

December 31, 2020

TO: Mayor and City Council Members

FROM: Brian K. Riblet, City Manager *BKR*

SUBJECT: City Council Business Session of Wednesday, January 6, 2021

As a reminder, City Council is scheduled to meet in Business Session on Wednesday, January 6, 2021 at 7:00 p.m.

Prior to the meeting, a Public Hearing will be held at 6:45 p.m. to consider a request to for the expansion of a conditional use from Sycamore Community Schools.

The meeting will be offered both in place at City Hall and by teleconference for those who cannot attend in person or feel safer sheltering at home. To participate in this meeting by teleconference please use the following phone number: 1-866-228-9900 with a passcode of 204938.

Business Session

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Special Presentation
5. Guest and Residents
6. Legislation for Consideration this Evening

Pending Legislation

- a. An Ordinance Modifying Section 132.14, Noise, of The Montgomery Code Of Ordinances—(Vice Mayor Margolis-Tabled) Information has been previously supplied on this legislation that, if approved, would enact modifications to the noise ordinance which include differentiating between general noise and construction noise, by defining “construction work” as “any type of work which requires a building and/or zoning permit”. Times for construction work would be limited to 7:00 a.m. – 9:00 p.m. (Monday through Friday) and 9:00 a.m. – 8:00 p.m. on Saturdays and Sundays. The proposed modifications maintain the hours of 7:00 a.m. – 10:00 p.m. for all other types of noise outside of construction work. In

addition, the proposed modifications limit the sound permitted outside these hours to 60 decibels, as measured from the complainant's property line. The Planning, Zoning and Landmarks Committee of Council met on March 2, 2020 to discuss the proposed modification. After discussion, the Committee voted unanimously to recommend approval of the amendments to the noise ordinance with the condition that work by utility companies, such as Duke Energy, Cincinnati Bell, Greater Cincinnati Water Works, etc., be included in the list of exemptions.

It was recommended at the December 16, 2020 Work Session that this legislation remain tabled until the January 20, 2021 Work Session at which time it is anticipated that an update will be provided, and the legislation requested to be added to the February 3, 2021 Business Session for second reading. The third reading will be held at the March 3, 2021 Business Session with passage requested that night.

New Legislation

- a. A Resolution Authorizing the City Manager to Reaffirm the City's Contract with National Inspection Corporation for Professional Services to Serve as Building Official and to Provide Plan Review and Field Inspection Authority and Services for the City's Building Department for the Calendar Year 2021—(Vice Mayor Margolis) Information has been previously supplied on this legislation that, if passed, would authorize the City Manager to enter into a contract with National Inspection Corporation for professional services to serve as Building Official and to provide plan review and field inspection authority and services for the City's Building Department for the calendar year 2021. The City has contracted for approximately 17 years with National Inspection Corporation to provide plan review and field inspection authority and services for the City's building department and the City continues to be very satisfied with their ability to perform each of these duties.

Move to read the Resolution by title only

Voice Vote

Move for passage of the Resolution

Roll Call Vote

- b. A Resolution Authorizing the City Manager to Enter into a Contract with CT Consultants, Inc. for Professional Services Related to General Engineering and Architectural Services for Calendar Year 2021—(Mr. Cappel) Information has been previously supplied on this legislation that, if passed, would authorize the City Manager to enter into a contract with CT Consultants, Inc. for professional engineering and architectural services for calendar year 2021. The City has contracted for approximately 29 years with CT Consultants to provide civil, traffic, structural, electrical and storm water engineering services. CT Consultants has provided a competitive fee structure for 2021 including slight hourly rate increases for engineering services. As was provided in previous years, CT Consultants has deleted the line item for billing of the "Principal" from the fee schedule. If for any

reason the Principal Engineer provides engineering services during the contract year for development/design review or project design/review, that work would be billed at the hourly rate of a "Senior Manager". Funding for this professional services contract is included in the City's 2021 Operating Budget in both the Public Works and Community Development operating budgets.

Move to read the Resolution by title only

Voice Vote

Move for passage of the Resolution

Roll Call Vote

- c. A Resolution Authorizing the Purchase of a 2021 Spartan/Summit Metro Star Rescue Pumper from Summit Fire Apparatus and Custom Rescue Fabricators— (Mrs. Bissmeyer) Information has been previously supplied on this legislation that, if passed, would authorize the City Manager to enter into a contract with Summit Fire Apparatus and Custom Rescue Fabricators of Kentucky for the purchase of a Spartan/Summit Metro Star Rescue Pumper. The rescue pumper will be purchased through the bid process conducted through the State of Ohio Cooperative Purchasing Program. The base bid for the pumper truck totals \$633,214, with a contingency amount of \$63,321. These numbers, when combined, total \$696,535.00, which is significantly under the amount of \$805,000.00 budgeted in account 223.000.5405 as part of the City's 2021 Capital Improvement Program.

Move to read the Resolution by title only

Voice Vote

Move for passage of the Resolution

Roll Call Vote

- d. An Ordinance Appropriating \$500,000 From the Vintage Club TIF Fund for Fiscal Year 2021 As Authorized by Amended Senate Bill #4—(Mr. Suer) Information has been previously supplied on this legislation that, if passed, would authorize a requested amount of \$500,000 of TIF payments to be redirected and be utilized for identified public safety and road maintenance projects in and around the Montgomery Quarter project site in 2021. This request of \$500,000 represents approximately 19% of the \$2.6 million currently in the fund.

Make a motion to read Ordinance by title only

Voice Vote

Make a motion to suspend the rules to require three separate readings of the Ordinance

Roll Call Vote

Move for passage of the Ordinance as an Emergency

Roll Call Vote

7. Administration Report
8. Minutes- December 16, 2020 Work Session
9. Mayor's Court Report
10. Other Business
11. Executive Session
12. Adjournment

Should you have any questions or concerns regarding this information, please do not hesitate to contact me.

C: Connie Gaylor, Administrative Coordinator
Department Heads
Terry Donnellon, Law Director

January 6, 2021
7:00 p.m.

The meeting will be offered both in place at City Hall and by teleconference for those who cannot attend in person or feel safer sheltering at home. To participate in this meeting by teleconference please use the following phone number: 1-866-228-9900 with a passcode of 204938.

