

City of Montgomery  
City Council Work Session Minutes  
July 21, 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  
Katie Smiddy, Finance Director  
Paul Wright, Fire Chief  
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  
Ron Messer  
Lynda Roesch  
Ken Suer

City Council Members Absent

Mike Cappel

City Council convened its Work Session for July 21, 2021 at 7:00 p.m. in City Council Chambers with Mayor Dobrozsi presiding.

**ROLL CALL**

Mayor Dobrozsi asked for a roll call.

The roll was called with all members present except Mr. Cappel.

Mayor Dobrozsi explained that Mr. Cappel had an unexpected work issue come up that prevented him from being at the meeting. He asked for a motion to excuse Mr. Cappel's absence.

Vice Mayor Margolis made the motion. Mrs. Bissmeyer seconded. City Council unanimously agreed.

**SPECIAL PRESENTATIONS**

- Adam and Leigh Futscher, along with their children, were presented with a Certificate of Appreciation as the 2021 Spring Seasons of Beauty Winners by Ms. Roesch.

City Council thanked the Futscher family for their dedication to maintaining a beautiful property and contributing to making Montgomery the beautiful community it is.

Aaron Kellenberger, Chair of the Beautification and Tree Commission also thanked the Futscher's and explained the process in which they were nominated for the award.

- Mary Ann Folz was presented with a Certificate of Appreciation for her service on the Environmental Advisory Commission (EAC) by Vice Mayor Margolis.

City Council thanked Ms. Folz for her time on the EAC and for her passion for the environment. They wished her well in her retirement and move.

Mark Laskovics, Chair of the EAC, also thanked Ms. Folz and wished her well in her retirement and move to West Virginia.

**GUESTS & RESIDENTS**

There were no Guests or Residents present who wished to address City Council.

**LEGISLATION FOR CONSIDERATION THIS EVENING**

There was no legislation for consideration at the meeting.

**ESTABLISHING AN AGENDA FOR AUGUST 4, 2021 BUSINESS SESSION**

**TABLED LEGISLATION**

**An Ordinance Agreeing to Adjust the Boundaries Between the City of Montgomery, Ohio And the City of The Village of Indian Hill, Ohio Pursuant to Ohio Revised Code Section 709.37**

Mayor Dobrozsi explained that this Ordinance has been tabled since the April 21 Work Session and asked Mr. Donnellon for an update.

Mr. Donnellon stated that there has been no progress at this time and recommended leaving on the table until there has been action taken or we recommend removing from the table or agenda.

**PENDING LEGISLATION**

There is no pending legislation on this agenda.

**NEW LEGISLATION**

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

Mayor Dobrozsi assigned the legislation to Mr. Messer.

Mr. Riblet explained that if approved, this Resolution would authorize extending the current contract with Dental Care Plus, Inc. for an additional three months (October 1 through December 31, 2021). He stated that Council may recall last year the City contracted with Humana for a 15-month period to provide employee group medical insurance with a zero percent increase in premium costs. This resulted in additional cost savings for the City but also resulted in group dental and group medical contract periods having different end dates. With the assistance of Julie Tople (HORAN), Dental Care Plus was contacted and is willing to extend its existing contract for employee group dental insurance an additional three months from October 1, 2021 through December 31, 2021 at current rates. Extending the contract with Dental Care Plus an additional three months would sync the employee group dental insurance contract end period with the employee group medical insurance contract end period, resulting in administrative efficiencies for the City and greater convenience for the employees. Earlier this year the members of the HealthCare Benefits Committee were consulted, and all members of the Committee were supportive of syncing the dental insurance contract end date with the medical insurance contract end date.

Mr. Suer stated that it made sense to adjust the plan to be on the same timeline as the medical plan.

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

Mayor Dobrozsi assigned the legislation to Mr. Suer.

Ms. Henao explained that, if approved, this Resolution would authorize an assessment for the removal of dead trees at 8817 Castleford Drive. Ms. Henao explained that the homeowner is actually living in a healthcare facility. She stated that staff attempted to reach family but was not successful. She explained that due to negligence by the owner of the property, the City has been forced to remove dead trees in order to bring the property into compliance with our property maintenance code. Section 93.23 provides a prohibition against dead trees. Section 93.16 of the code allows the Community Development Director to have these nuisances abated by contract and the cost to be charged against the real property and a lien to be placed upon the property. She explained that after providing the required notices, staff contracted with Davey Tree to remove four trees: three Ash and one ornamental tree. The total cost

of tree removal was \$4,740. The City now desires to assess a lien upon the property for the cost incurred by the City to remove the dead trees, and an additional administrative fee of \$25. The adoption of this Resolution will allow for the assessment to be included in the upcoming property tax bills that will be mailed in January.

