City of Montgomery City Council Business Session Minutes March 3, 2021 City Council Members Present Present Chris Dobrozsi, Mayor Brian Riblet, City Manager Craig Margolis, Vice Mayor Terry Donnellon, Law Director Lee Ann Bissmever-Teleconference John Crowell, Police Chief Mike Cappel-Teleconference Gary Heitkamp, Public Works Director Tracy Henao, Asst. City Manager/Acting Comm. Dev. Dir. Lynda Roesch-Teleconference Katie Smiddy, Finance Director Ken Suer Ron Messer Matthew Vanderhorst, Community and Information Services Dir. Paul Wright, Fire Chief Connie Gaylor, Clerk of Council

City Council convened its Business Session for March 3, 2021 at the conclusion of the Public Hearing held at 6:45 p.m. as a hybrid meeting at City Hall and also by telephone conference with Mayor Dobrozsi presiding. This remote access meeting was allowed by emergency legislation adopted by the Ohio General Assembly and approved by the Governor. The emergency legislation added language to RC Section 121.22 allowing public meetings by telephone conference during the current pandemic and declared State of Emergency. As required by the statute, notice of the telephonic meeting was publicized more than 24 hours in advance to allow public access through the same conference call in service. The public was also given a backup number to call in the event there were technical difficulties. This Notice was posted on the City's website and a similar Notice was sent to The Cincinnati Enquirer.

#### ROLL CALL

Mayor Dobrozsi called the meeting out of recess and into the regular Business Session at 7:14 p.m.

#### **GUESTS & RESIDENTS**

Mayor Dobrozsi asked that any guests on the phone line hold their comments until the end of the agenda. He asked to move Guests and Residents on the phone to the end of the meeting and allow any public participating in the call to speak at that time. He stated that comments will be allowed but asked that all questions be forwarded by email to City Manager Brian Riblet. He stated that all comments will be limited to three minutes in total.

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

#### PENDING LEGISLATION

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

Vice Mayor Margolis read the title and moved for passage of the Ordinance. Mr. Cappel seconded.

Vice Mayor Margolis explained that the legislation has been read through extensively, with modifications along the way. He stated that the new language would make the Ordinance more enforceable and help to control noise associated with construction.

Vice Mayor Margolis asked if there were any updates

Mr. Donnellon restated that the legislation would help to objectify disturbing noise. He stated that a standard has now been set that the police department can measure. He added that it will take effect 30 days from passage.

Mayor Dobrozsi opened the floor to guest and residents in person or on the phone line for any questions regarding the legislation.

As there were no questions in person or from the phone line, Mayor Dobrozsi closed the floor to public comment.

Mayor Dobrozsi asked for a roll call.

The roll was called and showed the following vote:

63 AYE: Bissmeyer, Cappel, Roesch, Dobrozsi, Suer, Margolis, Messer NAY:

(7) (0)

#### **NEW LEGISLATION**

A Resolution Accepting a Bid and Authorizing the City Manager to Enter into A Contract with J.K. Meurer Corporation for the 2021 Street Resurfacing Program

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

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

 Mr. Cappel explained that information has been previously supplied on this Resolution that, if approved, will authorize the City Manager to enter into a contract with J. K. Meurer Corporation for the annual Street Resurfacing Program. This year's 2021 Street Resurfacing Program includes resurfacing 1.83 centerline miles of roadways. The street resurfacing program is programmed in the 2021 Capital Improvement Program 410-261-5470 account. It is requested that this project be approved for funding in the amount of \$807,094.00 to complete the Base Bid and Alternate #1. The amount of the recommendation includes \$73,372 in project contingency funding or approximately 10% of the bid amount.

Mr. Cappel asked if there were any updates. Mr. Heitkamp replied there were none.

Mr. Suer explained that the City resurfaces a certain number of streets a year. He stated that it is an aggressive program that staff monitors. He added that there were over 700 fire hydrants in the city and that staff schedules the replacement of fire hydrants in conjunction with this program to reduce the time that the surface would be disturbed. He added that the fire hydrant replacement is separate from this program and not included in the bid.

Vice Mayor Margolis stated that this program has prevented having streets in disrepair by focusing on 1 to 1 1/2 centerline miles a year. He stated that the roads are resurfaced on a 15–16-year cycle. He added that it was cheaper in the long run and that the Public Works department have been good stewards of the city by following this program.

Mayor Dobrozsi asked for the roll to be called.

The roll was called and showed the following vote:

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

A Resolution Authorizing the City Manager to Contract with Management Partners Inc. for professional services related to the 2022-2027 City Strategic Plan

Ms. Roesch moved to read the Resolution by title only. Mr. Cappel seconded. City Council unanimously agreed.