1. Call to Order
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4. Special Presentation
5. Guest and Residents
6. Legislation for Consideration for this Evening

Pending Legislation

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It was recommended at the December 16, 2020 Work Session that this legislation remain tabled until the January 20, 2021 Work Session at which time it is anticipated that an update will be provided, and the legislation requested to be added to the February 3, 2021 Business Session for second reading. The third reading will be held at the March 3, 2021 Business Session with passage requested that night.

New Legislation

- a. A Resolution Authorizing the City Manager to Reaffirm the City's Contract with National Inspection Corporation for Professional Services to Serve as Building Official and to Provide Plan Review and Field Inspection Authority and Services for the City's Building Department for the Calendar Year 2021—(Vice Mayor Margolis)

Move to read the Resolution by title only

Voice Vote

Move for passage of the Resolution

Roll Call Vote

- b. A Resolution Authorizing the City Manager to Enter into a Contract with CT Consultants, Inc. for Professional Services Related to General Engineering and Architectural Services for Calendar Year 2021—(Mr. Cappel)

Move to read the Resolution by title only

Voice Vote

Move for passage of the Resolution

Roll Call Vote

- c. A Resolution Authorizing the Purchase of a 2021 Spartan/Summit Metro Star Rescue Pumper from Summit Fire Apparatus and Custom Rescue Fabricators—
(Mrs. Bissmeyer)

Move to read the Resolution by title only

Voice Vote

Move for passage of the Resolution

Roll Call Vote

- d. An Ordinance Appropriating \$500,000 From the Vintage Club TIF Fund for Fiscal Year 2021 As Authorized by Amended Senate Bill #4—(Mr. Suer)

Make a motion to read Ordinance by title only

Voice Vote

Make a motion to suspend the rules to require three separate readings of the Ordinance

Roll Call Vote

Move for passage of the Ordinance as an Emergency

Roll Call Vote

7. Administration Report

8. Approval of Minutes – December 16, 2020 Work Session

9. Mayor's Court Report

10. Other Business

11. Executive Session

12. Adjournment

C: Connie Gaylor, Administrative Coordinator
Department Heads
Terry Donnellon, Law Director

ORDINANCE NO. , 2020

**AN ORDINANCE MODIFYING SECTION 132.14, *NOISE*, OF THE
MONTGOMERY CODE OF ORDINANCES**

WHEREAS, in a recent survey, residents of the community voiced their concerns regarding excess noise generated from construction activities, particularly as older properties are repurposed with new residential construction; and

WHEREAS, the Administrative staff has reviewed these concerns with the Police Department and surveyed surrounding communities to make a recommendation to the Planning, Zoning and Landmarks Committee of Council to update Section 132.14, *Noise*, of the Code of Ordinances to regulate the hours of construction and to set a more objective standard for determining when excess noise is spilling over from a property; and

WHEREAS, after Staff reviewed the recommended changes with the Planning, Zoning and Landmarks Committee of Council, the Committee endorsed the recommendations from Staff which are incorporated herein.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. Section 132.14, *Noise*, of the Code of Ordinances shall be amended as follows:

There shall be added to subsection (A) entitled *Definitions* the following term:

CONSTRUCTION WORK. Any type of work which requires a building and/or zoning permit.

SECTION 2. Existing subsection (C) of Section 132.14 is hereby revoked and deleted with the following subsection (C) to be substituted:

(C) To mitigate excess noise, any Construction Work on a property within the City, whether residential or commercial, shall only occur between the hours of 7:00 AM and 9:00 PM, Monday through Friday, and between the hours of 9:00 AM and 8:00 PM on Saturdays and Sundays.

SECTION 3. A new subsection (D) shall be added to Code Section 132.14 reading as follows:

(D) No person shall generate or permit to be generated unreasonable noise or loud sound that is likely to cause inconvenience or annoyance to persons of ordinary sensibilities between the hours of 10:00 PM and 7:00 AM, by reason of a sound generating or sound amplifying device. Any such broadcast sound in excess of 60 decibels, as measured at a position or positions at the complaint's property line closest to the noise source or at a location along the boundary line from which the noise is being generated, shall presumptively be deemed unreasonable noise.

SECTION 4. Previous subsection (D) of Section 132.14 shall now be subsection (E), and subsection (E) shall now become subsection (F), provided, however, that within the new subsection (E) the following exemptions shall be added:

(6) Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations, and air traffic control instruction.

(7) Noises resulting from excavations, installation or repairs of public utilities, bridges, streets or highway by or on behalf of a public utility, the

City, County or State when public health, safety, welfare and convenience renders it impractical to perform such work during the hours of the day outlined in subsection (C) above for Construction Work.

SECTION 5. Other parts or sections of Section 132.14, *Noise*, of the Code of Ordinances is hereby ratified and reaffirmed.

SECTION 6. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 7. All sections, subsections, parts and provisions of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

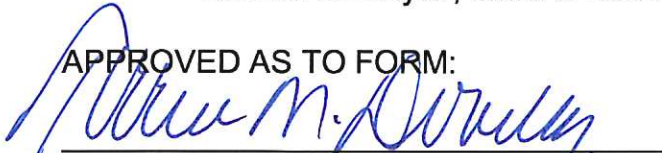
SECTION 8. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council


Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:


Terrence M. Donnellon, Law Director

RESOLUTION NO. , 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO CONTRACT WITH
NATIONAL INSPECTION CORPORATION FOR PROFESSIONAL SERVICES TO
SERVE AS BUILDING OFFICIAL AND TO PROVIDE PLAN REVIEW AND FIELD
INSPECTION AUTHORITY AND SERVICES FOR THE CITY'S BUILDING
DEPARTMENT FOR THE CALENDAR YEAR 2021**

WHEREAS, Section 9.03 of Article IX of the Charter of the City of Montgomery, Ohio, provides the method under which the City Manager shall make certain purchases and enter into contracts on behalf of the City; and

WHEREAS, it is appropriate to provide contract authority for professional services that are generally not subject to competitive bidding but will exceed a total of \$50,000 in a calendar year; and

WHEREAS, it is the desire of the Council of the City of Montgomery to reaffirm the City's contract with National Inspection Corporation for calendar year 2021 to perform general building official and inspection services for the City.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Montgomery, Ohio:

SECTION 1. The City Manager is hereby authorized to contract with National Inspection Corporation for professional services to be provided to the City of Montgomery for calendar year 2021 according to the attached Agreement submitted by National Inspection Corporation attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2. The City Manager is hereby authorized to pay National Inspection Corporation according to the rates set forth in said Agreement.

