

City of Montgomery
City Council Business Session Minutes
May 2, 2018

Present

Brian Riblet, City Manager
Terry Donnellon, Law Director
John Crowell, Police Chief
Gary Heitkamp, Assistant Public Works Director
Tracy Roblero, Community Development Director
Katie Smiddy, Finance Director
Matthew Vanderhorst, Community and Information Services Director
Paul Wright, Fire Chief
Faith Lynch, Community Engagement Coordinator
Connie Gaylor, Clerk of Council

City Council Members Present

Chris Dobrozsi, Mayor
Lynda Roesch, Vice Mayor
Lee Ann Bissmeyer
Mike Cappel
Gerri Harbison
Craig Margolis
Ken Suer

City Council convened in Council Chambers at 7:00 p.m. for the Business Session with Mayor Dobrozsi presiding.

ROLL CALL

Mayor Dobrozsi asked for a motion to dispense with the roll call since everyone was in attendance.

Mr. Margolis moved to dispense with the roll call. Mr. Cappel seconded. City Council unanimously agreed.

SPECIAL PRESENTATIONS

Jeff Barger along with members of his family were present for his swearing-in as a new Patrol Officer for the City. Assistant Police Chief Greg Vonden Benken gave a brief introduction regarding Patrol Officer Barger prior to Mr. Riblet formally swearing him in as the city's newest patrol officer.

Vice Mayor Roesch presented Mrs. Jodi Keith with a Certificate of Appreciation for her contributions to the City as a long-standing member of the Beautification and Tree Commission and in recognition of her retirement from the Commission.

Mrs. Harbison congratulated Jim DeJoy with Sycamore Junior High School, as a grant recipient of this year's Service to the Community Grant. Mrs. Harbison explained that the award in the amount of \$500 would be used by Mr. DeJoy to help support the school groups efforts in their Making a Difference Day project. She indicated that Sycamore Junior High students along with school staff and parents will be performing lawn work for elderly residents who are not capable of doing so themselves.

Mr. DeJoy thanked the City for the award of the grant money. He stated that this would help to purchase supplies needed such as lawn bags, rakes, and leaf blowers.

Mrs. Harbison also congratulated Elaine Hipps with Operation Give Back as a grant recipient of this year's Service to the Community Grant. Mrs. Harbison explained that the award in the amount of \$2,250 will be used by Operation Give Back to support their WeTHRIVE! Food Bundle project. The WeTHRIVE! Food Bundle project will benefit 50 Montgomery residents in August, October and December of 2018. The bundles will contain fresh fruit, fresh produce, healthy snacks, healthy cooking recipe cards and healthy eating fact sheets. Mrs. Harbison stated that staff and Council were excited to see this application as it supports the City's commitment to the WeTHRIVE! Chronic Disease Pathway.

Ms. Hipps thanked City Council for the grant award and stated that it is very important in continuing the efforts of Operation Give Back as the food pantry they operate serves approximately 75 families a month.

57 **LEGISLATION FOR CONSIDERATION TONIGHT**

58
59 **Pending Legislation**

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61 An Ordinance Establishing the Schedule of Municipal Compensation for Employees

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63 Mr. Suer moved passage of the second reading of the Ordinance. Mr. Margolis seconded. City Council unanimously
64 agreed.

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66 Mr. Suer explained that information has been previously supplied on this Ordinance that, if approved, will establish
67 a new Schedule of Municipal Compensation for non-bargaining unit employees. It is necessary to establish a new
68 Schedule of Municipal Compensation as the current Schedule does not specify any wage rate adjustments for July
69 2018 or beyond.

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71 Mr. Suer asked if there were any updates.

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73 Mr. Riblet replied that there were no updates.

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75 The roll was called and showed the following vote:

76
77 AYE: Cappel, Bissmeyer, Harbison, Dobrozi, Roesch, Suer, Margolis (7)
78 NAY: (0)
79 ABSENT: (0)

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81 **New Legislation**

82
83 A Resolution Recognizing the Month of May 2018 as National Historic Preservation Month in the City of
84 Montgomery

85
86 Mrs. Bissmeyer moved to read the Resolution by title only. Mr. Cappel seconded. City Council unanimously agreed.

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88 Mrs. Bissmeyer read the Resolution by title only and moved for passage. Mr. Cappel seconded.

89
90 Mrs. Bissmeyer explained that information has been previously supplied on this Resolution that, if approved, will
91 recognize the month of May as National Historic Preservation Month in the City of Montgomery.

92
93 Mr. Steve Silverman, 7504 Golf Green Drive- Asked City Council what activities were planned to recognize this
94 event.