Mrs. Bissmeyer asked if the resident was aware of the assessment.

Ms. Henao explained that unfortunately the owner is in skilled nursing care and past the point of understanding. She explained that staff also spoke with a neighbor, but they were also very elderly. She stated that the trees had already lost limbs that hit a neighboring fence and were a danger in hitting the neighboring house, so staff felt it was prudent to move forward.

Mr. Suer stated that when staff goes through an extensive process to notify homeowners that there really is no choice but to move forward to rectify the situation and prevent future loss.

Ms. Henao stated that this is the first assessment that she has processed for trees as it is usually for weeds.

Vice Mayor Margolis asked if there was a court order needed.

Ms. Henao replied that it is not required but a process of using certified mail was followed.

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

Mayor Dobrozsi assigned the legislation to Mr. Messer.

Mr. Riblet explained that, if approved, this Resolution would authorize an amendment to Resolution #4, 2020 and Resolution #32, 2020 for the purchase of certain design and engineering services for the development of the Montgomery Quarter project specifically transitioning from Sequence III of Phase I into Phase II of the overall development. He explained that, if approved, the amendment would authorize an amount not to exceed \$200,000 to purchase certain design and engineering services for the development of the Montgomery Quarter project from McGill Smith Punshon, Inc. (MSP) estimated at \$83,500, MKSK Studios (MKSK) estimated at \$110,000 and Berding Surveying estimated at \$6,500. He explained that the services are consistent with the terms and conditions established under previous Resolutions associated with the project. Funds would be drawn from the Downtown Improvement Fund 480.000.5365. These costs will qualify as reimbursable expenditures associated with the Montgomery Quarter project and will be recovered through the Tax Increment Finance (TIF) agreement structured for the development. Mr. Riblet stated that Gateway Partners Montgomery, LLC, who has been contracted by the City as our Construction Manager at Risk (CMAR), continues to work with engineering firms to advance Construction Drawings, engineering and site plan drawings, and surveying as part of the public and private improvements within the Montgomery Quarter project. Payments will allow the City to acquire and Gateway Partners Montgomery, LLC to assign to the City all plans, reports, engineering drawings, concepts and designs, and survey reports prepared by MSP, MKSK and Berding Surveying.

Mr. Suer asked if, despite the rain, things were proceeding on schedule.

Mr. Riblet replied that the project is a little ahead at this time. He stated that the first tenant is scheduled to move in by May of 2022 and that things are going nicely.

Mayor Dobrozsi stated that he would be recusing himself from the final discussion and vote on this piece of legislation at the August 4, 2021 Business Session.

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

Mayor Dobrozsi assigned the legislation to Mr. Cappel.

Mr. Heitkamp explained that, if approved, this Resolution would authorize the City Manager to enter into a contract with Prus Construction to complete the 9305 – 9321 Montgomery Road Access Consolidation Project. He stated specifically it was Avis Car Rental, Nordic Motors, Houdini Room Escape and the Dunkin Donuts/Coldwell Banker building. He stated the project would combine the curb cuts into one that would be centered across from the proposed Roosa Street and line up with a planned traffic signal. The access consolidation project will be funded through the 480-000-5401 Downtown Improvements Fund. It is requested that the project be approved in the amount of \$232,960, which is the amount of the Base Bid plus 10% contingency.

Mr. Suer asked how long the timeline for this project would be.

Mr. Heitkamp replied that it would be a very short timeline with the completion date set for the third week of September.

Ms. Roesch asked what the businesses thought about the consolidation.

Mr. Heitkamp replied that it has been a long road to get where the project is. He stated that the property owners were in favor of having the access points at a traffic signal.

Vice Mayor Margolis stated the project was important in cleaning up the look of that section of Montgomery Road as well as added safety it will provide.

Mayor Dobrozsi stated that he would be recusing himself from the final discussion and vote on this piece of legislation at the August 4, 2021 Business Session.