SECTION 3. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Connie Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

AGREEMENT

THE CITY OF MONTGOMERY, OHIO, An Ohio municipal corporation, 10101 Montgomery Road, Montgomery Ohio 45242 ("Montgomery" or "City"), and NATIONAL INSPECTION CORPORATION, an Ohio corporation, 311 Regency Ridge, Dayton, Ohio 45459, ("NIC"), hereby enter into this Agreement upon the terms and conditions as set forth herein.

WHEREAS, the Montgomery Building Department has been certified by the State Of Ohio Board of Building Standards to exercise enforcement authority, accept and approve plans and specifications, and make inspections pursuant to sections 3781.10 and 3791.04 of the Ohio Revised Code; and

WHEREAS, Ohio law authorizes the City to contract with a third party to provide plan review and field inspection authority and services for the City's Building Department; and

WHEREAS, Montgomery and NIC desire to enter into a contract for NIC to review and approve construction documents, provide building, heating, ventilation, air conditioning, electrical, and site inspection services to Montgomery, to exercise enforcement authority for plan review and inspections as set forth in this Agreement, to provide enforcement authority through NIC's Certified Inspectors to assure compliance with the adopted Building Code of Montgomery and to provide Building Official and Plan Review services to the City of Montgomery; and

WHEREAS, the services to be performed by NIC are of a technical, non-competitive and professional nature, and the appropriate authority to execute this Agreement with NIC has been granted by the Council of the City of Montgomery;

NOW, THEREFORE, Montgomery and NIC agree as follows:

1. Montgomery and NIC agree that NIC shall exercise enforcement authority for inspections and approval of plans and specifications, issue plan and specification approval and make field inspections on behalf of Montgomery for enforcement of state and local building codes, including the Ohio Building Code and Ohio Residential Building Code, and such other regulations as Montgomery may adopt related to building construction (individually and collectively "Code"). NIC shall designate a person within NIC to serve as the Certified Building Official

for the City. Such authority conveyed to NIC by this Agreement shall be no more than the authority conveyed to Montgomery, Ohio by its building codes and by state law. The extension of this authority to NIC shall not authorize NIC to waive any requirements of the zoning or building codes on behalf of the City.

2. Inspections shall be performed on a daily basis during regular business hours, except for inspections that must be performed during hours of darkness or during commercial "shut-down" conditions. Plan review shall be completed within a reasonable period of time from receipt of such plans by the Montgomery Building Department. For 1, 2, and 3 family dwellings, such review shall typically be completed within two business days of receipt, and for all other plan reviews such review typically shall be completed within three to ten business days of receipt. Plans are to be submitted to Montgomery's office at its address as written above.

3. NIC agrees that inspectors will be available by telephone for citizen and contractor queries between 8:00am and 5:00pm, Monday through Friday with the exception of legal holidays. All NIC inspectors will maintain state certification as required by law. Plan review shall be performed by a Certified plans Examiner for all plans submitted for a permit under the requirements of the Ohio Building Code (OBC).

4. Montgomery has established a statutory permit fee schedule, as enumerated in the ordinances of Montgomery. A true copy of said ordinance is appended hereto as Exhibit "A" and incorporated by reference herein. Montgomery reserves the right to amend the fee schedule from time to time. Any such change which significantly impacts the compensation to be paid to NIC under the terms of this Agreement shall authorize NIC to terminate this Agreement upon sixty (60) days advanced written notice to the City.

In accordance with the schedule of fees adopted by Montgomery, commencing January 1, 2013 Montgomery shall pay NIC for services rendered ninety percent (90%) of all fees received by Montgomery pursuant to such ordinance. Net fees shall be the amount of the gross fees paid to the City, less such administrative fees as are required to be paid to the Ohio Board of Building Standards. Collection of permit fees shall be the sole responsibility of Montgomery. NIC shall invoice Montgomery monthly itemizing the project reviewed and fees due. Any other fees required to be collected with the building permit such as water, sewer or environmental impact fees shall be collected by

Montgomery and shall not be considered as a part of the net fee structure upon which NIC shall be compensated.

5. NIC shall indemnify, defend and hold harmless Montgomery, its officers, directors, agents and employees from and against any and all loss, liability, claim for personal injury, wrongful death or property loss, damages, and expenses including attorneys fees and litigation expenses resulting from the negligence of NIC, its agents or employees in connection with NIC's services and obligations provided for under this Agreement except to the extent such loss was caused by or resulted from the negligence of Montgomery. This obligation will survive the termination or expiration of this Agreement. To the extent permitted under any policy of liability insurance issued to the City or in accordance with the rules and regulations of any self insurance pool to which the City may belong, NIC shall be entitled to full participation with Montgomery in defense of any such claim. NIC further shall be required to carry a policy of general liability insurance and errors and omissions coverage with limits not less than \$1,000,000.00 per occurrence and \$1,000,000.00 aggregate. The City of Montgomery shall be named as an Additional Insured under such liability policy with the following language included in such Certificate of Coverage:

THE FOLLOWING ARE Additional Insureds: the City of Montgomery, Ohio, its elected and appointed officials, all employees, agents, volunteers, all boards, commissions and board members, including employees, agents and volunteers of such boards and commissions. Coverage shall be primary to the Additional insureds and not contributing with any other insurance or similar protection available to the Additional Insureds whether other available coverage is primary, contributing, or excess

Upon a request of Montgomery, NIC shall provide to Montgomery certificates evidencing said insurance coverage's, as well as a certificate evidencing worker's compensation coverage.