95
96 Mayor Dobrozi explained that this Resolution was drafted to bring awareness of the National recognition of
97 National Historic Preservation Month and that there were no specific events. He explained that the recognition of
98 the landmark buildings is done throughout the year at various City events such as Bastille Day, Harvest Moon
99 Festival and during the Montgomery Citizens Leadership Academy.

100
101 The roll was called and showed the following vote:

102
103 AYE: Bissmeyer, Harbison, Dobrozi, Roesch, Suer, Margolis, Cappel (7)
104 NAY: (0)
105 ABSENT: (0)

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107
108 A Resolution Accepting a Bid and Authorizing the City Manager to enter into a Contract with the John R. Jurgensen
109 Company for the 2018 Street Resurfacing Program

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111 Mr. Cappel moved to read the Resolution by title only. Mr. Margolis seconded. City Council unanimously agreed.

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Mr. Cappel read the title and moved for passage of the Resolution. Mrs. Bissmeyer seconded.

Mr. Cappel explained that, if approved, this Resolution will authorize the City Manager to enter into a contract with John R. Jurgensen Company for the annual Street Resurfacing Program. This year's 2018 Street Resurfacing Program includes resurfacing 2.30 centerline miles of roadways. The street resurfacing program is programmed in the 2018 Capital Improvement Program 410-261-5470 account in the amount of \$850,000 with the remaining amount of \$194,935.57 being reimbursed by Greater Cincinnati Water Works. It is requested that this project be approved for funding in the amount of \$1,044,935.57 to complete the Base Bid. The amount of the recommendation includes \$68,360.27 in project contingency funding or approximately 7% of the bid amount.

Mr. Cappel asked if there were any updates.

Mr. Heitkamp replied there were none.

Mr. Silverman asked what the process of the bidding was and how many people submitted bids.

Mr. Heitkamp explained the bid process and that the City will typically award to the lowest and best bid. He added that there were three companies that submitted bids. They were: John R. Jurgensen, Rack and Ballauer and Barrett Paving.

The roll was called and showed the following vote:

AYE: Harbison, Dobrozsi, Roesch, Suer, Margolis, Cappel, Bissmeyer	(7)
NAY:	(0)
ABSENT:	(0)

An Ordinance Enacting New Section 150.0205, Medical Marijuana, of the City of Montgomery Zoning Code

Mr. Margolis moved to read the Ordinance by title only. Vice Mayor Roesch seconded. City Council unanimously agreed.

Mr. Margolis read the title and moved for passage of the first reading. Mr. Cappel seconded.

Mr. Margolis explained that, if approved, this Ordinance will enact a ban on the cultivation, processing, distribution or retail dispensing of medical marijuana in the City of Montgomery. This Ordinance, when enacted, will amend our Zoning Code to designate these uses as prohibited within the City. The Administrative Staff and Planning Commission carefully studied this issue over the last several months and concluded that there would be no negative impact upon the delivery of medical services within the community by enacting this ban. This ban continues the interim controls which have been in place for more than a year.

The roll was called and showed the following vote:

AYE: Dobrozsi, Roesch, Suer, Margolis, Cappel, Bissmeyer, Harbison	(7)
NAY:	(0)
ABSENT:	(0)

An Ordinance Amending the Land Usage Code to Enact New Regulations for the Old Montgomery Gateway District

Mr. Margolis moved to read the Ordinance by title only. Mr. Cappel seconded. City Council unanimously agreed.

Mr. Margolis read the title and moved for passage of the first reading. Mr. Cappel seconded.

166 Mr. Margolis explained that, if approved, this Ordinance will amend the Land Usage Code to enact new Regulations
167 for the Old Montgomery Gateway District. In 2006 after a comprehensive study with outside planning consultants,
168 the City did enact preliminary guidelines for development of the Old Montgomery Gateway District. It was always
169 anticipated that these guidelines would be further shaped to help the City realize its goal to redevelop the Gateway
170 Area. These regulations, recommended by the Planning Commission after hearings over several months with
171 detailed input from Staff, will update the Old Montgomery Gateway District guidelines to ensure orderly
172 development of the Gateway Redevelopment Area project and to assure its development as a complement to our
173 Historic District.

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175 Mayor Dobrozi asked if there were any updates.

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177 Ms. Roblero replied there were none.

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179 Mr. Silverman asked if the Gateway District is part of the Heritage District and if there was a fence code in the
180 Gateway District.

