

MEMORANDUM

April 30, 2021

TO:

Mayor and City Council Members

FROM:

Brian K. Riblet, City Manager BKIZ

SUBJECT:

City Council Business Session of Wednesday, May 5, 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. <u>Frank Forsthoefel will be presented with a Proclamation in honor of his retirement from Sycamore Community Schools and his contributions to the community and the City of Montgomery</u>
- 5. Guest and Residents
- 6. Legislation for Consideration this Evening
- a. A Resolution Authorizing An Amendment To The Cooperative Agreement Between The City Of Montgomery, Ohio, The Port Of Greater Cincinnati Development Authority, The Montgomery Community Improvement Corporation, And Gateway Partners Montgomery, LLC—This Resolution will authorize the City Manager to execute an amendment to the Cooperative Agreement governing construction of the Public Parking Facilities in Stage 1 of the Montgomery Quarter Project. The Developer agreed to trim their Contingency funding for the project by \$500,000

to fit within the bond funds to be received from the sale of TIF bonds. A change in the Scope of the project has exposed the Developer to an additional \$500,000 to complete construction of the garage consistent with the City's vision for the project. This Resolution will authorize an amendment to the Cooperative Agreement to backstop that additional liability. The total amount of the liability will be determined when construction is completed based upon what Contingency funds have been used and what construction savings may have been achieved.

Make a Motion to add to the Agenda

Assign to a Council Member

Move to Read by Title Only

Voice Vote

Explain the Resolution

Move for passage of the Resolution

Roll Call Vote

b. A Resolution Establishing Compensation for The City Manager—The Government Affairs Committee of City Council has requested that the attached Resolution be presented to City Council. This Resolution will authorize an amendment to the current employment agreement with Mr. Brian Riblet as the City Manager of Montgomery. This Resolution is the result of the recent performance appraisal of the City Manager conducted by City Council. The Government Affairs Committee of City Council has recommended adoption of this Resolution.

Make a motion to add to the agenda

Voice Vote

Assign to a Council Member for Reading

Move to read the Resolution by title only

Voice Vote

Move passage of the Resolution

Roll Call Vote

Pending Legislation

a. <u>An Ordinance Designating the Wooley-Hattersley Carriage House as A Montgomery Landmark</u>—(Vice Mayor Margolis, 3rd Reading) Information has been previously supplied on the Ordinance that, if approved, would designate the carriage house at 7967 Cooper Road as a local Landmarks to be known as the Wooley - Hattersley Carriage House.

Move for passage of the Ordinance

Explain the Ordinance

Roll Call Vote

b. 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, 2nd 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. An update will be presented at the meeting.

c. 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, 3rd Reading) Information has been previously supplied on this Ordinance that, if approved, would acquire the 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.

Move for passage of the Ordinance

Explain the Ordinance

Roll Call Vote

New Legislation

a. <u>A Resolution Recognizing The Month Of May 2021 As National Historic Preservation</u>
<u>Month in The City Of Montgomery</u>—(Mr. Margolis) Information has been previously

supplied on this Resolution requesting that City Council consider this Resolution that, if approved, will recognize the month of May as National Historic Preservation Month in the City of Montgomery.

Move to read the Resolution by title only

Voice Vote

Explain the Resolution

Move for passage of the Resolution

Roll Call Vote

b. An Ordinance Providing for The Issuance of Not to Exceed \$7,500,000 Of Notes by The City of Montgomery, Ohio, For the Purpose of Making Public Infrastructure Improvements Within the City—(Mr. Suer) Information has been previously supplied on this Ordinance that, if approved, would refinance \$7,500,000 in outstanding Notes which were issued in 2020 in anticipation of construction in the Montgomery Quarter. With interest rates remaining favorable, it was recommended by our bond underwriter that we renew the Notes for another year. Eventually the Notes will either be paid in full or incorporated into a long-term bond. To timely issue the Notes, the Ordinance is not being proffered as an emergency, but Council will waive the second and third reading of the Ordinance so it will take effect the first week of June in anticipation of a closing on the new bonds.

Make a motion to read Ordinance by title only

Voice Vote

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

Roll Call Vote

Move for passage of the Ordinance

Roll Call Vote

c. A Resolution Authorizing The Administration To Apply For And Administer Funding From The American Rescue Plan Act of 2021—(Mr. Suer) Information has been previously supplied on this Resolution that, if approved, will allow the City of Montgomery to participate in the American Rescue Plan Act of 2021 and affirming that any funds received will only be applied to eligible expenses.

Move to read the Resolution by title only

Voice Vote

Explain the Resolution

Move for passage of the Resolution

Roll Call Vote

- 7. Administration Report
- 8. Minutes-April 21, 2021 Public Hearing and 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

CITY COUNCIL BUSINESS SESSION AGENDA



10101 Montgomery Road • Montgomery, Ohio 45242 (513) 891-2424 • Fax (513) 891-2498

May 5, 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.