6. In addition to the general services outlined above, NIC agrees to furnish the following specific services to Montgomery:

a. Provide at its expense a toll free telephone number at its offices and make same available to the city of Montgomery, its general public, and all persons or entities having business with Montgomery which would be covered by this Agreement.

b. Upon request, advise applicants on Code requirements, but shall not perform design services for the completion of inadequate applications.

c. Perform job inspections of all work described on the application and plans, including the installation of equipment. Such service shall be provided promptly in the order received or scheduled without regard to type or extent of work, but within normal scheduling.

d. Prepare permits and certificates of approval when the installed work complies with all applicable regulations, ordinances, and statutes.

e. Except in those cases where NIC is called upon to assist the City in defense of any claim asserted by a third party against the City arising from any act or omission by NIC, upon request of the Montgomery Law Director, make itself reasonably available for and shall testify in any judicial proceeding or any formal or informal dispute resolution proceeding involving issues arising from the performance of the services herein described. After the first appearance on a specific case, NIC shall be paid \$100.00 per hour for the time any of its employees or principals shall take to fulfill the requirement as set forth in this section.

f. Provide utility companies with certificates of approval when necessary for the release of new services.

g. Provide emergency inspections as necessary at the request of other Montgomery Departments for which NIC shall be entitled to charge Montgomery \$75.00 per hour, port to port.

7. All documents, including applications, plan review, job progress reports and inspection reports shall remain the property of Montgomery.

8. This Agreement shall be effective January 1, 2021. This Agreement shall be renewable for continuing one-year terms unless terminated by either party with written notice directed to the other party sixty (60) days in advance of such renewal date. Either party may terminate this Agreement without cause with sixty (60) days notice to the other party after the first anniversary of this Agreement. While this agreement is in effect and for one year after termination, Montgomery will not offer employment to, nor solicit any employment

applications from employees, former employees or contractors of NIC who provided service to Montgomery under this or a predecessor Agreement.

9. All notices to be given by or to either party to this Agreement shall be sent U.S. Mail, Certified, return receipt requested to the address as is noted above or as it is duly noticed by either party. All such notices shall be effective as of the date received.

10. This Agreement shall be construed under and in accordance with the laws of the State of Ohio, and all obligations to the parties created under this Agreement are performable in Hamilton County, Ohio.

11. This Agreement shall be binding and inure to the benefit of the parties of this Agreement and their respective heirs, executors, administrators, legal representatives, successors and assigns as permitted by this Agreement.

12. If one or more of the provisions contained in this Agreement is held by a Court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, that invalidity, illegality or unenforceability shall not affect any other provision. This Agreement shall be construed as if the invalid, illegal, or unenforceable provision had never been contained in it.

13. This Agreement constitutes the sole and only agreement of the parties and supersedes any prior understandings or written or oral agreements between the parties respecting the subject matter of this Agreement.

14. This Agreement may not be assigned by either party without express written consent of the other party, which consent may not be unreasonably withheld.

CITY OF MONTGOMERY, OHIO

Date: _____

By: _____

Brian Riblet

Its: City Manager

**NATIONAL INSPECTION
CORPORATION**

Date: 12/8/20

By: _____

Andrew McKenzie

Its: President

APPROVED AS TO FORM:

Terrence M. Donnellon
Law Director for City of Montgomery

RESOLUTION NO. , 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A
CONTRACT WITH SUMMIT FIRE APPARATUS AND CUSTOM FABRICATORS
FOR THE PURCHASE OF A 2022 SPARTAN/SUMMIT METRO STAR
RESCUE PUMPER FIRE TRUCK**

WHEREAS, the Administration has determined that it is necessary to replace in service the Fire and EMS Department 2005 Rescue Pumper Fire Truck, and has appropriately budgeted for such replacement; and

WHEREAS, purchases of goods or services in excess of \$50,000 require Council approval and competitive bidding unless an exception is recognized; and

WHEREAS, state law allows an exception to competitive bidding if the purchase is made through the State of Ohio Cooperative Purchasing Program ("Ohio Cooperative Purchasing Program"); and

WHEREAS, the City of Montgomery is a participant in the Ohio Cooperative Purchasing Program; and

WHEREAS, the Ohio Cooperative Purchasing Program offers a Rescue Pumper Fire Truck which, after analysis by the Fire Department, meets the needs for its replacement vehicle; and

WHEREAS, the City has determined that separate bids for the purchase of a Rescue Pumper Fire Truck would exceed the price available through the Ohio Cooperative Purchasing Program.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. The City Manager is hereby authorized to acquire from Summit Fire Apparatus and Custom Fabricators through the Ohio Cooperative Purchasing Program, State Term Schedule #800350, One (1) 2022 Spartan/Summit Metro Star Rescue Pumper Fire Truck in an amount not to exceed \$696,535.00 consistent with the specifications reviewed and approved by the Fire and EMS Department.

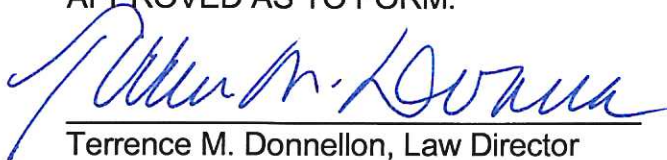
SECTION 2. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

ORDINANCE NO. , 2020

**AN ORDINANCE APPROPRIATING \$500,000 FROM THE VINTAGE CLUB TIF FUND
FOR FISCAL YEAR 2021 AS AUTHORIZED BY AMENDED SENATE BILL #4**

WHEREAS, to address some of the devastating impact upon local government caused by the COVID-19 pandemic, the Ohio General Assembly has approved Amended Senate Bill #4 which specifically under Section 17 authorizes municipal corporations to appropriate and expend up to 25% of the unencumbered balance of a municipal Public Improvement Tax Increment Equivalent Fund in support of current public safety expenses and/or road and maintenance expenses; and

WHEREAS, commencing fiscal year 2021, it is expected that the Vintage Club TIF Fund will have an unencumbered balance of \$2,600,000, which in accordance with Amended Senate Bill #4 can be appropriated by the City to support public safety and road improvement projects; and

WHEREAS, it is not anticipated that any portion of the cost of the projects which include, but are not limited to, public safety and road improvements on Montgomery Road west of the Montgomery Quarter Project site and relocation of overhead utilities, for the safe and beneficial support of the Montgomery Quarter Project.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. As authorized by Amended Senate Bill #4, Council does appropriate \$500,000 from the Vintage Club TIF Fund (Account 331-000) to be used in fiscal year 2021 for public safety and road maintenance expenses in and around the Montgomery Quarter Project site which include realignment of access drives to

Montgomery Road and relocation of overhead utilities in and around the Montgomery Quarter Project site, which not only benefit the Montgomery Quarter site, but are appropriate public safety expenses and road maintenance expense improvements.

