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2 City of Montgomery
3 City Council Business Session Minutes
4 June 6, 2018

5 Present

6 Brian Riblet, City Manager
7 Terry Donnellon, Law Director
8 John Crowell, Police Chief
9 Gary Heitkamp, Assistant Public Works Director
10 Tracy Roblero, Community Development Director
11 Katie Smiddy, Finance Director
12 Matthew Vanderhorst, Community and Information Services Director
13 Paul Wright, Fire Chief
14 Faith Lynch, Community Engagement Coordinator
15 Frank Davis, Special Projects Coordinator
16 Connie Gaylor, Clerk of Council
17 Kathi Ranford, Customer Service Representative

City Council Members Present

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

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

20
21 ROLL CALL

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

24
25 Mr. Margolis moved to dispense with the roll call. Mr. Cappel seconded. City Council unanimously agreed.

26
27 LEGISLATION FOR CONSIDERATION TONIGHT

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29 Pending Legislation

30
31 **An Ordinance Establishing the Schedule of Municipal Compensation for Employees**

32
33 Mr. Suer moved passage of the Ordinance. Mr. Margolis seconded. City Council unanimously agreed.

34
35 Mr. Suer explained that information has been previously supplied on this Ordinance that, if approved, will establish
36 a new Schedule of Municipal Compensation for non-bargaining unit employees. It is necessary to establish a new
37 Schedule of Municipal Compensation as the current Schedule does not specify any wage rate adjustments for July
38 2018 or beyond.

39
40 Mr. Suer asked if there were any updates.

41
42 Mr. Riblet replied that there were no updates.

43
44 The roll was called and showed the following vote:

45
46 AYE: Cappel, Bissmeyer, Harbison, Dobrozsi, Roesch, Suer, Margolis (7)
47 NAY: (0)
48 ABSENT: (0)

49
50 **An Ordinance Enacting New Section 150.0205, Medical Marijuana, of the City of Montgomery Zoning Code**

51
52 Mr. Margolis moved for passage of the second reading. Mr. Cappel seconded. City Council unanimously agreed.

53
54 Mr. Margolis explained that, if approved, this Ordinance will enact a ban on the cultivation, processing, distribution
55 or retail dispensing of medical marijuana in the City of Montgomery. This Ordinance, when enacted, will amend
56 our Zoning Code to designate these uses as prohibited within the City. The Administrative Staff and Planning
57 Commission carefully studied this issue over the last several months and concluded that there would be no negative

58 impact upon the delivery of medical services within the community by enacting this ban. This ban continues the
59 interim controls which have been in place for more than a year.

60

61 The roll was called and showed the following vote:

62

63 AYE: Bissmeyer, Harbison, Dobrozsi, Roesch, Suer, Margolis, Cappel (7)

64 NAY: (0)

65 ABSENT: (0)

66

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

69

70 Mr. Margolis moved for passage of the second reading. Mr. Cappel seconded. City Council unanimously agreed.

71

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

80

81 Mr. Margolis stated that at the May 23, Work Session, Ms. Roblero shared feedback from the Landmarks
82 Commission regarding the allowance of a wood composite window in the Old Montgomery Gateway District as
83 well as their objection to the use of halo lighting in the same district. He explained that based on previous
84 discussions at he Work Session, he would like to request a motion to accept the recommendations of the Landmarks
85 Commission and staff and to revise the Land Usage Code for the Old Montgomery Gateway District to allow for
86 the use of composite materials for windows. He stated that this motion was to only accept the changes to the window
87 material.

88

89 Mr. Margolis asked Ms. Roblero the status of the halo lighting.

90

91 Ms. Roblero replied that staff concurs with the Planning Commission's recommendation of allowing the halo
92 lighting in the Old Montgomery Gateway District which is consistent with the Ordinance amendment.

93

94 Mrs. Harbison made a motion to approve all amendments to the Land Usage Code to enact new regulations to the
95 Old Montgomery Gateway District. Mr. Cappel seconded. City Council unanimously agreed.

