

May 27, 2021

TO: Mayor and City Council Members

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

SUBJECT: City Council Business Session of Wednesday, June 2, 2021

As a reminder, the Montgomery Community Improvement Corporation (CIC) is scheduled to meet at 6:45 p.m. The City Council Business Session will commence at the completion of the CIC meeting.

This meeting will be offered as a hybrid meeting, 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
 - a. Deborah Hutchins will be presented with a Certificate of Appreciation for her service on the Landmarks Commission
 - b. Barbara Steinebrey, who was unable to attend the Volunteer Walk of Fame Ceremony, will be inducted into the Walk of Fame and presented with her Certificate and gifts
5. Guest and Residents
6. Legislation for Consideration this Evening
 - a. A Resolution Rescinding Resolution 12, 2020 Declaring a State of Emergency In The City Of Montgomery Due To The Covid-19 Outbreak

Make a Motion to add to the Agenda

Assign to a Council Member

Move to Read by Title Only

Voice Vote

Move for passage of the Resolution

Roll Call Vote

Tabled Legislation

- a. 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—(Vice Mayor Margolis, 3rd Reading) Information has been previously supplied on this Ordinance that, if approved, would grant a request from Amy M. and Christopher Gilles, Property Owners on Remington Road, to approve a boundary adjustment for their property to relocate a portion of their lot from the Village of Indian Hill into the City to then be consolidated to create a larger, buildable lot. This Ordinance is the first step in the statutory process to adjust the boundary between the City and the Village. The Village of Indian Hill is passing a similar Ordinance, after which the legislation will be presented to the Board of Commissioners of Hamilton County, Ohio to approve the boundary adjustment between the two communities.

This Ordinance was tabled at the April 21, 2021 Work Session and recommended to stay tabled until action can be taken or recommended to remove from the agenda.

Pending Legislation

There is no pending legislation for this agenda

New Legislation

- a. A Resolution Authorizing The City Manager To Contract With Frost Brown Todd, LLC To Provide Special Counsel Services—(Mr. Messer) Information has been previously supplied that, if approved, will authorize the City Manager to enter into a contract with Frost Brown Todd, LLC to provide special legal services for labor negotiations/labor relations/human resource functions. The work of Frost Brown Todd, LLC has been invaluable in labor negotiations/relations efforts, and it is important that the City maintain this relationship as the City continues its labor and employee relations into the future.

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 contract with Strawser Construction, Inc. to complete the City of Montgomery 2021 Crack Seal Program through the Ohio Department of Transportation (ODOT) Cooperative Purchasing Program—(Mr. Cappel) Information has been previously supplied that, if approved, will authorize the City Manager to enter into a contract with Strawser Construction for the 2021 Crack Seal program. The program includes work to crack seal 5.43 centerline miles on the streets indicated on the attached memorandum. Funding for this project is programmed in the 2021 Capital Improvement Program 410-261-5470 account. It is requested that the 2021 Crack Seal Program be approved for funding in the amount of \$60,350.

Move to read the Resolution by title only

Voice Vote

Move for passage of the Resolution

Roll Call Vote

- c. A Resolution Authorizing The City Manager To Enter Into A Contract With Physio Control-Stryker Medical For The Purchase Of Three LIFEPAK 15 Cardiac Monitor/Defibrillators—(Mrs. Bissmeyer) Information has been previously supplied that, if approved, will allow the City Manager to enter into a contract to purchase three LIFEPAK 15 V4 Cardiac Monitor Defibrillators from Physio Control-Stryker Medical. The purchase of the defibrillators is programmed in the 2021 Capital Improvement Program 223-000-5405 account. It is requested that \$57,849.75 in funding be approved for the purchase of the defibrillators. This amount includes 5% contingency for shipping or any unforeseen expenses.

Move to read the Resolution by title only

Voice Vote

Move for passage of the Resolution

Roll Call Vote

7. Administration Report
8. Minutes-May 19, 2021 Work Session Minutes
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

June 2, 2021

Immediately following the CIC meeting at 6:45 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
2. Roll Call
3. Pledge of Allegiance
4. Special Presentations
 - a. Deborah Hutchins will be presented with a Certificate of Appreciation for her service on the Landmarks Commission
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Voice Vote

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Roll Call Vote

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This Ordinance was tabled at the April 21, 2021 Work Session and recommended to stay tabled until action can be taken or recommended to remove from the agenda.

Pending Legislation

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New Legislation

- a. A Resolution Authorizing The City Manager To Contract With Frost Brown Todd, LLC To Provide Special Counsel Services—(Mr. Messer)

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 contract with Strawser Construction, Inc. to complete the City of Montgomery 2021 Crack Seal Program through the Ohio Department of Transportation (ODOT) Cooperative Purchasing Program—(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 City Manager To Enter Into A Contract With Physio Control-Stryker Medical For The Purchase Of Three LIFEPAK 15 Cardiac Monitor/Defibrillators—(Mrs. Bissmeyer)

Move to read the Resolution by title only

Voice Vote

Move for passage of the Resolution

Roll Call Vote

8. Administration Report
9. Approval of Minutes - May 19, 2021 Work Session Minutes
10. Mayor's Court Report
11. Other Business
12. Executive Session

13. Adjournment

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



Certificate of Appreciation
to
Deborah Hutchins

WHEREAS, Deborah Hutchins generously shared her time and talents with the City of Montgomery by serving on the Landmarks Commission since 2012; and,

WHEREAS, during her term of service on the Landmarks Commission Deborah faithfully attended the monthly meetings and was dedicated to preserving the City's history and upholding the spirit and intent of the Zoning Code; and,

WHEREAS, Deborah is an example of professionalism and commitment to the Montgomery community with a passion for the City's Heritage District and Landmark buildings; and,

WHEREAS, Deborah's grammatical expertise made her the go-to editor of minutes and she contributed to ensuring the City has a precise and accurate record of Commission meetings; and,

WHEREAS, Deborah not only served on the Landmarks Commission, but was also Chair of the Beautification Commission from 1997 to 2001; and,

WHEREAS, Deborah's volunteer contributions are not limited to Montgomery; she has also served on the City of Cincinnati Environmental Advisory Commission and volunteers her time to the Community of Good Shepherd; and,

WHEREAS, Deborah is passionate about giving back to her community and her contributions have extensively contributed to making the City of Montgomery the special community that it is.

NOW THEREFORE, BE IT CERTIFIED by the City Council of the City of Montgomery, Ohio, all members concurring:

SECTION 1. On behalf of all citizens of the City of Montgomery, the City Council wishes to thank **Deborah Hutchins** for her valued service as a member of the Montgomery Landmarks Commission. The citizens of Montgomery shall benefit now and hereafter from her efforts.



Lee Ann Bissmeyer, Councilmember



Mike Cappel, Councilmember

CHRIS DOBROZSI

Chris Dobrozsi, Councilmember


Craig Margolis, Councilmember


Ron Messer, Councilmember


Lynda Roesch, Councilmember


Ken Suer, Councilmember



Certificate of Appreciation to Barbara Steinebrey

WHEREAS, Barbara Steinebrey has made tremendous contributions of time and talent to the City of Montgomery by serving on the Planning Commission since 2010; and,

WHEREAS, during her tenor on the Planning Commission, Barbara has applied a level-headed approach when considering development applications while upholding the spirit and intent of the Zoning Code; and,

WHEREAS, Barbara has lent her years of business expertise to ask substantive questions and to help her fellow Commission members see the big picture; and,

WHEREAS, Barbara's volunteer contributions are not limited to Montgomery; she is a charter member of the Mercy Hospital Mt. Airy Auxiliary, served on the Ohio Hospital Association, Past President of the C.P.A. Wives Auxiliary, member of Daughters of the American Revolution and Ohio Eastern Star as well as volunteering with PTA and Kindervelt; and,

WHEREAS, Barbara is a favorite among the Community Development staff for her warm spirit, sound judgement and perceptive nature; and,

WHEREAS, Barbara can always be counted on to volunteer her time to help at Bastille Day alongside her fellow Commission members; and,

WHEREAS, Barbara has achieved the required 250 hours of volunteer time to be inducted in the Volunteer Walk of Fame; and,

WHEREAS, City Council wishes to honor **Barbara Steinebrey** with the placement of a brick with her name engraved upon it in the Volunteer Walk of Fame.

NOW THEREFORE, BE IT CERTIFIED by the City Council of the City of Montgomery, Ohio, all members concurring:

SECTION 1. City Council hereby expresses its sincere appreciation to **Barbara Steinebrey** for her valued service. She has applied dedication, integrity, and honesty as a member of the Montgomery Planning Commission, and we benefit now and hereafter from her efforts.

May 28, 2021

TO: Montgomery City Council

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

SUBJECT: Request to Rescind Resolution #12, 2021 which Declared a State of Emergency

Request

It is requested that City Council consider adopt a Resolution to rescind Resolution #12, 2021 which declared a State of Emergency.

