

1 City of Montgomery
2 City Council Organizational Meeting and Business Session Minutes
3 December 4, 2019
4

5 Present

City Council Members Present

6 Brian Riblet, City Manager
7 Terry Donnellon, Law Director
8 John Crowell, Police Chief
9 Tracy Roblero, Asst. City Manager/ Acting Comm. Dev. Director
10 Katie Smiddy, Finance Director
11 Matthew Vanderhorst, Communications and Information Service Director
12 Paul Wright, Fire Chief
13 Faith Lynch, Communications and Engagement Coordinator
14 Connie Gaylor, Clerk of Council
15 Shawn Cooper, Customer Service Representative

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

16
17 City Council convened in Council Chambers at 6:15 p.m. with Terry Donnellon, Law Director, presiding.

18
19 **SWEARING IN OF NEW COUNCIL MEMBERS**

20
21 Honorable Judge William L. Mallory, Jr. conducted the swearing in of the City's new Council members.

22
23 **APPOINTMENT OF MAYOR AND VICE MAYOR**

24
25 Mr. Donnellon asked if there were any nominations for Mayor.

26
27 Mr. Cappel moved to nominate Chris Dobrozsi. Mr. Margolis seconded.

28
29 Mr. Donnellon asked if there were any other nominations, there being none he stated that the nominations for
30 mayor will be closed. He asked those who were in favor of Mr. Dobrozsi being mayor to say "aye". All City
31 Council members said "aye".

32
33 Mr. Donnellon asked if there were any nominations for Vice Mayor.

34
35 Mrs. Bissmeyer moved to nominate Craig Margolis. Mr. Cappel seconded.

36
37 Mr. Donnellon asked if there were any other nominations, there being none he stated that the nominations for vice
38 mayor will be closed. He asked those who were in favor of Mr. Margolis being vice mayor to say "aye". All City
39 Council members said "aye".

40
41 Mr. Donnellon invited Judge Mallory to administer the oath of office to Mr. Dobrozsi and Mr. Margolis.

42
43 **SWEARING IN OF MAYOR AND VICE MAYOR**

44
45 Honorable Judge Mallory conducted the swearing in of Mayor Dobrozsi and Vice Mayor Margolis.

46
47 Mayor Dobrozsi asked Vice Mayor Margolis if he would like to make any comments.

48
49 Vice Mayor Margolis stated that he was both honored and humbled to be reelected. He stated it was his joy and
50 privilege to serve the community. He thanked his family, the residents and the volunteers on his campaign for
51 their support.

52
53 Mayor Dobrozsi thanked City Council for their faith in him to reelect him as Mayor for another term. He stated
54 that he will continue to support the vision of the City. He thanked his family for supporting him as he knew it took
55 many hours away from them to fulfill this role. He thanked the community for allowing him to serve them and to
56 continue to make the city a great place to live.
57

58 Mayor Dobrozsi asked to take a brief recess to celebrate the swearing in of the Council Members.

59

60 Mayor Dobrozsi called the Business Session to order at 6:50 p.m.

61

62 **ROLL CALL**

63

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

65

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

68

69 **LEGISLATION FOR CONSIDERATION TONIGHT**

70

71 **A Resolution Authorizing an Amendment to The Current Contract with Donnellon, Donnellon & Miller for
72 Legal Services to The City of Montgomery**

73

74 Mayor Dobrozsi asked for a motion to add this legislation to the agenda for consideration this evening.

75

76 Mr. Cappel moved to add the legislation to the agenda for consideration this evening. Vice Mayor Margolis
77 seconded. City Council unanimously agreed.

78

79 Mrs. Harbison moved to read the Resolution by title only. Mrs. Bissmeyer seconded. City Council unanimously
80 agreed.

81

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

83

84 Mrs. Harbison stated that this Resolution will authorize an amendment to the current contract with Donnellon,
85 Donnellon and Miller for legal services to the City of Montgomery. This Resolution is the result of the recent
86 performance appraisal of the Law Director conducted by City Council and staff.

87

88 Steve Silverman, 7504 Golf Green Drive- Mr. Silverman stated that as a resident, he was in support of Mr.
89 Donnellon and felt he does an excellent job. He thanked Mr. Donnellon for developing protocol on questions of
90 time permitted for public speaking. He stated that he noticed the Committees were using the timing rules as well.

91

92 Mr. Donnellon thanked Mr. Silverman for his comments and thanked City Council and staff for their support of
93 him as well.

