

1 City of Montgomery
2 City Council Business Session Minutes
3 August 1, 2018
4

5 Present

6 Brian Riblet, City Manager
7 Terry Donnellon, Law Director
8 John Crowell, Police Chief
9 Gary Heitkamp, 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 Connie Gaylor, Clerk of Council
16

City Council Members Present

Chris Dobrozsi, Mayor
Lynda Roesch, Vice Mayor
Mike Cappel
Craig Margolis
Ken Suer

City Council Members Absent

Gerri Harbison
Lee Ann Bissmeyer

17
18 City Council convened in Council Chambers at 7:00 p.m. for the Business Session with Mayor Dobrozsi presiding.
19

20 **ROLL CALL**

21
22 Mayor Dobrozsi explained that Mrs. Harbison and Mrs. Bissmeyer were absent due to vacations and asked for a
23 motion to approve their absences.

24
25 Mr. Margolis moved to approve the absences. Mr. Cappel seconded.

26
27 The roll was called with the following members present:

28
29 Dobrozsi, Roesch, Cappel, Margolis, Suer.
30

31 **GUESTS AND RESIDENTS**

32
33 Toni Lehmkuhl, 9853 Knollbrook Terrace- Mrs. Lehmkuhl addressed City Council regarding her growing concern
34 with the tear down situations at 7887 and 7908 Mitchell Farm Lane. She praised Nick Miller for his diligence in
35 working with contractors to enforce the construction maintenance codes for these two properties. She explained that
36 Nick has issued "Stop Work" orders due to the non-compliance of maintenance codes, however the contractors
37 continued to show up and work regardless of the order. She stated that staff need to be tougher on these builders
38 who do not follow the code. She stated that at 7887 Mitchell Farm Lane, which is being built by Ashford Homes,
39 there is standing water in the foundation that is a safety issue as well as a source of terrible mosquitos. She asked
40 that the City send someone to pump it out and ensure the safety of the community. She stated that one builder has
41 long term ties with the City and knows the code they should follow. Mrs. Lehmkuhl also questioned an article in
42 the Montgomery Bulletin that stated that bicyclist could not ride on the sidewalk if over the age of 12. She asked if
43 this was correct since we don't have bike paths. She felt it was not safe to ask bicyclist to ride on the street.
44

45 Mr. Riblet stated that there was no Ordinance that stated the age of who could ride on a sidewalk and that the
46 information in the bulletin was quoted incorrectly.
47

48 City Council thanked Mrs. Lehmkuhl for her comments on the construction of the homes and stated that staff would
49 investigate those properties to ensure the contractors bring the properties into compliance.
50

51 Steve Silverman, 7504 Golf Green Drive-Mr. Silverman stated that he read Mrs. Lehmkuhl's post on NextDoor.com
52 and that he supports her comments on the tear down properties. He referenced the project at Mitchell Farm and Zig
53 Zag Road, which had only placed plastic fencing around the basement when it was being poured. He empathizes
54 with Mrs. Lehmkuhl about her fear of injury to the residents. He stated he was working with Mr. Heitkamp and Mr.
55 Miller regarding roadwork on Cooper Road. He stated that the contractor had moved a piece of equipment onto
56 Golf Green that inhibits the visibility which he fears will cause an accident. He stated that he is aware that the City

57 awards contracts based on the lowest bid, however he supports paying a higher rate if it means having more
58 conscientious contractors. He stated that drivers could hit hazards left by the contractors.

59
60 **LEGISLATION FOR CONSIDERATION TONIGHT**

61
62 **Pending Legislation**

63
64 **Rezoning a Portion of Montgomery Road North of Hopewell Road to The Residential C Single and Two-Family**
65 **District with A Planned Development Overlay**

66
67 Mayor Dobrozsi explained that the applicant has requested that this item be tabled. Mayor Dobrozsi asked Law
68 Director Donnellon to explain the procedure moving forward.

69
70 Mr. Donnellon explained that the applicant asked to table the third reading of this legislation until the August 22,
71 2018 Work Session. Staff has expressed to the applicant their concern to bring both pieces of legislation together.
72 The applicant has contractual agreements that he needed to address with the property owners and asked that the
73 legislation be added to the August 22 agenda. Mr. Donnellon stated that he explained to the applicant that he would
74 need to present it to Council and secure a motion to table the vote this evening and to add it to the August 22 agenda.

75
76 Mr. Margolis moved to table the legislation rezoning a portion of Montgomery Road North of Hopewell Road to
77 the Residential C Single and Two-Family District with a Planned Development Overlay and to add it to the August
78 22 agenda for discussion that evening. Mr. Cappel seconded. City Council unanimously agreed.