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

Mayor Dobrozsi assigned the legislation to Mr. Cappel.

Mr. Heitkamp explained that, if approved, this Resolution would authorize the City Manager to enter into a contract extension with Compass Minerals America, Inc. pursuant to a joint purchasing bid with Hamilton County for 2021-2022 de-icing rock salt. The purchase of deicing rock salt for the 2021-2022 winter season is included in the City budget in the 261.000.5380 Street Maintenance, 265.000.5380 State Highway Fund, and 266.000.5380 Permissive MVL Fund. If approved, the request would authorize a maximum purchase of 1400 tons of deicing rock salt in the amount of \$94,528.00 (\$67.52 per ton). Mr. Heitkamp added that there was currently 600-700 tons of salt in storage at that time.

Mrs. Bissmeyer asked when the storage bin was added to increase storage.

Mr. Heitkamp replied that was approximately five years ago.

Mrs. Bissmeyer asked why we didn't purchase more.

Mr. Heitkamp replied that it was a balancing act on how much to buy so that we wouldn't have salt with no where to store it.

Mr. Suer stated that as we do have adequate storage now that he felt this was a reasonable amount to order.



Mr. Messer asked if there were any trends around the use of rock salt regarding environmental concerns that the City needs to consider.

Mr. Heitkamp explained that the real focus is to not oversalt. He explained too much salt washes into the catch basins and eventually into a creek. He explained that the used of liquids like we use when we make brine helps to stretch the salt and prevent over salting. He explained that we use a product called Ice B' Gone when the temperatures become really frigid. He explained that this is added to the salt to make it more effective.

#### **ADMINISTRATION REPORT**

Mr. Riblet reported the following items:

- The next City Council Business Session is scheduled for Wednesday, August 4 at 7:00 p.m.
- The Law and Safety and Financial Planning Committees will meet on Monday, August 2 at 3:30 and 4:30 p.m., respectively. The Planning, Zoning and Landmarks Committee has cancelled their meeting for August.
- The need for Council Committee meetings for Monday, August 9 will be updated at the August 4 Business Session.
- The Budget Review Session for the 2022 Budget is scheduled for Thursday, September 9 beginning at 5:30 p.m.
- The Planning Commission met on Monday evening to consider two applications. The first application was for a Final Development Plan for the expansion of Audi Connection. After reviewing the application, the Planning Commission voted to approve the Final Development Plan with conditions. The Commission also considered an application for a new Planned Development and General Development Plan for Twin Lakes at the property at the corner of Montgomery Road and Schoolhouse Lane. Twin Lakes is proposing 3 'flats' style building with 30 independent living units. After discussing the application, the Planning Commission recommended approval of the Planned Development and approved the General Development Plan. Staff would like to request a public hearing to consider the recommendation from the Planning Commission prior to the September 1 City Council Business Session at 6:30 p.m. City Council approved the scheduling of the public hearing.
- On the roundabout front, JRJ is scheduled to perform the resurfacing of Montgomery Road and Cross County Highway the weekend of July 30 to August 2 ( dependent on weather). In order to perform this work, they will have to close Montgomery Road and the entire intersection for the weekend beginning at 8 p.m. on July 30 and will reopen the intersection by 5 a.m. on August 8 (this was included in their contract per ODOT). Leading up to this work, JRJ will also be working through the night on Wednesday, July 28 and Thursday, July 29 in order to perform some milling and intermediate course pavement installation, however the intersection will remain open during those times.
- JK Meurer in finishing up the milling of the streets included in the resurfacing program. The surface paving is expected to begin towards the end of next week or the week of August 2 and be finished by mid-August.

- As a reminder the City Council Staff appreciation luncheon will be held on Friday July 30 from 11:00 am to 1:00 pm at Terwilliger Lodge.
- A Ribbon Cutting Ceremony for the Roundabout is scheduled on Thursday, August 26 at 10:00 a.m.
- The 2021 Top Workplace Celebration will be held on Friday, August 13 from 11:00 a.m. to 2:00 p.m. in Montgomery Park. Please mark your calendars to attend and help us celebrate a “3-Peat” win of the TWP honor.
- City Council unanimously agreed to set a Special Meeting for the Strategic Plan Retreat on Friday, August 27 from 1:00 to approximately 6:00 p.m. and Saturday, August 28 from 8:00 a.m. to approximately noon.