96

97 Mr. Margolis stated that now he would need a motion to approve the second reading of this Ordinance as amended.

98 Mr. Cappel seconded.

99

100 The roll was called and showed the following vote:

101

102 AYE: Harbison, Dobrozsi, Roesch, Suer, Margolis, Cappel, Bissmeyer (7)

103 NAY: (0)

104 ABSENT: (0)

105

106 **An Ordinance Amending Chapter 151.30 of the Code of Ordinances Regulating Signs**

107

108 Mr. Margolis moved for passage of the second reading. Mr. Cappel seconded. City Council unanimously agreed.

109

110 Mr. Margolis explained that, if approved, this Ordinance will update the Montgomery Sign Code to bring the Code
111 into compliance with Reed v. Town of Gilbert, Arizona, a case decided by the U.S. Supreme Court in 2015. The
112 amendments to the Sign Code were prepared in cooperation with the Miami Valley Risk Management Association,

113 our insurance carrier, to provide a defensible Code consistent with the law. This is a comprehensive rewrite of our
114 Code, particularly as it concerns temporary signs and how we must protect residents' First Amendment freedoms
115 in regulating temporary signs.

116
117 Mr. Margolis asked if there were any changes.

118
119 Mr. Donnellon stated there were none.

120
121 The roll was called and showed the following vote:

122
123 AYE: Dobrozsi, Roesch, Suer, Margolis, Cappel, Bissmeyer, Harbison (7)

124 NAY: (0)

125 ABSENT: (0)

126

127 **New Legislation**

128

129 **A Resolution Authorizing the City Manager to Contract with Frost Brown Todd, LLC to Provide Special**
130 **Counsel Services**

131

132 Mrs. Harbison moved to read the Resolution by title only. Mr. Cappel seconded. City Council unanimously agreed.

133

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

135

136 Mrs. Harbison explained that information has been previously supplied on this Resolution that, if approved, will
137 authorize the City Manager to enter into a contract with Frost Brown Todd, LLC to provide special legal services
138 for labor negotiations/labor relations/human resource functions. In 2004, the City contracted with Frost Brown
139 Todd, LLC to provide legal services for the negotiations of a contract with the International Association of Fire
140 Fighters (IAFF). Since that time, the City has used the services of Frost Brown Todd, LLC in negotiations with the
141 Fraternal Order of Police (FOP) and in the negotiation of collective bargaining agreements with the American
142 Federation of State, County and Municipal Employees (AFSCME), as well as the IAFF bargaining units. The work
143 of Frost Brown Todd, LLC has been invaluable in labor negotiations/relations efforts, and it is important that the
144 City maintain this relationship as the City continues it labor and employee relations into the future.

145

146 Mrs. Harbison asked if there were any updates.

147

148 Mr. Riblet replied there were none.

149

150 The roll was called and showed the following vote:

151

152 AYE: Roesch, Suer, Margolis, Cappel, Bissmeyer, Harbison, Dobrozsi (7)

153 NAY: (0)

154 ABSENT: (0)

155

156 Mayor Dobrozsi stated that he was recusing himself from the following two pieces of legislation for discussion and
157 vote due to possible business conflicts in the future.

158

159 Vice Mayor Roesch stepped in and called for Mr. Suer to proceed with the next piece of legislation.

160

161 **A Resolution Authorizing a Design-Build Construction Contract with Traditions VC Developer, LLC for**
162 **The Vintage Club-North Site**

163

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

165

166 Mr. Suer read the title and moved for passage of the Resolution. Mr. Margolis seconded.

167

168 Mr. Suer explained that information has been previously supplied on this Resolution that, if approved, will authorize
169 a Design-Build/Guaranteed Maximum Price Contract with Traditions VC Developer, LLC to complete Public
170 Improvements at the Vintage Club-North site. Staff has worked closely with the contractors and their design
171 engineers over the last several months to identify the Public Improvements, to cost such Public Improvements, and
172 to match such cost to the proceeds to be received from the Special Revenue Bonds to be issued to support such
173 construction. These bonds have separately been authorized and are projected to be paid in a timely manner over the
174 life of the bonds. The bonds are separately secured with pledges from the Developer to meet Minimum Debt Service
175 requirements.