Background

On March 21, 2020 City Council passed Resolution #12, 2021 declaring a State of Emergency within the City of Montgomery due to the Coronavirus (COVID-19) outbreak across the United States and consistent with Emergency Orders by the President of the United States and Governor of the State of Ohio. As of 12:01 a.m. EST on June 2, 2021 the vast majority of the health orders originally declared by Governor DeWine have been lifted and we believe there is no longer a need to continue with our local State of Emergency measures.

It is important to note that we strongly encourage our Montgomery residents, businesses, and visitors to continue to be diligent in protecting themselves from the impacts of COVID-19.

Recommendation

Staff recommends City Council adopt a Resolution to Rescind Resolution #12, 2021 which declared a State of Emergency in the City due to the COVID-19 Outbreak.

RESOLUTION NO. , 2021

**A RESOLUTION RESCINDING RESOLUTION NO. 12, 2020 WHICH DECLARED
A STATE OF EMERGENCY IN THE CITY DUE TO COVID-19 OUTBREAK**

WHEREAS, the Council of the City of Montgomery enacted Resolution No. 12, 2020 entitled, *A Resolution Declaring A State Of Emergency In The City of Montgomery Due To The Covid-19 (Corona Virus) Outbreak*, to confirm emergency authority upon the Mayor and City Manager to take emergency action necessary to combat the COVID-19 pandemic spreading across the United States of America; and

WHEREAS, the Governor of the State of Ohio lifted the declared State of Emergency to the extent it restricts government and business operations effective June 2, 2021, while still encouraging all Ohioans to exercise appropriate caution in their personal activities to control and prevent a further outbreak; and

WHEREAS, with the changes enacted through the Governor's office and the Ohio Department of Health, Council does desire to rescind Resolution No. 12, 2020 to eliminate the emergency authority vested in the Mayor and the City Manager to mitigate the impact of COVID-19 within the City of Montgomery.

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

SECTION 1. Effective immediately, Resolution No. 12-2020 is hereby rescinded. All authority previously vested in the Mayor, City Council and the Administration by the Ohio Constitution, the laws of the State of Ohio and the Charter and the Ordinances of the City of Montgomery are hereby restored in full. While the emergency authority is hereby rescinded, Montgomery residents and businesses are encouraged to be responsible and cautious to protect themselves and to protect their families against any

resurgence in COVID-19 to be able to fully restore our day-to-day activities and enjoy the renewed spirit within the City of Montgomery.

SECTION 2. This Resolution 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

ORDINANCE NO. , 2021

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

WHEREAS, pursuant to Ohio Revised Code Section 709.37, two adjoining municipal corporations may, by Ordinance adopted by their respective legislative authorities, agree to adjust their boundaries, provided that such adjustment does not involve the transfer of land inhabited by more than five voters; and

WHEREAS, property owners, Amy M. and Christopher Gilles, are the record owners of two plats located on Remington Road, Hamilton County, Ohio, which lots border the common corporation line between the City of Montgomery, Ohio (“Montgomery”) and the City of the Village of Indian Hill, Ohio (“Indian Hill”); and

WHEREAS, to create appropriately buildable lots for this land, the property owners have petitioned both Montgomery and Indian Hill to adjust the corporation line to move .3362 acres from Hamilton County Auditor’s parcel number 619-0190-0082 from Indian Hill, and to consolidate such lot with lot 603-0004-0093 located within Montgomery. A copy of the proposed survey plat is attached hereto as **Exhibit A-1** and the former legal description for the remaining lots are attached hereto **Exhibit A-2**; and

WHEREAS, the Council of the City of Montgomery hereby finds and determines that a boundary adjustment of a portion of the property from Indian Hill to Montgomery will allow the adjusted and consolidated property to be governed by the laws of only one municipality, it will allow for the effective enforcement of the appropriate municipal codes in each jurisdiction, and it will avoid confusion regarding the provision of

municipal services by properly adjusting the boundary line to recognize these as two distinctive lots in their respective jurisdictions; and

WHEREAS, the City of Montgomery is willing to adjust its municipal boundary line with the Village of Indian Hill as graphically depicted in **Exhibit A-1** and described in **Exhibit A-2** attached hereto; and

WHEREAS, the proposed boundary adjustment would not affect any voters in either municipality and would be in the best interest of both municipalities; and

WHEREAS, the Council of the City of Montgomery desires to zone the new lot as consolidated and adjust it to the City of Montgomery as Residential A.

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

SECTION 1. The Council of the City of Montgomery, Ohio does hereby agree to a boundary adjustment with the City of the Village of Indian Hill to consolidate a portion of Hamilton County Auditor's parcel number 619-0190-0082 to Hamilton County parcel number 603-0004-0093, and to adjust the new corporation line as appropriate and as depicted on the attached **Exhibit A-1**. Council hereby requests that the Board of Commissioners of Hamilton County, Ohio adjust the boundaries for the City of Montgomery, Ohio and the City of the Village of Indian Hill in the manner as provided by law and as depicted in **Exhibit A-1** and described in **Exhibit A-2** attached hereto.

SECTION 2. The territory that is becoming a part of the City of Montgomery shall be zoned Residential A and subject to all laws generally applicable to properties in the City. The Community Development Director shall cause the official zoning map of the City of Montgomery to be amended in accordance with this Ordinance.

SECTION 3. This Ordinance shall go into effect and become law from and after the earliest period allowed by law.


SECTION 4. The Clerk of the City is hereby directed to certify a copy of this Ordinance to the Hamilton County Recorder.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

EXHIBIT A-1

SECTION 3, TOWN 4, E.R. 1
 INDIAN HILL TOWNSHIP \ SYCAMORE TOWNSHIP
 CITY OF INDIAN HILL, \ VILLAGE OF MONTGOMERY
 HAMILTON COUNTY, OHIO

Basis of bearings is Official Record 10411, Page 1415
 of the Hamilton County Recorder's Office.

Cincinnati Metropolitan Housing Authority
 O.R. Vol. 9401 Page 2925
 803-0004-0100

Area in Montgomery
 After Transfer
 1.0416 Acres
 46379.7 Sq.Ft.

Robert Cribbin
 803-0004-0094

Amy M. & Christopher Gilles
 O.R. Vol. 1210, Page 1272
 810-0190-0082

Area in Indian Hill
 After Transfer
 2.2465 Acres
 97855.9 Sq.Ft.

Area to be Transferred
 from Indian Hill to
 Montgomery
 0.3362 Acres
 14644.5 Sq.Ft.

Jose Ortigosa & Susan Bresani
 O.R. Vol. 14057, Page 2303
 619-0190-0063

Occupation Note:
 Occupation as shown.

REFERENCE DOCUMENTS USED
 Deeds as noted.
 Surveys:
 Paul J. Knuie, dated Aug 2006

I hereby certify that this plat represents
 a true and correct copy of the original
 survey made under
 my supervision and all monuments have
 been set or found as shown.

