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City of Montgomery
City Council Business Session Minutes
October 7, 2020

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.
Katie Smiddy, Finance Director
Matthew Vanderhorst, Community and Information Services, Dir.
Paul Wright, Fire Chief
Connie Gaylor, Clerk of Council

City Council Members Present

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

City Council convened its Business Session for October 7, 2020 at 7:00 p.m. as a hybrid meeting at City Hall and also by telephone conference with Mayor Dobrozsi presiding. This remote access meeting was allowed by emergency legislation adopted by the Ohio General Assembly and approved by the Governor. The emergency legislation added language to RC Section 121.22 allowing public meetings by telephone conference during the current pandemic and declared State of Emergency. As required by the statute, notice of the telephonic meeting was publicized more than 24 hours in advance to allow public access through the same conference call in service. The public was also given a backup number to call in the event there were technical difficulties. This Notice was posted on the City's website and a similar Notice was sent to The Cincinnati Enquirer.

ROLL CALL

Mayor Dobrozsi asked for the roll to be called.

The roll was called with all members answering as present.

SPECIAL PRESENTATIONS

Isaac Holland along with his parents, Mary and John, were in attendance to be formally introduced to City Council as Isaac was newly hired to the Public Works Department.

Parker Adkins along with his wife, Ashley, was in attendance to be formally introduced to City Council as Parker has also been newly hired to the Public Works Department.

City Council and staff welcomed both Isaac and Parker as new employees to the Montgomery family. They also thanked their families for coming to the meeting. City Council wished both Isaac and Parker great success in their new positions and a long employment with the City.

Derek Morgan was also present to be introduced to City Council. Ms. Smiddy explained that while Derek has been employed with the City since before the pandemic struck, he was not formally introduced to City Council. Derek is the newest member of the Finance Department.

City Council also welcomed Derek to the City and wished him success and longevity in his career with the City.

GUESTS & RESIDENTS

Mayor Dobrozsi explained that as there were residents present in City Hall that he would take their comments at this time but, as was the practice due to the State of Emergency, he would ask that any guests on the phone line hold their comments until the end of the agenda. He asked to move Guests and Residents on the phone to the end of the meeting and allow any public participating in the call to speak at that time. He stated that comments will be allowed but asked that all questions be forwarded by email to City Manager Brian Riblet. He stated that all comments will be limited to three minutes in total.

57

58 Vice Mayor Margolis made a motion to move the Guests and Residents item to after item #10 on the agenda. Mr.
59 Suer seconded. City Council unanimously agreed.

60

61 Kerry Hull, 7843 Cooper Road- Ms. Hull thanked the Mayor and Council Members, for letting her speak. She stated
62 that she wanted to comment on the Monday, October 5 Planning Commission meeting and the Montgomery Quarter
63 development. She stated that she felt there are some details that Council needs to be aware of. She explained that
64 while this project has been in the works since 2005, this phase of development has clearly been rushed, and it is time
65 to slow down. She stated that if anyone watched the news that day or drove down Montgomery Road, they would
66 see there was a natural gas explosion at the development site right behind her house. She stated this development is
67 too important for the City to rush this phase and the City needs to get it right to ensure quality and safety. She stated
68 the development will be the first thing everybody sees as they enter Montgomery, it will be the gateway into the
69 community, and it should be respectful of the city's historic qualities and design, mass, and scale. Just as the code
70 states in the purpose of scale and massing, landscape in screening sections of the OMG building code, among other
71 places. She stated she talked with many neighbors and residents about the development. She added that these were
72 not just a handful of nosy neighbors, in just a few hours and with just a few neighbors, she collected more than 100
73 petitions opposing the plan. She added "Imagine what we could do with more time". She explained that in talking
74 with those individuals, there has been one common theme. She stated that so much has changed since the original
75 plans, much of which has never been discussed with the residents of Montgomery. She stated that the monthly
76 bulletin does not go into enough detail and never discusses height, scale or architecture, and the last resident Open
77 House discussing the development was over a year ago. She stated that residents were told the development would
78 be all high end, empty nester owner occupied condos, but now they are rental apartments targeting Millennial's. She
79 stated that residents were told these buildings would be designed to be like the distinguished looking, timeless town
80 homes in Mariemont like what was on the corner of Montgomery and Remington, Main and Remington. She stated
81 that now they are copy and paste buildings just like Liberty Township, Dublin, and Blue Ash. She stated that residents
82 were told they were going to be all two to three story town homes, and now they are towering five story apartment
83 buildings, abutting residential properties of Montgomery and Indian Hill. She stated they will be twice the height of
84 adjacent homes, and these buildings will be seen from Montgomery Road and Cooper Road and will be a giant scar
85 on Montgomery's historic legacy.

