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City of Montgomery
City Council Business Session Minutes
August 4, 2021

Present

Brian Riblet, City Manager
Terry Donnellon, Law Director
Tracy Henao, Asst. City Manager/Acting Comm. Dev. Dir.
John Crowell, Police Chief
Gary Heitkamp, Public Works Director
Paul Wright, Fire Chief
Katie Smiddy, Finance Director
Matthew Vanderhorst, Community and Information Services Dir.
Amy Frederick, Community and Engagement Coordinator
Connie Gaylor, Clerk of Council

City Council Members Present

Chris Dobrozsi, Mayor
Craig Margolis, Vice Mayor
Lee Ann Bissmeyer
Mike Cappel
Ron Messer
Lynda Roesch
Ken Suer

City Council convened its Business Session for August 4, 2021 at 7:00 p.m. at City Hall Council Chambers with Mayor Dobrozsi presiding.

ROLL CALL

Mayor Dobrozsi asked for a motion to dispense with roll call as all Council Members were present.

Vice Mayor Margolis made a motion to dispense with the roll call. Mr. Cappel seconded. City Council unanimously agreed.

GUESTS & RESIDENTS

Alex Elias, 9770 Zig Zag Road- Mr. Elias asked City Council why the DORA (Designated Outdoor Refreshment Area) was established.

Mr. Riblet explained that it was to enhance various restaurant and business patronage. He stated that these types of areas are designed to help with economic recovery and to promote the businesses in a safe manner.

LEGISLATION FOR CONSIDERATION THIS EVENING

A Resolution Authorizing the City Manager to Accept the OneOhio Opioid Settlement and enter into the Participation Agreement with Opioid Distributors AmerisourceBergen, McKesson and Cardinal Health

Mayor Dobrozsi explained that this legislation is being added to the agenda for consideration and asked Mr. Donnellon to provide explanation on it.

Mr. Donnellon explained that at the July 21 meeting, he reported to Council that there was a pending settlement in the Opioid litigation between the State of Ohio and AmerisourceBergen, McKesson and Cardinal Health. He stated that they have reached an agreement and are asking participating communities to sign a Participation Agreement. He explained that he did not have a copy of that Participation Agreement, but from what has been sent to him by the Ohio Municipal Attorney's Association, they are asking communities to enact legislation to authorize the settlement and to authorize the Participation Agreement, which legislation must be passed no later than Friday, August 13. He added that with this deadline quickly approaching, he drafted the Resolution for Council's approval which would grant authority to the City Manager to execute the documents to enact the settlement as recommended by the Ohio Attorney General. He stated that Resolution 10, 2020, which Council adopted March 4, 2020, authorized our participation in the OneOhio effort and broadly authorized the City Manager to execute any documents necessary to implement the Memorandum of Understanding. He explained that not knowing whether or not the courts and the Negotiating Committee will accept that broad authorization, he would ask Council to pass this Resolution so that we have our authority in place before the August 13 deadline. He stated that we will not execute a Participation Agreement until we are satisfied that it meets the terms and conditions of the Memorandum of Understanding. He

57 stated that the Participation Agreement likely includes a Release, but also authorizes the distribution of funds over a
58 period of years through the State of Ohio which was anticipated in the memorandum of understanding.
59

60 Vice Mayor Margolis asked what entities would utilize the funds.
61

62 Mr. Donnellon explained that he could see TriHealth applying for grant money to be used for education and
63 abatement. He added that it was still not clear how the funds would be distributed. He stated that hopefully we could
64 apply funds to a drug program either through the Fire or Police Departments but we do not know that yet at this time.
65

66 Mayor Dobrozsi asked for a motion to add the legislation to the agenda.
67

68 Mr. Cappel made the motion to add the legislation to the agenda for consideration. Vice Mayor Margolis seconded.
69 City Council unanimously agreed.
70

71 Mayor Dobrozsi assigned the legislation to Mrs. Bissmeyer.
72

73 Mrs. Bissmeyer moved to read the legislation by title only. Vice Mayor Margolis seconded. City Council
74 unanimously agreed.
75

76 Mrs. Bissmeyer read the title and moved for passage. Mr. Cappel seconded.
77

78 As Mr. Donnellon had provided a thorough explanation, Mayor Dobrozsi asked for any questions from City Council.
79

80 Mrs. Bissmeyer asked who decided the parameters on the funding.
81

82 Mr. Donnellon replied that there was potentially almost \$900M that will come down and allocated to certain entities.
83 The largest amount will go to the State of Ohio as compensation to what they have incurred. He stated that part of
84 the funds would go to pay for attorney fees. The OneOhio Foundation was intentionally setup to separate it from
85 government so that it could not be appropriated by the State legislature. The Foundation will then manage and decide
86 how it gets allocated through grants over a 20 year period.
87