Jay S. Oberding P.S.
 Jay S. Oberding P.S.C.
 Ohio Registered Surveyor #S-7188

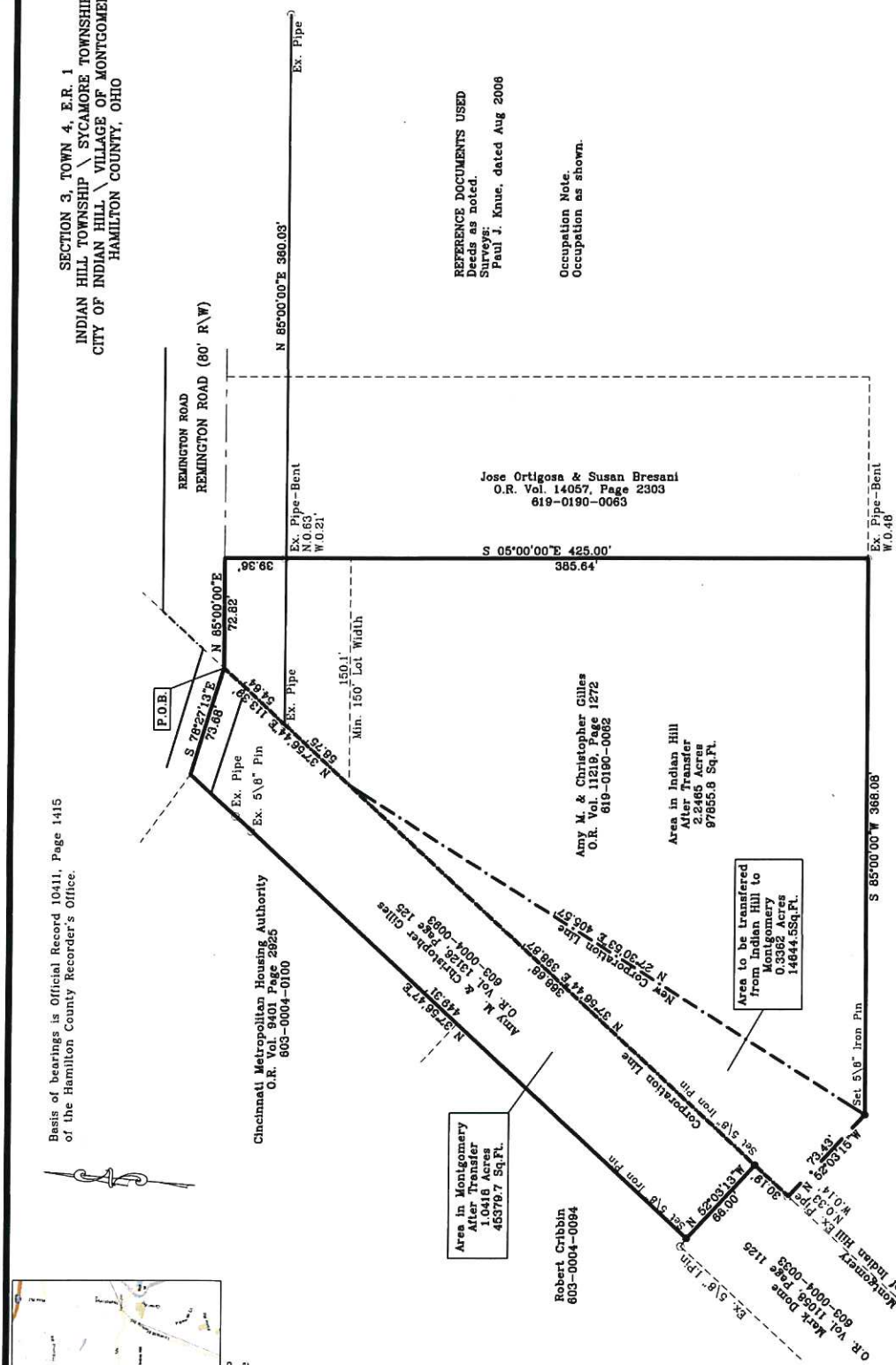


NOTE: The professional surveyor or Lansdale Surveying, Inc.
 has made no investigation or independent search for
 easements of record, encumbrances, restrictive
 covenants, ownership title evidence, or any other
 facts that an accurate and current title search may
 disclose. No abstract of title, nor title commitment,
 or results of a title search were furnished to the
 surveyor or Lansdale Surveying, Inc.



VICINITY MAP
 Not to Scale

	LANSDALE SURVEYING, INC. 1008 MAIN STREET - (ST. RT. 28) MILFORD OHIO, 45150 PHONE (513) 831-9970
	SURVEY FOR CORPORATION LINE ADJUSTMENT
Survey for Amy & Christopher Gilles 7965 Remington Road	
DATE: 12/15/2020 SCALE: 1"=50'	DRAWN BY: mrb DRAWING NUMBER 09-029A





1008 Main Street (State Route 28)
Milford, Ohio 45150
Telephone 513-831-9970 Fax 513-831-9971

President - Jay Olberding, P.S.
Founder - Jimmy Lansdale, P.S.

EXHIBIT A-2

December 15, 2020
09-029A

LEGAL DESCRIPTION FOR 0.3362 ACRES 711 Transfer from Indian Hill Township To Sycamore Township

Situate in Section 3, Town 4, E.R. 1, Sycamore Township, Indian Hill Township, City of Indian Hill, Village of Montgomery, Hamilton County Ohio and being more particularly described as follows:

Commencing at a point of intersection of the Corporation Line between The Village of Montgomery and The Village of Indian Hill with the centerline of Remington Road; Thence leaving the centerline of Remington Road and going along The Corporation Line South $37^{\circ} 56' 44''$ West 113.39 feet to a point and **TRUE PLACE OF BEGINNING** for this description; Thence along a New Corporation Line South $27^{\circ} 30' 53''$ West 405.57 feet to a set 5\8" iron pin; Thence North $52^{\circ} 03' 15''$ West 73.43 feet to a point, said point being witnessed by an existing pipe North 0.33 feet and West 0.14 feet, said point in also on the Corporation Line The Village of Montgomery and The Village of Indian Hill, Thence North $37^{\circ} 56' 44''$ East 398.87 feet to the place of beginning containing 0.3362 acres of land.

North is based upon deed recorded in Official Record 10411 - Page 1415 of the Hamilton County Recorder's Office.

The above described real estate is part of the same premises described as recorded in O.R. 11219, Page 1272 of the Hamilton County Ohio Deed Records and identified as all of Parcel ID. No.619-0190-0062, 0072, and 0073 on the tax maps of said county.

This description is the result of a survey and plat by Lansdale Surveying, Inc. dated August, 2009 under the supervision of Jay S. Olberding, Professional Surveyor, Ohio Registration #S-7188.



Jay S. Olberding P.S.



1008 Main Street (State Route 28)
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December 15, 2020
09-029A

LEGAL DESCRIPTION FOR 1.0418 ACRES

Situate in Section 3, Town 4, E.R. 1, Sycamore Township, Indian Hill Township, City of Indian Hill, Village of Montgomery, Hamilton County Ohio and being more particularly described as follows:

Beginning at a point of intersection of the Corporation Line between The Village of Montgomery and The Village of Indian Hill with the centerline of Remington Road; Thence leaving the centerline of Remington Road South $37^{\circ} 55' 56''$ West passing through an existing Pipe at 54.64 feet for a total distance of 113.39 feet to a point; Thence with a New Corporation line South $27^{\circ} 30' 53''$ West 405.57 feet to a set $5\frac{1}{8}''$ iron pin; Thence North $52^{\circ} 03' 15''$ West 73.43 feet to a point, said point being witnessed by an existing pipe North 0.33 feet and West 0.14 feet, said point in also on the Corporation Line of The Village of Montgomery and The Village of Indian Hill; Thence North $37^{\circ} 56' 44''$ East 30.19 feet to a set $5\frac{1}{8}''$ iron pin; Thence North $52^{\circ} 03' 13''$ West 66.00 feet to a set $5\frac{1}{8}''$ iron pin; Thence North $37^{\circ} 56' 47''$ East 449.31 feet to a point in the centerline of Remington Road; Thence along the centerline of Remington Road South $78^{\circ} 27' 13''$ East 73.68 feet to the place of beginning containing 1.0418 acres of land.

North is based upon deed recorded in Official Record 10411 - Page 1415 of the Hamilton County Recorder's Office.

The above described real estate is part of the same premises described as recorded in O.R. 11219, Page 1272 of the Hamilton County Ohio Deed Records and identified as all of Parcel ID. No.619-0190-0062, 0072, and 0073 on the tax maps of said county.

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December 15, 2020
09-029A

LEGAL DESCRIPTION FOR 2.2465 ACRES

Situate in Section 3, Town 4, E.R. 1, Indian Hill Township, City of Indian Hill, Hamilton County Ohio and being more particularly described as follows:

Beginning at a point of intersection of the Corporation Line between The Village of Montgomery and The Village of Indian Hill with the centerline of Remington Road; Thence with the centerline of Remington Road North $85^{\circ} 00' 00''$ East 72.82 feet to a point; Thence leaving the centerline of Remington Road South $05^{\circ} 00' 00''$ East 425.00 feet to a point, said point being witnessed by an existing pipe West 0.48 feet; Thence South $85^{\circ} 00' 00''$ West 368.08 feet to a set 5\8" iron pin; Thence with a New Corporation Line North $27^{\circ} 30' 53''$ East 405.57 feet to a point; Thence along the existing Corporation Line North $37^{\circ} 56' 44''$ East passing through an existing pipe at 58.75 feet for a total distance of 113.39 feet to the place of beginning containing 2.2465 acres of land.

subject to all easements and restrictions of record.

North is based upon deed recorded in Official Record 10411 - Page 1415 of the Hamilton County Recorder's Office.

The above described real estate is part of the same premises described as recorded in O.R. 11219, Page 1272 of the Hamilton County Ohio Deed Records and identified as all of Parcel ID. No.619-0190-0062, 0072, and 0073 on the tax maps of said county.

This description is the result of a survey and plat by Lansdale Surveying, Inc. dated August, 2009 under the supervision of Jay S. Olberding, Professional Surveyor, Ohio Registration #S-7188.



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President - Jay Olberding, P.S.
Founder - Jimmy Lansdale, P.S.

Prepared by: Lansdale Surveying, Inc
Routine: Area Summary Coord File: 09-029.crd 12/15/20 8:35:15
Input Scale Factor: 1.000000000 Output Scale Factor: 1.000000000

Area in Indian Hill

Pt ID	Ang Rt	Bearing	Distance	Pt ID	Northing	Easting
28		N 85°00'10"E	72.82	21	5029.1362	5050.2505
21	90°00'10"	S 05°00'00"E	425.00	15	4605.7534	5087.2917
15	90°00'00"	S 85°00'00"W	368.08	17	4573.6731	4720.6124
17	57°29'07"	N 27°30'53"E	405.57	155	4933.3700	4907.9762
155	169°34'10"	N 37°56'44"E	133.39	28	5022.7892	4977.7007
28	132°55'46"					

Perimeter: 1384.86 Cumulative Perimeter: 1384.86

Approx: Sq. Feet: 97855.8 Acres: 2.2465
Approx: Total - Sq. Feet: 97855.8 Acres: 2.2465

Correct Ending Coordinates, North: 5022.7930 East: 4977.7073
Ending Coordinates, North: 5022.7892 East: 4977.7007
Error, N: 0.00 E: -0.01 Total: 0.01 Brg: N 59°58'10"E
Distance Traversed: 1384.86 Closure: 180329



Jay S. Olberding P.S.