94

95 The roll was called and showed the following vote:

96

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

98 NAY: (0)

99 ABSENT: (0)

100

101 **PENDING LEGISLATION**

102

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

105

106 Mr. Suer moved to amend the Ordinance. Vice Mayor Margolis seconded. City Council unanimously agreed.

107

108 Mr. Suer moved for passage of the Ordinance. Vice Mayor Margolis seconded.

109

110 Mr. Suer explained that as usual between the original reading of the Ordinance in September until this third
111 reading there is often a need to adjust the final appropriation amounts and that was the reason for the amendment.
112 He stated that at the December 2 Finance Committee meeting Ms. Smiddy presented the amendments and
113 provided background for the changes. He stated that, if approved, this Ordinance would establish the City's
114 budget for fiscal year 2020.

115
116 Steve Silverman, 7504 Golf Green-Mr. Silverman referred to the trolley bus that was purchased by the City and
117 discussed at the recent Finance Committee meeting. He asked Mr. Riblet who the Council member was that
118 brought it to his attention for consideration. He also asked what event it will be used at.

119
120 Mr. Riblet replied that the City's Recreation Coordinator was currently assembling a list of events that the trolley
121 bus could be used in as well as other possible uses for it.

122
123 Mr. Silverman asked what kind of liability issues operating the bus would pose to the City.

124
125 Mr. Donnellon stated that the trolley is already covered under the City's risk policy through the Miami Valley
126 Risk Management Association (MVRMA). He stated it is covered under the auto liability policy.

127
128 Mayor Dobrozsi stated that he would abstain from the voting of the budget as it includes funds for the
129 Montgomery Quarter, and he is abstaining from any vote related to the development project.

130
131 The roll was called and showed the following vote:

132
133 AYE: Bissmeyer, Harbison, Roesch, Suer, Margolis, Cappel (6)
134 NAY: (0)
135 ABSTAIN: Dobrozsi (1)

136
137 **NEW LEGISLATION**

138
139 **A Resolution Authorizing the City Manager to enter into a Labor Agreement with the Fraternal Order of**
140 **Police Ohio Labor Council, Inc., for Wage and Benefits from July 1, 2019 through June 30, 2022**

141
142 Mrs. Bissmeyer moved to read the Resolution by title only. Vice Mayor Margolis seconded. City Council
143 unanimously agreed.

144
145 Mrs. Bissmeyer read the title and moved for passage of the Resolution. Mr. Cappel seconded.

146
147 Mrs. Bissmeyer explained that, if approved, this Resolution would authorize the City Manager to enter into a labor
148 agreement with the Fraternal Order of Police (FOP) from July 1, 2019 through June 30, 2022. Both the City and
149 the FOP accepted the fact-finder's recommendations in October. Mrs. Bissmeyer stated that this was the final
150 step in this collective bargaining process which requires legislation authorizing the City Manager to enter into the
151 new labor agreement with the FOP.

152
153 Steve Silverman, 7504 Golf Green Drive-Mr. Silverman asked Mr. Riblet to provide a summary of the contract.
154 He asked why there was a fact finder used?

155
156 Mr. Riblet replied that a fact finder is used when the parties involved cannot agree on terms of the contract. He
157 explained that the main focus of the agreement was on wages, health benefits and an additional fifty cents an hour
158 to those officers who were operating in the capacity of a Field Training Officer. Mr. Riblet stated that after
159 several failed negotiation meetings, the impasse was to be referred to fact finding. He stated he felt that
160 inexperience on the negotiation team was a factor in it being sent to fact finding.

161
162 The roll was called and showed the following vote:

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

A Resolution Adopting a Five-Year Capital Improvement Program for the City of Montgomery

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

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

Mr. Suer explained that, if approved, this Resolution would adopt the City’s proposed Five-Year Capital Improvement Program. He added that this was reviewed by City Council as a companion piece to the proposed 2020 Operating and Capital Budget with Four Year Forecast and represents a comprehensive planning tool for capital investment in the community over the next five years.

Steve Silverman, 7504 Golf Green Drive-Mr. Silverman asked if the program included roundabout and Montgomery Quarter work.

Mr. Riblet replied that it is a companion piece to the budget and includes all capital projects, which includes those projects.

Mr. Silverman asked if the electric utilities would be underground at the roundabout and Montgomery Quarter projects.

Mr. Riblet replied that they would be.

