

City of Montgomery
City Council Work Session Minutes
July 18, 2018

Present

Brian Riblet, City Manager
Terry Donnellon, Law Director
John Crowell, Police Chief
Gary Heitkamp, 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
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

City Council convened in Council Chambers at 7:00 p.m. for the Work 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.

GUEST AND RESIDENTS

LEGISLATION FOR CONSIDERATION TONIGHT

An Ordinance to Amend Appropriations for Current Expenses and Other Expenditures of the City of Montgomery, State of Ohio, During Fiscal Year Ending December 31, 2018

Mr. Margolis moved to add the Ordinance to the agenda. Mr. Cappel seconded. City Council unanimously agreed.

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

Ms. Smiddy explained that due to the improvements associated with the horizontal site work that has already begun at the Vintage Club North project, staff requests that City Council pass the first supplemental appropriation in the amount of \$6,202,146 from the unappropriated balance of the Vintage Club Construction Fund 463. In this same request \$103,193 from the unappropriated balance of the Vintage Club North (VCN) Tax Increment Financing (TIF) Bond Fund 332 is used to fund the bond interest expense in that fund.

In addition to the Vintage Club North project, similar anticipated expenses associated with the Gateway Redevelopment Area make it necessary for City Council to pass an Appropriation Ordinance to fund expenses associated with engineering and design of the Gateway project. Staff is also requesting that City Council pass the supplemental appropriations in the amount of \$3,000,000 from the unappropriated balance of the General Fund 101 and \$1,000,000 from the unappropriated balance of the Downtown Improvement Fund 480 for the anticipated cost of redevelopment cost with the 2018 expenses for the Gateway Redevelopment Area.

Mr. Margolis asked if these are future TIF funds. Ms. Smiddy responded that the project will be funded from future TIF funds.

Mr. Suer moved to suspend and waive the requirements for three separate readings. Mr. Cappel seconded.

The roll was called and showed the following:

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

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Mr. Suer moved to read the Ordinance by title only and moved for passage of the Ordinance. Mr. Margolis seconded.

Mr. Suer stated that although this does not happen often, it is customary throughout the course of the calendar year to occasionally adjust appropriations depending on circumstances.

The roll was called and showed the following:

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

NAY: (0)

ABSENT: (0)

A Resolution Authorizing a Purchase Agreement with Traditions Development Group, LLC to Acquire Certain Real Property Rights Within the Vintage Club Developments

Mayor Dobrozsi moved to add the Resolution to the agenda. Mr. Cappel seconded. City Council unanimously agreed.

Mr. Cappel moved to read the Resolution by title only. Vice-Mayor Roesch seconded. City Council unanimously agreed.

Mr. Donnellon said that it is anticipated that the closing of the Vintage Club could occur on either Thursday, July 19 or Friday, July 20. This Resolution allows the City to purchase certain easement rights. Currently, the entire field is owned by Hunting Hill and what was passed last month was the purchase of three parcels in the large field to begin construction of the public parking. However, certain easements are needed so we can construct streetscape, a pedestrian plaza, and walkways that front the commercial buildings. Mr. Donnellon stated we need to provide an easement which allows Hunting Hill to have a conforming lot as it fronts Vintage Blvd. If, down the road, Hunting Hill packages it and sells it to a tenant, the tenant will have a compliant lot for surveying and title purposes.

Mr. Donnellon explained this Resolution is to acquire the easements from Traditions Development Group, LLC. when we close on the parking deal and they grant us these easements and we will give them a second check for \$103,000. To review the field, as it is being subdivided at the Vintage Club, shows the easements are fronting the two buildings off Vintage Club Blvd, lots 4 and 5, where public plaza and streetscapes will be built. The other two easements at the bottom of the Wicks, Building K, which is an extension of the Wicks, is anticipated to be a restaurant. Pedestrian walkway goes through the middle of the large lot No. 6 and connects public parking to private residents back in the Vintage Club. We are getting authorization, so we can close and then go to the second closing to acquire the rights from the Vintage Club. We will record the easements and then we will commence construction.

Mr. Margolis asked if by acquiring these easement rights would we own the roadways and would this give us control on the look and feel of the sidewalks.