1008 Main Street (State Route 28)
Milford, Ohio 45150
Telephone 513-831-9970 Fax 513-831-9971

President - Jay Olberding, P.S.
Founder - Jimmy Lansdale, P.S.

Routine: Area Summary Coord File: 09-029.crd 12/15/20 8:32:00
Input Scale Factor: 1.000000000 Output Scale Factor: 1.000000000

Area in Montgomery

Pt ID	Ang Rt	Bearing	Distance	Pt ID	Northing	Easting
28		S 37°56'44"W	113.39	155	4933.3738	4907.9828
155	190°25'50"	S 27°30'53"W	405.57	17	4573.6770	4720.6190
17	79°34'08"	N 52°03'15"W	73.43	18	4618.8303	4662.7127
18	90°00'10"	N 37°56'44"E	30.19	25	4642.6388	4681.2758
25	269°59'48"	N 52°03'13"W	66.00	26	4683.2238	4629.2291
26	90°00'00"	N 37°56'47"E	449.31	27	5037.5435	4905.5206
27	116°24'00"	S 78°27'13"E	73.68	28	5022.7957	4977.7095
28	63°36'04"					

Perimeter: 1211.57 Cumulative Perimeter: 1211.57

Approx: Sq. Feet: 45379.7 Acres: 1.0418
Approx: Total - Sq. Feet: 45379.7 Acres: 1.0418

Correct Ending Coordinates, North: 5022.7930 East: 4977.7073
Ending Coordinates, North: 5022.7957 East: 4977.7095
Error, N: 0.00 E: 0.00 Total: 0.00 Brg: S 39°30'58"W
Distance Traversed: 1211.57 Closure: 350897



Jay S. Olberding P.S.



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Milford, Ohio 45150
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President - Jay Olberding, P.S.
Founder - Jimmy Lansdale, P.S.

Prepared by: Lansdale Surveying, Inc
Routine: Area Summary Coord File: 09-029.crd 12/15/20 8:28:30
Input Scale Factor: 1.000000000 Output Scale Factor: 1.000000000

711 Transfer

Pt ID	Ang Rt	Bearing	Distance	Pt ID	Northing	Easting
155		S 27°30'53"W	405.57	17	4573.6754	4720.6180
17	79°34'08"	N 52°03'15"W	73.43	18	4618.8287	4662.7116
18	90°00'00"	N 37°56'44"E	398.87	155	4933.3745	4907.9833
155	10°25'52"					

Perimeter: 877.87 Cumulative Perimeter: 877.87

Approx: Sq. Feet: 14644.5 Acres: 0.3362
Approx: Total - Sq. Feet: 14644.5 Acres: 0.3362

Correct Ending Coordinates, North: 4933.3722 East: 4907.9818
Ending Coordinates, North: 4933.3745 East: 4907.9833
Error, N: 0.00 E: 0.00 Total: 0.00 Brg: S 32°33'02"W
Distance Traversed: 877.87 Closure: 319965



Jay S. Olberding P.S.

RESOLUTION NO. _____, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO CONTRACT WITH
FROST BROWN TODD, LLC TO PROVIDE SPECIAL COUNSEL SERVICES**

WHEREAS, the City does desire to engage special counsel to assist in negotiating Collective Bargaining Agreements and to handle labor and employment issues; and

WHEREAS, the Law Director and the Administration recommend the City continue to retain the services of Frost Brown Todd, LLC as such special counsel.

NOW THEREFORE, Be It Resolved by the Council of the City of Montgomery, Ohio, that:

SECTION 1. The City Manager is authorized to enter into a contract with Frost Brown Todd, LLC according to the terms in the Letter of Engagement attached to this Resolution and incorporated herein by reference. The Administration is authorized to pay Frost Brown Todd, LLC according to the schedule of fees outlined in the Letter of Engagement for the purposes of providing assistance to the City in labor negotiations.

SECTION 2. This Resolution 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



W. Joseph Scholler
Member
513.870.8226 (t)
513.870.0999 (f)
jscholler@fbtlaw.com

May 7, 2021

Mr. Brian Riblet, City Manager
City of Montgomery
10101 Montgomery Road
Montgomery, Ohio 45242

Re: General Labor and Employment

Dear Mr. Riblet:

We are pleased that you have asked Frost Brown Todd to serve as your counsel in this matter. This letter will confirm our discussion with you regarding your engagement of our firm and will describe the basis upon which our firm will provide legal services to you. Accordingly, we submit for your approval the following provisions governing our engagement. If you are in agreement, please sign the enclosed copy of this letter in the space provided below. If you have any questions about these provisions, do not hesitate to call. Again, we are pleased to have the opportunity to serve you.

Client: Scope of Representation. Our client in this matter will be the City of Montgomery (the "City"). We will be engaged to advise the City in connection with general labor and employment matters, including negotiations. You may limit or expand the scope of our representation from time to time, provided that any substantial expansion must be agreed to by us. While we would be interested in assisting you in other matters, unless we are specifically engaged for some other future matter this will confirm that our representation of you is limited to the foregoing matter and will end when it is concluded.

Fees. Our fees are based primarily upon the time expended by our attorneys and paralegals on the engagement, including attorney and paralegal travel time which is charged at regular hourly rates. Attorneys and paralegals have been assigned hourly rates based upon their experience and level of expertise. The rates of those attorneys likely to work on this matter range from \$290.00 in the case of Jack Hemenway, and \$410.00 in the case of myself. Our hourly rates are reviewed periodically and may be increased from time to time. It may be necessary to add or change attorneys working on your behalf.

Consent to Future Conflicts. You are aware that our firm is a relatively large law firm and represents many other companies and individuals. Some may be direct competitors of yours or otherwise may have business or legal interests that are contrary to your interests. It is therefore possible that during the time we are working for you, an existing or future client may seek our assistance in connection with a transaction, pending or potential litigation, or another matter or proceeding in

Mr. Brian Riblet, City Manager
May 7, 2021
Page 2

which such a client's interests are, or potentially may become, adverse to your interests. This can create situations where work for one client on a matter might preclude us from assisting other clients on unrelated matters.

To avoid the potential for this kind of restriction on our practice, we ask you to agree, and you hereby do agree, that Frost Brown Todd may continue to represent, or may undertake in the future to represent, any existing or future client in any matter (including but not limited to transactions, litigation or other dispute resolution proceedings), even if the interests of that client in the other matter are directly adverse to the interests of the **City of Montgomery**, as long as that other matter is not substantially related to this or our firm's other engagements on behalf of the **City of Montgomery**. We do not, however, intend for you to waive your right to have our firm maintain the confidentiality of client information obtained by us in the course of representing you. Thus, if our representation of another client in a matter is directly adverse to you, our lawyers who have had significant involvement in our work for you will not work on the matter for such other client, and appropriate measures will be taken to assure that proprietary or other confidential information of a non-public nature concerning you which we acquire as a result of representing you will not be made available to lawyers or others in our firm involved in such matter. You are hereby advised, and have had the opportunity, to consult with other counsel about this prospective waiver. You also understand and acknowledge that, in the course of our representation of other clients pursuant to this prospective waiver, we may obtain confidential information of interest to you that we cannot share with you.

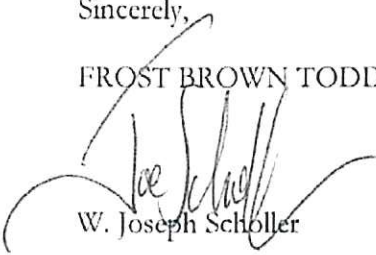
ABA Statement of Policy. We wish to inform the City, and the City acknowledges, that it is our firm's policy to comply strictly with the terms of the ABA Statement of Policy Regarding Lawyers' Responses to Auditors' Requests for Information (December 1975) in any response that the City requests we make to the City's auditors regarding "loss contingencies" affecting the City.

Additional Standard Terms. Our engagement is also subject to the policies included in the enclosed memorandum.

We appreciate the opportunity to represent you. If these terms of our engagement are acceptable to you, please return a signed copy of this letter to me in the enclosed envelope. Our representation of you will commence upon receipt of the signed engagement letter. We look forward very much to working with you on this matter.

Sincerely,

FROST BROWN TODD LLC



W. Joseph Scholler

Mr. Brian Riblet, City Manager
May 7, 2021
Page 3

The foregoing is understood and accepted:

CITY OF MONTGOMERY

By: _____
Print Name: _____
Print Title: _____

4832-2739-7401v15

APPROVED AS TO FORM:



Terrence M. Donnellon,
Law Director

FROST BROWN TODD LLC

ADDITIONAL TERMS AND CONDITIONS OF CLIENT ENGAGEMENTS

1. Expenses. Expenses we incur on the engagement are charged to the Client's account. Expenses include such items as court costs, charges for computerized research services and hard copy document reproductions, long distance telephone, travel expenses, messenger service charges, overnight mail or delivery charges, extraordinary administrative support, filing fees, fees of court reporters and charges for depositions, fees for expert witnesses and other expenses we incur on your behalf. Our charges for these services reflect our actual out-of-pocket costs based on usage, and in some areas may also include our related administrative expenses.