### **LAW DIRECTOR REPORT**

Mr. Donnellon explained that at the last meeting Council gave authorization to Mr. Riblet to vote for or against the reorganization of Purdue Pharma. He explained that based upon what is recommended by legal counsel and the attorneys, the State of Ohio did recommend the reorganization plan, so we submitted our ballots approving the reorganization plan. He stated he has not heard where it stands but is assuming it went through. He stated that Council may have heard in the news there are three others trying to settle: Cardinal Health, AmerisourceBergen, and McKesson who are looking to settle at \$23B. The only thing the Ohio Municipal League has asked is would the City be willing to execute a participation agreement if this goes through. He stated that his answer would be that it depends on what that participation agreement is. He stated he would tell them to let us know and then it would have to be approved as legislation. He stated that if Council supports a participation agreement, legislation for that may be introduced in September, but it does look like they are nearing reaching a settlement. He explained that the settlement monies would address abatement, mitigation and education and not as funds to local communities to pay damages caused by the opioid crisis. He added that would be important to the community as TriHealth may want to make a request for a grant or the schools for education. He stated that he will relay that we have a willingness to participate depending on the details of the proposed agreement.

Vice Mayor Margolis stated it was great to preserve the opportunities for some of our partners. He asked what a participation agreement means.

Mr. Donnellon replied that they have not defined it yet. He stated that most likely it includes a release that we would sign if we reached an agreement and include guidelines for distribution of funds. He explained that originally the proposed guidelines were two funds in the State of Ohio. The majority of it would come down to local communities through the region. The region being Hamilton, Warren, and Butler counties would make application for the grants. He stated he needs to see what they are proposing it would be and then we can approve it. He stated that more than anything else it will be a release.

Vice Mayor Margolis stated that there really was no decision making on our part, we are depending on the other entities to make that decision, is that correct.

Mr. Donnellon replied that, yes, it would be the County and the State allocating funds.

### **CITY COUNCIL REPORTS**

#### **Mrs. Bissmeyer**

Mrs. Bissmeyer stated that she had no report but shared that she thought Bastille Day was awesome and a huge hit.

Mrs. Bissmeyer stated that she would be out of town from August 8 through August 17.

**Mr. Suer**

Mr. Suer stated that he felt all the July events went well and considering that coming back from the pandemic and return normal events to the community, staff did a great job. He added that he knows there needs to be a discussion regarding maintaining the time schedule this year at Bastille Day, from 4:00 to 11:00 p.m. versus beginning at noon.

**Ms. Roesch**

Ms. Roesch thanked all staff for putting on a great event at Bastille Day.

Ms. Roesch stated that the Parks and Recreation Committee did meet and interviewed applicants for vacancies on the Beautification and Tree Commission and also the Parks and Recreation Commission. She made a motion to appoint the following individuals to the respective commissions:

Travis Everly to the Beautification and Tree Commission with a term ending 1/31/2022

Jorge Tameron to the Parks and Recreation Commission with a term ending 1/31/2022

Vice Mayor Margolis seconded the motion. City Council unanimously agreed.

**Mr. Messer**

Mr. Messer reported that at the Sister Cities Commission plans to follow up on the Bastille Day event to review both critiques and celebrations and welcomes input from others.

**Vice Mayor Margolis**

Vice Mayor Margolis thanked staff who volunteered their time at Bastille Day and taking time to celebrate with the community.

Vice Mayor Margolis reported that at the last Planning Commission meeting, Twin Lakes made a presentation regarding which included the \$80,000 distributed in benevolent care so far in 2021 as compared to the \$1.2M distributed in 2020.

Vice Mayor Margolis stated that he would be out of town from August 13 through August 21.

**Mayor Dobrozsi**

Mayor Dobrozsi added to the great success that Bastille Day was and what seemed like the largest attendance we have seen in sometime.

**MINUTES**

Mrs. Bissmeyer moved to approve the July 7, Business Session minutes. Vice Mayor Margolis seconded. City Council unanimously agreed.

**OTHER BUSINESS**

There was no other business.

**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. Mrs. Bissmeyer seconded. City Council unanimously agreed.

City Council adjourned at 8:08 p.m.



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Connie Gaylor, Clerk of Council