- Call to Order
- Roll Call
- Pledge of Allegiance
- Special Presentations
 - a. Frank Forsthoefel will be presented with a Proclamation in honor of his retirement from Sycamore Community Schools and his contributions to the community and the City of Montgomery
- Guest and Residents
- 6. Legislation for Consideration for this Evening
 - a. A Resolution Authorizing An Amendment To The Cooperative Agreement Between The City Of Montgomery, Ohio, The Port Of Greater Cincinnati Development Authority, The Montgomery Community Improvement Corporation, And Gateway Partners Montgomery, LLC

Make a Motion to add to the Agenda

Assign to a Council Member

Move to Read by Title Only

Voice Vote

Explain the Resolution

Move for passage of the Resolution

Roll Call Vote

b. A Resolution Establishing Compensation for The City Manager

Make a Motion to add to the Agenda

Assign to a Council Member

Move to Read by Title Only

Voice Vote

Explain the Resolution

Move for passage of the Resolution

Roll Call Vote

7. Pending Legislation

a. <u>An Ordinance Designating the Wooley-Hattersley Carriage House as A Montgomery Landmark—(Vice Mayor Margolis, 3rd Reading)</u>

Move to read the Ordinance by title only

Voice Vote

Move for passage of the second reading of the Ordinance

Explain the Ordinance

Roll Call Vote

The third reading of the Ordinance will be conducted at the May 5, 2021 Business Session with adoption requested that evening.

b. 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, 2nd Reading)

This Ordinance was tabled at the April 21, 2021 Work Session. An update will be presented at the meeting.

c. 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, 3rd Reading)

Move for passage of the Ordinance

Explain the Ordinance

Roll Call Vote

New Legislation

a. <u>A Resolution Recognizing The Month Of May 2021 As National Historic Preservation</u>
<u>Month in The City Of Montgomery</u>—(Mr. Margolis)

Move to read the Resolution by title only

Voice Vote

Explain the Resolution

Move for passage of the Resolution

Roll Call Vote

b. An Ordinance Providing for The Issuance of Not to Exceed \$7,500,000 Of Notes by The City of Montgomery, Ohio, For the Purpose of Making Public Infrastructure Improvements Within the City—(Mr. Suer)

Make a motion to read Ordinance by title only

Voice Vote

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

Roll Call Vote

Move for passage of the Ordinance

Roll Call Vote

c. <u>A Resolution Authorizing The Administration To Apply For And Administer Funding From The American Rescue Plan Act of 2021</u>—(Mr. Suer)

Move to read the Resolution by title only

Voice Vote

Explain the Resolution

Move for passage of the Resolution

Roll Call Vote

- 8. Administration Report
- 9. Approval of Minutes April 21, 2021 Public Hearing and 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



Proclamation

WHEREAS, Frank Forsthoefel, has been a champion of public education for 36 years and an educator in Sycamore Community Schools for 28 years; and,

WHEREAS, Frank began his career at Lakota Local Schools as a fourth-grade teacher and in 1995 transitioned into roles as an Assistant Principal and Principal in the Forest Hills School District before coming to Sycamore Schools in 2006 as an Assistant Superintendent of Academic Affairs and subsequently to Assistant Superintendent in 2012 and Superintendent in 2015; and,

WHEREAS, Frank is a faithful advocate of education and the students. Frank's vision led him to shepherding an operating levy in November 2016, the first one in twelve years, and subsequently a \$127.5 million bond issue in November 2019 that will ensure Sycamore Schools continues being one of the most desired school districts in Ohio; and,

WHEREAS, Frank's love for students motivated him to participate in school programs such as being a "Murder" victim for a mock crime scene, performing his rad tuba playing skills during the Crosswalk Pep Rally in 2018, or showing off his dance moves (or lack thereof) in the Git Up Challenge in 2019; and,

WHEREAS, Frank was an active member of Montgomery's Diversity & Inclusion Committee and worked diligently to help educate and enhance inclusiveness throughout Montgomery; and,

WHEREAS, Frank has been a tremendous partner with the City of Montgomery where his participation in discussions regarding the Montgomery Quarter were crucial in allowing the City to move forward on this legacy project; and,

WHEREAS, Frank's reputation as a family man is well known as his love for his wife Robyn and daughters Megan and Madison is evident, especially in 2018 when he had the honor of presenting Madison with her High School diploma from Sycamore High School; and,

WHEREAS, Frank upon his retirement will be eligible for retiree benefits such as enjoying time fishing, squirrel hunting, watching baseball and completing tasks around the house, however, we would strongly encourage letting someone else clean out the gutters; and,

WHEREAS, the City of Montgomery, Sycamore Schools and the surrounding communities are truly indebted to Frank for his compassion, dedication and commitment to the care and wellbeing of the students and parents of Sycamore School District.

NOW, THEREFORE, I, Chris Dobrozsi, the 23rd Mayor of the City of Montgomery, do hereby proclaim the 6th day of May 2021 as

Frank Forsthoefel Day

in the City of Montgomery, Ohio and urge all citizens to observe this day in ways relevant to its importance and significance.

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IN WITNESS WHEREOF, I have hereunto subscribed my name this 5th day of May Two Thousand and Twenty-One,

Christopher P. Dobrozsi, Mayor

RESOLUTION NO.

, 2021

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE COOPERATIVE AGREEMENT BETWEEN THE CITY OF MONTGOMERY, OHIO, THE PORT OF GREATER CINCINNATI DEVELOPMENT AUTHORITY, THE MONTGOMERY COMMUNITY IMPROVEMENT CORPORATION, AND GATEWAY PARTNERS MONTGOMERY, LLC

WHEREAS, Council adopted Resolution No. 5, 2020 on January 8, 2020 authorizing a Cooperative Agreement with the Port of Greater Cincinnati Development Authority ("Port Authority") and Gateway Partners Montgomery, LLC ("Developer") in order to fund, construct, own and manage certain Public Parking Facilities now under construction in Stage 1 of the Montgomery Quarter Project ("Public Parking Facilities Stage 1"); and

WHEREAS, under the terms of such Cooperative Agreement, the City agreed to issue Tax Increment Financing Bonds to facilitate construction of the Public Parking Facilities Stage 1 of the Montgomery Quarter Project which would result in \$18,000,000 being available in net proceeds to fund construction of such Public Parking Facilities; and

WHEREAS, to facilitate issuance of the bonds, the Developer did agree to reduce its Contingency Fund within its Construction Manager at Risk Agreement ("CMAR") with the Port Authority by \$500,000, and the Developer did agree to assume all costs in excess of \$18,000,000 for the construction of the Public Parking Facilities Stage 1; and

WHEREAS, the Developer has requested a change in the Scope of its contract for the construction of Public Parking Facilities Stage 1 with the Port Authority which is budgeted to increase the CMAR construction costs by \$500,000; and

WHEREAS, the change in Scope will be consistent with the intent of the Cooperative Agreement, which is to support construction of the Montgomery Quarter Project to promote economic development within and to benefit the Montgomery community, and City Council, upon recommendation of the Administration, does believe it is appropriate to amend the Cooperative Agreement to backstop the potential additional Developer liability by modifying the Scope and amending the Cooperative Agreement to include this additional work up to a total of \$500,000 in Stage 1.

