

City of Montgomery  
City Council Work Session Minutes  
September 18, 2019

Present

Brian Riblet, City Manager  
Terry Donnellon, Law Director  
John Crowell, Police Chief  
Gary Heitkamp, Public Works Director  
Tracy Roblero, Asst. City Manager/Acting Comm. Dev. Dir.  
Paul Wright, Fire Chief  
Faith Lynch, Community Engagement Coordinator  
Connie Gaylor, Clerk of Council

City Council Members Present

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

City Council Members Absent

Chris Dobrozsi, Mayor

City Council convened in Council Chambers for the Work Session at 6:55 p.m. with Vice Mayor Roesch presiding.

**ROLL CALL**

Vice Mayor Roesch stated that Mayor Dobrozsi had previously notified City Council that he would be attending a work meeting and asked for a motion to excuse him from the meeting.

Mr. Margolis moved to excuse Mayor Dobrozsi's absence. Mr. Cappel seconded. City Council unanimously agreed.

The roll was called and showed the following vote:

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

**GUESTS AND RESIDENTS**

Steve Silverman, 7504 Golf Green Drive-Mr. Silverman stated to Mr. Donnellon, regarding the transfer of the Montgomery Quarter to the Community Improvement Corporation, if the City obtained approval from the Hamilton County Auditor to waive the appraisal of the property.

Mr. Donnellon replied that the Hamilton County Auditor would not be required to approve the transfer of the property from the City to the CIC. He explained that it is an internal contract between the City and the CIC dating back 35 years ago.

Mr. Silverman stated that there is a property tax implication and that is why there are appraisals for when a property is sold.

Mr. Donnellon explained that there is a formal appraisal performed when you sell a property and that at that time the County will impose the sale value. He stated that the CIC will be paying a transaction tax based upon the Auditor's values of the property.

Mr. Silverman thanked Mr. Donnellon for his explanation.

**LEGISLATION FOR CONSIDERATION TONIGHT**

**A Resolution Amending Resolution No. 34, 2017 Authorizing A Reimbursement Agreement to Purchase Certain Design and Engineering Services for The Development of The Gateway Redevelopment Area Project Now Known as The Montgomery Quarter**

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

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

Mr. Suer explained that information has been previously supplied on this Resolution that, if approved, would amend Resolution No. 34, 2017 Authorizing A Reimbursement Agreement to Purchase Certain Design and Engineering Services for The Development of The Gateway Redevelopment Area Project Now Known as The Montgomery Quarter. In October 2017, Council authorized a Reimbursement Agreement with the Development Team for The Montgomery Quarter Project. The Reimbursement Agreement was to fund the City's portion of Criteria Drawings necessary to shape the project and ultimately the public improvements for the project. At that time the Agreement was authorized with an entity identified as Gateway Partners, LLC. The Development Team was in the process of formally organizing themselves as Gateway Development Partners, LLC, and this Resolution corrects the prior Resolution, so we have a good audit trail for the authorized payments.

The roll was called and showed the following vote:

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

**A Resolution Authorizing an Assignment Agreement Between the City of Montgomery, Ohio, The Montgomery Community Improvement Corporation, And Certain Development Partners Within the Entity Now Known as Gateway Development Partners, LLC**

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

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

Mr. Margolis explained that information has been previously supplied on this Resolution that, if approved, would authorize the City Manager, in cooperation with the Montgomery CIC, to redefine the Development Team for The Montgomery Quarter Project. Brandicorp, which has been a part of the Team since the beginning, will lead a new Team of Developers to complete the residential and commercial components of the project. This Assignment Agreement resolves the role of the former partners in the Gateway development partnership. As a part of this transition, the City is purchasing engineering and design work which the City has been using to design and ultimately bid public improvements on the project site.

Steve Silverman, 7504 Golf Green Drive-Mr. Silverman stated that since the development project began in 2006 there has been significant churn within the Development Team.

Mr. Donnellon corrected Mr. Silverman in that the Team was not selected until 2015.

Mr. Silverman stated that since that time partners have left.

Mr. Donnellon stated that there has been changes due to the different partners, market interests, and pending development projects. He explained that as the project unfolded, and the housing market has changed that the residential developers self-selected out to pursue other projects.