86

87 Ms. Hull stated that residents have never had to pay for parking in the city, but they will now, with Castro's current
88 plan. She stated that tenants of apartments will be limited to one car per apartment, and they will have to pay for a
89 second spot, not meeting town requirements. She added that parking is already a significant problem in the city, and
90 this is going to make it even worse. She stated that residents were at the Planning Commission last October when
91 the streets and driveway plans were approved. Yet that, too, has changed with no notice to residents. She stated that
92 it is important to remember that the building code was changed for this specific development. She stated that
93 neighbors were not included in these discussions, and heights referenced are significantly taller than anything
94 permitted in the adjacent Heritage District. She stated that Monday night [Planning Commission Meeting] was an
95 embarrassment for our city. She stated the Planning Commission started with the City's Law Director, intimidating
96 Commissioners to vote for the Montgomery Quarter, followed by the chairman who attacked a landmark property
97 owner who merely was citing City Code. She stated he lashed out for no reason, was unprofessional and
98 disrespectful, and everyone there saw it. She stated "This is not what, let me just remind you of, this is not what
99 good government is, and quite frankly, this is not what we need for our city. She asked, "Is this the face we want
100 representing our city".

101

102 Ms. Hull stated that the Planning Commission has never approved a project without Landmark Commission approval
103 until Monday night. The Landmark Commission voted unanimously against the proposed plan last week, yet the
104 staff report to the Planning Commission did not accurately reflect the discussions. She stated that at the meeting on
105 Monday night, the neighbors and residents spoke about concerns they had regarding height, parking, dumpsters,
106 electrical, driveways, and noise. She added that these are not new concerns, they are the same concerns they have
107 had at all the Planning Commission meetings. She stated that when the residents met with the developer in August,
108 Casto made zero changes to address their concerns after meeting with them, and they have added even more

109 apartments. She stated that this brings up yet another concern. She asked if the Sycamore School District were
110 prepared to handle the number of additional residents. She stated to City Council that they could help by honoring
111 their duty and remember the original purpose of this project. She stated the City is one of the three development
112 partners of this project, which makes it very different from any other development in the city. She added that she
113 knew we are all tired and anxious to finalize this development, but that is no reason to have this be the final plan.
114 She stated, "It's time to protect the residents of the community that voted for you and for whose taxpayer dollars
115 are paying for this development". She asked City Council to set up a crane so residents can see how high these
116 buildings are compared to the height of neighboring Heritage District, so residents can see it as they drive along
117 Montgomery and Cooper roads. She stated that she knew there is a bucket truck, she sees it there often and it would
118 be really helpful. She reiterated that the residents are not against the development, they are against the current plan.
119 She stated that the residents of the Heritage District and the value of the landmark properties must be protected just
120 as the code states. She asked Council if they truly care about the landmark properties and the Heritage District of
121 Montgomery. She asked Council if they truly care about being a Tree City. She asked Council do they care at all
122 about their own legacy or the historic legacy of the city. She stated that if they can answer yes to the aforementioned,
123 then she urged them to do the right thing and right the ship. She asked them to please send the developer back to the
124 drawing board, protect the heritage district and maintain and enhance the character of Montgomery that we all love.
125 She thanked them for their time.

126
127 Mayor Dobrozi thanked Ms. Hull for her passion and for obviously preparing a lot of information. He stated we
128 will take the information in and appreciate her coming tonight.

129
130 Ms. Hull asked if they were going to make any kind of commitment to investigate in putting a crane up or to coming
131 to her yard to see how they will have no trees left. She asked if Council or Staff could meet with the neighbors and
132 find out their side of the story.

133
134 Mayor Dobrozi replied that what Council can commit to doing is working with staff to better understand her
135 concerns and then Council can translate back through them.

136
137 Ms. Hull asked how she would hear from them.

138
139 Mayor Dobrozi stated that she would hear from the City Manager as a single source of contact.

140
141 Ms. Hull asked when she would hear from him.

142
143 Mr. Riblet replied to Ms. Hull that he needed to meet with staff and City Council regarding her requests and
144 comments and would follow up before the end of the week.

145
146 Ms. Hull replied that she would appreciate that and thanked Mr. Riblet.

147
148 Mayor Dobrozi thanked Ms. Hull for her time. At that time Ms. Hull left the meeting.

149
150 Mayor Dobrozi then stated to those on the phone line, that all guests that were at City Hall had left. He asked anyone
151 who was on the line, to hold their comments until the end of the session. He stated that at this time we are going to
152 move right along to legislation for consideration this evening. He explained that the first two items are legislation
153 that needs to be added to the agenda.

154
155 Ms. Roesch stated that she would be recusing herself from items A and B due to possible professional conflicts.

156
157 Mayor Dobrozi stated that like he has done with all legislation that relates to the development and roundabout that
158 he will recuse himself from the discussion and vote on this legislation. He explained that although he has no
159 ownership interest in Neyer Properties, Inc. nor any in the limited liability companies in partnership to develop the

160 Montgomery Quarter, he will continue to recuse himself from discussion and abstain from voting upon legislation
161 related to the Montgomery Quarter project. He asked Vice Mayor Margolis to take over the meeting.

162

163 **LEGISLATION TO BE ADDED TO THE AGENDA**

164

165 **An Ordinance Amending Tax Incentive Agreement with The Board of Education of The Sycamore**
166 **Community School District for The Montgomery Quarter Project and Declaring an Emergency**

167

168 Vice Mayor Margolis asked for a motion to add the legislation to the agenda.

169

170 Mrs. Harbison made a motion to the add the legislation to the agenda for consideration this evening. Mr. Suer
171 seconded. City Council unanimously agreed.