Ms. Roesch read the title and moved for passage of the Resolution. Mr. Cappel seconded.

Ms. Roesch explained that information has been previously supplied on this Resolution that, if approved, would authorize a contract with Management Partners, Inc. for professional services related to the City's community survey and strategic planning process in 2021. Ms. Roesch added that she has always been pleased with the work of Management Partners and feels that the strategic plan sets the City on a path for the next five years.

Mr. Riblet provided an update, stating that he anticipates the resident survey will be ready by the end of the week and will be live mid-March. He stated that he anticipates having the data back in May.

Vice Mayor Margolis stated that he thought it was a great program.

Mrs. Bissmeyer stated that she felt Management Partners was a great team to work with and looks forward to the results of the survey and strategic plan.

Mr. Cappel stated that he also felt it was a great program and contractor. He added that it was a good opportunity to work with residents.

Mayor Dobrozsi stated that the method of sending out a resident survey is where Council and staff gets valuable feedback from the residents. He asked Mr. Riblet what the typical response rate was.

Mr. Riblet replied that it is usually 30-35%, which is good. He stated that he felt we do extremely well in getting information from the surveys.

Mayor Dobrozsi asked for the roll to be called.

The roll was called and showed the following vote:

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

# An Ordinance Designating the Wooley-Hattersley Carriage House as A Montgomery Landmark

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

Vice Mayor Margolis read the title and moved for passage of the first reading of the Ordinance. Mr. Suer seconded.

 Vice Mayor Margolis explained that information has been previously supplied on this Ordinance that, if approved, would designate the carriage house at 7967 Cooper Road as a local Landmark to be known as the Choate – Hattersley Carriage House. Vice Mayor Margolis explained that the title had been updated since the first review at the February 17, 2021 Work Session. He asked for updates.

Ms. Henao explained that since the February Work Session, Beth Sullebarger, our Landmarks Consultant, revisited the property and has determined that the construction of the carriage house is in alignment with the property and should be changed to 1880, to match the house. Because of this, the name of the landmark has been changed to the Wooley-Hattersley Carriage House.

Mr. Messer asked if there were financial costs associated with the designation.

Ms. Henao replied that there was no cost to designate the property as a landmark. She stated that both structures on the property have been rehabbed by the owner who has applied for reimbursement through the historical matching grant program issued through the Community Improvement Corporation (CIC). She stated that the Hattersley's have invested \$45,000 into the property and have been awarded \$15,000 through the grant program.

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Mayor Dobrozsi asked for the roll to be called.

The roll was called and showed the following vote:

AYE: Dobrozsi, Suer, Margolis, Messer, Bissmeyer, Cappel, Roesch NAY:

A Resolution authorizing the City Manager to enter into Agreements with the State of Ohio, Department of Natural Resources, to fund Public Park Facilities within the Montgomery Quarter District

(7) (0)

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

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

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

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

Mr. Suer explained that information has been previously supplied on this Resolution that, if approved, would authorize the City Manager to enter into two separate agreements with ODNR for grant funds associated with construction of a public park within the Montgomery Quarter project site.

City Council stated their appreciation for grant programs that help to fund public parks.

Vice Mayor Margolis asked for the roll to be called.

The roll was called and showed the following vote:

AYE: Suer, Margolis, Messer, Bissmeyer, Cappel, Roesch	(6)
NAY: ABSTAIN: Dobrozsi	(0)
	(1)

Mayor Dobrozsi took over facilitating the meeting once again.

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

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

Vice Mayor Margolis explained that information has been previously supplied on this Ordinance that, if approved, will 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.

Mr. Donnellon explained that he has asked the homeowners to reach out to the County to see how the adjustment of the boundaries will affect the amount paid to the Schools. He stated that he hopes to have that information prior to the second reading of the Ordinance on April 7 and will update Council at that time.

Mayor Dobrozsi asked for the roll to be called.

The roll was called and showed the following vote:

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

A Resolution Declaring the Necessity/Intent to Appropriate Interests in Land from Brandi Jo Kelly (Permanent Parcel Numbers 603-0009-0016, 603-0009-0017 And 603-0009-0054 Consolidated) For the Purpose of The Montgomery Road Sidewalk and Road Improvement Project – Ham-US22-14.74 - In the City of Montgomery, Hamilton County, Ohio

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

Mr. Cappel read the title and moved for passage of the Resolution. Vice Mayor Margolis seconded.

Mr. Cappel explained that information has been previously supplied on this Resolution that, if approved, would be the first step in eminent domain proceedings, to acquire an interest in real property to support a public roadway project. In this case, it is .0175 acres located on property at 10334 Montgomery Road. The project has been completed, but there is a remaining loose end with the Property Owner, and particularly her mortgage company, to allow the City to acquire this small piece of land in support of the project. The Property Owner previously granted a Right of Entry so as not to stall the project, but in separate litigation acquiring the property has become more complex. This first step will hopefully break the logiam to allow us to fund the eminent domain acquisition.