88 Mayor Dobrozsi asked if there were any questions from the guests at City Hall. There being none he asked for a roll
89 call.
90

91 The roll was called and showed the following vote:
92

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

94 NAY: (0)
95

96 **TABLED LEGISLATION** 97

98 **An Ordinance Agreeing To Adjust The Boundaries Between The City Of Montgomery, Ohio And The City** 99 **Of The Village Of Indian Hill, Ohio Pursuant To Ohio Revised Code Section 709.37** 100

101 Mayor Dobrozsi asked for an update on the legislation.
102

103 Mr. Donnellon replied that there were no updates at this time and advised to leave the legislation as tabled until
104 information was received by the homeowners.
105

105 **PENDING LEGISLATION** 106

107 There was no pending legislation on this agenda.
108
109
110

111 **NEW LEGISLATION**

112
113 **A Resolution Amending Resolution No. 26, 2019 Authorizing The City Manager To Enter Into A Contract**
114 **With Dental Care Plus, Inc. To Provide Dental Insurance Coverage For Full-Time Employees**
115

116 Mr. Messer moved to read the Resolution by title only. Vice Mayor Margolis seconded. City Council unanimously
117 agreed.
118

119 Mr. Messer read the title and moved for passage of the Resolution. Mr. Cappel seconded.
120

121 Mr. Messer explained that, if approved, this Resolution would authorize extending the current contract with Dental
122 Care Plus, Inc. for an additional three months (October 1 through December 31, 2021). In 2020, the City contracted
123 with Humana for a 15-month period to provide employee group medical insurance with a zero percent increase in
124 premium costs. This resulted in additional cost savings for the City but also resulted in group dental and group
125 medical contract periods having different end dates. Dental Care Plus was contacted and is willing to extend its
126 existing contract for employee group dental insurance an additional three months from October 1, 2021 through
127 December 31, 2021 at current rates. Extending the contract with Dental Care Plus an additional three months would
128 sync the employee group dental insurance contract end period with the employee group medical insurance contract
129 end period, resulting in administrative efficiencies for the City and greater convenience for the employees. Earlier
130 this year the members of the HealthCare Benefits Committee were consulted, and all members of the Committee
131 were supportive of syncing the dental insurance contract end date with the medical insurance contract end date.
132

133 Mr. Messer asked if there were any updates.
134

135 Mr. Riblet replied there were none.
136

137 Mayor Dobrozszi asked for the roll to be called.
138

139 The roll was called and showed the following vote:
140

141 AYE: Bissmeyer, Suer, Dobrozszi, Roesch, Messer, Margolis, Cappel (7)
142 NAY: (0)
143

144 **A Resolution Authorizing an Assessment for The Removal of Dead Trees**
145

146 Mr. Suer moved to read the Resolution by title only. Mr. Cappel seconded. City Council unanimously agreed.
147

148 Mr. Suer read the title and moved for passage. Mr. Cappel seconded.
149

150 Mr. Suer explained that, if approved, this Resolution will authorize an assessment for the removal of dead trees at
151 8817 Castleford Drive. Due to neglect by the owner of the property, the City has been forced to remove dead trees
152 in order to bring the property into compliance with our property maintenance code. Section 93.23 provides a
153 prohibition against dead trees. Section 93.16 of the code allows the Community Development Director to have these
154 nuisances abated by contract and the cost to be charged against the real property and a lien to be placed upon the
155 property. After providing the required notices, staff contracted with Davey Tree to have the dead trees removed.
156 The total cost of tree removal was \$4,740. The City now desires to assess a lien upon the property for the cost
157 incurred by the City to remove the dead trees, and an additional administrative fee of \$25. The adoption of this
158 Resolution will allow for the assessment to be included in the upcoming property tax bills that will be mailed in
159 January.
160

161 Mr. Suer asked if there were any updates.
162

163 Ms. Henao stated there were none.
164

165 The roll was called and showed the following vote:
166

167 AYE: Suer, Dobrozsi, Roesch, Messer, Margolis, Cappel, Bissmeyer (7)
168 NAY: (0)
169

170 Mayor Dobrozsi stated that he would recuse himself from the next two pieces of legislation like he has done with all
171 legislation that relates to the development and roundabout. He explained that although he has no ownership interest
172 in Neyer Properties, Inc. nor any in the limited liability companies in partnership to develop the Montgomery
173 Quarter, he will continue to recuse himself from discussion and abstain from voting upon legislation related to the
174 Montgomery Quarter project. He asked Vice Mayor Margolis to take over the meeting.
175