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182 Ms. Roblero explained that the Gateway District is not part of the Heritage District. She explained that the Gateway
183 District is from the Point Park located at the fork of Main Street and Montgomery Road to Ronald Reagan Highway.
184 She noted that properties north of this area are in the Heritage District. She explained that the fence code was
185 changed through the Landmark and Planning Commissions for the Heritage District because it matched the
186 aesthetics of the buildings during their original construction period. She stated that the Planning Commission does
187 not allow for the front yard fencing in neighborhoods because of the difference in the districts.

188
189 Mr. Silverman asked if the fencing code applied to both the Heritage District and Old Montgomery Gateway District.

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191 Ms. Roblero stated that the fencing code in the Heritage District was different.

192
193 Mr. Silverman asked if there were residential properties in the Heritage District and what the code for fencing was
194 in the Old Montgomery Gateway District.

195
196 Mrs. Roblero stated that the Old Montgomery Gateway District is a commercial district.

197
198 Mr. Donnellon stated that he believes there is a scheduled meeting between Mr. Silverman and staff and that these
199 questions will be better asked at that meeting.

200
201 The roll was called and showed the following vote:

202
203 AYE: Roesch, Suer, Margolis, Cappel, Bissmeyer, Harbison, Dobrozi (7)
204 NAY: (0)
205 ABSENT: (0)

206
207 An Ordinance Amending Chapter 151.30 of the Code of Ordinances Regulating Signs

208
209 Mr. Margolis moved to read the Ordinance by title only. Vice Mayor Roesch seconded. City Council unanimously
210 agreed.

211
212 Mr. Margolis read the title and moved for passage of the first reading. Mr. Cappel seconded.

213
214 Mr. Margolis explained that, if approved, this Ordinance will update the Montgomery Sign Code to bring the Code
215 into compliance with Reed v. Town of Gilbert, Arizona, a case decided by the U.S. Supreme Court in 2015. The
216 amendments to the Sign Code were prepared in cooperation with the Miami Valley Risk Management Association,
217 our insurance carrier, to provide a defensible Code consistent with the law. This is a comprehensive rewrite of our
218 Code, particularly as it concerns temporary signs and how we must protect residents' First Amendment freedoms
219 in regulating temporary signs.

220

221 Mr. Margolis asked if there were any changes.

222
223 Mr. Donnellon stated there were none.

224
225 Mr. Silverman asked what language was changed in the Code by the Supreme Court.

226
227 Mr. Donnellon stated that the Supreme Court expanded the First Amendment freedoms concerning what is permitted
228 in regulatory temporary signs.

229
230 The roll was called and showed the following vote:

231
232 AYE: Suer, Margolis, Cappel, Bissmeyer, Harbison, Dobrozsi, Roesch (7)
233 NAY: (0)
234 ABSENT: (0)

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236 **ADMINISTRATION REPORT**

237
238 Mr. Riblet gave the following report:

- 239
- 240 • City Council Work Session is scheduled for May 23, 2018 at 7:00 p.m.
 - 241
 - 242 • The Law and Safety, Financial Planning and Planning, Zoning and Landmarks Committees of Council have
243 cancelled their meetings for the month of May.
 - 244
 - 245 • The Government Affairs Committee is scheduled to meet on Monday, May 14 at 2:00 p.m. to hear
246 presentations on the Brand and Image request for proposals. It is anticipated that this meeting will last until
247 approximately 4:30 p.m. The Parks and Recreation and Public Works Committees have cancelled their
248 meetings for the month of May.
 - 249
 - 250 • Prior to the City Council Work Session, Staff would like to request the Public Hearing to begin at 6:45 to
251 consider the request from Montgomery Presbyterian Church for the Expansion of a Conditional Use Permit
252 for the installation of Bocce Ball Courts and from the City of Montgomery, Public Works Department also
253 for an Expansion of a Conditional Use of a Greenhouse to be installed at the Public Works Facility.
 - 254
 - 255 • As a reminder, the following Boards and Commission Chair Updates have been scheduled for prior to the
256 Work Session at:
 - 257
 - 258 ○ 6:00- Marcallene Shockey- (Sister Cities)
 - 259 ○ 6:15- Mary Jo Byrnes (BZA)
 - 260 ○ 6:30- Mark Laskovics (EAC)
 - 261
 - 262 • On Saturday, April 28, Officers participated in the DEA Drug Take Back Day. Over 90 pounds of
263 prescription medicines were turned in over a four-hour period. In addition, over 220 pounds of prescription
264 medications have been turned in to the drug take back box in the lobby of the Safety Center.
 - 265
 - 266 • On Tuesday afternoon Brian Riblet, Terry Donnellon and Katie Smiddy met with members of Traditions
267 Group to discuss contract details and invoicing requirements for the Vintage Club North development. The
268 team reviewed site plans, the anticipated phasing plan and project criteria for the north and south
269 improvements.
 - 270
 - 271 • Sunesis Construction began preparation work this past Monday, April 30, on the Pfeiffer Road bridge
272 replacement project. On Thursday, May 3, they will be implementing Phase 1 of the maintenance of traffic
273 plan, which shifts the lanes to the south half of the road and closes the north half, allowing them to work on
274 the north half of the bridge. This may result in some traffic delays during the traffic pattern transition.

