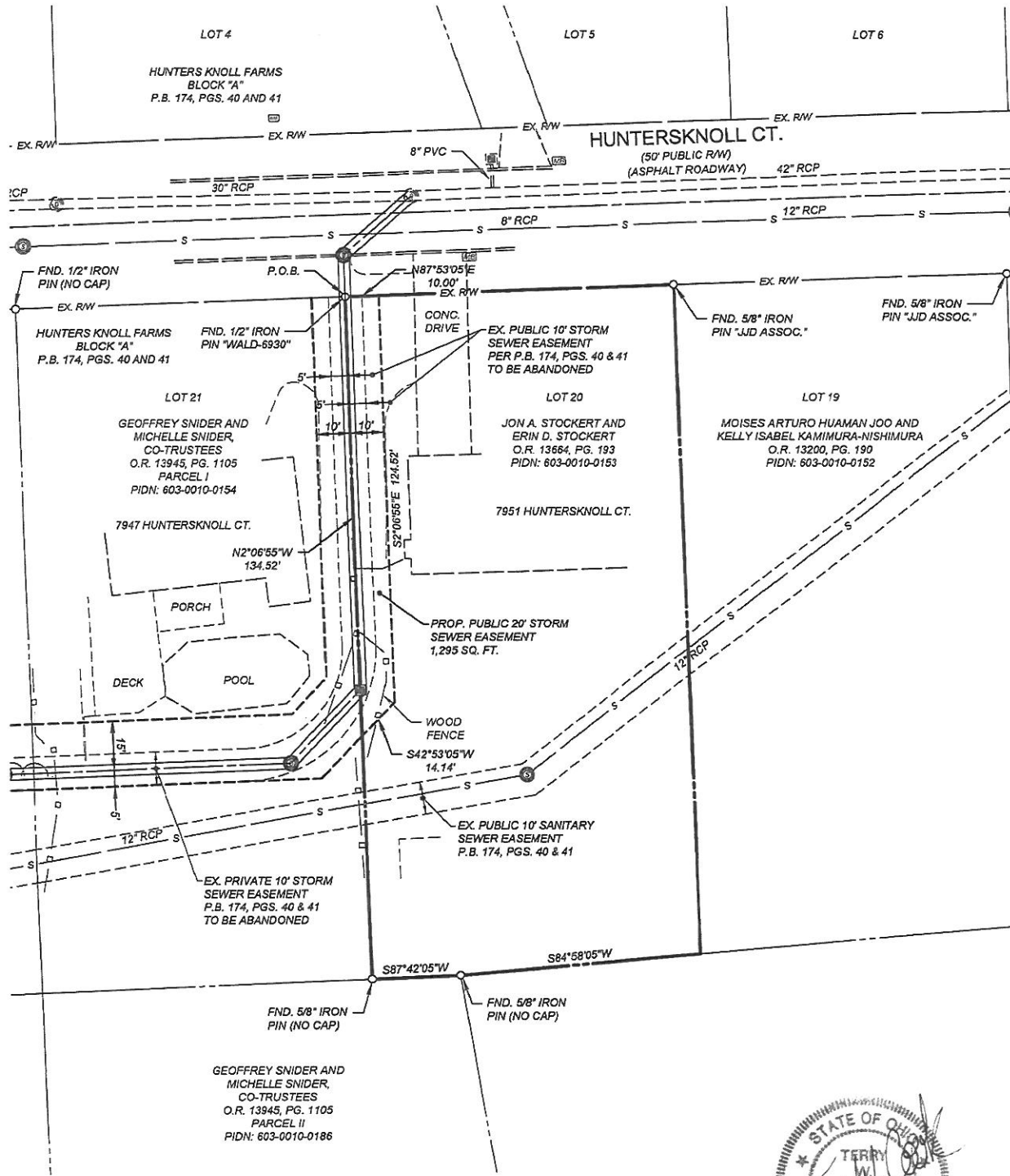
10350 Deerfield Road
Auditor's Parcel No.: 603-0010-0157:

Glenn Michael Sheehan

Linda L. Sheehan



NORTH AND BEARING SYSTEM
BASED ON NAD83 (2011) OHIO
STATE PLANE, SOUTH ZONE,
(3402) US SURVEY FOOT.



H:\2024\20240410_HUNTERSKNOLL CT. STORM SEWER EASEMENT EXHIBIT - LOT 20 - STOCKERT - 12.24.24.DWG (1) - TERRY COOK



ISSUED FOR:	
ISSUE DATE:	2/14/2024
SCALE:	1" = 30'
DESIGNED BY:	PMADL
DRAWN BY:	SPRA
CHECKED BY:	TCOOK

HUNTERSKNOLL CT. STORM SEWER
SECTION 4, TOWN 4, E.R. 1, B.T.M., SYCAMORE TOWNSHIP
CITY OF MONTGOMERY, HAMILTON COUNTY, OHIO