Mr. Donnellon responded that it would, and it is detailed in the construction contract. The buildings must be specific to our specifications which we worked on with their design engineers and our internal team. The service agreement signed in March states that we will put in the landscape and utilities, but it is Vintage Club who has the responsibility to maintain it for the next 30 years. It will support these buildings because the TIF rules state that we must have an underlying ownership interest in the land and where we build public improvements. It may take a while to see this because they don't want to make improvements and then dig the foundation for the buildings.

Mr. Cappel read the Resolution and moved for passage. Vice-Mayor Roesch seconded.

The roll was called and showed the following:

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

NAY: (0)

ABSENT (0)

A Resolution Authorizing an Easement Agreement with Traditions VC North, LLC

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Mr. Cappel explained that since he is involved in the oversight of sanitary sewers for Hamilton County, he is recusing himself from the vote on this legislation.

Mr. Margolis moved to add the Resolution to the agenda. Mr. Suer seconded. City Council unanimously agreed.

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

Mr. Donnellon stated that this is another part of the closing transactions. Hunting Hill owns all of the property and are selling a portion of the property to Brandicorp, the City, and Traditions Development Corp LLC. Traditions Development is transferring the Wicks property to Traditions VC North, LLC., which will be constructing the Wicks. As part of the engineering, Traditions VC North needs to know where to outlet Vintage Club's sanitary sewer that runs through Vintage Club Blvd. The City is authorizing this now, but it may not be granted for a week or two, but Traditions VC North's lending institution insists they have this in place before they lend them the funds. This is only to authorize grant easement right. Traditions VC North is responsible to install it, maintain it, and are responsible for over a 30-year period if they must go back and make repairs to restore it.

Ms. Roesch moved for passage of the Resolution. Mr. Margolis seconded.

The roll was called and showed the following:

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

ESTABLISHING AN AGENDA FOR AUGUST 1, 2018 BUSINESS SESSION

Pending Legislation

An Ordinance Rezoning a Portion of Montgomery North of Hopewell Road to the Residential C Single and Two-Family District with a Planned Development Overlay

Mr. Donnellon stated that at the July 16, 2018 Planning Commission meeting, a motion was made to recommend the expansion of the re-zoning of the entire district from Deerfield Road to Pfeiffer Road on the west and Hopewell Road to the Groves on the east side. The next step would be a Public Hearing to present the recommendations to City Council and, if approved, put it on the agenda and move forward with legislation.

Mr. Donnellon, explained that there were audience members and members of the Planning Commission that expressed concerns if there is a separation between Lucke's development process in expanding the zoning when the net result is still residential "C". The City's normal course is to put it on the agenda for the August 1 meeting, for the third reading. Mr. Donnellon stated that it would be worthwhile to talk with the Developer to explain that it makes sense to bring these in tandem and maybe come back on August 1 and request to table the legislation so we can get this into the process. If there is interest in expanding the zone we can bring both to conclusion at the same time. The City would anticipate a Public Hearing on September 5, after that we go through our normal course of three readings in 30 days with this change as well. He stated more information will be forthcoming.

Mayor Dobrozsi asked if the Planning Commission recommended the change. Mr. Donnellon stated they did with a vote of 4-2.

Mr. Suer stated that he likes that we can bring them together because certain factions tried to make a case that our whole approach was disjointed and feels that this would be good because tying these together could alleviate some of that. He agrees with Mr. Donnellon's approach.

New Legislation

A Resolution to Adopt Recommendations of the Montgomery Tax Incentive Review Council with Respect to the Compliance of all Tax Increment Financing Within the City of Montgomery

Ms. Smiddy stated that in accordance with Ohio Revised Code it is necessary for City Council to adopt legislation to approve the meeting of the Montgomery Tax Incentive Review Council meeting held on July 10, 2018. The Council meets annually to discuss all the TIFs within the City of Montgomery. Montgomery has four TIFs but two will expire later this year so final collection on those two will be in 2019. It is recommended that City Council adopt a Resolution to affirm the action of the Montgomery Tax Incentive Review Council with respect to the compliance of all Tax Increment Financing Districts within the City of Montgomery.

A Resolution Internet Auction of Surplus Personal Property Through GovDeals

Mayor Dobrozsi explained that this Resolution, if approved, would designate GovDeals.com as internet auction agents for the disposal of surplus property for the period of August 1, 2018 through July 31, 2019.