79
80 **Steve Silverman**-Mr. Silverman indicated that he had attended the last Planning Commission meeting in which this
81 topic was discussed, and that Mr. Donnellon attended this meeting. He felt the group was navigating the zoning of
82 the rest of the corridor and how their decision would affect this legislation. He stated that Mr. Donnellon gave
83 several alternatives but the final one that he gave was that the Commission could pass a motion and that Mr.
84 Donnellon would inform Council that the Commission passed a motion to move in tandem with the Lucke
85 Ordinance. Mr. Silverman asked Mr. Donnellon to clarify how the process of voting on both pieces of legislation
86 would proceed.

87
88 Mr. Donnellon explained that Council would have to have a Public Hearing on the last recommendation of the
89 Planning Commission before it can be added to the agenda for vote. This Public Hearing has been set for September
90 5, then the Ordinance can be added to the agenda that night if approved to do three readings on the second Ordinance.
91 The concern by Mr. Lucke is that if the legislation was pushed back to be in tandem with the new Ordinance rezoning
92 the entire corridor, that he would be outside of the contract dates per his agreements. Therefore, he asked for the
93 legislation to be tabled, so he could work with the property owners to get an extension. The three readings of the
94 Ordinances could lead up to November depending on how City Council decides to move forward.

95
96 **New Legislation**

97
98 **A Resolution to Adopt Recommendation of the Montgomery Tax Incentive Review Council with Respect to The**
99 **Compliance of All Tax Increments Financing Within the City of Montgomery**

100
101 Mr. Suer moved to read the Resolution by title only. Mr. Margolis seconded. City Council unanimously agreed.

102
103 Mr. Suer read the Resolution by title only and moved for passage. Mr. Cappel seconded.

104
105 Mr. Suer explained that information has been previously supplied on this Resolution that, if approved, will accept
106 the recommendation of the Montgomery Tax Incentive Review Council with respect to the compliance of all Tax
107 Increment Financing Districts within the City of Montgomery. He stated the Montgomery Tax Incentive Review
108 Council met on Tuesday, July 10, 2018. Ohio law mandates that City Council approve, reject or remand the decision
109 of the Tax Incentive Review Council relative to the compliance of the tax increment financing districts with their
110 enabling legislation.

111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165

The roll was called and showed the following vote:

AYE: Cappel, Dobrozi, Roesch, Suer, Margolis, Cappel	(5)
NAY:	(0)
ABSENT: Bissmeyer, Harbison	(2)

A Resolution Authorizing Internet Auction of Surplus Personal Property Through Govdeals

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

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

Vice Mayor Roesch explained that, if approved, this Resolution 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. Ohio law authorizes the City to dispose of surplus and abandoned personal property through internet auction. Section 50.02 of the Code of Ordinances sets forth a procedure for the sale and disposition of lost, abandoned, stolen, seized or forfeited property (“Surplus Property”) through internet auction agents. This Resolution will also authorize the City Manager to enter into appropriate contracts with GovDeals.com.

The roll was called and showed the following vote:

AYE: Dobrozi, Roesch, Suer, Margolis, Cappel	(5)
NAY:	(0)
ABSENT: Bissmeyer, Harbison	(2)

A Resolution Establishing City Contributions to Employee Health Savings Accounts

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, if approved, this Resolution would continue the City’s incentive contribution to employees’ Health Savings Accounts for the period beginning September 1, 2018 through August 31, 2019. The maximum contribution by the City to employees’ Health Savings Accounts is recommended to be continued at \$1,050 for a family plan and \$750 for a single plan for the 12-month period of September 1, 2018 through August 31, 2019. In addition to the base City incentive contribution, it is recommended that the City continue to match the employee’s contribution to his/her Health Savings Account in an amount up to \$700 for employees with family plans and up to \$500 for employees with single plans.

The roll was called and showed the following vote:

AYE: Roesch, Suer, Margolis, Cappel, Dobrozi	(5)
NAY:	(0)
ABSENT: Bissmeyer, Harbison	(2)

An Ordinance Establishing Regulations for Small Cell Facilities and Wireless Support Structures within the Right-Of-Way

Mr. Donnellon explained that this Ordinance is required to comply with HB 48 to control small cell antennas and represents what we are able to regulate. The amendment is to Chapter 52 of the Zoning Code which is the Regulation of the Right of Way. HB 48 does state that the City can restrict the design of the antennae in certain situations. He stated that staff does not see a big impact other than in areas of the schools and hospitals.

166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217

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

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

Mr. Cappel explained that, if approved, this Ordinance would establish regulations for small cell facilities and wireless support structures within the right-of-way in compliance with comprehensive regulations adopted by the State of Ohio.

Steve Silverman-Mr. Silverman asked if these small cells were towers.

Mr. Donnellon replied that they were not that they were small.