Mr. Silverman asked why not all of the names of the other partners were stated.

Mr. Donnellon replied that the City is not contracting individually with all of the individual companies, only with Montgomery Gateway Partners. He stated that agreements with the others would fall under Montgomery Gateway Partners to administer.

The roll was called and showed the following vote:

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

**An Ordinance Authorizing A Development Agreement for The Development of The Montgomery Quarter Project**

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

Mr. Margolis moved for suspension of the rules to waive the requirement of three separate readings.

Mr. Cappel asked Mr. Donnellon to explain why we are moving for suspension of the rules.

Mr. Donnellon replied that at this time bond financing market is very volatile and by suspending the rules the City would be able to take advantage of lower rates and issuing bonds before the end of the year. Mr. Donnellon added that we are not requesting to pass this Ordinance with emergency language and that there would still be a 30-day period until it takes effect.

Mr. Cappel seconded the motion to suspend the rules.

The roll was called and showed the following vote:

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

Mr. Margolis moved for passage of the Ordinance. Mr. Cappel seconded.

Mr. Margolis explained that information has been previously supplied on this Ordinance that, if approved, would authorize the City Manager to enter into a Preferred Development agreement with Montgomery Gateway Partners, LLC. The City Administration has been negotiating with the partnership over the past several years to shape The Montgomery Quarter Project, particularly the financial structure to make this project a success. The Development Agreement defines the Developer's responsibility for the project, including their commitment for private improvements, and it further defines the City's responsibility to construct public improvements, including those public improvements to be funded by TIF Bonds. The Agreement contains placeholders for Stage 2 of the project.

Mr. Donnellon explained that we are reading this as an Ordinance because it involves creating and transferring real estate rights. He explained that to be consistent with other legislation, such as the Jolain Drive easements, we are doing this as an Ordinance.

Steve Silverman, 7504 Golf Green Drive-Mr. Silverman stated that he read the entire Development Agreement and for Phase I we are going to sell \$15.5M in bonds, Phase II we are going to sell \$16M in bonds. He stated that he met with Brian Riblet who explained that the City is not going to use those bond monies to do any public works until we have an agreement with Gateway Development Partners for the construction, which we don't have at this point. He asked that once the bonds were sold, where will the money sit until we have the detailed agreements.

Mr. Donnellon replied that when the City issues special revenue or TIF bonds, we are required to place them into a separate account which was authorized several months ago. He explained that the City will also reaffirm in our Service Agreement that those monies have to be held by the Trustee, and may only be used for the purposes of construction or related statutory improvements which are authorized. He explained that the money will sit in that account and be expended over time. He stated that there are certain IRS requirements as to the percentage that must be expended in a certain period of time after the bonds are issued so the City doesn't get into arbitrage issues and that staff will work with Fifth Third on those requirements.

Mr. Silverman asked if the bonds would be issued before the end of the year.

Mr. Donnellon replied that the City might issue short term notes, bond anticipation notes or special revenue bonds. He stated that we want to have the flexibility based upon what our underwriters recommend to us.

Mr. Silverman asked who would pay the interest.

Mr. Donnellon replied when the bonds are issued there are four years of capitalized interest. That interest is spread out over the entire bond issue. The bonds are paid for by the real estate tax payments which are now payments in lieu of taxes. As a new value comes on board in the private development it creates a stream of revenue to pay back those bonds.

The roll was called and showed the following vote:

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

**An Ordinance Approving and Authorizing the Transfer of Real Property Acquired for Economic Development Purposes to the Montgomery Community Improvement Corporation**

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

Mr. Margolis moved for suspension of the rules to waive the requirement of three separate readings. Mr. Cappel seconded.

The roll was called and showed the following vote:

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

Mr. Margolis moved for passage. Mr. Cappel seconded.

Mr. Margolis explained that information has been previously supplied on this Ordinance that, if approved, will transfer the Montgomery Quarter property acquired by the City for economic development to the Montgomery Community Improvement Corporation to facilitate development in the southern gateway to the City. The MCIC is the City's economic development agent. The MCIC in partnership with the City and the private developer will develop the site to create jobs and revitalize this underutilized area. A large portion of the site acquired by the City will be retained to support infrastructure improvements. Any proceeds the MCIC receives from the sale of the land after deducting certain allowable expenses incurred by the MCIC will be returned to the City and will be confirmed in a transfer agreement.