2. Monthly Statements. Unless a different billing period is agreed upon with the Client, the Firm will render monthly statements indicating the current status of the account as to both fees and expenses. The statements shall be payable upon receipt. If statements are not paid in full within 30 days, we reserve the right to add a late charge of 1% per month of the amount due. If it becomes necessary for the Firm to file suit or to engage a collection agency for the collection of fees or expenses, the Client shall pay all related costs and expenses, including reasonable attorneys' fees.

3. Advance Payments. Any advance payment to be paid by the Client will normally be less than the Firm's ultimate fees and expenses. Such a payment or series of payments is not intended as a limitation upon the Firm's fees and expenses. The Firm may apply the advance payment toward any unpaid fees and expenses, in which event the Client shall make an additional deposit to restore the advance payment to its original level. Additional advance payments must be made within fifteen days of the date the request is made. Any unexpended balance of advance payments will be refunded to the Client, without interest, at the end of this engagement.

4. Litigation Matters. If this engagement involves litigation, the Client may be required to pay the opposing party's trial costs. Such costs include filing fees, witness fees, and fees for depositions and documents used at trial. We will not settle litigated matters without the Client's express consent. We require the Client's active participation in all phases of the case.

5. Insurance coverage. Unless we have been explicitly retained to address insurance coverage issues (as documented in this engagement letter), we have no responsibility or obligation to (a) identify any potentially applicable insurance coverage, (b) provide notice to any carrier, or (c) advise the Client on issues relating to insurance coverage at any point during our representation.

6. Termination. The Client has the right to terminate our representation at any time by notifying us of your intention to do so in writing. We will have the same right, subject to an obligation to give the Client reasonable notice to arrange alternative representation. In the event that either party should elect to terminate our relationship, our fees and expenses incurred up to that point still will be due to us. Upon payment to us of any balance due for fees and expenses, we will return to the Client, or to whomever the Client directs, any property or papers of the Client in our possession.

7. Withdrawal. Under the rules of professional conduct by which we are governed, we

may withdraw from our representation of the Client in the event of, for example: nonpayment of our fees and expenses; misrepresentation or failure to disclose material facts concerning the engagement; action taken by the Client contrary to our advice; and in situations involving a conflict of interest with another client. If such a situation occurs, which we do not expect, we will promptly give the Client written notice of our intention to withdraw.

8. Post-Engagement Services. The Client is engaging our Firm to provide legal services in connection with a specific matter. After completion of that matter, changes may occur in the applicable laws or regulations that could have an impact on the Client's future rights and liabilities. Unless the Client engages us after completion of the matter to provide additional advice on issues arising from the matter, the Firm has no continuing obligation to advise the Client with respect to future legal developments.

9. Retention and Disposition of Documents. At the Client's request, its documents and property will be returned to the Client upon conclusion of our representation in the matter described above, although the firm reserves the right to retain copies of any such documents as it deems appropriate. Our own files pertaining to the matter will be retained by the firm. These firm files include, for example, firm administrative records, time and expense reports, personnel and staffing materials, and credit and accounting records. All documents and property, including those belonging to the Client, that are retained by the firm will be transferred to the person responsible for administering our records retention program. For various reasons, including the minimization of unnecessary storage expenses, and consistent with professional conduct rules, we reserve the right to destroy or otherwise dispose of any such documents or other materials retained by us within a reasonable time after the termination of the engagement without further notice to the Client.

10. Parent/Subsidiary/Affiliate Relationships. The Client may be a subsidiary of a parent organization or may itself have subsidiary or affiliated organizations. The Client agrees that the Firm's representation of the Client in this matter does not give rise to an attorney-client relationship between the Firm and any parent, subsidiary or affiliate of the Client (any of them being referred to as "Affiliate"). The Firm, during the course of its representation of the Client, will not be given any confidential information regarding any of the Client's Affiliates. Accordingly, representation of the Client in this matter will not give rise to any conflict of interest in the event other clients of the Firm are adverse to any of the Client's Affiliates.

11. Consultation with Firm Counsel. From time to time, issues arise that raise questions as to our duties under the professional conduct rules that apply to lawyers. These might include conflict of interest issues, and could even include issues raised because of a dispute between us and a client over the handling of a matter. The firm has several in-house ethics counsel who assist the firm's lawyers in such matters. We believe that it is in our clients' interest, as well as the firm's interest, that in the event that issues arise during a representation about our duties and obligations as lawyers, we receive expert analysis of our obligations. Accordingly, as part of our agreement concerning our representation, the Client agrees that if we determine in our own discretion during the course of the representation that it is either necessary or appropriate to consult with our firm's counsel (either the firm's internal counsel or, if we choose, outside counsel), we have the Client's consent to do so and that our representation of the Client shall not, thereby, waive any attorney-client privilege that the firm may have to protect the confidentiality of our communications with our internal or outside counsel.

12. Retirement Plan Advice. If the Client engages the Firm to provide legal services with respect to a retirement plan that is subject to the Employee Retirement Income Security Act, the Client should be aware that certain “covered service providers” must disclose some very specific information to the Client as a responsible fiduciary before the Client engages those services. While the Firm would not usually be serving as a “covered service provider,” there are some situations in which it might be. A description of the disclosures required in those situations can be located at www.dol.gov/cbsa/newsroom/fs408b2finalreg.html.

13. Authorization. By the Client’s agreement to these terms of our representation, the Client authorizes us to take any and all action we deem advisable on the Client’s behalf on this matter. We will, whenever possible, discuss with the Client in advance any significant actions we intend to take.

RESOLUTION NO. _____, 2021

A RESOLUTION ACCEPTING A BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH STRAWSER CONSTRUCTION, INC., FOR THE 2021 CRACK SEAL PROGRAM THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) COOPERATIVE PURCHASING PROGRAM CONTRACT #101L-20

WHEREAS, the City is required by statute to solicit competitive bids for goods or services which will exceed a contract price of Fifty Thousand Dollars (\$50,000); and

WHEREAS, state law recognizes certain exceptions to the requirement of competitive bidding including purchases made through the State of Ohio's Cooperative Purchasing Program; and

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

WHEREAS, the City has determined that separate bids for the 2021 Crack Seal Program would exceed the price available through the Ohio Cooperative Purchasing Program, and the project services available through the Cooperative Purchasing Program will meet the City Engineer's recommendation for appropriate street resurfacing.

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

SECTION 1. The City Manager is hereby authorized to contract with Strawser Construction, Inc., through the Ohio Cooperative Purchasing Program Contract #101L-22 for the application of Crack Seal for an amount not to exceed \$ 60,350.00 for those public streets or parts of public streets identified on the attached Schedule A.

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

SCHEDULE A

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>CENTERLINE MILES</u>
Montgomery Road	Main St (north)	Bethesda North main access	1.551
Pfeiffer Road	Stone Ct	Montgomery Rd	0.098
Kennedy Lane	Terminus	Corp. Limit	0.031
Zig Zag Road	Cooper Rd	Corp. Limit	1.592
Treeheights Court	Trailwind Dr	Terminus	0.109
Convo Court	Weller Rd	Terminus	0.206
Thistlewood Court	Weller Rd	Terminus	0.203
Delray Drive	Castleford Ln	Stonehenge Dr	0.083
Belleford Court	Castleford Ln	Terminus	0.074
Castleford Lane	West Terminus	Delray Dr	0.137
Stonehenge Drive	Terminus	Corp. Limit	0.276
Forestglen Drive	Montgomery Rd	Terminus	0.820
Woodfern Way	Forestglen Dr	Forestglen Dr	0.211
Glenash Court	Woodfern Way	Terminus	0.036

Total – 5.43 centerline miles

We Propose hereby to furnish material and labor – complete in accordance with above specifications, for the sum of:

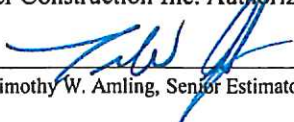
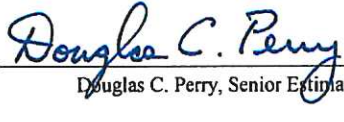
Above Unit Prices

Payment terms: Net 30 Days

This offer is subject to credit approval from our credit department and will not be binding until mutual agreement on payment terms and conditions.

This account is subjected to a finance charge computed at an annual percentage rate of 18% on the total past due balance.

Strawser Construction Inc. Authorized Signatures:

 Date: 4/29/21  Date: 4/29/21
Timothy W. Amling, Senior Estimator Douglas C. Perry, Senior Estimator

Note: This proposal may be withdrawn by us if not accepted within 30 days.

In the event of purchaser's failure to pay the amount or amounts due, at the times agreed, purchaser hereby authorizes and empowers any attorney of any Court of Record in this State or elsewhere to appear for and enter judgment, with or without declaration against the purchaser, together with all attorney's fees, with release of errors, waiver of right to appeal, waiver of benefit of any appraisalment, stay and exemption laws of this State.

This Contract and all TERMS AND CONDITIONS, rights and remedies herein contained shall bind the parties hereto.