STORM SEWER EASEMENT EXHIBIT
STOCKERT - LOT 20

PROJECT NO.	220640
DRAWING	
SURVEY	
SHEET NAME	
EXHIBIT	
SHEET	OF
1	1

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

Michelle Snider Co-Trustee
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

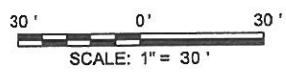
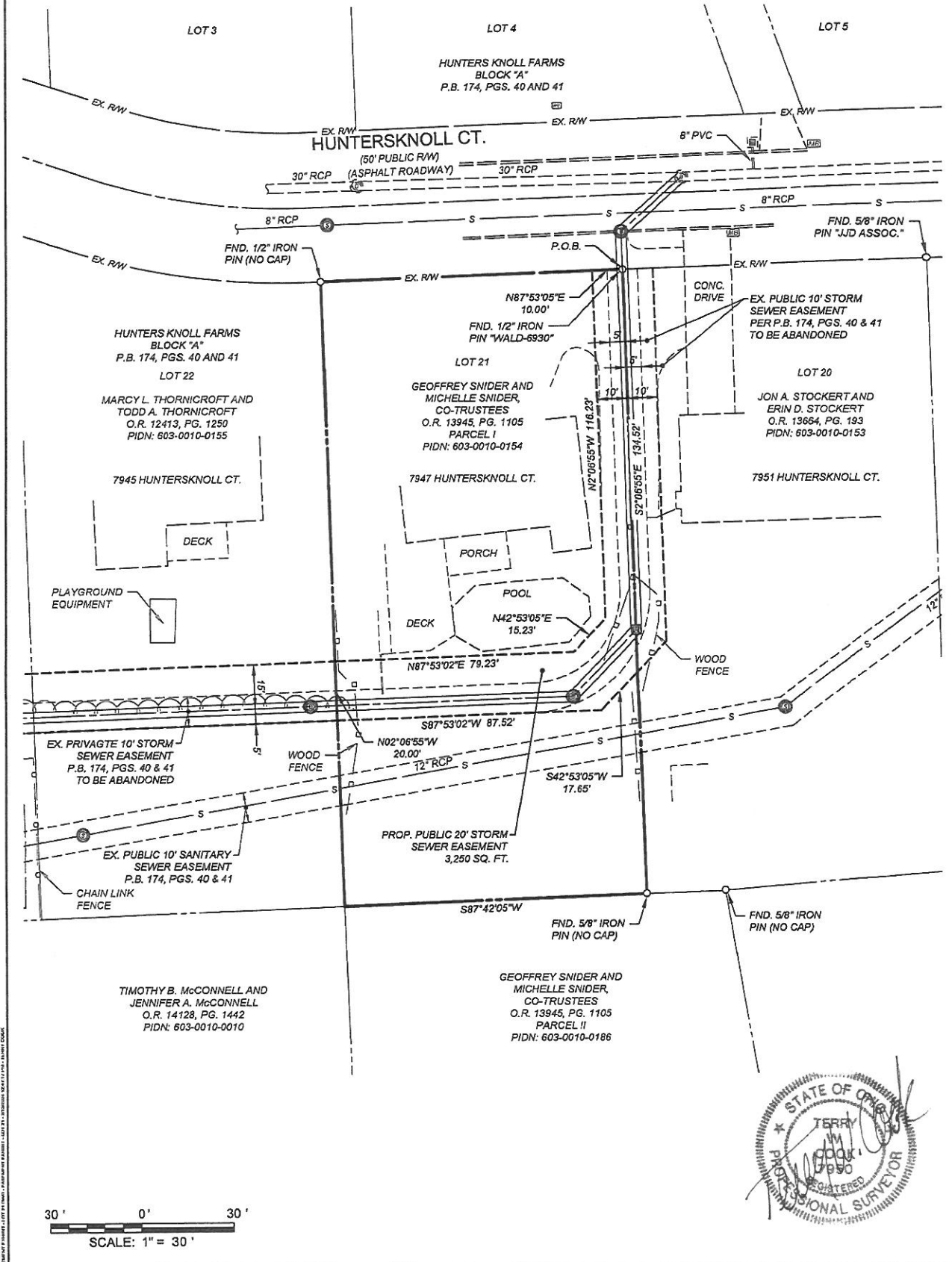
10350 Deerfield Road
Auditor's Parcel No.: 603-0010-0157:

Glenn Michael Sheehan

Linda L. Sheehan



NORTH AND BEARING SYSTEM
BASED ON NAD83 (2011) OHIO
STATE PLANE, SOUTH ZONE
(3402), US SURVEY FOOT.



<p>your trusted advisor consultants</p> <p>engineers architects planners</p>	ISSUED FOR: ISSUE DATE: 2/14/2024 SCALE: 1" = 30' DESIGNED BY: PMADL DRAWN BY: BFRM CHECKED BY: TCOOK	HUNTERSKNOLL CT. STORM SEWER SECTION 4, TOWN 4, E.R. 1, B.T.M., SYCAMORE TOWNSHIP CITY OF MONTGOMERY, HAMILTON COUNTY, OHIO STORM SEWER EASEMENT EXHIBIT SNIDER - LOT 21	PROJECT NO. 220640 DISCIPLINE SURVEY SHEET NAME EXHIBIT SHEET OF 1 1
--	--	---	---