172

173 Vice Mayor Margolis assigned the legislation to Mr. Suer.

174

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

176

177 Mr. Suer read the title and moved for suspension of the rules that require three separate readings of the Ordinance.

178

179 The roll was called and showed the following vote:

180

181 AYE: Cappel, Bissmeyer, Harbison, Suer, Margolis (5)

182 NAY: (0)

183 ABSTAIN: Roesch, Dobrozsi (2)

184

185 Mr. Suer asked Mr. Donnellon to provide explanation of the Ordinance.

186

187 Mr. Donnellon explained that over a year ago, Council passed legislation to create a Tax Incentive Financing district
188 in the Montgomery Quarter to include residential districts and a commercial district. He explained that at that time,
189 the City entered into a Tax Incentive Agreement with the Sycamore City School District, which provided
190 compensation to them. He explained that when we created it, it was to exempt the property from taxes. He added
191 that the property taxes are considered as payments in lieu of taxes and are collected on the increased value that the
192 City receives which is what we use to fund bond financing for public improvements. He stated that the City also has
193 an agreement with Sycamore Community Schools to compensate them, because once the property is exempted, it
194 exempts their particular levies on that property. He stated staff conducted long negotiations over the course of a year
195 or more with Sycamore Schools to get their cooperation to be able to finance the project. He added that this
196 agreement would substantially increase the compensation that they currently receive on this project when, projecting
197 over a period of 30 years, could produce almost 20 million dollars in revenues. He stated that is probably 10 times
198 the amount that would be collected if the property were still viable car dealerships. He stated that we are coming to
199 the point in time where we are ready to issue the bonds and it was requested to amend the Tax Incentive agreement.
200 He explained the amendment was two-fold. He stated the first action of the amendment was to correct the formula.
201 He explained that when we reached our agreement with Sycamore Schools, we agreed that we would not discount
202 any new or future levies and as you recall Sycamore Schools passed a levy last year for a variety of projects in the
203 school district. He stated that it was for 4 mils and our agreement with Sycamore Schools was based on all the pro
204 forma projections, would not need to discount that levy in any way. He added that Sycamore asked us going forward
205 in the future that if they pass a new levy, like last year's levy or any other levy in the future, during a 30 year period
206 could come on at full value without any discount. He stated that we agreed to that request and then because it was
207 so new, people were having a difficult time trying to word the appropriate formula between the bond attorneys. It
208 was discovered as we're getting to close to issuing bonds, that that formula needed to be adjusted to accurately reflect
209 that the 4 mil levy will continue to be taxed fully at 4 mils on all the improved values for a period of 30 years. He
210 added that similarly, if they would have a levy 10 years from now, that levy will be taxed at its full value on the full
211 value of the project rather than any discount. He stated that the other change was again to beef up some of the

212 financing of the project. He stated that we had an agreement with Sycamore Schools, a limit on the number of rental
213 units, and we talked to them about bumping that rental unit number up, particularly the number of bedrooms. He
214 stated that they agreed to bump that up, to bring the project where it is today. He reiterated the Tax Incentive
215 agreement is twofold and that is to correct the formula and to correct the cap on the number of rental units. He stated
216 that it does not necessarily mean that the bonds will be issued to that extent but will grant the authorization for
217 issuance. He stated that if he was correct, Sycamore has voted on this amendment also.

218
219 Mr. Riblet replied that Sycamore Schools did have their School Board meeting that morning and they approved the
220 amendments that Mr. Donnellon had described to them.

221
222 Mr. Donnellon stated that with approval of the amendment, City Council would be authorizing Mr. Riblet to execute
223 the counterpart of that agreement with the Schools.

224
225 Vice Mayor Margolis asked Mr. Donnellon that when he used the term "discount" that it meant the future levies will
226 be paid in at the full and not at the reduced amount.

227
228 Mr. Donnellon replied that he was correct. He explained that when you look at the tax duplicate, Sycamore Schools
229 will receive about 60 percent of all the taxes that are collected. He explained that when they exempted the property,
230 they would lose 60 percent of that revenue. He stated to incentivize the development of the property, Sycamore
231 Schools agreed, during Phase one of the property, to take compensation equal to 10 percent of the total collection.
232 He stated to help them and to incentivize this we agreed to that as moneys were collected, when the value comes on
233 and the value increases, there may be more money than is necessary to pay for the bonds and to pay their
234 compensation, so we reached a very unique secondary agreement with them. He explained that as we start to build
235 that excess, we will pay back to them 50 percent excess. Then when we reach a certain level in that excess collection
236 where there is 2.5 million reserved for future development by the City, we would kick that up to 75 percent. He
237 explained when you look at all those formulas, that's where projections are about 20 million dollars for Sycamore
238 schools. He stated there is always a cap on that, but if this project goes forward, those values 20 years from now was
239 phenomenal. He added that Sycamore Schools will not receive any more than they would have received, but we will
240 have that new proforma levy without any discounts on old formulas on.

241
242 Vice Mayor Margolis asked if there were any questions or comments from City Council.

243
244 Mr. Cappel asked what created the need for additional rental units in this project.