Mr. Silverman asked if the electric at Cooper and Montgomery could go underground with the installation of the poles at the development site. He stated that if the poles are hit in that area approximately 1,000 people can be without electric.

Mr. Riblet stated that it is something that can be investigated however as of now they are not included in the scope of the project and converting other areas underground could be very costly.

The roll was called and showed the following vote:

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

ADMINISTRATION REPORT

Mr. Riblet gave the following report:

- City Council Work Session is scheduled for December 18, 2019 at 6:45 p.m.
- The Government Affairs Committee will meet on Monday, December 9 at 4:30 p.m. The Parks and Recreation and Public Works Committees have cancelled their meetings for the month of December.
- On Tuesday, December 3 the holiday tree was installed at the Neuilly Plaisance plaza. The 25-ft tall Blue Spruce was donated by the Peterson’s of 8094 Carnaby, Symmes Township.

- 215 • Tuesday evening Council Members Cappel and Margolis, Brian Riblet and Connie Gaylor attended the
216 Hamilton County WeTHRIVE! recognition dinner. The Hamilton County Public Health Department
217 recognized the City for its fifth year participating in the initiative. This year's recognitions went to 22
218 communities, 6 school districts, 10 childcare facilities and 5 individual community champions. This
219 program continues to recognize these entities and individuals for their efforts in furthering community
220 wellness and disease prevention across the county.
221
- 222 • Rebecca Meacham began employment with the City as a patrol officer on Monday, December 2. This
223 hire fully staffs the Police Department for the first time in over two years.
224
- 225 • Officers Rebecca Meacham and Katy Tolle will be formally sworn in at the December 18 Work Session.
226 Amy Smith with the Police Department will also be in attendance that evening to be formally introduced
227 to Council.
228
- 229 • It's hard to believe but the Holiday in the Village event is scheduled for Saturday, December 7 beginning
230 at 5:00 p.m. with the tree lighting ceremony and running until 7:30 p.m. in downtown Montgomery.
231
- 232 • Breakfast with Santa will be held on Saturday, December 14 at Terwilliger Lodge. The event will run
233 from 8:30 to 10:30 a.m. This buffet style breakfast costs \$5 for a plate or \$20 for a family. Non-perishable
234 food items will be collected and donated to the FreeStore Foodbank. All proceeds from this event will
235 benefit the Holiday Family Fund. Come and share some pancakes and camaraderie with the community
236 and your peers.
237
- 238 • The Holiday Live at the Uni concert will be held at Universalist Church on Sunday, December 15 at 4:00
239 p.m. with The Cincinnati Christmas Carolers performing.
240
- 241 • As a reminder, the annual Holiday Staff luncheon that will take place on Friday, December 13 at
242 Terwilliger Lodge from 11:00 a.m. to 1:00 p.m.
243

244 Mr. Riblet requested an Executive Session for matters related to confidential information of an applicant for
245 economic development and matters related to pending or imminent litigation.
246

247 MINUTES

248

249 Mr. Cappel moved to approve the November 20, 2019 Special Session and Works Session minutes as written.
250 Mrs. Bissmeyer seconded. City Council unanimously agreed.
251

252 MAYOR'S COURT REPORT

253

254 Mayor Dobrozsi reported that the total Mayor's Court collection for the month of November is \$10,805 and asked
255 for a motion to accept the collections.
256

257 Mr. Cappel moved to accept the Mayor's Court Report for the month of November. Mrs. Bissmeyer seconded.
258 City Council unanimously agreed.
259

260 OTHER BUSINESS

261

262 Mayor Dobrozsi explained that at everyone's seat there was an item from Mr. Donnellon associated with
263 compliance with R.C. 9.68 that came out of Law & Safety Committee. He explained that this item would need to
264 be added to the December 18, 2019 Work Session agenda for consideration that evening and asked for a motion to
265 add it to the agenda. Mr. Cappel made a motion to add to the agenda. Vice Mayor Margolis seconded. City
266 Council unanimously agreed.
267

268 Mayor asked Mrs. Bissmeyer to provide background on this legislation.
269

270 Mrs. Bissmeyer explained that at the Law and Safety Meeting held on Monday, December 2, Mr. Donnellon
271 provided an update on the State of Ohio changes to Ohio Revised Code Section 9.68 regarding the second
272 amendment right to bear arms. She explained that our policy language could leave the City open for lawsuits, so
273 this legislation would allow us to mirror the State's policy. She asked Mr. Donnellon to explain the details further.
274