Mr. Donnellon explained that this legislation is a companion piece to the Development Agreement legislation and in order to pass and have the effective dates align, he asked that City Council suspend the rules. Mr. Donnellon explained that the 1984 Plan and Agreement between the City and the MCIC calls for the formal appraisal of land to be acquired by the MCIC from the City and the payment of that amount to the City in the exchange. The Plan also calls for the MCIC to repay to the City any proceeds received from the future sale of such land. Since the MCIC's sole source of funding at this time is monies received from the City, it makes no sense in this transaction to have the City appropriate funds to the MCIC, incur the added cost of appraisals and then have the funds immediately repaid to the City. The statute allowing for the City and MCIC to cooperate in development of the property does not require an appraisal and formal sale. Council agreed and moved to modify the Plan and



Agreement solely for this transaction to waive the payment of funds from the MCIC to the City for the acquisition of the property, but to keep in place the requirement that funds be repaid to the City from the future sale of the land by MCIC. The net effect is the same to both the MCIC and City, and the MCIC has similarly approved such amendment. Mr. Cappel made the motion. Mr. Suer seconded. The motion was unanimously approved.

The roll was called and showed the following vote upon the Ordinance:

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

## **ESTABLISHING AN AGENDA FOR OCTOBER 2, 2019**

### **Pending Legislation**

#### **An Ordinance Accepting Publicly Dedicated Easement Rights for Stormwater Improvements from Various Property Owners on Jolain Drive**

Vice Mayor Roesch stated that this would be the third reading of the Ordinance and asked if there were any updates.

Mr. Donnellon stated that there were none.

### **New Legislation**

#### **A Resolution Authorizing an Intergovernmental Agreement for Fiscal Year 2020 Between the City and The Hamilton County Transportation Improvement District**

Mr. Riblet explained that City Council is asked to consider the approval of an Intergovernmental Agreement with Hamilton County Transportation Improvement District relative to House Bill 26 funds in the amount of \$200,000 for Fiscal Year 2020. He explained that the City of Montgomery was approved in 2017 for a grant in the amount of \$250,000 for costs associated with design/engineering of the Montgomery Road at Ronald Reagan Interchange Improvement Project and another \$250,000 in 2018 for costs associated with right-of-way acquisition and construction of the Montgomery Road at Ronald Reagan Interchange Improvement Project. He stated that the Intergovernmental Agreement establishes the City of Montgomery and Hamilton County Transportation Improvement District as Co-Administrators for work associated with approved House Bill 26 reimbursable funds of the Montgomery Road at Ronald Reagan Interchange Improvement Project as authorized under Ohio law.

#### **A Resolution Accepting the Amounts and Rates as Determined by The Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to The County Auditor Chairman.**

Ms. Smiddy explained that City Council is asked to adopt this Resolution accepting the rates and amounts determined by the Hamilton County Budget Commission. She explained that as a State of Ohio taxing authority and pursuant to the Ohio Revised Code, the City is required to adopt an annual tax budget. City Council adopted the Tax Budget on July 17, 2019, and then submitted it to the Hamilton County Auditor for review by that office and the Hamilton County Budget Commission. Those reviews did not generate any questions and the proposed Tax Budget was accepted by the Budget Commission and Auditor. City Council is requested to act to accept the Budget Commission's rates and amounts, which would result in the estimated collections as specified in the City's 2020 Tax Budget. This action will then permit the Auditor to collect property taxes at the rates established for the upcoming year.

#### **An Ordinance to Make Appropriations for Current Expenses and Other Expenditures of the City of Montgomery, State of Ohio During the Fiscal Year Ending December 31, 2020**

Ms. Smiddy explained that City Council is requested to adopt this Ordinance that establishes the City's budget for fiscal year 2020. These documents were presented to and reviewed with the Financial Planning Committee of City Council at their September 3 meeting. City Council will conduct its formal review of the 2020 Operating and Capital Budget with Four Year Forecast and 2020-2024 Capital Improvement Program, on Wednesday, September 11. As a result of these discussions, any changes to the budget will be forthcoming and will be presented to City Council in the packet for the October 2, Business Session.