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
Marcy L. Thornicroft

Todd A. 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

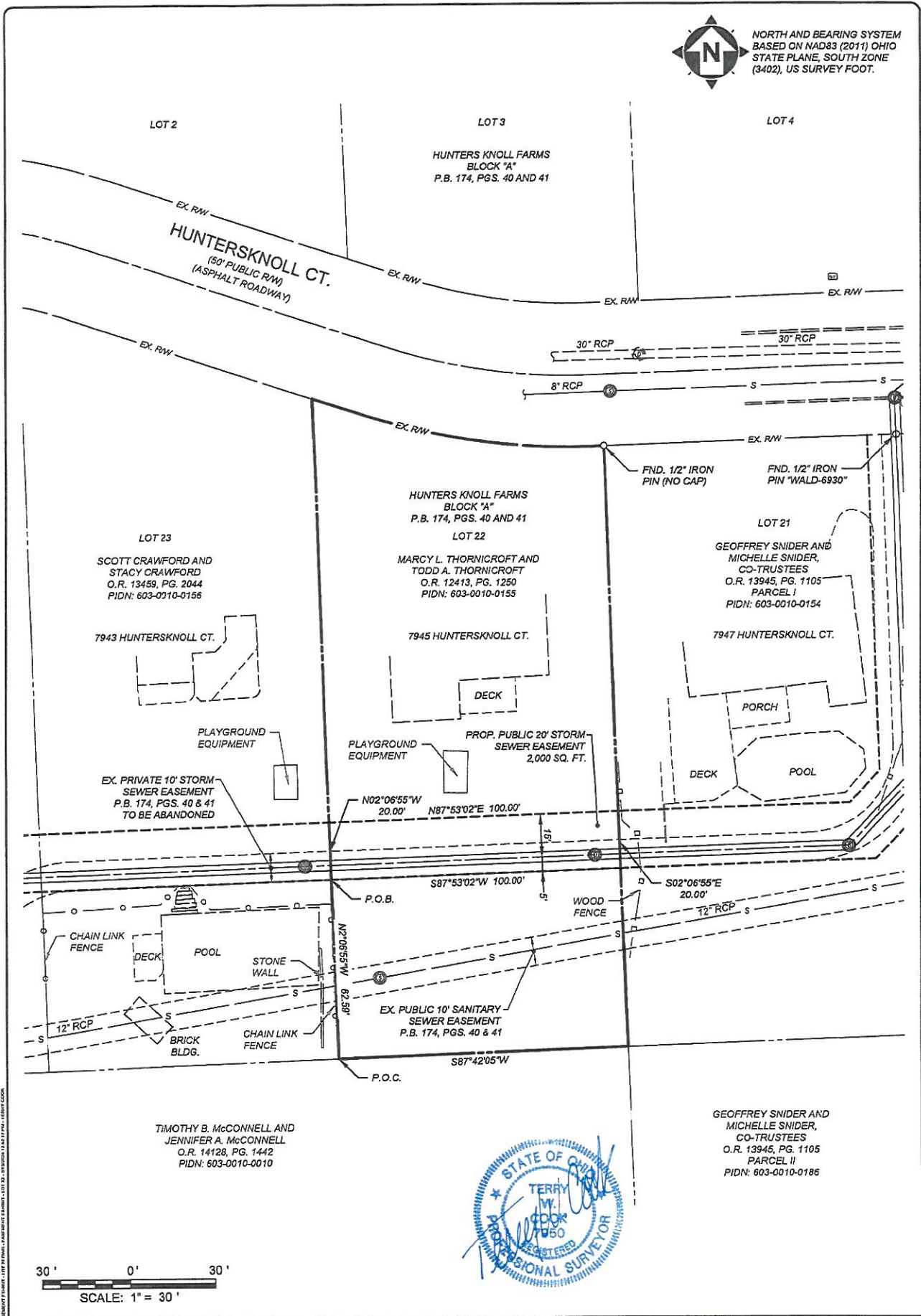
10350 Deerfield Road
Auditor's Parcel No.: 603-0010-0157:

Glenn Michael Sheehan

Linda L. Sheehan



NORTH AND BEARING SYSTEM
BASED ON NAD83 (2011) OHIO
STATE PLANE, SOUTH ZONE
(3402), US SURVEY FOOT.



30' 0' 30'
SCALE: 1" = 30'



TIMOTHY B. McCONNELL AND
JENNIFER A. McCONNELL
O.R. 14128, PG. 1442
PIDN: 603-0010-0010

GEOFFREY SNIDER AND
MICHELLE SNIDER,
CO-TRUSTEES
O.R. 13945, PG. 1105
PARCEL II
PIDN: 603-0010-0186

	ISSUED FOR:	HUNTERSKNOLL CT. STORM SEWER	PROJECT NO.	220640
	ISSUE DATE:	2/14/2024	SECTION 4, TOWN 4, E.R. 1, B.T.M., SYCAMORE TOWNSHIP	CITY OF MONTGOMERY, HAMILTON COUNTY, OHIO
	SCALE:	1" = 30'	DISCIPLINE	
	DESIGNED BY:	PHADL	SURVEY	
	DRAWN BY:	SFRA	SHEET NAME	
	CHECKED BY:	T.COOK	EXHIBIT	
			SHEET	OF
			1	1

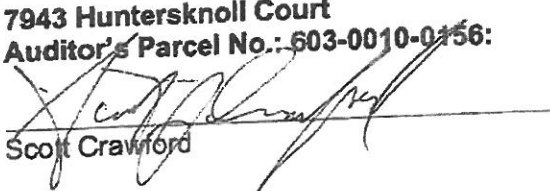
PETITION FOR ASSESSMENT

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.

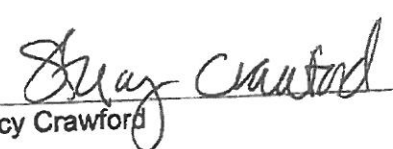
We understand and agree that if 100% of the homeowners in the impacted area sign and accept this Petition, the City will initiate the process for a Special Assessment consistent with Chapters 727 and 729. Without 100% acceptance, the City cannot complete the process.

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:

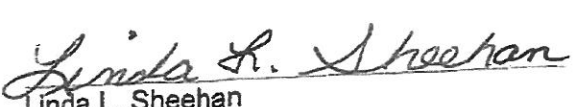
Jon A. Stockert

Erin D. Stockert

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



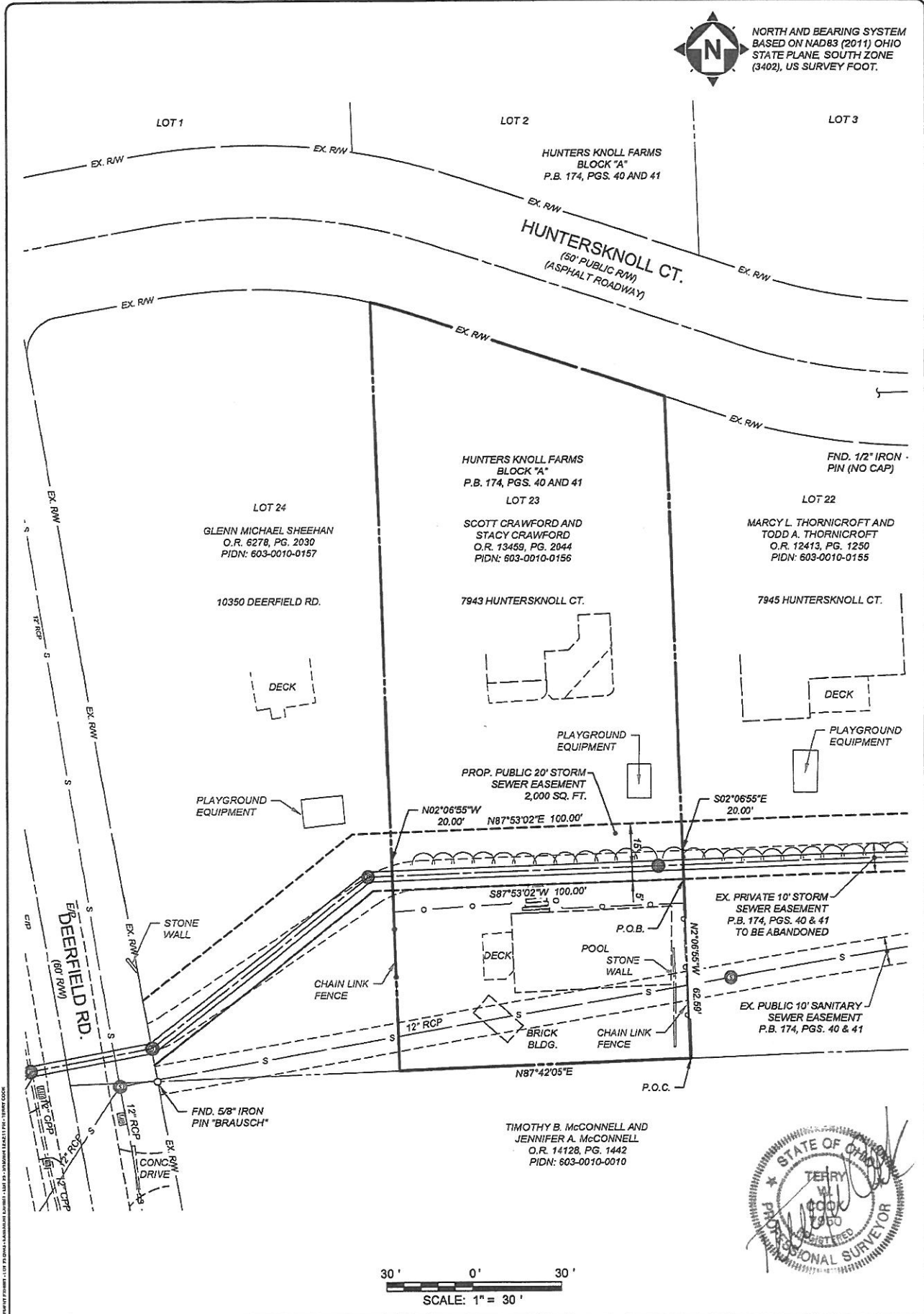
Glenn Michael Sheehan



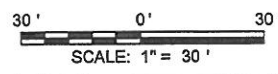
Linda L. Sheehan



NORTH AND BEARING SYSTEM
BASED ON NAD83 (2011) OHIO
STATE PLANE SOUTH ZONE
(3402), US SURVEY FOOT.



HUNTERS KNOLL FARMS BLOCK 'A' P.B. 174, PGS. 40 AND 41
 GLENN MICHAEL SHEEHAN O.R. 6278, PG. 2030
 SCOTT CRAWFORD AND STACY CRAWFORD O.R. 13459, PG. 2044
 MARCY L. THORNICROFT AND TODD A. THORNICROFT O.R. 12413, PG. 1250
 TIMOTHY B. MCCONNELL AND JENNIFER A. MCCONNELL O.R. 14128, PG. 1442



TIMOTHY B. MCCONNELL AND
JENNIFER A. MCCONNELL
O.R. 14128, PG. 1442
PIDN: 603-0010-0010



ISSUED FOR:	
ISSUE DATE:	3/14/2024
SCALE:	1" = 30'
DESIGNED BY:	PMADL
DRAWN BY:	SFRA
CHECKED BY:	TCOOK

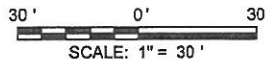
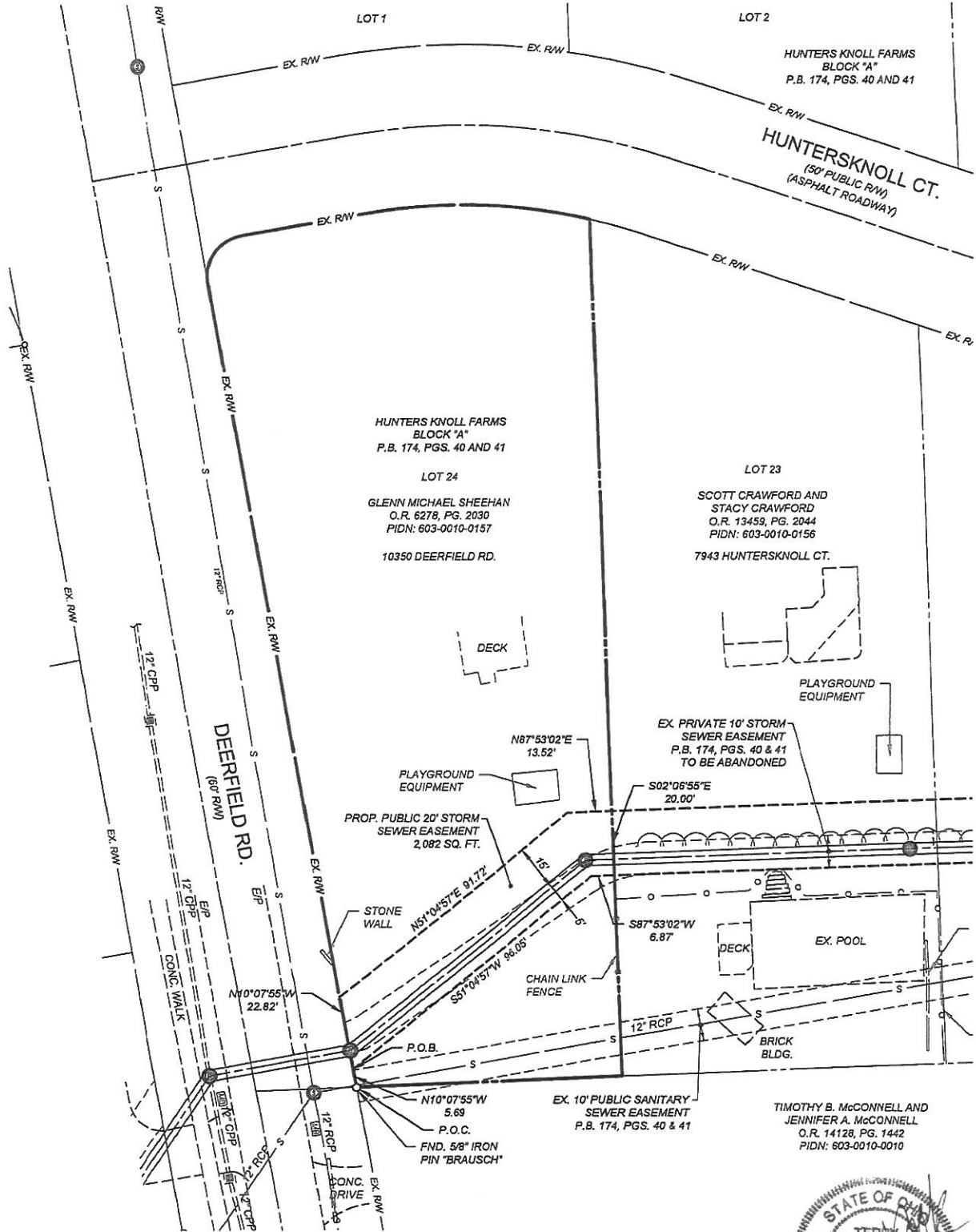
HUNTERSKNOLL CT. STORM SEWER
SECTION 4, TOWN 4, E.R. 1, B.T.M., SYCAMORE TOWNSHIP
CITY OF MONTGOMERY, HAMILTON COUNTY, OHIO