Chief Crowell stated that this method of disposal of surplus property saves staff time because they don't have to advertise in the newspaper or have auctions. They have worked with this company in the past and it has worked very well for them.

A Resolution Establishing City Contributions to Employee Health Savings Accounts

Mr. Riblet explained that this Resolution, if approved, would continue the City's incentive contribution to Employee Health Saving Account. Twelve years ago, the City made contributions to the Employee Health Saving Account to offset the cost of premiums which is shared with the employees that contribute his/her own funds. In 2011, it was established that the maximum cost would be \$1,750 for an employee family plan and \$1,250 for an employee single plan. Employees required to contribute \$700 match for a family plan and \$500 match for a single plan to realize the entire contribution. It is recommended that City Council consider adopting this Resolution that will continue the City's incentive contribution to employees' Health Saving Accounts for period beginning September 1, 2018 through August 31, 2019 at \$1,050 for a family plan coverage and \$740 for a single plan coverage to realize the maximum amount of \$1,750 for employees with a family and \$1,250 for employees with a single plan.

An Ordinance Establishing Regulations for Small Cell Facilities and Wireless Support Structures within Right of Way

Mr. Donnellon stated there is no legislation attached to the memo as his staff is currently finalizing the transcription of 22 pages of small cell legislation, dictated by the State of Ohio. This bill is a result of last year's Petland Bill which lifted all local restrictions on the location of small cell facilities and the City would have no control. Mr. Donnellon stated this is a compromise because the bill recognizes that places like Montgomery have historic districts and large residential areas, where the State is enabling us to put guidelines in place as long as we are not changing the technology.

Mr. Donnellon stated that the Ohio Municipal League states that we need to have this in place by August 1, but that is not feasible. Ms. Roblero stated we received an inquiry from the Sycamore Community Schools. We have large cell towers that cover the gap of our large volume users such as schools and hospitals.

Mr. Margolis asked who makes the request, the user or provider.

Mr. Donnellon stated that there are companies that serve as locators. They use technology to identify where there is a gap. They may come to make an application and sell that to Verizon, Sprint, AT&T, whoever they find has a need for it.

Mr. Margolis asked if this has anything to do with the next generation of cell service or is it just filling the gaps of the current generation.

Mr. Donnellon stated that it is filling the gaps of the current generation.

Mayor Dobrozsi asked if we can dictate where they go.

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Mr. Donnellon responded that they will be in the right of way and that we must give them permission to build in the right of way. We do not expect a big wave of applicants' coming August 1, but want to make sure that we have controls in place. He stated that particularly downtown in the Gateway it could become an area which becomes a large user.

Mayor Dobrozsi asked if the antennas will be located on existing poles.

Mr. Donnellon responded that they can be located on existing poles in the right of way but are not required to co-locate.

Mayor Dobrozsi asked if this would go through the standard permit application process.

Ms. Roblero stated that she, Gary Heitkamp, and Nick Miller would be meeting July 19 to review the technicalities of the permit application and begin the design guideline formulation. The permit will be our standard Right of Way permit and the City is permitted to charge up to \$250.00 for installation. Ms. Roblero stated that she does not believe there will be a huge demand for the permits, but the two inquiries that we received should be expected to apply sooner rather than later.

Mrs. Bissmeyer asked if a request came in for an area, such as Tanager Woods or Swaim Fields, where it would go.

Mr. Donnellon stated that the provider would identify where there is a gap and where they can fill that gap with one of the poles. The companies would then come to us and apply. The State of Ohio wants to expand this technology and expand development and want to require us to use the right of way.

Ms. Roblero stated that potentially, we could have an applicant who applies with a standard utility but are willing to change that for something more aesthetically pleasing.

Mr. Suer stated that we have short pole hanging baskets. Ms. Roblero stated that is a challenge that will have to be addressed during the design phase because the state has been specific on how short we can limit the pole. They are permitted 40' in height but in an area where the existing height restrictions are at 35' we can cap it at 35'. Which is good for us because our height restrictions are 35' in all of our areas except commercial district. A 35' pole would stand out in downtown Montgomery.

Mrs. Bissmeyer stated that in Tucson, Arizona, there is legislation that requires these antennas to look like sombreros per their code. She questioned if we could dictate the appearance of our code.