176
177 Mr. Suer asked if there were any updates.

178
179 Mr. Donnellon stated that he is working with the developer to finalize the language in the contract now. He stated
180 that the work would be done in three phases, with most being done next year.

181
182 Gary Gross, 7943 Shelldale Way- Mr. Gross asked if the TIF funds would cover all bond obligations. Is there any
183 extra liability due to taxpayers.

184
185 Mr. Donnellon stated that the TIF funds would cover the entire construction and if there is a shortfall the
186 responsibility falls to the developer. The City would expend none of their general fund monies.

187
188 Gary Gross stated that he thought the Christ Hospital building had responsibility that fell to the taxpayer.

189
190 Mr. Donnellon stated that the bonds for Christ Hospital were handled in the same way and that there was no liability
191 passed onto the City or the taxpayers. He explained that the Christ Hospital Parking Garage has been great and the
192 City is building up excess already. There have been no minimum debt service payments that the developer has had
193 to make since it came online so quickly.

194
195 Vice Mayor Roesch asked if there were any further questions.

196
197 There being none the roll was called and showed the following vote:

198
199 AYE: Suer, Margolis, Cappel, Bissmeyer, Harbison, Roesch (6)
200 NAY: (0)
201 ABSTAIN: Dobrozsi (1)

202
203 **An Ordinance Rezoning a Portion of Montgomery Road North of Hopewell Road to The Residential C Single**
204 **and Two-Family District with A Planned Development Overlay**

205
206 Mr. Margolis moved to read the Ordinance by title only. Mr. Cappel seconded. City Council unanimously agreed.

207
208 Mr. Margolis read the title and moved for passage of the first reading. Mr. Suer seconded.

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210
211 Mr. Margolis explained that information has been previously supplied on this Ordinance that, if approved, will
212 accept the recommendation of the Planning Commission to rezone multiple parcels along Montgomery Road north
213 of Hopewell Road from Single Family Residential 'A' to the Single Family Residential 'C' District. This Ordinance
214 also approves a Planned Development Overlay with certain conditions and exceptions as recommended by the
215 Planning Commission, and approves the General Development Plan as submitted by the applicant, the Robert Lucke
216 Group, Inc. This Ordinance will only take effect if approved at three successive readings and then thirty days after
217 final approval.

218
219 Mr. Margolis stated that if the Ordinance is approved for a first reading, he would like to make a separate motion to
220 ask the Planning Commission to further study expanding the District to include the residential properties along the
221 east side of Montgomery Road from Hopewell to the Groves and along the west side from Deerfield to Pfeiffer.

223 Mr. Donnellon explained the motion process to the audience for clarification.

224

225 Mr. Margolis explained that at the May 23 Work Session, information was provided that indicated that this area has
226 unique characteristics such as: speed, separated traffic patterns and a day care business. He explained that there has
227 been no attempt to redevelop this area. He stated that the Comprehensive Plan provides the framework to develop
228 consistent policies and he felt the policy is supportive of high quality and low-density housing. He stated that the
229 City will evaluate the properties in this district that are restricting growth. He also clarified that there has been
230 speculation that since some staff members do not live in Montgomery that they are not invested in the serious
231 considerations that go along with this type of a change. He stated that it isn't the case as it is under the direction of
232 City Council and the Planning Commission that staff executes the decisions and policies made by them.

233

234 Mrs. Harbison stated that she is still debating her decision as she has concerns about the zoning and having different
235 properties on the ends that look different.

236

237 Mr. Suer stated that he likes the product that the developer has suggested. He feels that it does appear there is a
238 demand for this type of a product for residents who want to move into a single floor plan. He also added that the
239 existing properties have been long term rentals and the owners have not always maintained the property to the high
240 standards that the City and residents expect. He feels like it would be wise to have the Planning Commission
241 examine the larger area. He states that although expectations by a majority is to keep things the same as they have
242 always been, the reality is that conditions and needs change. He stated that there is a time to introduce new concepts
243 but to try to retain the spirit of the City.