STORM SEWER EASEMENT EXHIBIT
CRAWFORD - LOT 23

PROJECT NO.		220640
DISCIPLINE		SURVEY
SHEET NAME		EXHIBIT
SHEET	OF	
1	1	



NORTH AND BEARING SYSTEM
 BASED ON NAD83 (2011) OHIO
 STATE PLANE, SOUTH ZONE
 (3402), US SURVEY FOOT.



11/20/2024 10:40 AM C:\Users\TJ\Desktop\Projects\2024\20240820\20240820\20240820.dwg



ISSUED FOR:	
ISSUE DATE:	01/16/2024
SCALE:	1" = 30'
DESIGNED BY:	PRACIL
DRAWN BY:	SPRA
CHECKED BY:	TCOOK

HUNTERSKNOLL CT. STORM SEWER
 SECTION 4, TOWN 4, E.R. 1, B.T.M., SYCAMORE TOWNSHIP
 CITY OF MONTGOMERY, HAMILTON COUNTY, OHIO

STORM SEWER EASEMENT EXHIBIT
 SHEEHAN - LOT 24

PROJECT NO.	220640
DISCIPLINE	SURVEY
SHEET NAME	EXHIBIT
SHEET	1
OF	1

TO: Mayor Ronald G. Messer
Members of City Council

FROM: Terrence M. Donnellon

RE: Repealing Ordinance 19, 1977

DATE: April 25, 2024

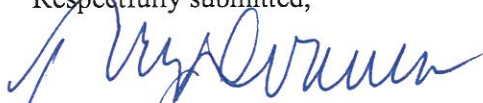
The City Administration received a public records request concerning the designation of the property at 10305 Montgomery Road as a Landmark in 1977. After further investigation to satisfy the records request, it was discovered that in 1977 the City, through City Council, designated 10305 Montgomery Road as a Landmark over the objections of the property owner. The property owner had just acquired the property prior to consideration as a Landmark and was not aware that the designation was up for consideration.

Over time, the City's Code has evolved to require the application by, or concurrence by, a property owner before a Landmark designation is placed upon a property. This was not the case in 1977. It was not a requirement, but appears to have been a suggestion. The City's Code and case law at that time may have supported Council's action, but case law since that time has evolved recognizing the need to balance the interest of the public versus the burden on a property owner. The City Administration has reviewed this history, the current Code standards and case law, and has suggested that Council take the steps to remove the designation at this time.

There is no process in place within the Code to remove a Landmark designation from a property. This does not mean Council should not take action today to recognize that a property owner's concurrence is a component in designating a Landmark. The National Historic Trust Fund, however, does recognize various standards for removing a Landmark including whether or not there was prejudicial error in the original designation. While this is not a national historic Landmark, Staff recognizes that it may be appropriate at this time to remove the designation from the property.

This case is distinguishable from many other cases in the community as the property owner who objected in 1977 is the same property owner today. Additionally, as noted above, the property owner acquired the property at 10305 Montgomery Road without any advanced knowledge that the property was under consideration to be designated as a Landmark. Based upon the evolution of case law and these unique set of facts, it is appropriate at this time to repeal Ordinance 19, 1977.

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 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 property owner 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 property owner 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 property owner, or an application by the property owner, before a Landmark may be designated; and

WHEREAS, consistent with evolving case law 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 property owner was the property owner in 1977 and the owner objects now, and has objected then, to its designation which the owner believes negatively impacts the use and value of the property; and

WHEREAS, the rules and regulations for the National Register of Historic Landmarks allows that if a prejudicial procedural error was made, a national historic Landmark may be decommissioned. While this is not a national historic Landmark, Council believes the history with this property justifies repealing Ordinance 19, 1977.

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

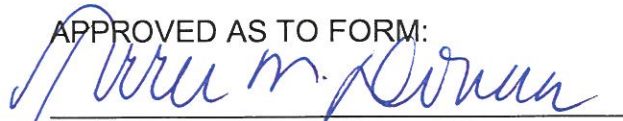
SECTION 1. Ordinance 19, 1977 is hereby repealed removing the Landmarks designation from the property at 10305 Montgomery Road, Montgomery, Ohio 45242, recognizing the unique circumstance that the current property owner acquired the property prior to its designation as a Landmark, the current property owner voiced their objections to the designation of the property as a Landmark at that time, the property owner remains the continuing owner of the property since its designation, the current Code requires the concurrence of the property owner to designate a Landmark, 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. Donnellon, Law Director

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.