Mr. Donnellon responded that it is part of the legislation to allow staff to design guidelines. The new State of Ohio legislation is a lot broader now in what they are permitting. The first version of legislation stated we had no control as long it was in the right of way. The industry is willing to talk about aesthetics from a marketing stand point.

Mr. Donnellon said that the Ordinance would be shared before the August 1, 2018 meeting.

ADMINISTRATION REPORT

Mr. Riblet, city manager, gave the following report:

- City Council Business Session is scheduled for Wednesday, August 1 at 7:00 p.m.
- The Law and Safety, Financial Planning, and Planning Zoning and Landmark Committees have cancelled their meetings for Monday, August 6, 2018.
- The internet at City Hall was down for half the day July 17 because a squirrel chewed through the entire cable. Fortunately, a backup connection allowed operations to continue until Cincinnati Bell could install a new cable.

- The Planning Commission met on Monday, July 16 to consider a zoning map amendment which would rezone parcels on the east side of Montgomery Road from 10230 Montgomery Road to 10334 Montgomery Road and on the west side of Montgomery Road from 10265 Montgomery Road to 10391 Montgomery Road from 'A' Single Family Residential to 'C' Two Family and Single Family Residential. After considering the Land Use Study, hearing testimony from adjacent property owners and much debate, the Planning Commission voted to recommend approval of the rezoning to City Council in a 4-2 vote. Staff would like to request a public hearing to consider the recommendation from the Planning Commission for September 5 at 6:15 p.m. City Council approved the Public Hearing to be held prior to the September 5 Business Session at 6:15 p.m. Mr. Margolis moved to begin the City Council meeting immediately following the conclusion of the Public Hearing. Mr. Cappel seconded. City Council unanimously agreed.
- The first round of telephone interviews with seven candidates for the Public Works Supervisor position has been completed. A second round of in-person interviews with three candidates (one who is internal) is being scheduled for the week of July 30. In the meantime, candidates are completing an online personality assessment.
- The first round of telephone interviews with seventeen candidates for the Service Worker I position has been completed. A second round of in-person interviews with eight candidates (two are internal) is being scheduled for the week of August 6. In the meantime, candidates are completing an online personality assessment.
- The job announcement for the Finance Specialist has been posted on the City website, professional organizations' websites and job search websites. An ad is running in the Enquirer which began Sunday, July 8. Deadline for applications is August 3.
- An exam announcement for Firefighter/Paramedic is being prepared and we are coordinating with the Ohio Fire Chiefs' Association to schedule a test date in the first week of September.
- Chief John Crowell, Greg VondenBenken, Mike Plaatje and Julie Prickett continue to review information to select a testing company for the written exam for the Patrol Officer.
- The Health Care Benefits Committee (HCBC) is scheduled to meet on July 23 to review proposals from insurance carriers for group health insurance. Our current carrier, Humana, has already indicated it will offer a zero percent increase for renewal.
- A big thank you to our employees and volunteers who braved the heat during Bastille Day and thank you to the Blomberg's for hosting our Montgomery, NY visitors.
- The City has been invited to attend General Montgomery Day in Montgomery, NY this year. Staff needs to respond by August 17 if we plan to attend.
- Connie Gaylor is attending the Ohio Municipal Clerks Association Annual Institute this week, and I would like to thank Kathi Ranford for filling in today.
- Mrs. Harbison will be not in attendance at the next meeting, I want to wish her Happy Birthday.

APPROVAL OF MINUTES

Mayor Dobrozsi requested a motion to approve the July 11, 2018 Work Session minutes.

Mr. Cappel moved to approve the minutes. Ms. Bissmeyer seconded. City Council unanimously agreed.

OTHER BUSINESS

Mr. Suer shared with Gary Heitkamp that he has heard from residents regarding the roadwork on Weller Road and vicinity that there have been more gas lines cut. Mr. Suer asked how many lines have been cut.

313 Mr. Heitkamp said that there were several on Weller Woods and Shadowpoint and his understanding is that the gas
314 services were extremely shallow.

315 Mr. Suer stated when the roads were originally put in, the gas lines were not run deep enough which is why the
316 crews keep hitting them with their equipment.

317 Mr. Suer stated that the contractor should adjust their approach if they know they are going to keep hitting the lines.
318 Duke Energy has been out numerous times to repair the gas lines. Mr. Suer asked who pays Duke Energy for the
319 repairs.