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 execute an amendment to the December 1, 2020 Cooperative Agreement between the City of Montgomery, Ohio, The Montgomery Community Improvement Corporation, the Port of Greater Cincinnati Development Authority, and Gateway Partners Montgomery, LLC to increase the funds available for construction of the Public Parking Facilities Stage 1 to a total of \$18,500,000, \$18,000,000 of which has been funded through the net proceeds of the Stage 1 TIF bonds. At the conclusion of the Public Parking Facilities Stage 1 construction, to the extent that the Developer's available Contingency Fund within the CMAR has been exhausted and construction savings have been exhausted which would increase the cost of construction above \$18,000,000, the City will fund such additional cost of construction up to a total of \$500,000 to complete the Public Parking Facilities Stage 1.

SECTION 2. The City Manager is hereby authorized to execute such additional documents as may be necessary to facilitate this amendment to the Cooperative Agreement and construction documents.

SECTION 3. All other terms and conditions of the Cooperative Agreement dated effective December 1, 2020 are hereby ratified and reaffirmed.

SECTION 4. 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. Donnéllon, Law Director

RESOLUTION NO. , 2021

A RESOLUTION ESTABLISHING COMPENSATION FOR THE CITY MANAGER

WHEREAS, Council, by authority of Article IV, Section 4.01 of the City Charter, is charged with the responsibility for appointment and compensation of the City Manager; and

WHEREAS, Council has completed its annual performance review of the City Manager, and in conjunction with that performance review has recommended an increase in compensation.

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

SECTION 1. Commencing March 1, 2021, salary compensation for the City Manager shall be fixed at One Hundred Seventy Thousand Five Hundred Dollars (\$170,500.00) per year. The City Manager shall be paid a lump sum during the next effective pay period for the change in compensation effective March 1. Additional compensation shall continue to be paid to the City Manager in the amount of Six Thousand Dollars (\$6,000.00) per year, payable in monthly installments, representing reimbursement to him for costs incurred for use of his personal automobile for City business.

SECTION 2. Effective the first pay period following approval of this Resolution, additional compensation payable to the City Manager shall include a lump sum payable in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00) per year to the OML457 Deferred Compensation Plan, or other Deferred Compensation Plan in which the City Manager may be entitled to participate through his employment with the City of

Montgomery. This deferred compensation shall be paid in a lump sum in each future year with the first full pay period in March.

SECTION 3. Effective March 1, 2021, the cap for accrued vacation for the City Manager shall be raised to Four Hundred Eighty (480) hours. Any earned vacation credits since March 1 until the effective date of this Resolution which have been forfeited as a result of the lower cap now in place shall be restored and credited to the City Manager's vacation leave bank within this revised cap.

SECTION 4. All other provisions of the Employment Agreement executed between the City Manager and the City of Montgomery with his hire in January 2018 and as amended for increased Severance Compensation shall remain in full force and effect.

SECTION 5. This Resolution shall take effect at the earliest opportunity allowed 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 DESIGNATING THE WOOLEY-HATTERSLEY CARRIAGE HOUSE AS A MONTGOMERY LANDMARK

WHEREAS, Chapter 150.18 of the Code of Ordinances governs the procedure to safeguard the City's heritage to promote the preservation of historic areas, places and structures within the City which contribute to the City's economic, recreational, cultural and educational development; and

WHEREAS, Section 150.1802 of the Code of Ordinances sets forth the procedure specifically to recognize landmark properties which meet these intended purposes and should be recognized and preserved as an integral part of the fabric of the City's heritage; and

WHEREAS, the Landmark's Commission has proposed the Wooley-Hattersley Carriage House located on the same lot as the Wooley-Kelsch House at 7967 Cooper Road be separately recognized for landmark designation; and

WHEREAS, it has been demonstrated that in its history and by its certain characteristics, the Wooley-Hattersley Carriage House occupies a singular position in the heritage of the City described as follows:

This Carriage House is sited on the same property as the Wooley-Kelsch House, a designated landmark located at 7967 Cooper Road. The Carriage House dates to the 1880's. It resembles an English or a three-bay barn, but it likely was not used for agricultural purposes, but as a Carriage House. As a Carriage House it has a center aisle, room for a carriage on one side and horse stalls on the other side under a hayloft. There are several elements

of constructions consistent with the mid to late 1800's when the property first appears on the records in Hamilton County, Ohio. These elements are (1) mortise-and-tenon framing, (2) circular-sawn lumber, and (3) board-and-batten siding with molded battens. The Carriage House has been caringly restored by Thomas and Sharon Hattersley in 2020-2021 to showcase the Carriage House as a part of the City's heritage.

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

SECTION 1. The property known as Wooley-Hattersley Carriage House located upon the Wooley-Kelsch House lot at 7967 Cooper Road is hereby designated as a landmark subject to the regulations and privileges set forth in Chapter 151.18 of the Code of Ordinances. An appropriate symbol of such designation shall be imprinted on the zoning map of the municipality.