245
246 Mr. Donnellon stated that as explained to us, the project as it was proposed buildings I & J were very high with J
247 being the closest to the residential properties on Cooper Road. The developer asked for something higher than the
248 code permitted and we pushed back and said no. Following this, they went back to adjusting J back down to what it
249 was projected to be based upon the code that was written 15 years ago and brought that size down once again to
250 make the project work for them. The effect of this was that they need to pick up someplace else in the development
251 where those apartments could be located because there is a specific product mix. That mix included penthouse
252 apartments where apparently the market now for Penthouse is that people want an outside terrace. To accommodate
253 that, they requested that those be put on top of buildings, K and L, which are the two buildings on the eastern edge
254 of the project, that front the Indian Hill buffer. The agreement was that it could be moved over there, still keeping
255 those buildings, within the height limits of the district. He explained that when they move those penthouses to
256 buildings K and L, that brought the number of rental units just over what had been approved before. He stated that
257 in negotiations with them, if we were going to agree to increase the number of units respecting Sycamore Schools,
258 the key is reducing the number or limiting the number of bedrooms because one bedroom unit marketplace shows
259 it's typically not rented by a family. He stated it may be a very short-term family rental, but very typically it is an
260 empty nester or a millennial. Sycamore is very sensitive to make sure that number of bedrooms does not significantly
261 increase. To meet the market, need for the development and reduce the size of that one building, that is where the
262 tradeoff was made.

263

264 Mr. Cappel questioned that we are allowing the additional bedrooms, but not the extra units. He stated he wasn't
265 completely following what Mr. Donnellon explained.
266

267 Mr. Donnellon replied that the unit count went up because there are 10 penthouse units in each of the two buildings.
268 He explained that when the height of building J was reduced, the amenities were reduced, and in order to pick that
269 up with the market, they wanted penthouse units. As a result, the penthouse units were moved to K and L which are
270 much larger horizontally and total 10 units per building. He stated that this added 20 units to the overall project and
271 that is where the units went up in number. He stated when we reviewed this with Sycamore Schools, they were very
272 supportive of it because what it did was also prop up the value of the entire project for compensating them on the
273 taxes.
274

275 Mrs. Bissmeyer stated she had a question on page 5, item D. She asked if she was correctly reading that out of the
276 for-sale units, the 48, only four of them can have three bedrooms.
277

278 Mr. Donnellon replied that that was a good question. He explained the negotiating history, that again, Sycamore
279 was very supportive of the condominiums, which will be 48 condominium units built. Sycamore's concern was when
280 we get up to three-bedroom units that it is likely to increase their load of students. What they said was, we will
281 support this. Sycamore Schools stated they would like those units to be one and two bedrooms, but they will permit
282 a certain number of three bedrooms. He stated that as you see in the amendment, there is discretion given to the
283 Superintendent of Schools with the City Manager, as the market dictates at that time, to make a slight adjustment to
284 include more three bedroom units as a proposal plan. He stated as discussed, right now, there is a limited number of
285 three-bedroom units in the Commons.
286

287 Mrs. Bissmeyer stated that right now she was really concerned that those price points for the purchase, might be a
288 problem.
289

290 Vice Mayor Margolis asked City Council if there were any comments or questions. There were none.
291

292 The roll was called and showed the following vote:
293

294 AYE: Bissmeyer, Harbison, Suer, Margolis, Cappel (5)
295 NAY: (0)
296 ABSTAIN: Dobrozsi, Roesch (2)
297

298 **An Ordinance Amending Ordinance No. 11, 2020 To Increase the Authorized Limits for The Issuance of**
299 **Special Obligation Revenue Bonds of The City of Montgomery And Declaring an Emergency**
300

301 Vice Mayor Margolis asked for a motion to add the legislation to the agenda.
302

303 Mrs. Harbison made a motion to the add the legislation to the agenda for consideration this evening. Mr. Suer
304 seconded. City Council unanimously agreed.
305

306 Vice Mayor Margolis assigned the legislation to Mr. Suer.
307

308 Mr. Suer moved to read the legislation by title only. Mrs. Harbison seconded. City Council unanimously agreed.
309

310 Mr. Suer read the title and moved for suspension of the rules that require three separate readings of the Ordinance.
311 Mrs. Harbison seconded.
312

313 The roll was called and showed the following vote:
314

315 AYE: Harbison, Suer, Margolis, Cappel, Bissmeyer (5)

316 NAY: (0)
317 ABSTAIN: Roesch, Dobrozsi (2)
318

319 Mr. Donnellon explained that a couple of months ago, we passed our authorizing legislation for the bond issuance
320 and are coming close to going to market. He stated that staff has a conference call tomorrow to have the bonds rated
321 by Moody's, which is what we do any time bonds are issued. He stated they look at the finances of the City and at
322 the project and they set a rating on it, which ultimately determines the interest rates that would be associated with
323 the project. He stated that we have seen a lot of volatility in the market over that last days, some market days are
324 great and some market days not so great right now. He stated that right now rates are phenomenally good, but it was
325 recommended that we bump up our authorized ceiling to \$25 million. He explained that our projected borrow is still
326 about 23 million to net a project fund of 19 million. He added that just in case we get to that point in time where the
327 market is on a rise on that particular day, and it goes above the \$23 million we want to make sure we have the
328 authorization in place. The recommendation by our Bond Counsel and Bond Underwriter was to amend the
329 Ordinance to up that ceiling to \$25 million. He explained that does not mean we are going to borrow 25 million, it
330 means that is what we are authorized to borrow for whatever is necessary to net that 19 million at the time we went
331 to the market. He stated the hope is we are in the market in November with funding in December.
332