**A Resolution Authorizing the City Manager to Enter into a Contract with Cargill, Inc. for the Purchase of De-Icing Rock Salt for the 2019-2020 Season**

Mr. Heitkamp explained that if approved, this Resolution would authorize the City Manager to enter into a contract with Cargill, Inc. pursuant to a joint purchasing bid with Hamilton County for 2019-2020 de-icing rock salt. The purchase of de-icing rock salt for the 2019-2020 winter season is included in the City budget in the 261.000.5380 Street Maintenance, 266.000.5380 Permissive MVL Fund and 265.000.5380 State Highway Fund. It is requested to purchase 1000 tons at \$89.66 per ton. The total cost for this contract shall not exceed \$89,660.00.

Mr. Cappel asked if we are committed to purchasing this amount, even if we have a mild winter.

Mr. Heitkamp replied that we are.

**A Resolution Authorizing the City Manager to Execute a Service Agreement Governing Phase I of the Montgomery Quarter Project**

Mr. Donnellon explained that City Council is asked to consider the approval of this Resolution that, if approved, would authorize the City Manager to enter execute a Service Agreement to secure bond financing for the Special Revenue Bonds to be issued to build out the garages for Phase I of the Montgomery Quarter project. In negotiations with the Developer bonds will be issued to net a construction fund totaling \$15,500,000, \$14,500,000 of which will be earmarked for the first phase garages. This agreement obligates the Developer and Owners within the site to make Payments in Lieu of Taxes for debt service and school compensation to support the project.

Vice Mayor Roesch stated that there is a reference to the Dinsmore Law firm in relation to the Bond Counsel and to avoid any conflict, she will be recusing herself from the vote at the October 2, Business Session.

**ADMINISTRATION REPORT**

Mr. Riblet, City Manager, gave the following report:

- City Council Business Session is scheduled for Wednesday, October 2 at 7:00 p.m.
- Mr. Riblet stated that the Financial Planning Committee will meet on Monday, October 7 at 4:30 p.m. The Law and Safety and Planning, Zoning and Landmarks Committees have cancelled their meetings for the month of October.
- Matthew Vanderhorst is attending the National Association of Government Web Professionals (NAGW) national conference this week. During the conference, he will receive his Certified Government Digital Services Professional Certification and assume his role on the NAGW Board of Directors. Matthew will also conduct a session about the Montgomery Tornado podcast, Weathering the Storm.
- The weather was perfect for the Montgomery Car Show that was held last Saturday, September 14. 98 cars were entered into the show, which is about 25 cars more than the average number in past years. The weather was great and many positive comments about the band, Blair Carman and the Bellevue Boys, were received. Police sold Montgomery Inn sandwiches and raised \$800 for the Holiday Family Fund.

- Rack & Ballauer completed the resurfacing of Cooper Road this past Saturday, thus concluding the asphalt resurfacing work for this year. Within the next couple of weeks, asphalt rejuvenator will be applied to the newly resurfaced streets along with the final thermo-plastic pavement markings.
- This week, Gertz Company completed storm drainage improvements at the main entrance of Hopewell Cemetery close to Montgomery Road. The improvements will help eliminate long standing drainage issues of the main drive, helping it from icing up in the winter.
- On Friday, September 20 Tracy Roblero and Mr. Riblet will be giving a presentation to the OKI Regional Planning Conference on the journey with the Roundabout and Montgomery Quarter projects.
- The first round of telephone interviews with 18 candidates for the Service Worker I position is being scheduled. A total of 50 applications were received in response to our job announcement.
- The job announcement for Finance Specialist is currently running on multiple online employment/recruiting websites as well as the Center for Local Government website and several other professional organizations' websites. The deadline for Finance Specialist applications is September 27.
- The City's annual open enrollment period for employee group insurance coverages is currently underway and runs through September 24. This is the second year we are conducting open enrollment through an online portal.
- Fact-finding for FOP contract negotiations is scheduled for September 19.
- The EAC will sponsor the annual One Stop Drop Event on Saturday, September 21 from 10:00 am to 1:00 pm at the Public Works Facility. Goodwill Industries, Habitat for Humanity, Operation Give Back, Royal Document Shredding and M25M are the participating vendors this year.
- The Montgomery Diversity and Inclusion Committee is hosting a community dinner this Saturday from 6:00 to 8:30 p.m., held at the upper level of Swaim Park. Participants will bring a side dish and dine with other participants. 60 participants are registered.
- As a Save the Date, the First Responders Recognition Breakfast is scheduled for Monday, October 28 at the Safety Center from 7:30 to 9:00 a.m.
- Another date to add to your calendars is the Employee holiday luncheon being held on Friday, December 13 at Terwilligers Lodge from 11:00 a.m. to 1:00 p.m.