176 Vice Mayor Margolis asked Mr. Suer to proceed with the legislation.
177

178 **A Resolution Amending And Extending Resolution Nos. 4, 2020 and 32, 2020 Authorizing Expenditures For**
179 **Design and Engineering Services To Complete The Development of The Montgomery Quarter Project**
180

181 Mr. Suer moved to read the Resolution by title only. Mr. Cappel seconded. City Council unanimously agreed.
182

183 Mr. Suer read the title and moved for passage. Mr. Cappel seconded.
184

185 Mr. Suer explained that, if approved, this Resolution would amend Resolution #4, 2020 and Resolution #32, 2020
186 for the purchase of certain design and engineering services for the development of the Montgomery Quarter project
187 specifically transitioning from Sequence III of Phase I into Phase II of the overall development. This request, if
188 approved, would authorize an amount not to exceed \$200,000. The services are consistent with the terms and
189 conditions established under previous Resolutions associated with the project. Funds would be drawn from the
190 Downtown Improvement Fund 480.000.5365.
191

192 Mr. Suer asked if there were any updates.
193

194 Mr. Riblet replied there were none.
195

196 The roll was called and showed the following vote:
197

198 AYE: Roesch, Messer, Margolis, Cappel, Bissmeyer, Suer (7)
199 NAY: (0)
200 ABSTAIN: Dobrozsi (1)
201

202 **A Resolution Accepting A Bid And Authorizing The City Manager To Enter Into A Contract With Prus**
203 **Construction Company For The Montgomery Road Access Consolidation Project**
204

205 Mr. Cappel moved to read the Resolution by title only. Mrs. Bissmeyer seconded. City Council unanimously agreed.
206

207 Mr. Cappel read the title and moved for passage of the Resolution. Mrs. Bissmeyer seconded.
208

209 Mr. Cappel explained that, if approved, this Resolution would authorize the City Manager to enter into a contract
210 with Prus Construction to complete the 9305 – 9321 Montgomery Road Access Consolidation Project. The access
211 consolidation project will be funded through the 480-000-5401 Downtown Improvements Fund. It is requested that
212 the project be approved in the amount of \$232,960.00, which is the amount of the Base Bid plus 10% contingency.
213

214 Mr. Cappel asked if there were any updates.
215

216 Mr. Heitkamp replied there were none.
217

218 The roll was called and showed the following vote:

219
220 AYE: Messer, Margolis, Cappel, Bissmeyer, Suer, Roesch (6)
221 NAY: (0)
222 ABSTAIN: Dobrozi (1)
223

224 Mayor Dobrozi took over facilitating the meeting once again.
225

226 **A Resolution Authorizing The City Manager To Enter Into A Contract With Compass Minerals America Inc.**
227 **For The Purchase Of De-Icing Rock Salt For The 2021-2022 Season**
228

229 Mr. Cappel moved to read the Resolution by title only. Vice Mayor Margolis seconded. City Council unanimously
230 agreed.
231

232 Mr. Cappel read the title and moved for passage of the Resolution. Mrs. Bissmeyer seconded.
233

234 Mr. Cappel explained that, if approved, this Resolution would authorize the City Manager to enter into a contract
235 with Compass Minerals America, Inc. pursuant to a joint purchasing bid with Hamilton County for 2021-2022 de-
236 icing rock salt. The purchase of deicing rock salt for the 2021-2022 winter season is included in the City budget in
237 the 261.000.5380 Street Maintenance, 265.000.5380 State Highway Fund, and 266.000.5380 Permissive MVL Fund.
238 If approved, the request would authorize a maximum purchase of 1400 tons of deicing rock salt in the amount of
239 \$94,528.00 (\$67.52 per ton).
240

241 Mr. Cappel asked if there were any updates.
242

243 Mr. Heitkamp replied there were none.
244

245 Mr. Cappel asked how much salt could be stored on site.
246

247 Mr. Heitkamp stated that 1,800 tons could be stored and would be sufficient to treat the roads through a bad winter.
248