244

245 Vice Mayor Roesch stated that she felt there were many pluses to consider regarding this project.

246

247 Mr. Cappel said he felt the project would be great for the community.

248

249 Mrs. Bissmeyer stated that she thought a review of the Comprehensive Plan would be good.

250

251 Mr. Gross stated that the City Council needs to work strategically to have a long-term plan in place. He stated that
252 change must happen, but it must be controlled.

253

254 Scott Lucke, Robert Lucke Group-Mr. Lucke stated that everything that is being said makes sense. He stated that
255 this is an opportunity for the City to look at other parcels to see if there is an opportunity to offer a change to the
256 entire area. He supports moving forward with a good comprehensive plan.

257

258 Vice Mayor Roesch restated the process of motions and voting.

259

260 Mr. Margolis made a motion to ask the Planning Commission to move forward with performing a feasibility study.

261

262 Mrs. Bissmeyer seconded. City Council unanimously agreed.

263

264 Mr. Donnellon stated that this motion will take into consideration the expansion of the entire area. He explained
265 this would direct the Planning Commission to look at the 'C' district and the current single-family residence 'A' to
266 determine values.

266

267 Mrs. Harbison asked when the Planning Commission would start to consider this motion.

268

269 Ms. Roblero stated that she anticipates July.

270

271 Richard Davis, 9850 Zig Zag Road- Mr. Davis asked what the definition of "entire area" included.

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273 Mr. Donnellon replied it is the properties from Deerfield Road to Pfeiffer on the west side and Hopewell Road to
274 the Groves on the east side.

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276 Barb Giblin, 10305 Montgomery Road- Ms. Giblin asked if that included homes on the west side of the road by the
277 Forestglen subdivision.

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Mr. Donnellon stated it would not as the cemetery separates those homes from this area.

The roll was called and showed the following vote:

AYE: Margolis, Cappel, Bissmeyer, Harbison, Roesch, Suer	(6)
NAY:	(0)
ABSTAIN: Dobrozsi	(1)

ADMINISTRATION REPORT

Mr. Riblet gave the following report:

- City Council Work Session is scheduled for June 20, 2018 at 7:00 p.m.
- The Government Affairs Committee is scheduled to meet on Monday, June 11 at 3:30 p.m. The Parks and Recreation and Public Works Committees of Council have cancelled their meetings for the month of June.
- Prior to the June 20 City Council Work Session, staff would like to request a Public Hearing to be held at 6:15 p.m. on the proposed 2019 Tax Budget.
- Prior to the Public Hearing a CIC Meeting is requested to be held at 6:30 to consider an application for a Historic Matching Grant from DuPriest Enterprises for replacement of siding on the Sycamore Messenger building at 9429 Shelly Lane.
- As a reminder, Benny Miles with the Civil Service Commission will provide a Boards and Commission Chair Update at 6:45 p.m.
- Mr. Riblet recently signed an agreement with Sycamore Community in support of their Crisis Intervention partnership with Student Support Services in the amount of \$10,500. This contract contributes to the funding of these services performed by Jeff Thamman who provides student and family intervention during crisis situations as well as emotional, behavioral and academic support. This agreement will run from July 1, 2018 until June 30, 2019.
- Mr. Riblet signed a contract for "4MyBenefits". This software will create several efficiencies in the Finance Department saving money, time and improve our compliance efforts. This online benefits and HR platform will enable us to electronically enroll and manage benefits, eliminating all the paper and manual entry and allow employees to review and make selections on line. There are additional benefits of this software including reports for our annual ACA reporting and integrated COBRA administration. The cost for year one, includes set up fees total \$ 3,315.00. Subsequent years it will cost \$2,815 annually.
- The application deadline for Public Works Supervisor and Service Worker I positions was Friday, June 1. This week Gary Heitkamp, Terry Willenbrink and Julie Prickett reviewed 63 applications for Service Worker I position and 25 applications for Public Works Supervisor position. Interview teams will be assembled and interview processes for both positions will begin in the upcoming weeks.
- On Friday, Council members Harbison and Bissmeyer along with Tracy and myself will be attending the Ohio Municipal League Regional Conference Series in Mason. Some of the topics being presented will include: Home Rule, Open Records, Public Nuisances and Social Media.