333 Mr. Donnellon noted that the revised Ordinance, which we passed out to City Council, is revised because the Bond
334 Counsel has a certain format that they like to follow. He stated that very typically we note that we are amending a
335 specific section and provide how the section reads. He stated that Bond Counsel asked if we would reprint in the
336 Ordinance the old section in its entirety and imprint new sections in their entirety. He stated the only difference
337 between the two, is in section three the number 23 million and the number 25 million. He stated since these are very
338 specific documents, we want to ensure everything is accurately stated.
339

340 Vice Mayor Margolis asked if we have to do some special wording tonight to reflect that.
341

342 Mr. Donnellon replied no, because we added this version to the agenda this evening and made it available this
343 afternoon, our rules only require it be available in advance of the meeting.
344

345 Vice Mayor Margolis asked if there were any further questions. There were none.
346

347 The roll was called and showed the following vote:
348

349 AYE: Suer, Margolis, Cappel, Bissmeyer, Harbison (5)
350 NAY: (0)
351 ABSTAIN: Roesch, Dobrozsi (2)
352

353 Mayor Dobrozsi resumed management of the meeting.
354

355 Mrs. Harbison stated she would just like to really thank the staff: Brian, Tracy, Katie, Terry, who have worked
356 tirelessly to get this work through and work with the development team. She stated she was so proud of how hard
357 they have worked and the hours and hours they put into it. She stated it is greatly appreciated.
358

359 Mr. Donnellon added that we will need to conform our development agreement to where we are reshaping
360 everything, this is not just a piece of it. He stated that legislation is anticipated to be brought to the October 21
361 meeting to be added to the agenda for consideration since it was not on the agenda this evening but wanted to give
362 them an alert that it would be forthcoming. He stated that we also anticipate the need for a Montgomery Community
363 Improvement Corporation (CIC) meeting since the agreement is with the Development Team, the City and the CIC.
364 He stated we will have Mrs. Bissmeyer call that meeting as president of the CIC just prior to our next meeting. He
365 explained that staff, the development team and their lawyers and himself have gone through every one of the
366 agreements that Council have reviewed over the course of the last couple of years with the promise from everybody
367 that they would get their final comments in so we can bring those forward, one being the development agreement.

368 He stated we are not going to add all those others to the agenda because you have approved them previously, we are
369 finally shaping the cooperative agreement, the property maintenance agreement, development agreement, service
370 agreement, declarations of easements, all of these to say here we are now let's get it right with the numbers and
371 reflect the project as it is today. He added to again get into the bond market and get the financing to go vertical.
372

373 Mr. Riblet stated that if we begin at 6:45 p.m. on October 21 that should give us plenty of time. He added that we
374 could also make a motion to go into the Work Session upon completion of the CIC meeting if City Council wished
375 to.
376

377 Vice Mayor Margolis made a motion to begin the October Work Session immediately following the conclusion of
378 the CIC meeting. Mrs. Harbison seconded. City Council unanimously agreed.
379

380 Mrs. Bissmeyer stated she agreed as the President of the CIC to hold the meeting at that time.
381

382 **A Resolution Authorizing A 2020 Cares Act Local Jurisdiction Agreement**
383

384 Mayor Dobrozsi asked for a motion to add the legislation to the agenda.
385

386 Vice Mayor Margolis made a motion to the add the legislation to the agenda for consideration this evening. Mr.
387 Cappel seconded. City Council unanimously agreed.
388

389 Mayor Dobrozsi assigned the legislation to Mr. Suer.
390

391 At this time, there was considerable interference on the teleconference line. The Mayor asked for those on the line
392 to mute their calls however it did not quiet the interference. The callers were advised to call back in, and the call was
393 ended. The Clerk of Council initiated the call again and conducted a roll call of those on the line. Mr. Cappel, Miss
394 Bissmeyer and Ms. Roesch all identified themselves as being on the line.
395

396 Mayor Dobrozsi went back to Mr. Suer to continue the reading of the legislation.
397

398 Mr. Suer moved to read the legislation by title only. Vice Mayor Margolis seconded. City Council unanimously
399 agreed.
400

401 Mr. Suer read the title and moved for passage of the Resolution. Mr. Cappel seconded.
402

403 Mr. Suer explained that, if approved, this Resolution would allow the City to participate in the Hamilton County
404 "Cares Funding" Program. Previously Council passed Resolution No. 21, 2020 to participate in the Coronavirus
405 Relief Fund created by the federal government and managed through the State and County. Hamilton County has
406 requested participating jurisdictions to execute a Local Jurisdiction Agreement to participate in the program. . The
407 Agreement details the amount to be received, \$174,616, and the uses of those grant funds. The Agreement also
408 outlines the process to participate in the program including the separate classification of the funds and accounting
409 for the funds being used.
410

411
412 Mayor Dobrozsi asked Mr. Riblet if he had anything to add.
413

414 Mr. Riblet stated that Hamilton County has set aside \$25 million of their federal funding that they had previously
415 received and are allocating that per the local government formula to the 49 jurisdictions within in Hamilton County
416 and as Mr. Suer mentioned, we are estimated to receive \$174,616.
417

418 Vice Mayor Margolis asked if the amount we determined by the formula or by requests from the municipalities.
419

420 Mr. Riblet replied that's the formula that they use to divide the funds up and as, you know, this will be the third
421 amount of funds that we received, whether it may be Federal funds or State funds and he may have more information
422 soon on some additional funding as well.