SECTION 2. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED:	
ATTEST:Connie M. Gaylor, Clerk of Council	Christopher P. Dobrozsi, Mayor
APPROVED AS TO FORM:	omistophis i i boblozol, mayor
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

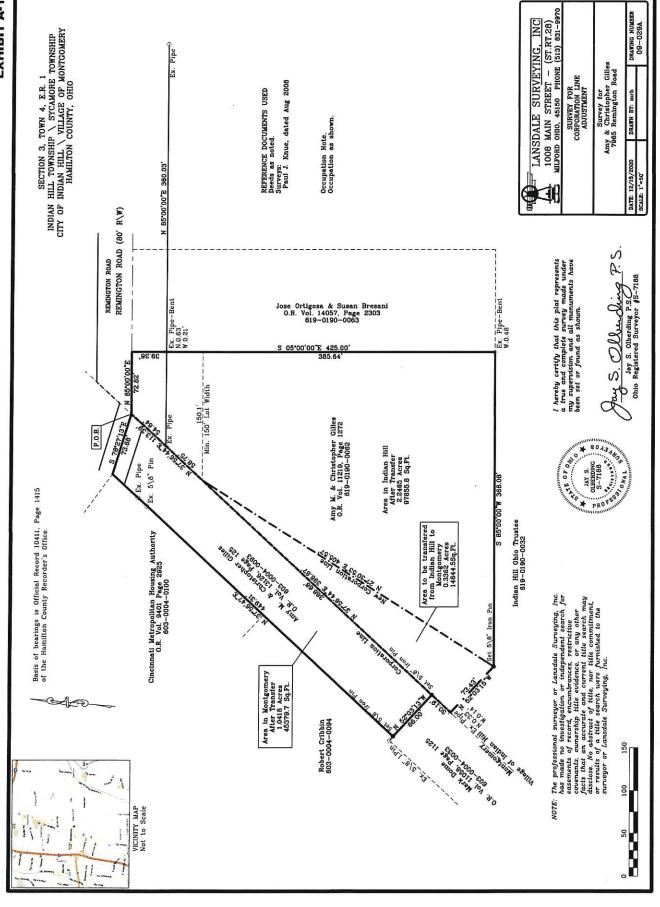




EXHIBIT A-2

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° 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° 30′ 53″ West 405.57 feet to a set 5\8″ iron pin; Thence North 52° 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° 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.

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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° 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° 30′ 53″ West 405.57 feet to a set 5\8″ iron pin; Thence North 52° 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° 56′ 44″ East 30.19 feet to a set 5\8″ iron pin; Thence North 37° 56′ 44″ East 449.31 feet to a point in the centerline of Remington Road; Thence along the centerline of Remington Road South 78° 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.

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.

5. Olleway P.S.

JAYS.

OLBERDING



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° 00′ 00″ East 72.82 feet to a point; Thence leaving the centerline of Remington Road South 05° 00′ 00″ East 425.00 feet to a point, said point being witnessed by an existing pipe West 0.48 feet; Thence South 85° 00′ 00″ West 368.08 feet to a set 5\8″ iron pin; Thence with a New Corporation Line North 27° 30′ 53″ East 405.57 feet to a point; Thence along the existing Corporation Line North 37° 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.

JAYS. OLBERDING

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.

ay S. Olluding 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		85°00'10"E	72.82	21	5029.1362	5050.2505
	21		05°00'00"E	425.00	15	4605.7534	5087.2917
		90°00'00" S		368.08	17	4573.6731	4720.6124
		57°29'07" N		405.57	155	4933.3700	4907.9762
		169°34'10" N	37°56'44"E	133.39	28	5022.7892	4977.7007
	28	132°55'46"					CHO N R R RESERVE

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

JAYS.
OLBERDING
8-7188
OSIGNED

Jay S. Olherding 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

155 190°25'50" S 17 79°34'08" I 18 90°00'10" I 25 269°59'48" I 26 90°00'00" I	52°03'15"W 37°56'44"E 52°03'13"W 37°56'47"E	113.39 405.57 73.43 30.19 66.00 449.31	155 17 18 25 26 27	4618.8303 4642.6388 4683.2238 5037.5435	4907.9828 4720.6190 4662.7127 4681.2758 4629.2291 4905.5206
26 90 00 00 1		449.31	27	5037.5435	4905.5206
27 116°24'00" s		73.68	28	5022.7957	4977.7095

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

JAYS.
OLBERDING
8-7168

Jay S. Ollanding 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 I	D	Northing	9	Easting
155		27°30'53"W	405.57	1	7	4573.6754		4720.6180
	79°34'08" N		73.43	1	8	4618.8287		4662.7116
18	90°00'00" N	37°56'44"E	398.87	15.	5	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

JAYS.
OLBERDING
8-7166
OSTESSA

Joy 5. Olluding P.S.

ORDINANCE NO. , 2021

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

WHEREAS, the Council of the City of Montgomery, Ohio, by Resolution No. 4, 2021, adopted March 3, 2021, declared the necessity and intention of appropriating a fee simple property interest and a temporary construction easement described in this Ordinance for the public purpose of constructing sidewalk and related roadway improvements open to the public without charge, specifically a road improvement project on Montgomery Road – the HAM-US22-14.74 Project - in the City of Montgomery, Ohio ("Road Improvement Project"); and

WHEREAS, notice of the adoption of Resolution No. 4, 2021 has been served upon the person(s) in possession of or having an interest in the property; and

WHEREAS, the City needs to appropriate certain property for public purposes described in detail below to accomplish the Road Improvement Project.

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

SECTION 1. For the public purpose of the Road Improvement Project in the City of Montgomery, Ohio, the fee simple interest set forth in the attached **Exhibit A**, over real estate owned by Brandi Jo Kelly, now known as Brandi Jo Bock, being Hamilton County Auditor's Permanent Parcel Numbers 603-0009-0016, 603-0009-0017 and 603-0009-0054 consolidated, is appropriated.