249 The roll was called and showed the following vote:
250

251 AYE: Margolis, Cappel, Bissmeyer, Suer, Dobrozi, Roesch, Messer (7)
252 NAY: (0)
253

254 **ADMINISTRATION REPORT**
255

256 Mr. Riblet reported the following items:
257

- 258 • City Council Work Session is scheduled for Wednesday, August 18 at 7:00 p.m.
- 259
- 260 • The Parks and Recreation and Government Affairs Committees will meet on Monday, August 9 at 4:00 and
261 4:30 p.m., respectively. The Public Works Committee of Council has cancelled their meeting for the month
262 of August.
- 263
- 264 • Matthew Vanderhorst reports that there are currently 19 people signed up for the 2022 MCLA. We anticipate
265 reaching the 25 minimum very easily.
- 266
- 267 • The Montgomery Makos swim team had another great swim season this summer. 135 local kids participated
268 in the Makos and at the end of the season the Annual Tri-County League Swimming Championships at
269 Miami University and two local swim clubs. The Makos came in 2nd in their division. New this season,
270 swim team record boards were purchased and are hanging at the pool. Swimmers holding records can now
271 see their names on these boards at the pool!
272

- 273 • John R. Jurgensen completed the surface course paving of Montgomery Road and Cross County Highway
274 this past weekend. Final roadway signage and roadside restoration is expected to be complete by mid next
275 week, thus all lanes of the roundabout are expected to be open to traffic by the end of next week (by August
276 13).
- 277
- 278 • The City received a total of 20 applications for the Civil Service testing process to fill seven full-time
279 firefighter/paramedic positions. The written exam and physical agility testing will be administered on
280 August 16 with oral tests to be conducted later in the month. An eligible list based on the candidates' scores
281 will then be presented to the Civil Service Commission for certification.
- 282
- 283 • Recreation and Public Works staff will be hosting a free outdoor movie at Montgomery Park this Friday at
284 dusk featuring "Raya and the Last Dragon". Legacy Builders Group sponsored the movie.
- 285
- 286 • The Community Wide Garage Sale, sponsored by the EAC, will be held this Saturday from 9:00 a.m.-1:00
287 p.m. 53 Households have registered for this annual event and directories are available at the front desk.
- 288
- 289 • Staff is looking forward to celebrating the Top Workplace award next Friday from 11:00 a.m. -2:00 p.m. in
290 Montgomery Park. We hope all of City Council can come and celebrate this triple-win with us!
291 Staff is planning some new twists and turns to this years' celebration.
- 292
- 293 • Mr. Riblet stated that both Ms. Roesch and Mr. Heitkamp will be celebrating birthdays on August 27.
- 294

295 Mr. Riblet requested an Executive Session for matters related to reviewing negotiations with public employees.

296
297 **APPROVAL OF MINUTES**

298
299 Mayor Dobrozsi asked for a motion to approve the July 21, 2021 Work Session minutes as amended.

300
301 Vice Mayor Margolis made a motion to approve the July 21, 2021 Work Session minutes as amended. Mr. Cappel
302 seconded. City Council unanimously agreed.

303
304 **MAYOR'S COURT REPORT**

305
306 Mayor Dobrozsi asked for a motion to disburse the July Mayor Court collections in the amount of \$8,670.

307
308 Mr. Cappel moved to disburse the July Mayor Court collections. Mr. Messer seconded. City Council unanimously
309 agreed.

310
311 **EXECUTIVE SESSION**

312
313 Mayor Dobrozsi stated that Mr. Riblet had requested an Executive Session for matters related to reviewing
314 negotiations with public employees. He asked for a motion to adjourn into Executive Session.

315
316 Mr. Cappel made a motion to adjourn into Executive Session for matters related to reviewing negotiations with
317 public employees concerning compensation and other terms of employment. Vice Mayor Margolis seconded.

318
319 The roll was called and showed the following vote:

320
321 AYE: Suer, Dobrozsi, Roesch, Messer, Margolis, Cappel, Bissmeyer (7)
322 NAY: (0)

323
324 Council adjourned into Executive Session at 7:34 p.m.
325

326 Council came back into Public Session at 7:53 p.m.

327

328 **ADJOURNMENT**

329

330 Mayor Dobrozsi explained that he would be out of town from August 6 to August 13 and appointed Vice Mayor
331 Margolis as Acting Mayor during his absence.

332

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

335

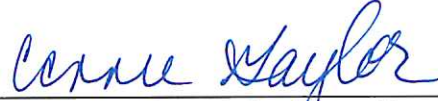
336 Mr. Cappel moved to adjourn. Mrs. Bissmeyer seconded. City Council unanimously agreed.

337

338 City Council adjourned at 7:53 p.m.

339

340



Connie Gaylor, Clerk of Council