SECTION 2. The Director of Finance is hereby authorized to establish an account necessary to hold these appropriated funds and to restrict expenditure from those funds consistent with the authority of this Ordinance and Amended Senate Bill #4 enacted in 2020.

SECTION 3. This Ordinance shall be in full force and effect from and after the earliest period allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

RESOLUTION NO. , 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO
A CONTRACT WITH CT CONSULTANTS, INC. FOR PROFESSIONAL SERVICES
RELATED TO GENERAL ENGINEERING AND ARCHITECTURAL SERVICES
FOR CALENDAR YEAR 2021**

WHEREAS, Section 9.03 of Article IX of the Charter of the City of Montgomery, Ohio, provides the method under which the City Manager shall make certain purchases and enter into contracts on behalf of the City; and

WHEREAS, it is appropriate to provide contract authority for professional services that are generally not subject to competitive bidding but will exceed a total of \$50,000 in a calendar year; and

WHEREAS, it is the desire of the Council of the City of Montgomery to enter into a contract with CT Consultants, Inc. for calendar year 2021 to perform general engineering and architectural services for the City.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Montgomery, Ohio:

SECTION 1. The City Manager is hereby authorized to enter into a contract with CT Consultants, Inc. for professional services to be provided to the City of Montgomery for calendar year 2021 according to the schedule submitted by CT Consultants, Inc., attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2. The City Manager is hereby authorized to pay CT Consultants, Inc. according to the rates set forth in said schedule.

SECTION 3. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Connie Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director



CITY OF MONTGOMERY
2021 HOURLY FEE SCHEDULE

Principal Engineer	\$ 219.75
Senior Engineer/Architect	169.00
Project Engineer/Architect	147.00
Engineer 2/Architect 2	123.50
Engineer 1/Architect 1	110.75
Designer 3	107.75
Designer 2	90.75
Engineer Intern	56.50
Survey Crew	154.00
Construction Rep 3	93.25
Technical Support	57.75

Expenses at Cost Plus 10%

CT CONSULTANTS, INC.

2021 MONTGOMERY FEE SCHEDULE

These minutes are a draft of the proposed minutes from the City Council meeting. They do not represent the official record of proceedings until formally adopted by the City Council. Formal adoption is noted by signature of the Clerk within the minutes.

City of Montgomery
City Council Work Session Minutes
December 16, 2020

Present

Brian Riblet, City Manager
Terry Donnellon, Law Director-teleconference
Tracy Henao, Asst. City Manager/Acting Comm. Dev. Dir.
John Crowell, Police Chief
Gary Heitkamp, Public Works Director
Katie Smiddy, Finance Director
Matthew Vanderhorst, Community and information Serv. 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 Work Session for December 16, 2020 at 7:00 p.m. in a hybrid meeting at City Hall and 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

The roll was called, and all Council Members answered as present either in person or on the phone line.

GUESTS & RESIDENTS

Mayor Dobrozsi asked for a motion to move the Guests and Residents portion of the agenda to the end of the agenda after Other Business.

Vice Mayor Margolis made a motion to move the Guests and Resident portion to after Other Business on the agenda. Mr. Cappel seconded. City Council unanimously agreed.

LEGISLATION FOR CONSIDERATION THIS EVENING

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

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

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

Mr. Cappel made a motion to add the legislation to the agenda for consideration that evening. Mrs. Bissmeyer seconded. City Council unanimously agreed.

Vice Mayor Margolis assigned the legislation to Mr. Suer.

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

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

The roll was called and showed the following vote:

AYE: Cappel, Bissmeyer, Roesch, Harbison, Suer, Margolis (6)

NAY: (0)

ABSTAIN: Dobrozsi (1)

Mr. Suer moved passage of the legislation. Mr. Cappel seconded.

Mr. Suer explained that the Ordinance will amend appropriations for current expenses and other expenditures during the fiscal year ending December 31, 2020. He added that this is done annually as year-end supplemental appropriations are necessary to reconcile line items which had expenditures exceed budget for various reasons. He stated that there was a new line item added to account for CARES Act funds that were not anticipated when the 2020 Budget was originally passed. He stated there was also an appropriated amount to increase the Downtown Improvement Fund due to the amendment of SB#4.

Ms. Smiddy added that the CARES Act funds had to be appropriated in order to be spent. She explained that it was a requirement of the CARES Act that all funds be appropriated and spent before the end of the year.

Mr. Suer asked if there were any other questions. There were none.

The roll was called and showed the following vote:

AYE: Bissmeyer, Roesch, Harbison, Suer, Margolis, Cappel (6)

NAY: (0)

ABSTAIN: Dobrozsi (1)

Mayor Dobrozsi regained control of the meeting.

ESTABLISHING AN AGENDA FOR JANUARY 6, 2021 BUSINESS SESSION

PENDING LEGISLATION

An Ordinance Modifying Section 132.14, Noise, of The Montgomery Code of Ordinances

Mayor Dobrozsi stated that this legislation was tabled at the October 21 Work Session and he believed it was to remain tabled until the January 6, 2021 Business Session.

Mr. Donnellon explained that when this part of the Code was originally examined in 1995, it was in response to complaints from construction noise and the belief that the restriction of hours could be black and white encompassing all noise regardless of hours or type of noise. He stated with the current verbiage it is difficult to establish a standard that applies to all situations. He explained that we have a good standard of 60 decibels but are reviewing what is reasonable versus unreasonable noise and what is measurable. He stated that the police department has tools to aid us in establishing an enforceable standard. He added that with the creation of the DORA District that we want to keep the vibrancy that the district offers but not at the expense of the residents. He explained

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that staff is working on an update that they plan to present to Council at the January 20, 2021 Work Session and add to the February 3, 2021 Business Session agenda for consideration of the second reading.

NEW LEGISLATION

A Resolution Authorizing the City Manager to Reaffirm the City's Contract with National Inspection Corporation for Professional Services to Serve as Building Official and to Provide Plan Review and Field Inspection Authority and Services for the City's Building Department for the Calendar Year 2021

Mayor Dobrozsi assigned the legislation to Vice Mayor Margolis.