SECTION 2. For the public purpose of the Road Improvement Project on Montgomery Road in the City of Montgomery, Ohio, the temporary construction easement set forth in the attached Exhibit B, over real estate owned by Brandi Jo Kelly, Hamilton County Auditor's Permanent Parcel Numbers 603-0009-0016, 603-0009-0017 and 603-0009-0054 consolidated, is appropriated.

SECTION 3. The Law Director for the City of Montgomery, Ohio, or his designee, is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interest and the temporary construction easement described above.

SECTION 4. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED:	
ATTEST:	
Connie M. Gaylor, Clerk of Council	Christopher P. Dobrozsi, Mayor
APPROVED AS TO FORM:	
/ Mun Morula	9
Terrence M. Donnellon, Law Director	

Page 1 of 2 Rev. 06/09

LPA RX 851 WD

Ver. Date 1/29/2020

PID 104934

PARCEL 11-WD HAM-US22-14.74 ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN THE FOLLOWING DESCRIBED PROPERTY WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS IN THE NAME AND FOR THE USE OF THE CITY OF MONTGOMERY, HAMILTON COUNTY, OHIO

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in Section 4, Town 4, Entire Range 1 of the Miami Purchase, Sycamore Township, City of Montgomery, Hamilton County, Ohio, and being more particularly described as follows:

Being a parcel of land lying on the east side of the centerline of Montgomery Road (US22/SR3) of Project HAM-US22-14.74, the centerline plat of which is recorded in Plat Book _____, Page _____ of the Hamilton County records, and being located within the following described points in the boundary thereof:

Beginning at a point in the existing easterly right-of-way line of Montgomery Road, being the northwesterly corner of Lot 1 of Jones Farm Subdivision, Block "A and in the grantor's southerly line, being 29.41 feet right of Station 58+97.07;

Thence with the grantor's southerly line, South 88 degrees 18 minutes 35 seconds West, a distance of 31.22 feet to the grantor's southwesterly corner at Station 58+86.58 in the centerline of Montgomery Road;

Thence with the grantor's west line and the centerline of Montgomery Road, North 17 degrees 56 minutes 21 seconds East, a distance of 108.46 feet to the grantor's northwesterly corner at Station 59+95.04 in the centerline of Montgomery Road;

Thence with the grantor's northerly line, North 88 degrees 18 minutes 35 seconds East, a distance of 49.44 feet to an iron pin with cap set in the proposed easterly right-of-way line for Montgomery Road, being 46.57 feet right of Station 60+11.65;



Thence through grantor's property, with the proposed easterly right-of-way line for Montgomery Road, for the following three (3) courses:

1. South 16 degrees 06 minutes 53 seconds West, a distance of 11.58 feet to an iron pin with cap set, being 46.94 feet right of Station 60+00.07;

2. North 72 degrees 01 minutes 49 seconds West, a distance of 2.00 feet to an iron pin with cap set, being 44.94 feet right of Station 60+00.07;

3. South 17 degrees 24 minutes 05 seconds West, a distance of 97.14 feet to an iron pin with cap set in the grantor's southerly line, being 45.85 feet right of Station 59+02.93;

Thence with the grantor's southerly line, South 88 degrees 18 minutes 35 seconds West, a distance of 17.46 feet to the point of beginning;

Containing 0.1134 acre, more or less, of which the Present Road Occupies (P.R.O.) 0.0959 acre, for a net take of 0.0175 acre and being subject to all rights-of-way, easements, restrictions, covenants and/or conditions of record.

The above described tract is located in Auditor's Parcel numbers 603-9-16, 603-9-17, and 503-9-

This description was prepared and reviewed in January 2020 by CT Consultants, Inc., under the direction of Robert A. Bosworth, P.S., Ohio Registration Number 7750.

This description is based on a survey made in June 2017 under the direction and supervision of CT Consultants, Inc., Jerome Wald, P.S., Ohio Registration Number 6930.

Grantor claims title by deed recorded in Official Record Volume 13060, Page 1730, Hamilton County, Ohio Recorder's Office.

The basis of bearings in this description is based on the Ohio State Plane Coordinate System, South Zone, (NAD83).

Iron pins set are 5/8" x 30" steel reinforcing bars with plastic identification caps.

Robert A. Bosworth, P.S.

Registered Professional Surveyor

Page 1 of 3 Rev. 07/09

LPA RX 887 T

Ver. Date 1/29/2020

PID 104934

PARCEL 11-T HAM-US22-14.74 TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE WORK NECESSARY TO PERFORM GRADING AND DRIVEWAY REPLACEMENT FOR 24 MONTHS FROM DATE OF ENTRY BY THE CITY OF MONTGOMERY, HAMILTON COUNTY, OHIO

[Surveyor's description of the premises follows]

Situated in Section 4, Town 4, Entire Range 1 of the Miami Purchase, Sycamore Township, City of Montgomery, Hamilton County, Ohio, and being more particularly described as follows:

Being a parcel of land lying on the east side of the centerline of Montgomery Road (US22/SR3) of Project HAM-US22-14.74, the centerline plat of which is recorded in Plat Book _____, Page ____ of the Hamilton County records, and being located within the following described points in the boundary thereof:

Commencing at a point in the existing easterly right-of-way line of Montgomery Road, being the northwesterly corner of Lot 1 of Jones Farm Subdivision, Block "A and in the grantor's southerly line, being 29.41 feet right of Station 58+97.07;

Thence with the northerly line of said Lot 1 and the grantor's southerly line, North 88 degrees 18 minutes 35 seconds East, a distance of 17.46 feet to an iron pin with cap set in the proposed easterly right-of-way line for Montgomery Road and the Principal Point of Beginning for this description, being 45.85 feet right of Station 59+02.93;