Mr. Donnellon summarized the legislation by explaining that this was an eminent domain process with complications due to the Covid pandemic. He explained that with this process the City would acquire approximately 5,000 sq. ft. of land across the front of this property for the use of public sidewalk installation. He explained that the sidewalk has already been installed but due to a pending foreclosure and the delay of the court hearing, this legislation would place funds in trust until court proceedings are resolved.

Mayor Dobrozsi asked for the roll to be called.

The roll was called and showed the following vote:

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

An Ordinance Authorizing the Law Director to Initiate Proceedings to Appropriate Property for The Purpose of a Road Improvement Project on Montgomery Road in The City of Montgomery, Hamilton County, Ohio

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

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

Mr. Cappel explained that information has been previously supplied on this Ordinance that, if approved, will approve the acquisition of property rights for the sidewalk right-of-way located at 10334 Montgomery Road. This Ordinance authorizes by statute the Law Director to proceed with eminent domain litigation in the Hamilton County Court of Common Pleas to acquire this interest in the real estate.

Mayor Dobrozsi stated that Mr. Donnellon had covered the explanation of this legislation when addressing the previous Resolution, its companion piece.

Mayor Dobrozsi asked for the roll to be called.

The roll was called and showed the following vote:

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

# A Resolution Authorizing an Updated Amendment to Development/Service Agreement with Montgomery Gateway Partners, LLC

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

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

Mr. Suer explained that information has been previously supplied on this Resolution that, if approved, will approve an amendment to the Development./Service agreement with Montgomery Gateway Partners. In 2015, we negotiated an Amendment to the Development/Service Agreement with Montgomery Gateway Partners, LLC concerning the Triangle property bounded by Montgomery Road, Main Street and Cooper Road. The original Development/Service Agreement provided Service Payments to the City to cover the City's cost for various public improvements in support of the site. The Service Payments were to be made over a period of 20 years. Due to a significant changes in the economy in 2008 property values negatively impacted service payments causing the development to fall behind. This past year the City negotiated a flat annual payment for the deficiency which will carry forward through the balance of the term.

Mr. Donnellon clarified that Montgomery Gateway Partners, LLC is not the developer for the Montgomery Quarter. He explained that the developer has always paid their property taxes, however the 2008 economy created a hardship when a portion of the tenants closed, and the developer was not able to make the payments. He stated that the new agreement should make it more feasible for the developer to catch up on payments.

Mr. Suer explained that the issue of the development and the service payments has been discussed in the past. He stated that he felt when the Montgomery Quarter is built out that the value of this property will also increase.

Mr. Donnellon explained that the public improvements were paid for out of the Downtown Improvement Fund, not through a Tax Increment Financing (TIF). He explained that the bank, a tenant at the development, closed and the County Auditors dropped the value of the property, which decreased the service payments.

Mr. Messer asked if we were setting a precedence or if the City had done this before.

Mr. Donnellon replied that this if the first time. He explained that the Developer requested the adjustment so they would not have to pass a large burden of the deficit onto their tenants. He explained that prior to the adjustment, payments would fluctuate with the values but now the fees were a flat amount and could be paid off by 2026, if not sooner.

Mayor Dobrozsi asked for the roll to be called.

The roll was called and showed the following vote:

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

#### ADMINISTRATION REPORT

Mr. Riblet reported the following items:

- City Council Work Session is scheduled for Wednesday, March 24 at 7:00 p.m.
- Prior to that, Council member Roesch has requested a Special Council meeting beginning at 6:00 p.m.
- A Public Hearing is also scheduled for March 24, for a transfer of a conditional use permit scheduled for 6:45 p.m. He stated that Council did make a motion to go directly into the Work Session at the conclusion of the Public Hearing.
- A Special Presentation is planned for March 24 to recognize Officer Rich Riley for his heroic efforts in rescuing a female from a burning vehicle on January 9, 2021. The female, Mary Thress, has indicated she will definitely be in attendance to celebrate and honor Officer Riley. Staff would request City Council consider taking a short recess immediately following the Special Presentation before resuming the meeting.
- The Government Affairs Committee of Council will meet on Monday, March 8 at 4:30 p.m. The Parks and Recreation and Public Works Committees have cancelled their meetings for the month of March.
- The Planning Commission met on Monday, March 1 to consider a request for the expansion of a conditional use and a General Development Plan with an equivalency for Sycamore High School. The Planning Commission voted to recommend approval of the expansion of the conditional use and approved the General Development with a recommendation to approve the equivalency request. Staff would like to request a Public Hearing to consider the recommendation on April 7 at 6:30 p.m. Council agreed to schedule the Public Hearing.
- Next week, Duke Energy is scheduled to install a new 12-inch gas main on Montgomery Road at the roundabout project. The new main will run from Kennedy Lane north to Hartfield Place, and will be installed by a combination of open trench and jack and bore methods. Duke will also be installing 6-inch mains that will feed the new Montgomery Quarter development. There will be some lane closures of Montgomery Road and Cross County highway at times during construction, thus traffic delays are to be expected. However, all directions of traffic will be maintained.
- The Montgomery Quarter garage (Block 2) continues to make great progress. The first of the floor slabs will be poured beginning tomorrow. The floor slab pour will involve the use of a concrete pumper truck positioned on Montgomery Road; thus, one lane of northbound Montgomery Road will be temporarily closed. Currently, the garage construction is slightly ahead of schedule despite the weather obstacles in February.
- A contract was signed with Rack & Ballauer for the 2021 Hydrant Replacement Program in the amount of \$32,850. This cost covers the replacement of 15 hydrants.
- A License Agreement and Release was signed with Electrada, LLC for the costs and expenses of the
  construction and development of electric vehicle charging stations at the Public Parking Lot on Shelly Lane.
  He explained that there would be additional stations placed at City Hall and the Vintage Club parking garage

and more later. Mr. Riblet stated that this was of no cost to the City and that it is anticipated to earn 16.7% of the amounts billed by Electrada from the stations quarterly.

Mr. Cappel made a motion to support the agreement with Electrada, LLC for the costs and expenses of the construction and development of electric vehicle charging stations at the Public Parking Lot on Shelly Lane.

• The Community Development Director interviews have been completed and screening steps for finalists are being completed.

• The Communications and Engagement Coordinator interviews with (3) finalists are scheduled for next week.

• On behalf of Staff, we extend a very warm welcome to our newest Council Member.

Happy Birthday to our very own Fire Chief Paul Wright tomorrow March 4

Mr. Riblet requested an Executive Session for personnel matters to consider the appointment, employment, or compensation of a public employee or official.

## APPROVAL OF MINUTES

Mayor Dobrozsi asked for a motion to approve the February 15, 2021 Special Session, February 17, 2021 Public Hearing, February 17, 2021 Work Session, February 18, 2021 Special Session and February 20, 2021 Special Session as amended.

Vice Mayor Margolis made a motion to approve the February 15, 2021 Special Session, February 17, 2021 Public Hearing, February 17, 2021 Work Session, February 18, 2021 Special Session and February 20, 2021 Special Session as amended. Mr. Cappel seconded. City Council unanimously agreed.

# MAYOR'S COURT REPORT

Mayor Dobrozsi stated that the February Mayors Court collections in the amount of \$14,593 need to be disbursed. He asked for a motion to accept the funds.

Mr. Cappel moved to accept the Mayors Court collections for the month of February in the amount of \$14,593. Mr. Suer seconded. City Council unanimously agreed.

#### OTHER BUSINESS

Mayor Dobrozsi asked if there were any items for other business.

Mr. Suer stated that related to the Public Charging Stations, he felt that if we utilize public relation efforts within a few years they will get more use as more people are purchasing electric vehicles. He stated that we should publicize this to make people aware that we are on the cutting edge of progress.

Mayor Dobrozsi state that he would be out of town from March 27 through April 4 and asked Vice Mayor Margolis to be the Acting Mayor during that time. Vice Mayor Margolis accepted the Mayor's request.

# **GUEST AND RESIDENTS**

Mayor Dobrozsi asked if there were any guests or residents on the phone line.

422 <u>Roberto Rivera, 11936 Seventh Avenue, Sycamore Township</u>-Mr. Rivera identified himself as being on the line and stated his frustration with the property values in the City and with the City leadership.

424

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

### **EXECUTIVE SESSION**

 Mayor Dobrozsi stated that as Mr. Riblet has requested an Executive Session for personnel matters to consider the appointment, employment, or compensation of a public employee or official. He explained that he anticipated no further discussion or vote on legislation when Council came back into Public Session.

Mayor Dobrozsi asked for a motion to go into Executive Session. Vice Mayor Margolis made a motion to go into Executive Session for personnel matters to consider the appointment, employment, or compensation of a public employee or official. Mrs. Bissmeyer seconded.

The roll was called and showed the following vote:

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

Council adjourned into Executive Session at 8:23 p.m.

Council came back into Public Session at 9:01 p.m.

#### **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.

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

City Council adjourned at 9:03 p.m.

Connie Gaylor, Clerk of Council