Mr. Riblet requested an Executive Session to discuss matters related to economic development.

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APPROVAL OF MINUTES

Mr. Margolis moved to approve the May 18 Special Session, May 23 Public Hearing, and May 23 Work Session minutes as amended. Ms. Roesch seconded. City Council unanimously agreed.

MAYOR'S COURT

Mayor Dobrozsi reported that the total Mayor's Court collections for the month of May 2018 were \$16, 615.

Mr. Cappel moved to accept the Mayor's Court collections for the month of May 2018. Mrs. Bissmeyer seconded. City Council unanimously accepted the collections.

OTHER BUSINESS

Mr. Donnellon explained that there needs to be a Motion to acknowledge City Council's review and approval of the Vintage Club Phase II Special Obligation Revenue Preliminary Official Statement. He explained that it was required that Council receive a copy, review it, and authorize it before the bonds could be issued.

Ms. Brenda Wehmer of Dinsmore serves as the City's Bond Counsel. Ms. Wehmer explained that city information that is presented in the Official Statement is reviewed and used by investors to determine if they want to purchase the bonds so it is in Councils best interest to review and relay needed corrections or updates. Ms. Wehmer also relayed that the requirement to read, review and authorize the document is a SEC requirement. She relayed that she anticipates having the rating issued on June 7, 2018.

Mr. Suer made a motion to acknowledge City Council's review and approval of the Vintage Club Phase II Special Obligation Revenue Preliminary Official Statement. Mr. Cappel seconded.

A voice vote was called and resulted in the following:

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| AYE: Cappel, Bissmeyer, Harbison, Roesch, Suer, Margolis | (6) |
| NAY: | (0) |
| ABSTAIN: Dobrozsi | (1) |

Mrs. Bissmeyer stated that at the Law and Safety Committee meeting held on June 4, that the Committee made a motion to approve the following requests:

- A request by the Police Department to add a Canine Unit. She explained that Officer Alex Janszen conducted a considerable amount of research to adding a Canine Unit. She explained that the cost of the dog would be covered by the Haverkamp Foundation and they anticipate the cost of the training would be covered by Tri-Health. She stated that after discussion the Committee voted to approve the budgeting of needed funds in the 2019 budget and the recommendation made by Police Chief Crowell.
- A request by Fire Chief Paul Wright and Assistant Fire Chief Ben Shapiro to approve the addition of a full-time fire fighter this year. She explained that with the passage of the fire levy it was approved to hire six full-time positions in 2019, however as Chief Wright explained there is increasing difficulty to cover all shifts due to a lack of part-time staff. She added that the current eligibility list will expire on August and there are qualified personnel on the list that are interested in hiring. Mrs. Bissmeyer explained that Chief Wright explained that it would not require additional money as their current payroll budgeted for part-time staff can cover the costs for this year.

Mayor Dobrozsi stated that he would be out of town from June 15 through June 23 and appointed Vice Mayor Roesch as Acting Mayor during that time.

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386 Mayor Dobrozi also acknowledged that the City has been named as #1 Top Community in the region to live by
387 Cincy Magazine. He credited staff, City Council and volunteers for making the City a great place to live.

388

389 Mr. Margolis moved to adjourn into Executive Session for matters related to Economic Development. Mr. Cappel
390 seconded.

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392 The roll was called:

393

394 AYE: Cappel, Bissmeyer, Harbison, Dobrozi, Roesch, Suer, Margolis (7)

395 NAY: (0)

396 ABSENT: (0)

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398 City Council adjourned into Executive Session at 7:55 p.m.

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400 City Council reconvened into Public Session at 10:03 p.m.

401

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

404

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

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407

408 City Council adjourned at 10:03 p.m.

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411



Connie Gaylor, Clerk of Council