275 Phase 1 construction consists of primarily removing and replacing the north half of the bridge beams and
276 deck, and is expected to take 3 weeks. A crane will be necessary when they set the new bridge beams,
277 which will also cause a day of traffic delays as west and east bound traffic will have to alternate. An update
278 on the status of Phase 1 and anticipated schedule for Phase 2 will be provided as work progresses.

- 279
- 280 • An agreement was approved this week with Cincinnati Bell in the amount of \$12,600 for internet services.
 - 281
 - 282 • After three rounds of interviews, Nick Miller from our Public Works Department has been selected to fill
283 the position vacated by Jesse Bundy. Thank you to the interview panel of Gary Heitkamp, Tracy Roblero,
284 Terry Willenbrink, Julie Prickett and Mark Stagge.
 - 285

286 Mr. Riblet requested an Executive Session to discuss matters related to security.

287

288 APPROVAL OF MINUTES

289

290 Mr. Cappel moved to approve the April 18, 2018 Work Session and April 18, 2018 Public Hearing minutes as
291 amended. Mrs. Bissmeyer seconded. City Council unanimously agreed.

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293 MAYOR'S COURT

294

295 Mayor Dobrozi stated that the Mayors Court report for the month of April would not be ready until the May 23,
296 Work Session for approval of disbursement.

297

298 OTHER BUSINESS

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300 Mr. Margolis reported that he attended the Quarterly Emergency Management Agency (EMA) meeting where they
301 discussed the Alert Hamilton County program and disbursed informational pamphlets to all Council Members. He
302 stated other topics discussed during this meeting were the Disaster Declaration from the Federal Government and
303 the continued work on the Hamilton County Mitigation Plan that focuses on prevention and preparation.

304

305 Mr. Silverman relayed his ongoing concern for how to contact emergency services. He stated that on January 1,
306 2018 over 1,000 Duke Energy customers were without service because someone hit a telephone pole. He stated he
307 was concerned about the shut-in's and that there was not a specific contact in whom he could call to speak to. He
308 stated he called the Fire Department and was told they knew nothing about it. He wanted to know who the single
309 point of contact from the City would be in these types of emergencies.

310

311 Chief Wright instructed him to call 911 because all calls would be routed to the appropriate police and fire
312 departments by the Hamilton County dispatch.

313

314 Mrs. Harbison stated that at the last Chamber of Commerce Board meeting it was reported that 1,774 visitors had
315 viewed the chamber website.

316

317 Mrs. Harbison thanked everyone who attended the First Suburbs meeting and recognized the City's Human
318 Resource Manager, Julie Prickett for her presentation on the City's Health Care Benefits Team on how the team
319 annually quotes out its health insurance package. She stated that many of the people in attendance were impressed
320 with the City's employee driven team approach to obtaining the best quotes possible for all employees.

321

322 Mayor Dobrozi thanked the Police Department for their involvement in making the Sycamore High School prom
323 a safe and fun event.

324

325 Mayor Dobrozi stated that as Mr. Riblet had requested an Executive Session that he would need a motion to adjourn
326 into Executive Session for matters related to security.

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328 Mr. Margolis moved to adjourn into Executive Session for matters related to security. Mr. Cappel seconded.

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The roll was called:

AYE: Cappel, Bissmeyer, Harbison, Dobrozsi, Roesch, Suer, Margolis	(7)
NAY:	(0)
ABSENT:	(0)

City Council adjourned into Executive Session at 8:04 p.m.

City Council reconvened into Public Session at 8:38 p.m.

Mr. Riblet asked City Council if they would be available to hold an Executive Session for matters related to Economic Development on May 23 and May 30, 2018.


City Council discussed the availability of each member.

Mr. Riblet stated that he would look at the upcoming schedule and get back with City Council with other options.

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

Mr. Margolis moved to adjourn. Mr. Cappel seconded. City Council unanimously agreed.

City Council adjourned at 8:50 p.m.



Connie Gaylor, Clerk of Council