Thence through the grantor's property, with said proposed easterly right-of-way line, North 17 degrees 24 minutes 05 seconds East, a distance of 97.14 feet to an iron pin with cap set, being 44.94 feet right of Station 60+00.07;

Thence continuing through the grantor's property, with said proposed easterly right-of-way line, South 72 degrees 01 minutes 49 seconds East, a distance of 2.00 feet to an iron pin with cap set, being 46.94 feet right of Station 60+00.07;

Thence continuing through the grantor's property, with said proposed easterly right-of-way line, North 16 degrees 06 minutes 53 seconds East, a distance of 11.58 feet to an iron pin with cap in the grantor's northerly line, being the southerly line of Lot 5 of the Grove of Montgomery, the

EXHIB	IT
В	

plat of which is recorded in Plat Book 381, Page 58, and being 46.57 feet right of Station 60+11.65;

Thence with the grantor's northerly line and the southerly line of said Lot 5, North 88 degrees 18 minutes 35 seconds East, a distance of 9.07 feet to a point, being 55.11 feet right of Station 60+14.70;

Thence through the grantor's property, with the herein described temporary construction easement, South 21 degrees 38 minutes 00 seconds West, a distance of 63.37 feet to a point, being 51.03 feet right of Station 59+51.46;

Thence continuing through the grantor's property, with said temporary construction easement, South 02 degrees 13 minutes 33 seconds West, a distance of 10.37 feet to a point, being 53.84 feet right of Station 59+41.47;

Thence continuing through the grantor's property, with said temporary construction easement, South 60 degrees 11 minutes 54 seconds East, a distance of 12.24 feet to a point, being 65.82 feet right of Station 59+38.96;

Thence continuing through the grantor's property, with said temporary construction easement, South 02 degrees 51 minutes 59 seconds West, a distance of 23.64 feet to a point, being 71.97 feet right of Station 59+16.13;

Thence continuing through the grantor's property, with said temporary construction easement, South 75 degrees 25 minutes 37 seconds West, a distance of 16.37 feet to a point in the grantor's southerly line, being 58.16 feet right of Station 59+07.33;

Thence with the grantor's southerly line, South 88 degrees 18 minutes 35 seconds West, a distance of 13.07 feet to the point of beginning;

Containing 0.0298 acre, more or less, and being subject to all rights-of-way, easements, restrictions, covenants and/or conditions of record.

The above described tract is located in Auditor's Parcel numbers 603-9-16 and 603-9-17.

This description was prepared and reviewed in January 2020 by CT Consultants, Inc., under the direction of Robert A. Bosworth, P.S., Ohio Registration Number 7750.

This description is based on a survey made in June 2017 under the direction and supervision of CT Consultants, Inc., Jerome Wald, P.S., Ohio Registration Number 6930.

Grantor claims title by deed recorded in Official Record Volume 13060, Page 1730, Hamilton County, Ohio Recorder's Office.

The basis of bearings in this description is based on the Ohio State Plane Coordinate System, South Zone, (NAD83).

Iron pins set are 5/8" x 30" steel reinforcing bars with plastic identification caps.

Robert A. Bosworth, P.S.

Date

Registered Professional Surveyor

No. 7750 in Ohio

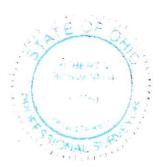


EXHIBIT B To CONTRACT FOR RIGHT OF ENTRY

PARCEL(S): 011-WD and 011-T HAM-US22-14.74 - PID 104934

If structures are within the area described in Exhibit A, the terms and conditions of occupancy or non-occupancy and access are set forth in this Exhibit. THERE ARE NO STRUCTURES WITHIN THE AREA DESCRIBED IN EXHIBIT A.

RESOLUTION NO. , 2021

A RESOLUTION RECOGNIZING THE MONTH OF MAY 2021 AS NATIONAL HISTORIC PRESERVATION MONTH IN THE CITY OF MONTGOMERY

WHEREAS, the City of Montgomery has a rich heritage which is manifested in numerous buildings throughout the City, including eight buildings listed in the National Historic Register; and

WHEREAS, this heritage enriches the lives of our citizens, and it is in the public interest to preserve this legacy so that future generations may benefit from the cultural, aesthetic, educational, economic and inspirational benefits of their heritage; and

WHEREAS, the retention of the City of Montgomery's heritage is best accomplished only through the combined efforts of concerned individuals and organizations in the community.

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

SECTION 1. The City of Montgomery does hereby designate the month of May 2021 as *National Historic Preservation Month* in the City of Montgomery. We call special attention to the Montgomery Landmarks that have been carefully researched and recognized by the Landmarks Commission and the collection of our community history assembled by the Montgomery Historical Preservation Association at the Wilder Swaim House. This month the City also celebrates the designation of our newest landmark, the Wooley-Hattersley Carriage House at 7967 Cooper Road.

SECTION 2. The City of Montgomery is proud to be home to many

authentic architectural representations of the City's historic cultural heritage.

SECTION 3. We hereby call upon all citizens to recognize our City's historical past, and to protect these precious resources for the enjoyment of future generations.