320 Mr. Heitkamp responded it is between the contractor and Duke. In most cases, Duke is bearing the cost of this. This
321 is sort of unique. Typically, when you do curb remove and replace, the gas lines are deeper. What they are doing is
322 very typical and no different from other projects the City has had. The only variant is the gas services being so
323 shallow. The contractor contacts the Ohio Utilities Protection Service (OUPS) prior to removal, OUPS comes and
324 marks all the utilities but they do not provide crucial information in terms of depth or no way of knowing how deep
325 the services are. Council and staff discussed the frustrations of the residents, Duke Energy, and the contractor.

326 **CITY COUNCIL REPORTS**

327 Mr. Cappel announced that there will be a Cardboard Recycling event on Saturday, July 21, 2018 from 10:00 a.m.
328 to 1:00 p.m.

329 Mayor Dobrozsi asked when the One Stop Drop recycling event will take place.

330 Mr. Cappel stated that it is scheduled for September 15, 2018 from 10:00 a.m. to 1:00 p.m. at 7315 Cornell Road.

331 Mrs. Bissmeyer stated that she may not be in attendance for the August 1 meeting. Mayor Dobrozsi asked that she
332 alert Mrs. Ranford if she will be out. She noted that it is a good possibility she will be out but will verify tomorrow.

333 Mrs. Harbison reported that the Government Affairs Committee discussed the update on the Council Chambers,
334 which includes safety updates, sound system, audiovisual as well as updated proposed drawings. She noted that the
335 updates proposed have been in the five-year Capital Improvement Plan since 2016. They are coming in under budget
336 and updates are much needed improvements for the Council Chambers. An exit door will be placed on the side of
337 the dais for the safety of staff, volunteers, and City Council members. Staff will operate the sound system which
338 Mr. Margolis will no longer have to do.

339 Mayor Dobrozsi asked about the schedule. Mr. Riblet indicated that staff will be targeting an October timeframe
340 because it is a five Wednesday month and a three-week window in which we can complete the renovations. He
341 explained that we can get everything done in the three-week window where we would not have to disrupt City
342 Council meetings. We may have to reschedule a couple of different meetings but that is the target and we will know
343 more as we move forward.

344 Mrs. Bissmeyer asked if the dais structure would be wall to wall.

345 Mr. Riblet responded that it is similar to what it is now except for the addition of the desk which would contain the
346 audiovisual controls. The backslash area would be higher to allow for outlets and phone chargers. There will be
347 the addition of the egress as well.

348 Mrs. Bissmeyer suggested a safety concern that the dais structure would go past where the door is. In the event of
349 evacuation someone could make it from there to the door and what is the possibility of a swinging door.

350 Mr. Riblet stated the challenge on that side would be when you step up, the egress it would be on the floor level. It
351 is something we could look at. Discussion ensued regarding the safety elements.

352 Mrs. Harbison said the Government Affairs Committee discussed the City Manager evaluation process. She stated
353 that she spoke with Jerry Newfarmer who would put together a program where they will facilitate the process, but

354 City Council would decide the process. It is a hybrid of what we have now, rather than just have Government Affairs
355 being in charge of the process, Management Partners would also be involved in the process. Staff and Council
356 members would be interviewed, and this would occur every year. Management Partner is preparing a proposal for
357 City Council review. Mrs. Harbison stated that she and Mr. Riblet met to talk about the mechanics of the staff
358 process. Mr. Vanderhorst pointed out that the 360 form is only one piece of the whole program and City Council
359 was surprised to hear that. Mr. Riblet reviewed the whole evaluation process. There are 360 performance appraisals,
360 rating system for Department Heads, and self – evaluations. She stated there is a lot more to the process than what
361 they have been seeing. Mrs. Harbison's recommendation, just from hearing all of this, is to have a 6-month appraisal
362 process for Mr. Riblet on September 7. Mrs. Harbison's recommendation, and not the Committee's, is until the
363 proposal from Management Partners is completed for the full year appraisal process that City Council conduct a
364 360 evaluation in order to be consistent and continue the evaluation process. In March, City Council anticipates a
365 new evaluation product to use.

366 Mr. Suer stated that this would take care of the immediate problem so as not to miss the deadline. He is in support
367 of the idea of having Management Partners having a part of the new process. That would bring an outside element.
368 In the short term, do the 360 one more time to meet the deadline.