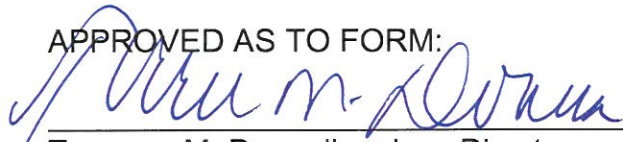
SECTION 5. This Ordinance shall take effect the earliest opportunity as allowable by law.

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 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 Work Session Minutes
April 17, 2024

Present

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

City Council Members Present

Ron Messer, Mayor
Lee Ann Bissmeyer
Craig Margolis
Catherine Mills-Reynolds
Ken Suer

Council Members Absent

Sasha Naiman, Vice Mayor
Chris Dobrozsi

City Council convened its Work Session for April 17, 2024 at 6:00 p.m. at City Hall with Mayor Messer presiding.

ROLL CALL

Mayor Messer asked for a roll call.

The roll was called reflecting the absence of Mr. Dobrozsi and Vice Mayor Naiman.

Mayor Messer asked for a motion to excuse Mr. Dobrozsi and Vice Mayor Naiman. Mr. Margolis made a motion to excuse Mr. Dobrozsi and Vice Mayor Naiman from the meeting. Mrs. Bissmeyer seconded. City Council unanimously agreed.

SPECIAL PRESENTATION

Mrs. Mills-Reynolds presented Ruth Richter with a Certificate of Appreciation as the 2023 Winter Seasons of Beauty Winners by the Beautification and Tree Commission.

Staff provided an update on the 2022-2026 Strategic Plan focusing on the progress of each goal from 2022 to current day as well as discussing what was to come throughout the remainder of 2024.

LEGISLATION FOR CONSIDERATION THIS EVENING

There was no legislation for consideration at the meeting.

ESTABLISHING AN AGENDA FOR MAY 1, 2024 BUSINESS SESSION

PENDING LEGISLATION

An Ordinance Establishing The Schedule Of Municipal Compensation For Employees

Mayor Messer explained that this would be the second reading of this Ordinance and asked if there were any updates.

Mr. Riblet replied there were none.

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 Council Work Session Minutes

April 17, 2024

Page 2

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

56

57 Mayor Messer explained that this would also be the second reading of this Ordinance and asked if there were any
58 updates.

59

60 Mr. Riblet replied there were none.

61

62 **NEW LEGISLATION**

63

64 **An Ordinance Providing For The Issuance Of Not To Exceed \$6,000,000 Of Notes By The City Of**
65 **Montgomery, Ohio, For The Purpose Of Making Public Infrastructure Improvements Within The City And**
66 **Declaring An Emergency**

67

68 Mayor Messer assigned the legislation to Mr. Suer.

69

70 Ms. Gray explained that, if approved, this legislation will authorize issuance of not to exceed \$6,000,000 Public
71 Infrastructure Improvements Limited Tax General Obligation Bond Anticipation Notes, Series 2020, 2024
72 Renewal. This was discussed at the April 1 Finance Committee of Council with a unanimous motion to pay down
73 a minimum of \$500,000 towards the BANs and flexibility to pay down more if it is in the City's best interest.

74

75 Ms. Gray provided background on the Note explaining that on June 23, 2020, the City issued \$7,500,000 Series
76 2020 Public Infrastructure Improvements General Obligation Bond Anticipation Notes. The City paid down
77 \$1,000,000 of principal and renewed the BANs on June 13, 2023 in an amount of \$6,500,000 with a final maturity
78 on June 12, 2024. The interest due on June 12, 2024, totals \$291,687.50. The short term borrow was used to fund
79 the construction of public improvements in the Montgomery Quarter development. These Notes can either be
80 converted to General Obligation Bonds in the coming years or continue to be rolled each year as Bond Anticipation
81 Notes. The current plan is to renew the BAN for one more year to mature in June 2025.

82

83 **A Resolution Authorizing A Grant Agreement With The Board Of County Commissioners, Hamilton**
84 **County, Ohio To Accept And Administer A Stormwater Infrastructure Grant**

85

86 Mayor Messer assigned the Resolution to Mr. Margolis.

87

88 Mr. Riblet explained that this Resolution, if approved, will allow the City of Montgomery to receive up to \$340,500
89 of funding through the Hamilton County "Stormwater Infrastructure Grant" program to assist with public
90 infrastructure components for the Huntersknoll Court Drainage Improvement Project. The grant is a reimbursable
91 grant, and it is anticipated work associated to allow us to submit for reimbursement will be completed in late 2024
92 or early 2025.

93

94 Mr. Riblet added that his grant award will assist with constructing the public infrastructure and improvements
95 associated with the Huntersknoll Court Drainage Improvement Project. Analysis and preparation of this project
96 began several years ago with portions of the project area located within a public drainage easement and portions
97 within private drainage easements providing an opportunity for the city to collaborate with individual homeowners
98 receiving their support to complete the project. It is anticipated that the Hamilton County Board of Commissioners
99 will vote on the approval of this grant at their regularly scheduled meeting on Thursday, April 18 beginning at
100 1:00 p.m.

101

102

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 Council Work Session Minutes

April 17, 2024

Page 3

103 Mr. Margolis stated that this project would be a tremendous relief to the residents who have been dealing with
104 flooding issues for years.

105

106 Mr. Suer stated that he was supportive of this project as he feels it is the biggest stormwater issue in the City at
107 this time.

108

109 Mrs. Mills-Reynolds stated her support for the project.

110

111 Mrs. Bissmeyer also supports the project as it is good for the residents.

112

113 Mayor Messer congratulated Mr. Riblet on his success in receiving grants for this projects and many others.

114

115 Mr. Riblet praised Mr. Heitkamp for his work on a very complex grant application. He added that the grant funds
116 were part of ARPA funds that could be issued by Hamilton County.