275 Mr. Donnellon explained that this law is catching many communities by surprise in that it was passed 90 days ago
276 in an unrelated bill. He stated what it does is it exposes every community to liability for simply having on the
277 books a rule or regulation of policy or specifically an Ordinance which in any way curtails the second amendment
278 freedoms that the State of Ohio continues to uphold through their legislation. He stated what they are trying to do
279 is to gain uniformity and ensure that no one has anything that would curtail the rights they are creating in
280 Columbus. The language of the section says that if we have it on our books, whether a person been wronged or
281 not, they can bring a claim against a municipality and the municipality is liable for their attorney fees. They are
282 entitled for attorney fees because they bring it to our attention. He explained that the only way to protect the City
283 is to take Code Section, Chapter 137 and repeal it. He stated this doesn't restrict people to carry or does not
284 regulate the discharge of weapons in our community, we still enforce this under State Code. He added that this
285 won't hamper our ability to continue law enforcement efforts as many of these code sections are felonies so they
286 would not be heard in Mayor's Court. He stated that we are taking it one step farther by repealing any policy or
287 statement that speaks to this issue. He added we will now follow whatever the State rule is. He explained that we
288 need to pass this as an emergency as the law goes into effect on December 28, 2019.
289

290 Mr. Donnellon stated the only section that will be retained from Chapter 137 is the regulation of fireworks which
291 is not part of the State Code in the regulation and control of weapons. He stated that we are retaining Section
292 137.13 regulating fireworks but recodifying it to Chapter 132 as part of the Ordinances entitled Offenses Against
293 Public Peace.
294

295 Mayor Dobrozsi asked if this action was a good or bad thing.
296

297 Mr. Donnellon stated that it was hard to say but that the biggest concern is that the State is controlling local
298 communities. He stated that they have preempted municipalities on numerous issues, which questions when they
299 will eviscerate our Home Rule rights. The State issues amendments to bills without working with communities.
300

301 Mrs. Harbison stated that at the Law and Safety meeting that Mr. Donnellon explained that many communities
302 don't know about this and that is one reason why the City stays with Donnellon and Donnellon because they are
303 on constant watch for these types of issues and work to protect the City.
304

305 Mrs. Bissmeyer gave kudos to Mr. Donnellon for finding this buried in another piece of legislation.
306

307 Mayor Dobrozsi restated that we would bring this legislation forward as an emergency to suspend the rules for
308 three readings at the December 18 Work Session.
309

310 Steve Silverman, 7504 Golf Green Drive-Mr. Silverman stated that the City of Columbus filed a suit in March that
311 was a violation of home rule. He asked Mr. Donnellon if he knew what the outcome of that suit was.
312

313 Mr. Donnellon replied that he was not aware of that suit. He stated that we constantly fight this battle over home
314 rule. He stated that this will still become effective at the end of the month unless a judge files a restraining order
315 to stop it.
316

317 Vice Mayor Margolis asked to confirm that this revision of the Code of Ordinance it has nothing to do with the
318 Charter.
319

320 Mr. Donnellon replied that not it was just Chapter 137 that would be revoked, except for the provision regarding
321 fireworks.

322
323 Mayor Dobrozi asked if there was any further business to discuss in Public Session. There being none, he asked
324 for a motion to adjourn into Executive Session for matters related to confidential information of an applicant for
325 economic development and matters related to pending or imminent litigation.

326
327 Vice Mayor Margolis moved to adjourn into Executive Session for matters related to confidential information of
328 an applicant for economic development and matters related to pending or imminent litigation. Mr. Cappel
329 seconded.

330
331 Mayor Dobrozi noted that he would be recusing himself from the Executive Session for the first item for matters
332 related to confidential information of an applicant for economic development.

333
334 The roll was called and showed the following vote:

335
336 AYE: Cappel, Bissmeyer, Harbison, Dobrozi, Roesch, Suer, Margolis (7)
337 NAY: (0)
338 ABSENT: (0)

339
340 City Council adjourned at 7:30 p.m.

341
342 City Council reconvened into Public Session at 8:20 p.m.

343
344 Mayor Dobrozi asked if there was any further business to discuss in Public Session. There being none he asked
345 for a motion to adjourn.

346
347 Mr. Cappel moved to adjourn. Vice Mayor Margolis seconded. City Council unanimously agreed.

348
349 City Council adjourned at 8:21 p.m.

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Connie Gaylor, Clerk of Council