369 Mr. Margolis, concurs with having the professional help and assistance in evaluating performance review. City
370 Council can use the stop gap to get us through the cycle until we get a new process in place.

371 Mrs. Harbison wishes to thank the staff not only their efforts on Bastille Day and the Fourth of July events, but also
372 for the back to back Council meetings as she knows that it is a lot of work to pull together those meetings especially
373 with Bastille Day.

374 Mrs. Harbison praised a Public Works seasonal employee Sam Lindsley, who during the Mystic concert saw an
375 elderly man on a walker trying to get through the crowd. Sam helped him get safely to an open area. Sam also was
376 very apologetic when he would step in front of people while collecting trash.

377 Vice Mayor Roesch reported that the Garden Tour held on June 26 was quite successful. She added that for future
378 reference it would be helpful for people to sign in at the beginning of the event.

379 Mr. Suer stated that he has gone around to other cities and has seen some of the palatial facilities that other places
380 have. He stated that our facilities, including our lodges and the annex must be updated periodically to keep them
381 appealing to our citizens. He stated in regard to the Council Chamber renovation and from the safety perspective,
382 it is fine to have the Clerk of Council closer to the dais. Mr. Suer stated the Chief of Police is sitting in a vulnerable
383 position with his back to the audience and he should be where the Clerk is seated. Chief Crowell stated that this was
384 due to a change to intercept an individual. Mr. Suer stated that there should be a separate small desk where the Clerk
385 sits so that Chief Crowell can keep an eye on everything. He just wanted this to be something to consider.

386 Mr. Margolis wanted Mr. Riblet to convey his heartfelt thank you to staff for going above and beyond for their work
387 on Bastille Day. This is the City of Montgomery's block party.

388 Mr. Margolis shared an update on the Planning Commission. He said that the Community Development Director
389 came up with a very nice Land Use Study for Montgomery Road from Hopewell to Radabaugh and that was the
390 basis of the discussion at the meeting. There were several property owners supportive of the zoning change. They
391 expressed the thought that by adjusting the zoning it would, unlock the potential value of their property, which has
392 been a concern of his. In the early 70's and early 80's, going east on Pfeiffer Road and turning left on Montgomery
393 Road, most of properties on the west side of Montgomery Road were Zone "A" single family homes. One by one
394 these properties were changed to business or mercantile as part of the hospital, against the will of Montgomery
395 through litigation. Mr. Margolis' concern is all those properties were not usable as a viable residence, or in some
396 cases could not be sold.

397 Mr. Margolis stated that Terry Donnellon, law director spoke regarding Columbia Oldsmobile vs Montgomery,
398 1990 stating the Ohio State Supreme Code did not find a comprehensive community plan as a prerequisite for land

use and zoning code. Mr. Margolis added that there are two additional parts that were included in the single document. The Ohio Supreme Court held:

- In order to invalidate zoning Ordinance on constitutional grounds, the party attacking the regulation must establish beyond fair debate that the zoning classification denies him/her an economically viable use of the zoned property; and
- Without substantially advancing a legitimate interest by the community in the health, safety, or welfare of the community.

Mr. Margolis referred to the properties between Deerfield, Hopewell and Pfeiffer, to not extend the zoning to Zone "C", we would have to have a compelling reason to keep it at Zone "A". The Community Development Director busted several myths. First, this zoning is not open to the entire community for development because it is unique to this area. Second, Lucke Development plans look generic, but these are placeholders and final design is not finished and will need input from the Planning Commission. The third, is that the residents are against the zoning and that would not be the case. They just want to process to go together.


Mayor Dobrozsi asked how many residents attended the Planning Commission meeting. Mr. Margolis stated about 14.

Mayor Dobrozsi thanked Mrs. Harbison and the Sister Cities Commission for their efforts at the Bastille Day event. He stated that everyone had an incredible time and having the folks from the Village of Montgomery was a terrific addition. He and Mr. Riblet did the food tasting and they were happy about that. He stated for those who weren't at the Kick-Off ceremony, the City gave the Village of Montgomery a key to the City, a City coin and shirts. They in turn presented us with the key to their Village, shirts, and gave us a 2017 ornament which is an actual replica of their City Hall.

Mayor Dobrozsi asked if there was anything further to discuss. 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 8:29 pm.



Kathi Ranford
Acting Clerk of Council