#### **LAW DIRECTOR REPORT**

Mr. Donnellon stated he had nothing additional to report at this time.

#### **CITY COUNCIL REPORTS**

##### **Mr. Cappel**

Mr. Cappel also stated that the annual One Stop Drop would be held on Saturday, September 21 at the Public Works facility. He stated that Goodwill, Habitat for Humanity, Matthew 25 Ministries, Operation Give Back and Royal Document Shredding Services would all be on hand to accept recyclable donations.

Mr. Cappel reported that he attended a WeTHRIVE presentation by the Hamilton County Public Health District on Montgomery's Community Health Assessment. He stated that the three overriding topics were traffic, bike lanes and mental health.

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377 **Mrs. Bissmeyer**  
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379 Mrs. Bissmeyer reported that she attended a Hamilton County Municipal League meeting where Pete Metz  
380 presented on the SORTA Transportation initiative.  
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382 **Mrs. Harbison**  
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384 Mrs. Harbison reported that at the Sister Cities Commission is busy planning the 2020 Dinner Around the World  
385 event for February 9 from 5:00 to 7:00 p.m. She stated that the Commission will be focusing on including Teens  
386 and Tweens in this event.  
387

388 Mrs. Harbison also stated that the next First Suburbs meeting will be held on October 30 at Silverton Town Hall  
389 from 6:00 to 8:00 p.m. She stated the topic will focus on outreach efforts regarding Montgomery's pending  
390 roundabout.  
391

392 **Mr. Suer**  
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394 Mr. Suer stated that it was a significant night for City Council, Staff and the Development Team with the passage  
395 of the legislation related to the Montgomery Quarter. He stated that the team has done a tremendous job in light of  
396 all the obstacles and hurdles that were faced over the last several years.  
397

398 **Mr. Margolis**  
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400 Mr. Margolis echoed Mr. Suer's comments regarding the development project and thanked staff for their diligence  
401 and perseverance through it all.  
402

403 Mr. Margolis also recognized the Planning Commission members who were involved in one form or another on this  
404 project dating back to 2006.  
405

406 **Vice Mayor Roesch**  
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408 Vice Mayor Roesch reminded City Council that the Fall Plant Swap was being held on Saturday, September 28 at  
409 the Montgomery Farmers Market.

410 Vice Mayor Roesch stated that the Beautification and Tree Commission are hosting a Tree Academy on October 17  
411 and October 18 at Terwilliger Lodge. She stated that there are currently 27 people registered for this freshman level  
412 class.  
413

414 Vice Mayor Roesch stated that at the Parks and Recreation meeting they discussed the success of the Night Sky  
415 event.  
416

417 Vice Mayor Roesch stated that the BAMSO Music Committee met and is working on a theme for next years July  
418 Concert.  
419

420 **APPROVAL OF MINUTES**  
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422 Mr. Cappel moved to approve the September 4 Business Session minutes as amended. Mr. Margolis seconded. City  
423 Council unanimously agreed.  
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425 Vice Mayor Roesch asked if there was any further business to discuss in Public Session. There being none she asked  
426 for a motion to adjourn.  
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428 Mr. Cappel moved to adjourn. Mr. Margolis seconded. City Council unanimously agreed.



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City Council adjourned at 7:40 p.m.

  
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Connie Gaylor, Clerk of Council