The roll was called and showed the following vote:

AYE: Suer, Margolis, Cappel, Dobrozsi, Roesch	(5)
NAY:	(0)
ABSENT: Bissmeyer, Harbison	(2)

ADMINISTRATION REPORT

Mr. Riblet gave the following report:

- City Council Work Session is scheduled for Wednesday, August 22, 2018 at 7:00 p.m.
- Prior to the Work Session at 5:30, Razor Marketing will hold a Branding and Imaging Campaign Kick Off Meeting. There will be a light dinner served at this time.
- The Financial Planning Committee meeting scheduled for Monday, August 6 at 4:30 p.m. has been rescheduled for Monday, August 20 at 4:30 p.m. The Law and Safety and Planning, Zoning and Landmarks Committees have cancelled their meetings for the month of August.
- The Parks and Recreation, Government Affairs and Public Works Committees will meet on Monday, August 13 at 3:30, 4:30 and 5:30 p.m., respectively.
- The Health Care Benefits Committee (HCBC) met with Julie Tople of HORAN to review Humana's renewal proposal for group health insurance, as well as renewal rates for group term life insurance and voluntary vision benefits. Our current carrier, Humana, submitted a zero percent increase for renewal. The HCBC will be presenting its recommendations to City Council at the August 22, 2018 Work Session.
- At the Hamilton County TID meeting on Monday, County Commissioners approved an Intergovernmental Agreement regarding our recent acknowledgement of FY19 TID funds. Once received we will bringing a legislative request to City Council for approval allowing us to execute the agreement.
- A contract with American StructurePoint in the amount of \$40,000 was signed to conduct a comprehensive analysis of our City-owned buildings. The contractor will provide a detailed 15 year Capital Needs schedule and associated costs with those needs which will be a tremendous help as we prepare for the future. The project is anticipated to be complete by the end of October.
- An exam announcement for Firefighter/Paramedic will be published beginning August 5 for the written test scheduled for September 7, 2018.

- 218
- Dianne Smith, police clerk with our police department, submitted her letter of intent to retire at the end of this year. We will miss Dianne but congratulate her on moving on to the next phase of her life. Staff will begin the preparation of filling her position in the upcoming months.
- 219
- Touch-A-Truck is scheduled for Thursday morning at Weller Park from 9:00 – noon. New this year are the addition of Food Trucks: Rhino’s Frozen Yogurt and Ice Cream and Quite Frankly (Hot Dog Truck) will be there to serve tasty treats. Also, new this year, are representatives from the Hamilton County Emergency Management Agency who will be on hand to educate the community on emergency preparedness, and representatives from Hamilton County Safe Communities, who will be dispersing educational items to bring awareness to traffic and seat belt safety. ICI Studio’s will be on hand to do free face painting for all kids, big and small. The community is invited to come and get up close and personal with our City dump trucks, backhoes, police cars and fire trucks. This is always a great community event that allows for our City staff to engage with the parents and kids.
- 220
- 221
- 222
- 223
- 224
- 225
- 226
- 227
- 228
- 229
- 230
- 231

232 Mr. Riblet requested an Executive Session to discuss matters related to Economic Development.

233

234 **APPROVAL OF MINUTES**

235

236 Mr. Margolis moved to approve the July 11, 2018 Work Session minutes as amended. Mr. Cappel seconded. City Council unanimously agreed.

237

238

239 **MAYORS COURT REPORT**

240

241 Mayor Dobrozsi stated that the Mayor’s Court Report was not ready to be reported on this evening and would be presented on the August 22, Work Session agenda.

242

243

244 **OTHER BUSINESS**

245

246 Mr. Margolis reported that he attended a Hamilton County Emergency Management Agency and Homeland Security meeting where they discussed the Alert Hamilton County program.

247

248

249 Mr. Margolis also noted that there is a 2018 Partner in Preparedness meeting to be held on Tuesday, September 11 from 11:30 a.m. to 3:30 p.m. which will feature the activities of the agency and how that affects all their jurisdictional partners.

250

251

252

253 Mayor Dobrozsi stated that he had received a letter from Neuilly-Plaisance indicating that they would not be sending an exchange contingency this fall.

254

255

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

257

258

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

260

261

262 The roll was called:

263

264	AYE: Cappel, Dobrozsi, Roesch, Suer, Margolis	(5)
265	NAY:	(0)
266	ABSENT: Bissmeyer, Harbison	(2)

267

268 City Council adjourned into Executive Session at 7:43 p.m.

269

270 City Council reconvened into Public Session at 8:15 p.m.

271

City Council Business Session Minutes

August 1, 2018

Page 6

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

274
275 Mr. Cappel moved to adjourn. Mr. Margolis seconded. City Council unanimously agreed.

276
277 City Council adjourned at 8:15 p.m.

278
279
280



Connie Gaylor, Clerk of Council