423
424 Mayor Dobrozsi asked if there were further questions. There being none he asked for the roll call.

425
426 The roll was called and showed the following vote:

427
428 AYE: Margolis, Cappel, Bissmeyer, Harbison, Dobrozsi, Roesch, Suer (7)
429 NAY: (0)

430
431 **NEW LEGISLATION**

432
433 **A Resolution authorizing the City Manager to enter into a contract with Penn Care Incorporated for the**
434 **purchase of a 2020 Braun E450 Chief XL Type III Ambulance**

435
436 Mrs. Bissmeyer moved to read the Resolution by title only. Mr. Cappel seconded. City Council unanimously agreed.

437
438 Mrs. Bissmeyer read the title and moved for passage. Mr. Cappel seconded.

439
440 Mrs. Bissmeyer explained that information has been previously supplied on this legislation that, if approved, would
441 authorize the City Manager to enter into a contract with Penn Care Inc. for the purchase of a 2020 Braun E450 Chief
442 XL Type III Ambulance. The ambulance will be purchased through the bid process conducted through the State of
443 Ohio Cooperative Purchasing Program. The base bid for the ambulance with STS options totals \$187,399.90, with
444 additional Non-STS options totaling \$21,996.25, a chassis rebate of \$4,600.00 and a contingency amount of
445 \$1,203.85. These numbers, when combined, total \$206,000.00. In light of budget revisions due to Covid-19, the
446 planned 2020 Capital Improvement purchase of a new Rescue Pumper has been deferred and the 2021 planned
447 purchase of an ambulance to replace a 2006 Horton ambulance was moved into this year's Capital Improvement
448 program in account 223.000.5405. The proposed 2021 expense for the ambulance was \$280,000 so the purchase of
449 this ambulance is well under that estimate.

450
451 Mrs. Bissmeyer asked if there were any updates.

452
453 Chief Wright replied there were none.

454
455 The roll was called and showed the following vote:

456
457 AYE: Suer, Margolis, Cappel, Bissmeyer, Harbison, Dobrozsi, Roesch (7)
458 NAY: (0)

459
460
461
462
463 **An Ordinance Modifying Section 132.14, Noise, of The Montgomery Code of Ordinances**

464
465 Vice Mayor Margolis moved to read the Ordinance by title only. Mr. Margolis seconded. City Council unanimously
466 agreed.

467
468 Vice Mayor Margolis read the title of the Ordinance and moved for passage of the first reading. Mr. Cappel
469 seconded.

470

471 Vice Mayor Margolis explained that information has been previously supplied on this legislation that, if approved,
472 would enact modifications to the noise ordinance which include differentiating between general noise and
473 construction noise, by defining “construction work” as “any type of work which requires a building and/or zoning
474 permit”. Times for construction work would be limited to 7:00 a.m. – 9:00 p.m. (Monday through Friday) and 9:00
475 a.m. – 8:00 p.m. on Saturdays and Sundays. The proposed modifications maintain the hours of 7:00 a.m. – 10:00
476 p.m. for all other types of noise outside of construction work. In addition, the proposed modifications limit the sound
477 permitted outside these hours to 60 decibels, as measured from the complainant’s property line. The Planning,
478 Zoning and Landmarks Committee of Council met on March 2, 2020 to discuss the proposed modification. After
479 discussion, the Committee voted unanimously to recommend approval of the amendments to the noise ordinance
480 with the condition that work by utility companies, such as Duke Energy, Cincinnati Bell, Greater Cincinnati Water
481 Works, etc., be included in the list of exemptions.
482

483 Mr. Donnellon updated City Council that Mr. Gary Gross has brought incidents regarding the Noise Ordinance to
484 staff and has requested a meeting to discuss his questions. Mr. Donnellon stated that he and Mr. Riblet were
485 scheduled to meet with Mr. Gross on Monday, October 12 to discuss his concerns. He stated that staff has heard a
486 lot of people complain about construction. He stated that this is ideal that we could codify construction, but we also
487 are trying to bring it to a level where it is more objective in terms of what we measure the noise to be. He stated the
488 police are often in a very difficult position as that numerous times when someone says that it is too loud, that what
489 is loud, can be subjective. He said there a lot of great changes and there may be more if we have a chance to meet
490 with Mr. Gross and get his feedback from his own experience.
491

492 Mayor Dobrozsi asked if there were any questions from Council.
493

494 Mrs. Bissmeyer asked that since Duke Energy, Cincinnati Bell, and Greater Cincinnati Water Works are excluded
495 from the restricted times due to emergencies, are there other contractors that could be exempt.
496