Acceptance of Proposal – The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Funds are available and payment will be made as outlined above.

Name and Title: _____

Please Print

Date of Acceptance: _____

Authorized Signature: _____

1. Any taxes that are or may be levied by the United States Government or any State or political subdivision thereof, on the material quoted herein, or on the sale or purchase thereof, or on incidental transportation charges, when same are paid or required to be paid or collected by the Seller shall be added to the prices named, unless otherwise stated.
2. The Seller assumes no responsibility for work performed by others outside of the scope of this contract, and denies all liability for items not included in the contract, nor is Seller responsible for any design deficiencies unless such are provided by Seller.
3. If Buyer shall fail to comply with any provision or fail to make payments in accordance with the terms of this contract or of any other contract between Buyer and Seller, Seller may at its option defer further work or, without waiving any other rights it may have, terminate this contract. This contract and the work there under shall be subject to the approval of Seller's Credit Department.
4. There are no understandings, terms, or conditions not fully expressed herein. There is no implied warranty or condition except an implied warranty of title to, and freedom from encumbrance of, the work provided hereunder, and in respect of products bought, by description that they are of merchantable quality. Seller's liability hereunder shall be limited to the obligation to replace material proven to have been defective in quality or workmanship at the time of delivery or allow credit therefore at its option. In no event shall Seller be liable for consequential damages.
5. All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from the specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workers' Compensation Insurance.
6. Any disputes under this agreement shall be decided under arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association then obtaining, unless the parties mutually agree otherwise. Each party to bear its own costs.

RESOLUTION NO. , 2021

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PHYSIO CONTROL-STRYKER MEDICAL FOR THE PURCHASE OF THREE LIFEPAK 15 CARDIAC MONITOR/DEFIBRILLATORS

WHEREAS, the City is required by statute to solicit competitive bids for goods or services which will exceed a contract price of Fifty Thousand Dollars (\$50,000); and

WHEREAS, state law recognizes certain exceptions to the requirement of competitive bidding including purchases made through the State of Ohio's Cooperative Purchasing Program; and

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

WHEREAS, the Fire Department has priced the purchase of three Monitors/Defibrillators through the Ohio Cooperative Purchasing Program and has determined that such goods are available through Physio Control-Stryker Medical as a better purchase option than competitive bidding.

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 purchase three (3) LIFEPAK 15 V4 Cardiac Monitor/Defibrillators from Physio Control-Stryker Medical in the total amount not to exceed \$58,000, which is the total purchase price net of any trade-in of the equipment to be replaced. Council finds that such purchase shall be completed through the Ohio Cooperative Purchasing Program as allowable by State law without separate competitive bidding.

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

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
May 19, 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
Mike Cappel
Ron Messer
Lynda Roesch
Ken Suer

City Council Members Absent

Lee Ann Bissmeyer

City Council convened its Work Session for May 19, 2021 at 6:54 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

Mayor Dobrozsi asked for a roll call.

The roll was called with all members except Mrs. Bissmeyer present. Mayor Dobrozsi explained that Mrs. Bissmeyer was attending the graduation of her son and asked for a motion to excuse her absence. Vice Mayor Margolis made a motion to excuse Mrs. Bissmeyer from the meeting. Mr. Cappel seconded. City Council unanimously agreed.

SPECIAL PRESENTATION

Amy Frederick was introduced as the new Community Engagement Coordinator by Matthew Vanderhorst the Community and Information Services Director.

City Council welcomed Ms. Frederick to the Montgomery family.

Eric Rademacher from the University of Cincinnati and Amy Paul from Management Partners were in attendance to present an overview of the recent completed resident survey as part of the upcoming strategic planning process.

Mr. Rademacher stated that he has partnered with Management Partners to conduct the resident surveys since the first strategic plan was created in 2001. He stated that he has been honored to participate in the subsequent 5-year plans since that time.

Mr. Rademacher explained that the household survey reached 4,301 city residents. He stated that the survey was conducted through mail invitations to submit responses via a website and also mail in responses. He explained that this was conducted from March 17 through May 6 and 993 residents responded. He stated that this equated to a 23% response rate which was the response rate in 2015 as well.

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City Council Work Session Minutes

May 19, 2021

Page 2

54 Mr. Rademacher explained the geographic sections of the City of Montgomery and how that was used to determine
55 response rate and to interpret survey responses.

56
57 Mr. Rademacher reviewed statistics related to the following survey topics:

- 58 • Satisfaction with the Quality of Life in Montgomery
- 59 • Importance of City Services (Fire and EMS, Trash Collection, Police Protection, Snow Removal, etc.)
- 60 • Satisfaction with City Services
- 61 • Knowledge about the Montgomery Quarter Project
- 62 • Type of Restaurant respondents would like to see in the Montgomery Quarter
- 63 • Perceived impact the Montgomery Quarter Project on shopping and dining
- 64 • Knowledge about the DORA (Designated Outside Refreshment Area)
- 65 • Perceived Impact of DORA
- 66 • Knowledge about the Montgomery Diversity and Inclusion Committee
- 67 • Importance of the Diversity and Inclusion Committee
- 68 • Usefulness of the monthly City of Montgomery Newsletter
- 69 • Usefulness of the Montgomery Website
- 70 • Perceptions of Post Covid-19 Life

71
72 Mr. Riblet extended his thanks to Mr. Rademacher and Ms. Paul for their time in meeting with staff to create the
73 survey and for the cumulation of all the data for the presentation which will be vital in the creation of the new
74 strategic planning process.

75
76 Mayor Dobrozsi opened the floor to questions from City Council.

77
78 Vice Mayor Margolis asked Mr. Rademacher if there were services that we are not offering at this time that we
79 should.

80
81 Mr. Rademacher explained that those services would be seen in the open-ended questions asked in the survey. He
82 explained that he was working to categorize those and prepare a summary that would be shared with staff and City
83 Council soon.

84
85 Mr. Suer stated that upon looking at some of the comments from the open-ended questions that he was picking up
86 on threads and other comments that will provide ideas when developing the new plan. He stated that he found this
87 very beneficial in the process.

88
89 Mr. Rademacher stated that the approach to interpreting the comments comes with how the responses are weighted.
90 Whether there are 1 in 900 or 20 in 900, he warned about getting stuck on comments, so they do not cloud decision
91 making.

92
93 Mr. Messer stated that regarding the 23% response rate, he wondered if we were actually touching base with the
94 constituents. He asked about the roughly 75% that did not respond.

95
96 Mayor Dobrozsi stated that he felt the ones who did respond were the ones who were engaged.

97
98 Mr. Rademacher explained that 23% is a high response rate in many surveys. He stated that while we have a good
99 sense of the responses that were received, we cannot address the ones we did not. He stated that the questions could
100 be asked if those who did not respond felt negatively about surveys, were disengaged, or felt that things were fine
101 and did not take the time to respond.

102

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City Council Work Session Minutes

May 19, 2021

Page 3

103 Ms. Roesch stated that she felt we had a high response rate that has been consistent over the years. She stated that
104 she felt that if people were unhappy, they would tell us, maybe not by a survey.
105

106 Mr. Cappel asked Mr. Rademacher regarding the Covid questions if the trend in responses was really an effect of
107 Covid or if the responses were already part of a trend.
108

109 Mr. Rademacher replied that he felt online shopping for instance, was already a trend and not necessarily an effect
110 of Covid. He stated that the results in dining was an effect of Covid but how much that trend decelerated post-Covid
111 would be the real evidence.
112

113 Mayor Dobrozsi asked Mr. Rademacher when the survey was completed.
114

115 Mr. Rademacher replied most were completed in April but there were some accepted in early May.
116

117 Mayor Dobrozsi asked Mr. Rademacher if he had received the 2020 Census information yet. He stated that he seen
118 that Montgomery had an 87.5% response rate and asked if there was anything high-level to take from that.
119

120 Mr. Rademacher replied that there were, but he was reserving that information until after all information has been
121 summarized and shared so as to not influence the interpretation of it.
122

123 Mr. Riblet stated that staff found nothing surprising in the results, questions or tables. He stated that the narratives
124 and responses will be good to build on to find creative ways to push information out to people who are not
125 responding.
126

127 **GUESTS & RESIDENTS**

128
129 Mayor Dobrozsi asked for a motion to move the Guests and Residents portion of the agenda to the end of the agenda
130 after Other Business.
131

132 Vice Mayor Margolis made a motion to move the Guests and Resident portion to after Other Business on the agenda.
133

134 Mr. Cappel seconded. City Council unanimously agreed.
135

136 **LEGISLATION FOR CONSIDERATION THIS EVENING**

137 There was no legislation for consideration at the meeting.
138

139 **ESTABLISHING AN AGENDA FOR JUNE 2, 2021 BUSINESS SESSION**

140 **TABLED LEGISLATION**

141
142
143 **An Ordinance Agreeing to Adjust the Boundaries Between the City of Montgomery, Ohio And the City of**
144 **The Village of Indian Hill, Ohio Pursuant to Ohio Revised Code Section 709.37**
145

146 Mayor Dobrozsi explained that this Ordinance has been tabled since the April 21 Work Session and asked Mr.
147 Donnellon for an update.
148

149 Mr. Donnellon stated that there has been no progress at this time and recommended leaving on the table until there
150 has been action taken or we recommend removing from the table or agenda.
151
152

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City Council Work Session Minutes

May 19, 2021

Page 4

153 **PENDING LEGISLATION**

154

155 There is no pending legislation on this agenda.

156

157 **NEW LEGISLATION**

158

159 **A Resolution Authorizing The City Manager To Contract With Frost Brown Todd, LLC To Provide Special**
160 **Counsel Services**

161

162 Mayor Dobrozsi assigned the legislation to Mr. Messer.

163

164 Mr. Riblet explained that this Resolution, if approved, would authorize a contract with Frost Brown Todd, LLC to
165 provide special legal services for labor negotiations/labor relations/human resource functions. He stated that the
166 work of Frost Brown Todd, LLC has been invaluable in labor negotiations/relations efforts, and it is important that
167 the City maintain this relationship as the City continues its labor and employee relations into the future. Mr. Riblet
168 added that there is a 2.5% to 3% increase in rates which is in line with other firms.

