

City of Montgomery  
City Council Business Session  
June 4, 2019

Present

Brian Riblet, City Manager  
Terry Donnellon, Law Director  
John Crowell, Police Chief  
Gary Heitkamp, Public Works Director  
Tracy Roblero, Assistant City Manager  
Katie Smiddy, Finance Director  
Matthew Vanderhorst, Community Information Service Director  
Ben Shapiro, Assistant Fire Chief  
Faith Lynch, Community Engagement Coordinator  
Connie Gaylor, Clerk of Council

City Council Members

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 Business 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.

**GUESTS AND RESIDENTS**

Brett and Colleen Smith, 10407 Stone Court-Mr. and Mrs. Smith addressed City Council in response to a letter they had received from the Community Development Department regarding a complaint that was receiving about their play structure that is located in their rear yard. According to zoning, what they consider their rear yard is actually their front yard due to the orientation of their flag lot. The Smith's requested that City Council help them to find a solution. They stated that after moving in they have remodeled with the intention of living in their home for many years. They stated that they have invested in landscaping around the play structure to add privacy for themselves and also as a screen around the play structure in consideration of neighbors. They stated that this play structure is a replacement of an older one that was in the same location, however this structure is larger. They explained that the area that zoning considers as their front yard is very narrow and would be visible from the front of their house as well as their neighbors.

Mrs. Harbison stated that she recently met the Smith's and after hearing their situation admits that she has not heard of this issue before. She stated that she feels it would be a hardship on them to move the structure and feels that they cannot be the only property with this kind of a situation. She stated that their property actually has two addresses and asks that the Smith's meet with staff and the Law Director to review the code and their situation to find a creative solution.

Mayor Dobrozsi added that the access to their front yard was by a private drive and not a dedicated street which contributes to the issue.

Mr. Donnellon encourage the Smith's and staff to meet to discuss the best way to address their issue.

**PENDING LEGISLATION**

**An Ordinance Authorizing the City Manager to Dedicate Certain Portions of City Owned Property as Right-of-Way for the Ronald Reagan Highway/Montgomery Road Interchange Modification**

Mr. Margolis read the title of the legislation and moved for passage of the Ordinance. Ms. Roesch seconded.

58 Mr. Margolis explained that information has been previously supplied on this Ordinance that, if approved, will  
59 dedicate approximately 0.3661 acres upon property owned by the City of Montgomery as additional right-of-way  
60 to support the Ronald Reagan Highway/Montgomery Road Interchange Modification Project (round-a-bout). This  
61 land is currently owned by the City and runs along Montgomery Road through Main Street on the eastern border of  
62 the project.

63 Mr. Margolis asked if there were any updates. Mr. Donnellon replied there were none.

64  
65 The roll was called and showed the following vote:

66  
67 AYE: Cappel, Bissmeyer, Harbison, Dobrozsi, Roesch, Suer, Margolis (7)  
68 NAY: (0)  
69 ABSENT: (0)  
70

71 **An Ordinance Accepting Publicly Dedicated Easement Rights for Pedestrian Sidewalk Improvements From**  
72 **Terra Firma-Conner Crossing, LLC On Kennedy Lane At Montgomery Road**  
73

74 Mr. Cappel read the title of the legislation and moved passage of the second reading. Mr. Margolis seconded.  
75

76 Mr. Cappel explained that Information has been previously supplied on this Ordinance that, if approved, will  
77 authorize the City Manager to execute an Easement Agreement with Terra Firma-Conner Crossing, LLC, the owner  
78 of the property at 9157 Montgomery Road, Montgomery, Ohio 45242, upon which the City will construct certain  
79 sidewalk improvements in conjunction with the Kennedy Lane Sidewalk Improvement Project. This Ordinance  
80 authorizes the City Manager to execute such Agreement and the City to accept these property rights with the  
responsibility to maintain the sidewalk improvements in the future.

82  
83 Mr. Margolis asked if there were any updates. Mr. Donnellon stated there were none.  
84

85 The roll was called and showed the following vote:

86  
87 AYE: Bissmeyer, Harbison, Dobrozsi, Roesch, Suer, Margolis, Cappel (7)  
88 NAY: (0)  
89 ABSENT: (0)  
90

91 **NEW LEGISLATION**  
92

93 **A Resolution Authorizing the City Manager to Contract with Frost Brown Todd, LLC to Provide Special**  
94 **Counsel Services**  
95

96 Mrs. Harbison moved to read the Resolution by title only. Mr. Margolis seconded. City Council unanimously  
97 agreed.  
98

99 Mrs. Harbison read the title and moved for passage. Ms. Roesch seconded.  
100

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

111 The roll was called and showed the following vote:

112  
113 AYE: Harbison, Dobrozsi, Roesch, Suer, Margolis, Cappel, Bissmeyer (7)  
114 NAY: (0)  
115 ABSENT: (0)  
116

117 **ADMINISTRATION REPORT**

118  
119 Mr. Riblet gave the following report:

- 120  
121 • City Council Work Session is scheduled for June 19, 2019 at 7:00 p.m.  
122  
123 • Prior to the Work Session, a Public Hearing will be held at 5:45 p.m., for the presentation of the 2020 Tax  
124 Budget.  
125  
126 • Following the Tax Budget Public Hearing, at 6:00 p.m., a second Public Hearing will be held to consider a  
127 recommendation by the Planning Commission to consider a proposal from Tree of Life Church at 6477  
128 Cooper Road for an expansion of a conditional use and General Development Site Plan Approval to allow  
129 for construction of an addition and associated parking.

130  
131 A motion was made to go right into the Work Session after the Public Hearing if it finishes early.