497 Mr. Donnellon replied that there is language that excludes all emergencies for utility contractors but not for
498 contractors doing customary work.
499

500 Mayor Dobrozsi asked if there were any further questions. There were none.
501

502 The roll was called and showed the following vote:
503

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

505 NAY: (0)
506

507 **An Ordinance to Make Appropriations for Current Expenses and Other Expenditures of The City of**
508 **Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2021**
509

510 Mayor Dobrozsi stated that he would recuse himself from the discussion and vote on this legislation. He explained
511 that although he has no ownership interest in Neyer Properties, Inc. nor any in the limited liability companies in
512 partnership to develop the Montgomery Quarter, he will continue to recuse himself from discussion and abstain from
513 voting upon legislation related to the Montgomery Quarter project. He asked Vice Mayor Margolis to take over the
514 meeting.
515

516 Vice Mayor Margolis assumed management of the meeting.
517

518 Mr. Suer moved to read the legislation by title only. Mr. Cappel seconded. City Council unanimously agreed.
519

520 Mr. Suer read the title and moved for passage of the first reading of the Ordinance. Mr. Cappel seconded.
521

522 Mr. Suer stated that information has been previously supplied on this legislation that, if approved, would establish
523 the City's budget for fiscal year 2021. These documents were presented to and reviewed with the Financial Planning
524 Committee of City Council at their September 8 meeting. City Council will conduct its formal review of the 2021
525 Operating and Capital Budget with Four Year Forecast and 2021-2025 Capital Improvement Program, on
526 Wednesday, September 9. As a result of these discussions, any changes to the budget are included with this
527 legislation.

528
529 Mr. Suer asked if there were any updates.

530
531 Ms. Smiddy replied there were none.

532
533 The roll was called and showed the following vote:

534
535 AYE: Cappel, Bissmeyer, Harbison, Roesch, Suer, Margolis (6)
536 NAY: (0)
537 ABSTAIN: Dobrozsi (1)
538

539 Mayor Dobrozsi resumed management of the meeting.

540
541 **A Resolution Accepting the Amounts and Rates as Determined by The Hamilton County Budget Commission**
542 **and Authorizing the Necessary Tax Levies and Certifying Them to The County Auditor**
543

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

545
546 Mr. Suer read the title and moved for passage. Mr. Cappel seconded.

547
548 Mr. Suer explained that information has been previously supplied on this legislation that, if approved, would accept
549 the rates and amounts determined by the Hamilton County Budget Commission. As a State of Ohio taxing authority
550 and pursuant to the Ohio Revised Code, the City is required to adopt an annual tax budget. City Council adopted
551 the Tax Budget on July 1, 2020, and then submitted it to the Hamilton County Auditor for review by that office and
552 the Hamilton County Budget Commission. Those reviews did not generate any questions and the proposed Tax
553 Budget was accepted by the Budget Commission and Auditor. City Council is requested to act to accept the Budget
554 Commission's rates and amounts, which would result in the estimated collections as specified in the City's 2021 Tax
555 Budget. This action will then permit the Budget Commission to collect property taxes at the rates established for
556 the upcoming year.

557
558 Mr. Suer asked if there were any updates.

559
560 Ms. Smiddy replied there were none.

561
562 The roll was called and showed the following vote:

563
564 AYE: Bissmeyer, Harbison, Roesch, Suer, Margolis, Cappel, Dobrozsi (7)
565 NAY: (0)
566

567 **A Resolution Authorizing the City Manager to Enter into A Contract with Cargill, Inc. For the Purchase of**
568 **De-Icing Rock Salt for the 2020-2021 Season**
569

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

572
573 Mr. Cappel read the title and moved for passage. Mrs. Harbison seconded.

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Mr. Cappel explained that information has been previously supplied on this legislation that, if approved, would authorize the City Manager to enter into a contract with Cargill, Inc. pursuant to a joint purchasing bid with Hamilton County for 2020-2021 de-icing rock salt. The purchase of de-icing rock salt for the 2020-2021 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 200 tons at \$58.87 per ton. The total cost for this contract shall not exceed \$11,774.

Mr. Cappel asked if there were any updates.

Mr. Heitkamp replied there were none.

The roll was called and showed the following vote:

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

NAY: (0)

A Resolution Authorizing the City Manager to Enter into A Labor Agreement with The American Federation of State, County and Municipal Employees, Ohio Council 8, AFL-CIO for Wages and Benefits for Employees within the Department of Public Works from September 1, 2020 Through August 31, 2023

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

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

Mrs. Harbison explained that information has been previously supplied on this legislation that, if approved, would authorize the City Manager to enter into a labor agreement with the American Federation of State, County and Municipal Employees, Ohio Council 8, AFL-CIO (“AFSCME”) from September 1, 2020 through August 31, 2023. The City and AFSCME have reached an agreement on a new three-year labor contract that includes wage and benefit modifications, pending City Council’s approval.

Mrs. Harbison asked if there were any updates.

Mr. Riblet stated there were none.

The roll was called and showed the following vote:

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

NAY: (0)

ADMINISTRATION REPORT

Mr. Riblet reported the following items:

- City Council Work Session is scheduled for Wednesday, October 21 at 7:00 p.m.
- The Parks and Recreation and Government Affairs Committees of Council will meet Monday, October 12 in a hybrid meeting at 3:30 and 4:30 p.m. respectively. The Public Works Committee has cancelled their meeting for the month of October.