	SECTION 4.	This Resolution	shall be in	full force	and effect fr	om and after
its passage.						
PASSED:						
ATTEST:	nie M. Gaylor,	Clerk of Council		Christopho	er P. Dobroz	 zsi. Mavor

APPROVED AS TO FORM:

Terrence M. Donnellon, Law Director

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$7,500,000 OF NOTES BY THE CITY OF MONTGOMERY, OHIO, FOR THE PURPOSE OF MAKING PUBLIC INFRASTRUCTURE IMPROVEMENTS WITHIN THE CITY

WHEREAS, this Council has previously issued bond anticipation notes in the amount of \$7,500,000, which notes are about to mature and should be refinanced in a like principal amount; and

WHEREAS, the Finance Director, the fiscal officer of the City of Montgomery has heretofore estimated that the life of the project hereinafter described is at least five (5) years, and certified that the maximum maturity of the bonds issued therefor is twenty-five (25) years, and of the notes to be issued in anticipation thereof is nineteen (19) years; and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Montgomery, (hereinafter called the "City"), County of Hamilton, Ohio, that:

SECTION 1. It is necessary to issue bonds of the City in the principal amount of not to exceed \$7,500,000, to refinance outstanding notes originally issued for the purposes of making public infrastructure improvements, including road improvements consisting of constructing new roads, curbs and sidewalks; installing water mains, sewers and storm sewers; and all related improvements, including site development and engineering in the City of Montgomery. Said bonds shall be dated approximately March 1, 2022, shall bear interest at the estimated rate of four per centum (4%) per annum and shall mature in substantially equal annual or semiannual installments over a period not exceeding twenty-five (25) years after their issuance.

SECTION 2. It is hereby determined that notes (hereinafter called the "Notes") in the principal amount of not to exceed \$7,500,000 shall be issued in anticipation of the issuance of said bonds.

SECTION 3. The Notes shall be dated the date of their issuance, shall bear interest at a rate not to exceed three per centum (3.00%) per annum, payable at maturity, shall mature not more than one year from the date of their issuance, and shall be of such number and denomination as may be requested by the purchaser, however the Notes shall be issued only in authorized denominations of \$100,000 or integral multiples of \$5,000 in excess of \$100,000. This Council hereby covenants that it will not exchange or reissue the Notes in less than authorized denominations other than through a "primary offering", as that term is defined in SEC Rule 15c2-12. Interest on the Notes shall be calculated on an actual days elapsed, 360-day year basis.

Final terms of the Notes, which shall be consistent with this ordinance, shall be set forth in the certificate of award ("Certificate of Award") which is hereby authorized and which shall be executed by the Finance Director without further action of this Council.

SECTION 4. The Notes shall be executed by the City Manager and Finance Director and shall bear the seal of the corporation. The Notes shall be designated "Public Infrastructure Improvements Limited Tax General Obligation Bond Anticipation Notes, Series 2020, 2021 Renewal" or as otherwise

designated in the Certificate of Award, and shall be payable in Federal Reserve funds by the paying agent and registrar for the Notes as determined by the Finance Director, and shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

SECTION 5. Said Notes shall be sold by the Finance Director at public or private sale, at the discretion of such officer and awarded by such officer without further action by this Council, at not less than the par value of such Notes together with interest thereon, if any, as specified in Section 3 of this Ordinance. The proceeds from such sale, except any premium or accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other reason, and for which purpose said money is hereby appropriated. Accrued interest and premium, if any, received on the sale of said Notes, shall be transferred to the bond retirement fund to be applied to the payment of principal and interest of said Notes in the manner provided by law.

Notwithstanding the above, the Finance Director is hereby directed to withhold delivery of the Notes, and to refuse to accept payment therefor, unless and until the original purchaser delivers to the City a certificate acknowledging that the original purchaser will sell the notes to no more than 35 persons, each of whom the original purchaser reasonably believes (i) has such knowledge and experience in financial and business matters that it is capable of evaluating the merits and risks of the prospective investment and (ii) is not purchasing for more than one account or with a view to distributing the Notes.

SECTION 6. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value received from the sale of bonds anticipated by the Notes, and any excess fund resulting from the issue of the Notes, shall to the extent necessary be used only for the retirement of the Notes at maturity, together with interest thereon and is hereby pledged for such purpose.

SECTION 7. During the period while the Notes run there shall be levied upon all of the taxable property in the City within applicable limitations, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if bonds had been issued without the prior issue of the Notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes, or the bonds in anticipation of which they are issued, when and as the same fall due; provided, however, to the extent that debt service on said obligations is appropriated and paid from other municipal sources said tax shall not be collected for the purposes thereof.

SECTION 8. This Council, for and on behalf of the City, hereby covenants that it will restrict the use of the proceeds of the Notes hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Section 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. The Finance Director or any other officer having responsibility with respect to the issuance of the Notes is

authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of the Notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of Sections 103(b)(2) and 148 of the regulations thereunder.

These Notes are hereby designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Code. The City does not anticipate issuing more than \$10,000,000 of "qualified tax-exempt obligations" during this year.

SECTION 9. The Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the County Auditor.

SECTION 10. The firm of Dinsmore & Shohl LLP, is hereby engaged as the City's "Bond Counsel" pursuant to the engagement letter on file with the City.

SECTION 11. All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates and other instruments or agreements as are, in the opinion of Bond Counsel, necessary to carry out the purposes of this Ordinance.

SECTION 12. This City Council hereby authorizes and directs the Finance Director to take any and all actions which may be necessary to issue the Notes in book-entry-only form without further action by this Council including execution of all documents necessary therefor.

SECTION 13. The Finance Director is hereby authorized to apply, if she deems it appropriate, for a rating on the Notes from either Standard & Poor's Corporation or Moody's Investors Service, and to pay the fee or premium for said rating to the extent authorized by law and approved by Bond Counsel.