- 132  
133 • The Parks and Recreation, Government Affairs, and Public Works Committees of Council have cancelled  
134 their meetings for the month of June.  
135  
136 • Due to the recent tornadoes in the Dayton area, Mutual Aid was requested through the Public Works  
137 Association of Southwest Ohio to assist with debris clean up in the City of Riverside and Beavercreek. The  
138 City provided two 5-ton trucks, along with Jim Stewart and Dan Miller as drivers, to haul debris for 3 days  
139 beginning Monday through Wednesday this week.  
140  
141 • Ben Shapiro reports that a grant was award to the fire department for a DETERRA drug deactivation system.  
142 This system includes a sealable pouch that can hold 45 pills or 6oz of fluid or 6 patches and after it is sealed  
143 it is safe to dispose of through normal means of waste disposal.  
144  
145 • Siteworx has begun the installation of water main at the Montgomery Road and Schoolhouse Lane  
146 intersection. During construction they will have traffic control (arrow boards, cones, flaggers, etc.) to  
147 maintain north and south bound traffic (they will begin on the northbound side). There are hour restrictions  
148 from 8:30 to 3:30. Sometime next week, they will be doing the tie-in into the existing water main. That  
149 will be the only night work as GCWW does the shutdowns at night.  
150  
151 • The K-9 Unit will be the main attraction at the Chamber of Commerce Annual Montgomery Police  
152 Department presentation on June 13. The event will be held at the Twin Lakes Davies Center.  
153  
154 • Staff met with Fifth Third Bank to investigate the addition of credit card readers for beer and wine sales at  
155 the July 3rd and 4th events. The readers are very inexpensive and would provide more flexibility for  
156 purchases at City events.  
157  
158 • Katie Smiddy, Taryn Radford and Alex Hope of CMI conducted staff training on the new Authority Finance  
159 software last Friday. This module will be in the testing stage for the next three weeks and will go live by  
160 early July.  
161

- 103 • Ford Development is expected to begin the Montgomery Road Gateway Phase 1 Watermain Extension  
164 project after the July 4th holiday. They will begin at the south end of Montgomery Road and work their  
165 way North. The construction is not anticipated to affect the Bastille Day activities.
- 166 • The part-time summer recreation specialist position has been filled and Lisa Lorenz (grade school Spanish  
167 teacher) started this week.
- 168
- 169 • Safety Village began this week Montgomery Elementary School and will continue for the next two weeks  
170 with approximately 50 volunteers assisting. There are a total of 150 children participating in the entire  
171 program with more than 40 children on the waiting list. The K-9 Unit of Officer Janszen and Ricky are  
172 providing demonstrations for the kids and as you can imagine is already very popular.
- 173
- 174 • Staff is making plans for our annual trip to Montgomery N.Y. for General Montgomery Day on Saturday,  
175 September 7. If anyone on City Council or Sister Cities Commission would have an interest in attending,  
176 please let Ms. Gaylor know so we can make final arrangements.
- 177
- 178 • Mr. Riblet reported that he would be on vacation beginning on June 6 through next Thursday June 13. He  
179 plans to return to the office on Friday, June 14. During his absence Tracy Roblero will be the Acting City  
180 Manager.

181  
182 Mr. Riblet requested an Executive Session to consider confidential information of an applicant for economic  
183 development.

184  
185 **Minutes**

187 Mr. Cappel moved to approve the May 22, 2019 Public Hearing and Work Session minutes as amended. Mr.  
188 Margolis seconded. City Council unanimously agreed.

189  
190 **Mayor's Court Report**

191  
192 Mayor Dobrozszi reported that the total Mayor's Court collection for the month of May is \$14,203.00.

193  
194 Mr. Margolis moved to accept the Mayor's Court Report for the month of May. Mrs. Bissmeyer seconded. City  
195 Council unanimously agreed.

196  
197 **Other Business**

198  
199 Mayor Dobrozszi reported that he and Mr. Riblet attended a Mayors Roundtable meeting at the Village of Evendale  
200 at which time Representative Miranda spoke about current issues. Mayor Dobrozszi stated that he and Mr. Riblet  
201 shared their concerns over the centralized tax collection bill as well as the continued reduction in local government  
202 funding by the State. He stated that she seemed receptive to their concerns and vowed to research the future status  
203 of the funding mechanism.

204  
205 Mayor Dobrozszi reported that he met with Mayor Mark Kuenning of the Village of Indian Hill. He stated that  
206 Mayor Kuenning updated him on various projects currently underway. He verified that the new home development  
207 has only been through a preliminary approval process and that there is no current timeline for which construction  
208 will begin.

209  
210  
211 Mayor Dobrozszi asked for a motion to adjourn into Executive Session to consider confidential information of an  
212 applicant for economic development.

213 Mr. Margolis made a motion to adjourn into Executive Session to consider confidential information of an applicant  
214 for economic development. Mr. Cappel seconded.



City Council Business Session Minutes

June 4, 2019

Page 5

216 The roll was called and showed the following vote:

217  
218            AYE: Cappel, Bissmeyer, Harbison, Dobrozsi, Roesch, Suer, Margolis            (7)  
219            NAY:    (0)  
220            ABSENT:    (0)

221  
222 City Council adjourned into Executive Session at 7:31 p.m.

223  
224 City Council reconvened into Public Session at 8:00 p.m.

225  
226 Mayor Dobrozsi asked if there was any further business to discuss in Public Session. There being none he asked for  
227 a motion to adjourn.

228  
229 Mr. Cappel moved to adjourn. Mr. Margolis seconded. City Council unanimously agreed.

230  
231 City Council adjourned at 8:00 p.m.

232  
233  
234  
235  
236  
237  
238

  
\_\_\_\_\_  
Connie Gaylor  
Clerk of Council