- 625 • Governor DeWine approved HB614 which allocated an additional \$650 million of Federal CARES to all of
626 Ohio including \$30 million to Hamilton County to distribute to local municipalities and townships through
627 their counties. The City received \$391,781 today and staff will work to ensure any expenditures meet the
628 guidelines and criteria already established.
629
- 630 • On Monday, London Quicci and a member of the Bethesda Foundation stopped by to deliver this “Thank
631 You” certificate to the City of Montgomery and our community for showing our support to their front-line
632 heroes for the onset of the COVID-19 pandemic.
633
- 634 • Mr. Riblet recently signed two separate contracts for Adleta, Inc. including our 2020 Annual Curb
635 Replacement Program in the amount of \$23,976 and our 2020 Annual Sidewalk Program in the amount of
636 \$7,270.90. Work on both are expected to be complete in the next several weeks.
637
- 638 • Ben Degenhardt transitioned from a part-time employee to a full-time employee on October 4 in the Fire
639 Department. Congratulations Ben and it is good to have you here on a full-time basis.
640
- 641 • We anticipate advertising for the position of Community Development Director on Sunday, October 18.
642
- 643 • We anticipate advertising for the position of Communications and Engagement Coordinator on Sunday,
644 October 25.
645
- 646 • While the Harvest Moon event would normally be held this coming weekend, the Recreation Staff has been
647 working to finalize plans for the Haunted Trail being held on Saturday, October 17. We thank staff and City
648 Council who will be volunteering that night to offer another creative alternative to those in the community.
649
- 650 • Happy Birthday to Katie Smiddy who will be celebrating her birthday on October 18.
651
- 652 • This weekend will mark a special weekend for four of our Montgomery family members. On Saturday,
653 October 10, Terry Willenbrink’s daughter, Brianna, will be married and he has the privilege of officiating
654 the wedding. Also, on Saturday, Chief Crowell’s daughter, Mackenzie is getting married at Pioneer Park.
655 Tracy Roblero and Alex Henao are exchanging vows at the Universalist Church and one of our fulltime
656 firefighters, Brian Brownfield is getting married as well. It certainly is a big weekend for everyone, and he
657 wish them all the best and congratulations as well.
658

APPROVAL OF MINUTES

659 Mayor Dobrozsi asked for a motion to approve the September 9, 2020 Special Session and the September 23, 2020
660 Work Session minutes as amended.
661

662 Mr. Cappel moved to approve the minutes as amended. Mrs. Bissmeyer seconded. City Council unanimously agreed.
663

MAYOR’S COURT REPORT

664 Mayor Dobrozsi asked for a motion to disburse the September Mayors Court collections in the amount of \$12,446.
665 Vice Mayor Margolis made a motion to disburse the September Mayors Court collections in the amount of \$12,446.
666 Mr. Cappel seconded. City Council unanimously agreed.
667

OTHER BUSINESS

668 **Application for an Economic Development (TREX) License for the European Café, LLC**
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674

675 Chief Crowell explained that City Council approved the request of European Café, LLC to allow an Economic
676 Development transfer of a liquor license from Depot Barbecue LLC to the European Café at the August 5, 2020
677 Business Session. This request is to determine if City Council would like to request a hearing on the final issuance
678 of the license. He stated that he was not aware of any information that would cause the City of Montgomery to object
679 to the issuance of this permit or any need to request a hearing. He stated that a motion to request or not request a
680 hearing will be needed in order for the Clerk of Council to respond to the Liquor Control Board.
681

682 Mrs. Harbison made a motion to not request a hearing on this Trex License request. Vice Mayor Margolis seconded.
683 City Council unanimously agreed.
684

685 Other Business

686 Mr. Suer stated that he wanted to commend staff on the manner in which they communicated with the residents on
687 the proposed roundabout on Pfeiffer and Deerfield roads. He stated that he seen the information and felt there was
688 a lot of information shared and thought it was an excellent example of how the City communicates with residents.
689

690 Mayor Dobrozsi shared that he would be out of town from Thursday, October 15 through Monday, October 19, and
691 appointed Vice Mayor Margolis as acting Mayor during his absence.
692

693 **GUEST AND RESIDENTS**

694
695 Mayor Dobrozsi asked if there were residents on the call who would like to speak. He asked for them to state their
696 name and address. He reminded callers to limit their comments to three minutes and to send all questions to Mr.
697 Riblet for follow up after the meeting.
698

699 Roberto Rivera, 11936 Seventh Avenue, Cincinnati-Mr. Rivera identified himself as being on the line.
700

701 Mayor Dobrozsi asked if there were any other guest on the phone line. There being no response, he closed the time
702 for Guests and Residents.
703

704 Mayor Dobrozsi asked if there was any further business to discuss in Public Session. There being none he asked for
705 a motion to adjourn.
706

707 Mrs. Harbison moved to adjourn. Mr. Cappel seconded. City Council unanimously agreed.
708

709 City Council adjourned at 8:30 p.m.
710
711
712



Connie Gaylor, Clerk of Council