Ms. Henao explained that this Resolution, if approved, would authorize the City Manager to enter into a contract with National Inspection Corporation for professional services to serve as Building Official and to provide plan review and field inspection authority and services for the City's Building Department for the calendar year 2021. She explained that the City has contracted for approximately 17 years with National Inspection Corporation to provide plan review and field inspection authority and services for the City's building department and the City continues to be very satisfied with their ability to perform each of these duties.

Mr. Suer stated that he felt everything has been going well with NIC and that they have a good track record.

Mrs. Bissmeyer stated that from her own personal experience they are easy to deal with.

A Resolution Authorizing the City Manager to Enter into a Contract with CT Consultants, Inc. for Professional Services Related to General Engineering and Architectural Services for Calendar Year 2021

Mayor Dobrozsi assigned the legislation to Mr. Cappel.

Mr. Heitkamp explained that this Resolution, if approved, would authorize the City Manager to enter into a contract with CT Consultants, Inc. for professional engineering and architectural services for calendar year 2021. He explained that the City has contracted for approximately 29 years with CT Consultants to provide civil, traffic, structural, electrical and storm water engineering services. CT Consultants has provided a competitive fee structure for 2021 including slight hourly rate increases for engineering services. As was provided in previous years, CT Consultants has deleted the line item for billing of the "Principal" from the fee schedule. If for any reason the Principal Engineer provides engineering services during the contract year for development/design review or project design/review, that work would be billed at the hourly rate of a "Senior Manager". Funding for this professional services contract is included in the City's 2021 Operating Budget in both the Public Works and Community Development operating budgets.

Mr. Suer stated that he also felt that CT was doing fine work and that 29 years was a long history with the City.

Mr. Margolis asked Mr. Heitkamp what type of projects they worked on for the City.

Mr. Heitkamp replied they assisted with traffic signal management; traffic impact studies and this year designed the Montgomery Road Sidewalk project that was just completed. Mr. Heitkamp added that they also perform all tear down reviews for the Community Development Department.

Mrs. Bissmeyer asked if the 2.5% increase in fees was common and fair. She also asked if Covid had any impact on those fees.

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Mr. Heitkamp replied that he felt for the industry that a 2.5% increase was fair and that he did not feel Covid had an effect on the increase. He stated that historically that was the general increase. He stated that CT has for many years reduced the Principal Engineers rate to that of a Senior Manager as a gesture of good faith for the years the City has contracted with them.

A Resolution Authorizing the Purchase of a 2021 Spartan/Summit Metro Star Rescue Pumper from Summit Fire Apparatus and Custom Rescue Fabricators

Mayor Dobrozsi assigned the legislation to Mrs. Bissmeyer.

Chief Wright explained that, if approved, this Resolution would authorize the City Manager to enter into a contract with Summit Fire Apparatus and Custom Fabricators for the purchase of a Spartan/Summit Metro Star Rescue Pumper Fire Truck. He explained this proposed vehicle purchase was part of the 2020 Capital Improvement Program but due to COVID-19 the project was deferred to the following budget year of 2021. Funding for the project has been approved for \$805,000 in the 2021 Capital Improvement Program.

Chief Wright explained the apparatus is a replacement for the 2005 Rescue Pumper Fire Truck which currently serves the community. He stated that the vehicle's purpose is multi-disciplined as it is equipped to perform the following functions related to emergencies in the community: vehicle extrication; trench rescue; confined space rescue; high and low angle rope rescue; hazardous materials mitigation; fire suppression; water/ice rescue; emergency scene lighting and electrical power; property conservation; water evacuation; emergency medical services; and structural collapse stabilization. All these functions require a plethora of equipment which is stored in various compartments on the apparatus. The concept of the apparatus is to be self-sufficient in the different disciplines for one hour while additional resources are brought to the scene by regional response teams such as the Hamilton County Urban Search and Rescue Team. The equipment carried compliments their equipment and techniques so that once they arrive on the scene, the USAR team can build onto the rescue system we have put into place.

Chief Wright stated that the mechanical condition of the existing Rescue Pumper is what you would expect of a 15-year-old vehicle. We are anticipating some major repairs to the engine and suspension of the vehicle which will be quite costly. With a new Rescue Pumper taking one year to build, our timing should be just about right to replace the vehicle before these costly repairs are needed. This is consistent with the industry standard for a department of our size which can expect 15 years of service from a Rescue Pumper.

Chief Wright explained that the specifications for the new Rescue Pumper were created by a team within the Fire Department. They began to meet in the Spring of 2019 and developed the specification for the new vehicle over the next 10 months. He added that Requests for Proposals (RFP) were sent out to a number of apparatus manufacturers which are part of the State of Ohio Term Schedule under the Cooperative Purchasing Program. Some of the manufacturers never responded to the RFP while others contacted us and opted not to submit an RFP. In the end we received two RFPs which only took minimal exceptions to our specifications. They were Johnson's Emergency Vehicle Solutions with a bid of \$699,935 and Summit Fire Apparatus and Custom Fabricators with a bid of \$633,214.

Chief Wright stated that staff recommends purchasing the Rescue Pumper Fire Truck from Summit Fire Apparatus due to the quality of their workmanship, price, and past experience with this manufacturer as they have built our existing Rescue Pumper as well as our existing Fire Engine. Both vehicles have performed well over the years and the manufacturer has been very responsive for service and repairs. Furthermore, staff would recommend a contingency of \$63,321 for unforeseen or unexpected circumstances which may occur during construction of the vehicle.

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City Council thanked Chief Wright and the team for their efforts in writing the specifications for the truck and sending out the RFP's which came in much lower than budgeted.

An Ordinance Appropriating \$500,000 From the Vintage Club TIF Fund for Fiscal Year 2021 As Authorized by Amended Senate Bill #4

Mayor Dobrozsi assigned the legislation to Mr. Suer.

Mr. Riblet explained that, if approved, this Ordinance would redirect funds from the Vintage Club TIF Fund (Budget Account 331-000) into a separately created account for a requested amount of \$500,000 which represents approximately 19% of the estimated \$2.6 million currently in this fund which was established in 2007 and includes the residential area of the Vintage Club as well as the Christ Hospital site. Funds redirected would be utilized for identified public safety and road maintenance projects in and around the Montgomery Quarter project site in fiscal year 2021.