169

170 Mr. Messer asked if there was an estimate of total costs.

171

172 Mr. Riblet replied that the annual cost can vary based on contract negotiations and personnel issues, but it normally
173 ranges between \$50 to \$75 thousand.

174

175 **A Resolution authorizing the City Manager to enter into contract with Strawser Construction, Inc. to**
176 **complete the City of Montgomery 2021 Crack Seal Program through the Ohio Department of Transportation**
177 **(ODOT) Cooperative Purchasing Program**

178

179 Mayor Dobrozsi assigned the legislation to Mr. Cappel.

180

181 Mr. Heitkamp explained that, if approved, this Resolution would authorize the City Manager to enter into a contract
182 with Strawser Construction for the 2021 Crack Seal program. The program includes work to crack seal 5.43
183 centerline miles on the streets indicated on the attached memorandum. Funding for this project is programmed in
184 the 2021 Capital Improvement Program 410-261-5470 account. It is requested that the 2021 Crack Seal Program
185 be approved for funding in the amount of \$60,350.

186

187 Vice Mayor Margolis stated that this program is not in lieu of repaving but augments it.

188

189 Mr. Heitkamp stated that crack sealing is a preventative measure. He stated that he looks for streets that have been
190 paved from five to seven years prior as it extends the life of the pavement.

191

192 Mr. Suer stated that the crack sealing extends the life of the streets to stay on our 18-year cycle without that he felt
193 we would face more frequent repaving. He stated this was a very worthwhile application.

194

195 Mr. Messer asked how the streets were selected. If it was years since it has been paved or need-based.

196

197 Mr. Heitkamp replied that it was both. He explained that he creates an inspection list to physically go and check
198 streets each year based on application history.

199

200 Mr. Cappel asked if there would be temporary closures with this program.

201

202 Mr. Heitkamp said when there are it is one lane and only for about 15 minutes.

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203

204 Mr. Cappel stated that he felt it was a good stewardship program and a core government function.

205

206 Mayor Dobrozsi stated that while it sounds like a lot of money, only doing the top course frequently saves money
207 in the long run.

208

209 **A Resolution Authorizing The City Manager To Enter Into A Contract With Physio Control-Stryker Medical**
210 **For The Purchase Of Three LIFEPAK 15 Cardiac Monitor/Defibrillators**

211

212 Mayor Dobrozsi assigned the legislation to Mrs. Bissmeyer.

213

214 Chief Wright explained that the current cardiac monitors/defibrillators are ten years old and would no longer be
215 supported by maintenance which makes the medic unit they are in inoperable. He explained that, if approved, this
216 Resolution will allow the City Manager to enter into a contract to purchase three LIFEPAK 15 V4 Cardiac Monitor
217 Defibrillators from Physio Control-Stryker Medical. Chief Wright explained the purchase of the defibrillators is
218 programmed in the 2021 Capital Improvement Program 223-000-5405 account. It is requested that \$57,849.75 in
219 funding be approved for the purchase of the defibrillators. This amount includes 5% contingency for shipping or
220 any unforeseen expenses. Chief Wright explained that these monitors are an important part of cardiac care for
221 patients. He stated that these new units will transmit to the Cath Lab all information on the patient and allow the
222 patient to bypass the emergency room and go straight to the Cath Lab. Chief Wright added that three years ago
223 these same monitors would have been \$73,000 but through the State Bid they are \$58,000.

224

225 Vice Mayor Margolis asked how these were dual function.

226

227 Chief Wright explained that they can perform an EKG but also can shock the heart as a defibrillator.

228

229 Mr. Suer asked how long these would last.

230

231 Chief Wright replied for 10 years.

232

233 Mr. Cappel asked how many times they get used.

234

235 Chief Wright replied daily. He explained with their diagnostic function they are used for many runs.

236

237 **ADMINISTRATION REPORT**

238

239 Mr. Riblet reported the following items:

240

241 • Mr. Riblet requested a CIC meeting to be held prior to the June 2 Business Session at 6:45 p.m. He stated
242 that a motion could be made to commence with the Business Session at the completion of the CIC meeting.

243

244 Mr. Cappel made a motion to commence with the June 2 Business Session at the completion of the CIC
245 meeting. Vice Mayor Margolis seconded. City Council unanimously agreed.

246

247 • The next City Council Business Session is scheduled for Wednesday, June 2 immediately following a CIC
248 meeting at 6:45 p.m.

249

250 • The Law and Safety, Financial Planning, and Planning, Zoning and Landmarks Committees have cancelled
251 their meetings for June.

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252

253

- John R. Jurgenson will be performing the switch to “Phase 4” traffic pattern on Saturday, May 22. “Phase 4” work is anticipated to last 4 weeks, thus should be concluded by end of June. When the project transitions to “Phase 5”, the traffic pattern will be that of the multi-lane roundabout.

254

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257

- Beautification Day was held on Saturday, May 15 and the weather and volunteer participation could not have been better. A total of 82 volunteers participated, along with members of City Council and staff, planting flower beds on Montgomery Road from Schoolhouse Lane all the way up to Weller Road. This team effort goes a long way in beautifying the Montgomery Road corridor.

258

259

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261

- The most important Public Works activity occurred this week and that is the hanging of 262 flower baskets on the City’s trademark streetlights.

262

263

264

- A contract was signed with Paylocity in the amount of \$15,819 for the purchase of various Human Resources, Time and Attendance, Payroll and Compliance reporting modules. This will significantly enhance the payroll process and provide a very mobile friendly platform for employees. The new system is scheduled to go live this coming July. Kudos to Katie Smiddy and Sharon Savitt for sifting through all of the various software companies to find this application.

265

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270

- The Civil Service Commission met on Monday, May 17 and authorized a new Firefighter/Paramedic examination process in order to fill the six new positions authorized in the budget. The Commission also authorized a patrol officer examination process to fill a currently vacant position and a sergeant promotional process in anticipation of a retirement.

271

272

273

274

275

- As a reminder, as part of National Public Works Recognition week, we will be celebrating our public works staff with a breakfast from 7:30 to 9:00 a.m. on Friday, May 21 at the Public Works building. Council Members are invited to come.

276

277

278

279

- An update from Governor DeWine’s office has been provided regarding the existing Covid health order. Mr. Riblet stated that the Governor is rescinding the existing order effective on June 2. He explained that since we will be resuming normal operations there would be legislation added at the June 2 Business Session agenda rescinding Resolution 12, 2020 that established the City’s State of Emergency Order. He further explained that HB404 established November 22, 2020 authorized that public entities could meet virtually. He stated that this order would end on July 7.

280

281

282

283

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286

Mr. Messer stated that he would be on vacation the week of June 7.

287

288

LAW DIRECTOR REPORT

289

290

Mr. Donnellon explained that there have been questions regarding Columbus making public meetings permanently virtual and based on the conversations he has heard, there is not support for that. He stated that the legislature is getting pushback from the media on this.

291

292

293

294

Mayor Dobrozsi asked if there was any update to the issue of the Earnings Tax.

295

296

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297 Mr. Donnellon stated that there is a divide in Columbus on this as many of the Representatives are from Township
298 areas. He stated that many want the tax to go back to where people work and not where they live. He stated he was
299 not sure where it would settle. He added that the legislature asked for the issue to be paused through December 31
300 for more research and discussion.

301
302 Mr. Riblet added to this that Matt Davis, the City's Lobbyist has been advocating on the other side and that the
303 pause is good to work through the issue. Mr. Riblet stated that he felt the City will be ok with the outcome either
304 way.

305
306 **CITY COUNCIL REPORTS**

307
308 **Mr. Cappel**

309
310 Mr. Cappel reported that the monthly cardboard recycling was held on May 15.

311
312 **Mr. Messer**

313
314 Mr. Messer stated that the City Council Pizza Staff Appreciation luncheon needs to be scheduled and asked City
315 Council to select one of two dates, 7/30 or 8/27. City Council selected July 30 for the luncheon. Mr. Messer added
316 that he and Vice Mayor Margolis will spearhead the organization of the event.