117

118 **A Resolution Of Necessity To Implement The Huntersknoll Court Stormwater Sewer Project And Special**
119 **Assessments**

120

121 Mayor Messer assigned the legislation to Mr. Margolis.

122

123 Mr. Donnellon explained that this is a companion piece to the previous Resolution. He explained that, if passed,
124 this would authorize the assessment of a portion of the Huntersknoll stormwater improvement costs to five property
125 owners on Huntersknoll Court. He explained that each property owner would be assessed 5% which equates to
126 \$6,000 each. He explained that the property owners have the choice to pay upfront or to have the fee assessed to
127 their taxes over a period of 20 years at 4% interest. Mr. Donnellon explained that Mr. Heitkamp was still working
128 with property owners to acquire signatures on the petition. He anticipated that to be completed prior to the May 1
129 Business Session.

130

131 **An Ordinance Repealing Ordinance 19, 1977 and Declaring an Emergency**

132

133 Mayor Messer assigned the legislation to Mrs. Bissmeyer.

134

135 Mr. Donnellon explained that staff received a public records request from the property owner at 10305
136 Montgomery Road, to reconsider the City's designation of the home as a City Landmark. They purchased the
137 property in early 1977. In researching Council's action in 1977, it was specifically noted that the property owners
138 objected to the designation as a Landmark. Over time the Code has evolved to require the application by or
139 concurrence by a property owner before a Landmark designation is placed upon the property.

140

141 The property owner has indicated that continuing to maintain the property is not only physical, but an economic
142 drain. Looking back through the records, mirroring the Landmarks Commission with the controls imposed for the
143 National Historic Trust Fund, a property may be removed as a Landmark designation if it were determined that
144 there was prejudicial error in nominating and approving the listing property. Based upon that federal regulation,
145 Council is acting now to remove the Landmarks designation from this property at 10305 Montgomery Road. The
146 property lies outside of the Historic District and the City has no identifiable public purpose to purchase the property
147 at its current asking price. Mr. Donnellon stated that weighing all of these factors, it is recommended that
148 Ordinance 19, 1977 be repealed as the best course of action to correct this issue.

149

150

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 Council Work Session Minutes

April 17, 2024

Page 4

151 City Council collectively expressed that while they do not like losing a landmark, they do feel this is the right thing
152 to do on behalf of the property owner.

153

154 **An Ordinance Enacting New Section 150.0206 Prohibiting Recreational Marijuana Businesses As A**
155 **Permitted Use Within The City Of Montgomery Zoning Code**

156

157 Mayor Messer assigned the legislation to Mrs. Bissmeyer.

158

159 Mr. Donnellon explained that, if approved, this legislation will advance the recommendation from the Planning
160 Commission to prohibit Adult Use Cannabis Operators as a permitted use within the City. The matter was studied
161 by the Planning Commission, Council held a Public Hearing, and consistent with Chapter 3780 of the Revised
162 Code the City is opting out of the various uses from manufacturing to dispensing as a permitted zoning use within
163 the community.

164

165 Mr. Donnellon added that when Issue 2 was adopted in the November 2023 election, the resulting Chapter 3780
166 of the Ohio Revised Code, specifically under § 3780.25, reserved to the local communities the right to regulate
167 Adult-Use Cannabis Operators within the jurisdictions. This power under Home Rule allows the City to either
168 regulate or prohibit Adult Use Cannabis operations as a permitted use within the City. Previously, the City passed
169 a restriction against Medical Marijuana Dispensaries, and this expands that ban consistent with Ohio law to prohibit
170 Adult-Use Cannabis Operators throughout the City. This would not impact the rights reserved to residents under
171 Ohio law to grow a restricted number of cannabis plants on their property. This restriction would still be managed
172 by the State of Ohio.

173

174 Mrs. Mills-Reynolds stated that she supports following the advice of the Planning Commission.

175

176 Mrs. Bissmeyer stated that she felt if Council were to approve the dispensing of marijuana, it should be for
177 medicinal use.

178

179 **ADMINISTRATION REPORT**

180

181 Mr. Riblet reported the following items:

182

183 • A Council Business Session is scheduled for Wednesday, May 1 at 6:00 p.m.

184

185 • As a reminder, the first round of Board and Commission Chair Updates will begin on Wednesday, May 1
186 beginning at 5:00 p.m.

187

188 ○ 5:00 – Mary Jo Byrnes – BZA

189 ○ 5:15 – Marcallene Shockey- Sister Cities

190 ○ 5:30 – Dennis Hirotsu – Planning Commission

191 ○ 5:45 – Aaron Kellenberger- Beautification & Tree

192

193 • At this time, it is anticipated that the Law and Safety and Financial Planning Committees will have agenda
194 items for the May 6 Committee meetings. The Planning, Zoning and Landmarks Committee is not
195 anticipated to have any agenda items. An update will be provided at the May 1 Business Session for all
196 Committee meetings.

197

198

199

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 Council Work Session Minutes

April 17, 2024

Page 5

- 200
- Thank you to everyone involved in our 2nd Annual Mental Health Fair and our host Twin Lakes. It was a tremendous success.
- 201
- 202
- Thanks to everyone involved with the Solar Eclipse Watch Party at Weller Park. We estimated between 300-400 people in attendance, and it was a great event. There was also good attendance at the MQ Park.
- 203
- 204
- 205
- The Beautification and Tree Commission completed the annual Hanging Basket planting project Tuesday, April 16 at the Public Works Departments with a total of 27 volunteers pitching in to plant 400 baskets.
- 206
- 207
- 208
- The used Street Sign Sale was also a big success. Of the first batch of 121 signs, we have sold 88 signs. \$2,200 has been collected so far.
- 209
- 210
- 211
- Officer Paul Payne will be officially retiring effective June 1, 2024. Plans are underway for his retirement party, stay tuned for details.
- 212
- 213
- 214
- A contract was signed with Hydro-Klean LLC in the amount of \$43,250 to complete the 2024 Corrugated Metal Pipe Repair Program which includes the lining of two 24” pipes at 7441 and 7511 Cornell Road.
- 215
- 216
- 217