Mr. Riblet explained that as a result of the State Emergency declared on March 9, 2020, Senate Bill #4 was amended in part to assist political subdivisions by easing restrictions for competitive bidding for Personal Protective Equipment used to minimize exposure to COVID-19 and other hazards that cause workplace injuries and illness. In addition, Senate Bill #4 authorizes a municipality or township that has created a TIF to redirect for their 2020 and 2021 fiscal years, some service payments to fund public safety and road and bridge maintenance expenses. He added that this item was discussed under "Other Business" at the December 7 Financial Planning Committee of Council. Mr. Riblet stated that a separate account would be created, and any funds not utilized for the above-mentioned expenses would be reimbursed back to the Vintage Club TIF Fund (Account 331-000).

Mr. Suer stated that this Ordinance was discussed at the Financial Planning meeting and he felt it was a good and rare opportunity to use the excess TIF funds for other prominent needs.

Mr. Cappel asked if this would result in the increase/decrease in rates paid to the TIF.

Mr. Riblet confirmed that it was only coming out of the excess.

Mayor Dobrozsi confirmed that there was a request to suspend the rules for three separate readings of the Ordinance at the January 6, 2021 Business Session. Mayor Dobrozsi stated that he would recuse himself from the discussion and vote of this Ordinance as it relates to the Montgomery Quarter.

ADMINISTRATION REPORT

Mr. Riblet reported the following items:

- The next City Council Business Session is scheduled for Wednesday, January 6 at 7:00 p.m. Mr. Riblet also clarified that there was a Public Hearing scheduled for 6:45 prior to the Business Session.
- The Law & Safety, Financial Planning, and Planning, Zoning and Landmarks Committees have cancelled their meetings for January.
- The Government Affairs Committee is anticipated to meet on Monday, January 11 at this time. Mr. Riblet stated that he will provide an update at the January 6 meeting. He stated that the Parks and Recreation and Public Works Committees are not anticipated to meet in January.

- Adleta Construction began the concrete curb and sidewalk replacement program this past week. This program replaces deteriorated curb and sidewalk at various locations throughout the City. They are expected to be complete by the end of next week.
- Our Paramedics are slated to receive the first dose of the Moderna's COVID-19 vaccine during the last two weeks of the year. Hamilton County Health Department is coordinating the delivery of the vaccines to the area fire departments. The Fire Department has been instructed how to store and administer the vaccine as well as the reporting requirements. A second dose will be given 28 days following the initial vaccination. Vaccinations are voluntary and not mandated to the employees.
- Connie Kingsbury reached out to the City indicating that after 21 years with Life Enriching Communities she is retiring on December 31 to spend ore time with her husband Ray.
- As a reminder, City Offices will be closed on Thursday, December 24 and Friday, December 25 in observance of the Christmas holiday. Also, in observance of New Year's Day City offices will be closed on Friday, January 1.
- Wednesday afternoon, Brian Riblet, Tracy Henao, Matthew Vanderhorst and Chip Harrod participated in a Zoom meeting with Rev. Rebekah Hatch and several other members of the Simsbury, CT Diversity and Inclusion Committee as they reached out to the City to find out more about our efforts in Montgomery.
- He recently signed a contract with Red Tiger Investments, LLC in the amount of \$34,000 who, in partnership with Kolar Design, is beginning a COVID-19 Impact Study for the City focusing on the Old Montgomery Business District and Montgomery Quarter. He explained that the majority of this amount is being funded through CARES funds the City has received. He stated that he and Ms. Henao are currently working with their team to finalize a survey and in providing key stakeholders to interview. The added that a Visioning Session would follow to identify key placemaking and business model opportunities. He stated that Council attendance is welcomed and identified dates for Council to consider. Mr. Riblet added that the meetings would be held virtually through Zoom. Council selected Friday, January 8 from 8:30 to 11:30 am as a satisfactory meeting day for them.
- Mr. Riblet updated Council on the following hiring processes:
 - Community Development Director – Initial interviews for the 10 candidates are scheduled for the week of December 28.
 - Communications and Engagement Coordinator – Initial interviews for the 19 candidates are scheduled for the week of January 4.
 - Firefighter/Paramedic –Mr. Jeffery Morris recently completed all screening steps and will begin employment with the City on January 5. Mr. Morris was working with several departments in a part-time capacity including Cheviot, Springfield and Mt. Healthy.
- Mr. Riblet wished Happy Birthday to Matthew Vanderhorst (12/15) and Council Member Cappel (12/30).
- Mr. Riblet wished Council Member Roesch good luck this Saturday at 4:00 p.m. as her undefeated Irish play for the ACC Title.

- Mr. Riblet stated that while 2020 has been quite a year, he wished everyone a very wonderful and Merry Christmas, Happy Hanukah (or however they may celebrate) and a Happy New Year.

LAW DIRECTOR REPORT

Mr. Donnellon stated that 2020 has been a tremendous year in which Council and Staff can celebrate the successes that were made and look forward to a safer and promising new year.

CITY COUNCIL REPORTS

Mr. Cappel

Mr. Cappel wished everyone the best of the Holidays. He thanked Public Works for arranging to have a bigger recycling dumpster for the monthly cardboard recycling and reminded everyone that it was the coming Saturday, December 19.

Mr. Cappel announced that a member of the EAC has retired and would be moving out of state in the upcoming months.

Mrs. Bissmeyer

Mrs. Bissmeyer reported that she attended a Sycamore Advisory Council meeting in which the focus was on the mental health of the students. She reported that Mrs. Anne Van Kirk, Symmes Elementary Principal, passed away on November 27.

Mrs. Bissmeyer wished everyone a Happy Holiday.

Mrs. Harbison

Mrs. Harbison stated that recommended the reappointment of the following Commission members:

- Greg Leader to the Arts Commission for a term ending on January 31, 2024
- Barbara Lindsey to the Arts Commission for a term ending on January 31, 2024
- Balbina Maniet to the Sister Cities Commission for a term ending on January 31, 2024
- Melissa Linser to the Sister Cities Commission for a term ending on January 31, 2024

Mrs. Harbison stated that this was not a Committee recommendation and would need a second. Vice Mayor Margolis seconded the motion to reappoint the above-mentioned members to their respective Commissions. City Council unanimously agreed.