317
318 Mr. Messer reported that the Government Affairs Committee met and discussed the following items:

- 319
- 320 • The Committee approved the final revisions to the Memorial/Donation Recognition Policy.
 - 321 • The Committee discussed the transition of the Diversity and Inclusion Committee to an actual Commission.
 - 322 He stated that the Committee made a motion to present to the full Council for discussion.

323
324 Mr. Riblet explained that the D & I Committee only briefly discussed this at their last meeting as they were
325 pressed for time. He explained that they would discuss this at a greater length at a future meeting and then
326 ultimately present it as an Ordinance to the full Council by Fall. He stated there was no sense of urgency to
327 rush anything at this point.

- 328
- 329 • Gerri Harbison Memorial Project. Mr. Messer asked Mr. Riblet to elaborate.

330
331 Mr. Riblet explained that since Mrs. Harbison's passing in January, a subcommittee that includes Greg
332 Leader, Chair of the Art Commission and Marcallene Shockey, Chair of Sister Cities; both Commissions
333 that Mrs. Harbison served as liaison for, have worked with staff to create ideas for a memorial project. He
334 explained that originally there were around 20 items suggested as a form of a memorial but ultimately the
335 standout idea was a bronze statute of Mrs. Harbison seated on a bench in Montgomery Park. Mr. Riblet
336 stated that this was uncharted territory for staff and was a project with lots of interest from staff, volunteers
337 and the public. He explained that he met with Tom Tsuchiya a local sculptor well known for his sculptures
338 around Great American Ball Park. He explained that they met in Montgomery Park and that Mr. Tsuchiya
339 had done research on Mrs. Harbison to give himself insight to how he may position and create her sculpture.
340 Mr. Riblet explained that this would be a large undertaking from a financial perspective and would involve
341 a campaign for private donations. He stated that before we would move forward, he would like feedback
342 from City Council.

343
344 Vice Mayor Margolis stated that he liked the idea of the sculpture but felt the challenge would be to raise
345 the funds.

346

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347 Mr. Suer stated that it is good that the old policy was updated. He stated that he felt the renaming of streets
348 or buildings can be dicey. He stated that even though it was well intended, to rename a street or a location,
349 you have to look to the future and how that sets a precedence. He stated that he has seen Mr. Tsuchiya's
350 work and he is very professional. Mr. Suer stated that the key element is the funding. He stated if the
351 majority of the funds were private that was great but of course the City could not fund that.

352
353 Mr. Riblet explained that based on the updated policy that the City could only contribute about \$2,200. He
354 stated that the lion's share would come from Montgomery businesses and residents.

355
356 Mr. Suer stated that we need to consider that we are setting a precedence for the future and not just for this
357 particular instance. He added that we also need to be careful that residents know who is paying for the
358 memorial.

359
360 Mr. Cappel stated that he likes the philanthropy aspect of this. He asked if this would be considered public
361 art and if would we consider using the public trust fund.

362
363 Mr. Riblet stated that he felt that could be a slippery-slope and after conversations with the Arts
364 Commission, the Montgomery Quarter will probably be the focus of Public Art funding.

365
366 Ms. Roesch stated that with the policy limits that we would definitely need to facilitate a campaign.

367
368 Mr. Cappel asked how much the estimated cost for the sculpture was.

369
370 Mr. Riblet stated that the estimate was between \$60,000 to \$75,000 for the sculpture and bench.

371
372 Mr. Cappel said he was supportive of the sculpture.

373
374 Mayor Dobrozsi stated that regarding the renaming of streets or building that they already have their own
375 identity, and he does not want that to change. He stated that while he is worried about precedence when he
376 considers all the Mrs. Harbison has done for the city, he can support the memorial.

377
378 Mr. Riblet stated that he had not spoken with Mr. Harbison yet and that if he were not in favor of the
379 sculpture then a different idea would be researched. Mr. Riblet stated that if supported by Mr. Harbison,
380 Mr. Tsuchiya had stated that he could have renderings of the memorial prepared in time for the July 4
381 festival for an unveiling and kick-off of a fundraising campaign. Mr. Riblet stated that Mr. Tsuchiya
382 estimated that it would take nine months to complete the process. He stated that an unveiling of the
383 memorial could be planning for July 4, 2022 to allow time for any unexpected delays.

384
385 Mayor Dobrozsi asked for a motion of support of the memorial.

386
387 Vice Mayor Margolis moved to support the sculpture memorial of Mrs. Harbison and a fundraising
388 campaign. Mr. Messer seconded. City Council unanimously agreed.

389
390 **Ms. Roesch**

391
392 Ms. Roesch stated that the BAMSO Board recently met to set concert dates in Blue Ash on August 15 and Labor
393 Day. She stated that they were also looking for another date to hold a concert in Montgomery. Ms. Roesch stated
394 that she would be meeting with staff to finalize the July 2 Concert music.

395
396

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397 **Mr. Suer**

398

399 Mr. Suer explained that at the last Diversity & Inclusion Committee meeting the idea of converting the committee
400 into a City commission was briefly discussed. He stated that as discussed at the meeting, changing the status of the
401 group will also raise the status of the City for having it as a formal Commission. He stated that most were supportive
402 with one member not supporting the change. He stated that it will be discussed more at a future meeting but some
403 of the questions that came up were:

404

- 405 • Would current members of the Committee not attend if they are not appointed by Council to the
- 406 Commission.
- 407 • Would transitioning to a commission make the function of the Commission too rigid.
- 408 • There is a concern about who would be appointed and who would not since a commission is limited to the
- 409 number of members.

410

411 Mr. Suer added that these are the issues that would need to be worked out before legislation is brought before City
412 Council. Mr. Suer asked Mr. Riblet if this topic would be brought back before Government Affairs.

413

414 Mr. Riblet stated that he thought he would keep working with the D & I Committee to address their concerns. He
415 stated that he would want the number of members to match other boards and commissions, but there could be
416 advisory positions. He stated that he is not looking to change the format or function of the Committee. He stated
417 that an update would be provided at a future Government Affairs Committee meeting.

418

419 **Vice Mayor Margolis**

420

421 Vice Mayor Margolis reported that the Hamilton County Municipal League would be hosting a reception on
422 September 28 to meet local Senators and State Representatives.

423

424 Vice Mayor Margolis reported that he had attended the quarterly Hamilton County Emergency Management
425 Association meeting where they discussed upgrading warning sirens, their 5-year plan and how they will continue
426 to support the Hamilton County Public Health District.

427

428 Vice Mayor Margolis explained that interviews had been conducted by the Planning, Zoning and Landmarks
429 Committee to fill two vacancies on the Landmarks Commission.

430

431 Vice Mayor Margolis moved to appoint Bob Bammann to the Landmarks Commission with a term ending January
432 31, 2022.

433

434 Vice Mayor Margolis moved to appoint Kevin Smith to the Landmarks Commission with a term ending January
435 31, 2024.

436

437 Vice Mayor Margolis explained that this was a Committee recommendation so a second would not be required, just
438 a voice vote of approval. City Council unanimously approved.

439

440 **MINUTES**

441

442 Mr. Cappel made moved to approve the May 5, Business Session minutes as written. Vice Mayor Margolis
443 seconded. City Council unanimously agreed.

444

445

446

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447 **OTHER BUSINESS**

448

449 Mayor Dobrozsi asked Chief Crowell to explain the following Liquor Permit requests.

450

451 Chief Crowell explained that a notice from the State of Ohio Liquor Board had been received for the following
452 applicants. He explained that City Council has an option to request a hearing prior to the Board approving a license.
453 He stated that the first request was to allow a for a new C1-C2 liquor permit to be issued to Lee's Blessing LLC
454 dba Little Asiana located at 9731 Montgomery Road. Chief Crowell explained that this was a small Asian grocery
455 store that were looking to sell beer and wine as carryout items at their store. He stated he had no objections and
456 would advise Council to not request a hearing on this application.

457

458 Chief Crowell explained that next request from Z Wine and Cheese at 7823 Cooper Road was due to a change in
459 stock membership for their company which effects their existing liquor license. He stated when this happens that
460 the licensee is required to file a new application. Chief Crowell stated that he would also advise Council to not
461 request a hearing on this application.

462

463 Vice Mayor Margolis moved to not request a hearing for the application from Lee's Blessing LLC dba Little Asiana
464 located at 9731 Montgomery Road. Mr. Cappel seconded. City Council unanimously agreed.

465

466 Vice Mayor Margolis moved to not request a hearing for the application from Z Wine and Cheese at 7823 Cooper
467 Road. Mr. Cappel seconded. City Council unanimously agreed.

468

469 **GUESTS AND RESIDENTS**

470

471 Mayor Dobrozsi asked visitors at City Hall if they would like to speak. They declined.

472

473 Mayor Dobrozsi asked if there were guests and/or residents on the phone line who would like to speak. He asked
474 for them to state their name and address and to adhere to the three-minute speaking rule. There was no response.
475 There being no response he closed the floor to public comment.

476

477 **ADJOURNMENT**

478

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

481

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

483

484 City Council adjourned at 8:54 p.m.

485

486

487

488

Connie Gaylor, Clerk of Council