Human Resources

- 218
- Terrence Zellars will begin his employment with us on Monday, April 29 as a Firefighter/Paramedic. Terrence comes to us from Colerain Township and fills the final opening within the Fire Department.
- 219
- 220
- 221
- 222

Events

- 223
- As a reminder, the annual Volunteer Dinner is next Wednesday, April 24 beginning at 6:30 p.m. at Montgomery Inn.
- 224
- The Arts Commission is hosting the first-ever Montgomery Food Tour on Saturday, April 27. There are 2 tour groups with 15 people each. One tour will begin at 1:00 and the second one at 3:00 pm. Restaurants participating include: Forno, Taglio, Bru Burger, Livery, Napa Kitchen, Montgomery Inn, Euro Café and MPH. Arts Commission Chair, Greg Leader will lead the tour and provide a bit of history along the way.
- 225
- 226
- 227
- 228
- 229
- 230
- 231
- 232

LAW DIRECTOR REPORT

233

234

235

Mr. Donnellon reported that he had no additional report outside of the legislation already discussed.

236

CITY COUNCIL REPORTS

Mrs. Bissmeyer

237

238

239

240

241

242

Mrs. Bissmeyer commented on the Mental Health Fair and thanked staff for spending their Saturday morning to conduct the Fair. She stated that it was a good resource for the residents.

243

244

245

Mrs. Bissmeyer stated that she attended the Eclipse Celebration at the MQ and commented on how well it was attended.

246

247

248

Mrs. Bissmeyer participated in the basket planting event and stated that it was a well ran operation.

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 Council Work Session Minutes

April 17, 2024

Page 6

249 **Mrs. Mills-Reynolds**

250

251 Mrs. Mills-Reynolds stated that she also attended the Mental Health Fair, along with her children. She stated that
252 she didn't feel it would be an event inviting of children but found that it was and that they enjoyed the therapy cat
253 from Pet Partners.

254

255 Mrs. Mills-Reynolds attended the Solar Eclipse Party at Weller Park and praised staff for hosting a very fun event.

256

257 Mrs. Mills-Reynolds reported the following:

258

259 • She participated in a presentation at a Sycamore Advisory Council meeting focused on Work Force
260 Development. She stated that as part of this presentation she learned that out of a large majority of
261 Sycamore students that go to college, 40 % of those students do not finish. She stated that reasons for this
262 include finances, mental health conditions, and choices in majors.

263

264 • The Parks and Recreation Committee is conducting interviews for the vacancy on the Parks and Recreation
265 Commission.

266

267 • The Beautification and Tree Commission held a B & T Talk on Rain Gardens.

268

269 **Mr. Dobrozsi**

270

271 Mr. Riblet reported on behalf of Mr. Dobrozsi who had a planned vacation on items discussed at a recent
272 Government Affairs Meeting:

273

274 • Proposed modifications to the Board and Commission guidelines for those interested in applying.
275 City Council discussed the recommendations. Mr. Margolis moved to approve the recommended
276 changes. Mrs. Mills-Reynolds seconded. City Council unanimously agreed.

277

278 • There were five qualified applicants for the Service to Community Grant that were recommended
279 to each receive a portion of the \$5,000 grant.

280

281 • Updates were approved for the Hopewell Cemetery Internal Policy.

282

283 • Government Affairs supported the concept of Co-Branding with Montgomery Businesses.

284

285 **Vice Mayor Naiman**

286

287 No report

288

289 **Mr. Suer**

290

291 Mr. Suer stated that the sale of the street signs was more popular than anticipated and asked Mr. Heitkamp how
292 long the process would take to replace all the street signs.

293

294 Mr. Heitkamp stated that public works staff have divided the streets into zones that they inventory in order to place
295 orders for the signs. He explained that this does take time and is a project that is done as time permits. He stated
296 that it would take a couple of years to get through all the streets in the City. He added that he will work with staff
297 to provide an update on the process on the website.

298

299 **Mr. Margolis**

300

301 Mr. Margolis stated how well the Mental Health Fair went.

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 Council Work Session Minutes

April 17, 2024

Page 7

299

300 Mr. Margolis reported on the following items:

301

- 302 • The EAC partnered with Hamilton County to host a ReUse presentation.
- 303 • Staff and the EAC are working on an opportunity for possibly collecting organics.
- 304 • He attended a Hamilton County Municipal League (HCML) meeting that was a joint meeting for Cities and
305 Townships. He stated that the following topics were discussed.
 - 306 ○ Recreational Marijuana-There is a moratorium in most communities.
 - 307 ○ Senator Blessing is working on readjusting property taxes in a revenue neutral manner.
 - 308 ○ Representative Seitz is focused on workforce development, urging prior convictions to be sealed.

309 **Mayor Messer**

310

311 Mayor Messer also expressed his appreciation of the Mental Health Fair.

312

313 Mayor Messer rode along with both the Fire and Police Departments on separate occasions the prior week and
314 expressed how professional the staff were during their interactions in every situation.

315

316 Mr. Messer attended a ceremony for Sgt. Kenny Bertz who was named as 1st Responder of the Month for his actions
317 during a SWAT event.

318

319 Mayor Messer added to Mr. Margolis's comments regarding the HCML meeting. He stated that what was alarming
320 is how little State legislatures really knew about the new law. He added that Rep. Seitz also made everyone aware
321 of the energy usage in the State. He explained that as demand is going up, supply is going down and by 2027 the
322 State could see a critical gap in providing energy. Rep. Seitz stated that there may be an increase in natural gas
323 production in order to close the gap.

324

325 **MINUTES**

326

327 Mr. Margolis moved to accept the April 3, 2024 Public Hearing and Business Session minutes as written. Mrs.
328 Bissmeyer seconded. City Council unanimously agreed.

329

330 **ADJOURNMENT**

331

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

334

335 Mr. Margolis moved to adjourn. Mrs. Bissmeyer seconded. City Council unanimously agreed.

336

337 City Council adjourned at 7:47 p.m.

338

339

340

341

342

Connie Gaylor, Clerk of Council