Mrs. Harbison reported the following items discussed at the Government Affairs Committee meeting held on December 14:

- 2021 Community Leadership canceled
- Planning for the 2021 Strategic Plan Process was discussed and plans are moving forward to meet with Management Partners to execute the environmental scan and resident survey. The retreat remains to be determined on how it will be held. More information will be shared as we move into next year.
- 2021 Service to the Community Grant will be advertised and opened in April. Please encourage any groups that may be qualified to apply.

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- The process of reappointing Board and Commission members was discussed. Staff and the Committee members are working together to review current guidelines and to update as needed.

Mrs. Harbison relayed thank you from Claire Houchell and the Montgomery Women's Club for the helpfulness of the Public Works department during the holiday decorating process.

Ms. Roesch

Ms. Roesch stated she had no report but did participate in a holiday Zoom call with the Beautification and Tree Commission. She wished everyone a Happy Holiday and Happy Hanukah season.

Mr. Suer

Mr. Suer stated that he would have Board and Commission reappointments at the next meeting.

Mr. Suer stated that as we wrap up 2020, he thought it was impressive how staff responded to the challenges of this year especially with adjusted work schedules and challenges of holding events.

Vice Mayor Margolis

Vice Mayor Margolis relayed a conversation he had with a resident regarding the City and the staff. He stated how he emphasized the interest that staff takes in the well being of residents and reworking how government is delivered. He thanked staff for thinking outside the box to add value to the lives of the residents and community.

Mayor Dobrozsi

Mayor Dobrozsi stated while Montgomery is a special place and great community that staff had to pivot in order to make things happen to keep the residents in the forefront. He added that in comparison to other communities' staff was only out of the office a short time at the beginning of the pandemic and he thanked everyone for their dedication in making things happen for the community. He stated he has received several compliments on the tree lighting ceremony and the efforts to retain normalcy as much as could be done in a safe manner.

Mayor Dobrozsi wished everyone a Happy Holidays.

MINUTES

Vice Mayor Margolis moved to accept the December 2, 2020 Business Session minutes as written. Mr. Cappel seconded. City Council unanimously agreed.

OTHER BUSINESS

Mayor Dobrozsi stated that Mrs. Harbison forwarded him a reminder that this day was the anniversary of the FBI single plane crash that occurred in Montgomery in 1982. The FBI plane crash took the lives of four Chicago special agents. It was the deadliest day in FBI history prior to the attacks of 9/11. Cincinnati agents responded to the scene and investigated the crash that involved their fellow agents.

Mayor Dobrozsi explained that the Chicago agents were escorting an embezzlement suspect and a representative from his law firm to locate \$50,000 the suspect had buried in the Cincinnati area (agents were previously able to find money he had hidden in Chicago). The plane lost altitude and crashed into the Sheppard Book Store, killing all

on board. Mayor Dobrozsi stated that Don Neyer's wife, Phyllis, was in the parking lot of the store that day and suffered extreme burns.

GUESTS AND RESIDENTS

Mayor Dobrozsi stated that as there were no guests or residents present at City Hall, he would open the floor to those who are present on the line. He asked for anyone on the line to state their name and address and to adhere to the three-minute speaking rule.

David Shardelow, 9903 Knollwind Drive-Mr. Shardelow stated that he had several questions and that he would try to work through them quickly and could also talk offline with the City Manager if needed. His questions were as follows:

- **Regarding the Noise Ordinance, he asked if the restriction would continue to cover the noise heard from car dealerships when they used their lot speakers.**

Mr. Donnellon replied that while there would not be specific verbiage on car dealerships the restrictions would cover that type of noise.

- **Historically, have the CT Consultant increases been normal.**

Mayor Dobrozsi replied that they have been consistently 2.5% annually.

Mr. Shardelow followed up by asking if those rates are being compared.

Mr. Riblet replied that they were.

- **Regarding the depreciation of the Pumper truck, is the capital depreciation 15 years or straight line.**

Ms. Smiddy replied that it was straight line.

Mr. Shardelow asked if the 2005 Pumper Truck had been fully depreciated.

Ms. Smiddy replied that it was.

Mr. Shardelow asked that since staff is asking for a 10% contingency, would they come back to Council for approval before spending that money.

Mayor Dobrozsi replied that they were authorized to spend up to the 10%.

Mr. Shardelow asked what the payment terms on the Pumper Truck were. He asked if they had to pay a percentage up front then make payments.

Chief Wright replied that it was payable upon delivery.

Mr. Shardelow asked if that was the full amount.

Mayor Dobrozsi stated that was the full amount upon delivery.

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- **Regarding the Moderna vaccine, he asked if it has been approved by the FDA.**

Chief Wright stated it was approved this day on December 16 and would be delivered to the Hamilton County Health Department on December 22.

- **Would the meeting that was mention with the Diversity Committee and Red Tiger/Kolar be published as an open meeting and how far ahead was it required to be advertised.**

Mr. Riblet replied that it would be advertised 24 hours in advance.

Mayor Dobrozsi thanked Mr. Shardelow for his questions and his past service on City Council.

Gary Gross, 7943 Shelldale Way-Mr. Gross asked if we put out competitive bids for the National Inspection and CT Consultants contracts.

Mr. Riblet stated that we do comparisons with other firms and if we anticipate their services going over \$50,000, we bring a Resolution to City Council for approval.

Mr. Donnellon explained that we are not required to bid for professional services, but we do compare. He stated that as with CT Consultants they have set rates in which they discount their rates, and this is based on our longstanding relationship with them.

Mr. Gross stated that he was inquiring to ensure staff were doing their due diligence to stay competitive.

Roberto Rivera, 11936 Seventh Avenue, Sycamore Township-Mr. Rivera identified himself as being on the line.

Mayor Dobrozsi asked if there were any guests or residents on the line. There was no response.

Mayor Dobrozsi closed the floor to public comment.

ADJOURNMENT

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

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

City Council adjourned at 8:12 p.m.

Connie Gaylor, Clerk of Council