SECTION 14. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SECTION 15. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED:	
ATTEST: Connie M. Gaylor, Clerk of Council	Christopher P. Dobrozsi, Mayor
APPROVED AS TO FORM	

Terrence M. Donnellon, Law Director

RESOLUTION NO. , 2021

A RESOLUTION AUTHORIZING THE ADMINISTRATION TO APPLY FOR AND ADMINISTER FUNDING FROM THE AMERICAN RESCUE PLAN ACT OF 2021

WHEREAS, Congress has enacted the American Rescue Plan Act of 2021 from which through federal, state and local management the City has been allocated approximately \$2,100,000 to assist the City to recover economically from the impact of the COVID-19 pandemic; and

WHEREAS, the Administration has requested, and City Council does agree, to authorize the City Manager to execute any and all documentation necessary to participate in the American Rescue Plan Act of 2021 and to expend such funds received for eligible expenses.

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

SECTION 1. Council does hereby authorize the City Manager to execute any and all documentation required, including an application, and if appropriate, a Participation Agreement, to allow the City to participate in funding allocated from the American Rescue Plan Act of 2021 to the City of Montgomery. All monies for which the Administration may apply and for which funds may be appropriated and expended shall be only those eligible expenses which may be identified in the rules and regulations associated with this program to the extent that such eligible expenses will assist the City in recovering from the impact of the COVID-19 pandemic.

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
ARPROVED AS TO FORM:	

Terrence M. Donnellon, Law Director

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City of Montgomery City Council Public Hearing Minutes April 21, 2021

City Council Members Present

Lee Ann Bissmeyer - teleconference

Craig Margolis, Vice Mayor

Mike Cappel - teleconference

Chris Dobrozsi, Mayor

Ron Messer

Ken Suer

Lynda Roesch

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5 Present 6 Brian Riblet, City Manager 7 Terry Donnellon, Law Director 8 John Crowell, Police Chief 9

Gary Heitkamp, Public Works Director

10 Tracy Henao, Asst. City Manager/Acting Comm. Dev. Dir.

11 Katie Smiddy, Finance Director 12

Matthew Vanderhorst, Community and Information Services Dir.

13 Paul Wright, Fire Chief

Connie Gaylor, Clerk of Council

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City Council convened its Public Hearing for April 21, 2021 at 6:30 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.

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Mayor Dobrozsi asked for a roll call.

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The roll was called and showed the following:

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PRESENT: Cappel, Bissmeyer, Roesch, Suer, Dobrozsi, Messer (6)**ABSENT: Margolis** (1)

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Mayor Dobrozsi stated that Vice Mayor Margolis had indicated that he may be late to the meeting as he was just returning from a vacation.

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Mayor Dobrozsi explained that as this was a Public Hearing he would allow for public comment after the presentation of the new business and Council questions and discussion. He asked that any guests on the phone line hold their comments until after the presentation and Council discussion as well. He stated that all comments will be limited to three minutes in total.

41 42 Mayor Dobrozsi explained the process for the Public Hearing to those in attendance and on the phone line. He explained that in a public hearing Council has the following options when considering an application:

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- Approve the Recommendation
- · Deny the Recommendation
- Remand the matter to Staff for more specific information or
- Take the matter under advisement and vote at another public meeting within thirty days.

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Mayor Dobrozsi explained that if City Council chooses the final option, it is suggested that they announce the date and time of the subsequent hearing when the matter will be discussed and considered for vote.

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Mayor Dobrozsi stated that as a reminder, the Code does not allow additional new evidence to be submitted for review during the public hearing. City Council is to limit its consideration to the information presented from the

City Council Public Hearing Minutes April 21, 2021 Page 2.

City, and any comments, pro or con, from the public.

NEW BUSINESS

A request from Elevar Design Group on behalf of 9750 Montgomery Road, LLC, for an expansion of a conditional use and an equivalency for the expansion of Columbia Chevrolet on the property formerly used for Steak 'n Shake at 9770 Montgomery Road.

Mayor Dobrozsi asked Ms. Henao to present the background of the agenda item.

Ms. Henao stated a public hearing was requested from Elevar Design Group on behalf of 9750 Montgomery Road, LLC, to consider an expansion of a conditional use and an equivalency for the expansion of Columbia Chevrolet on the property formerly used for Steak 'n Shake at 9770 Montgomery Road.

Ms. Henao explained that Columbia Chevrolet is a conditionally permitted use in the 'GB' – General Business District and has been in operation in this location since 2005. The applicant is requesting expansion of the dealership onto the property at 9770 Montgomery Road. The proposed expansion would include the construction of a new pre-owned vehicle building as well as additional display and inventory space for the dealership. The property at 9770 Montgomery Road is owned by R3G2 Properties, LLC which is made up of members of the Joseph family. However, this is not the same ownership of the Columbia Chevrolet site and therefore, the two properties cannot be consolidated. Generally, the City would ask that lots be consolidated prior to development and in this situation, it would allow the Columbia Chevrolet dealership to be conforming to the Zoning Code in terms of lot size. The applicant believes that the Zoning Code allows for development on multiple lots of record without consolidation and that setbacks should be from the project boundary versus the property lines when under common control. There are also some issues that arise from a zoning perspective due to the need to keep the parcels separate, but under common control, that require an equivalency to allow for setbacks to be measured from the project boundary versus the property line. The applicant is requesting an equivalency to allow the setbacks to be measured from the project boundary line if common control is acceptable.

Ms. Henao stated that the property to the north across Perin Road at 9810 Montgomery Road is also zoned 'GB' and used for parking for Twin Lakes. The property to the east is zoned 'D-2' Multi-Family and used for independent living for Twin Lakes. The property to the west across Montgomery Road is zoned 'GB' and used for a retail center. The property to the south is zoned 'GB' and is the location of the former Star One building. This property is owned by 9722 Montgomery Road LLC and the Joseph Auto Group would like to use this property for an expansion of the Audi Connection which is located just south of the property.

Ms. Henao explained that the Planning Commission met on November 2, 2020 for a concept plan discussion on the project. At the meeting, the applicant familiarized the Commission with the project and received feedback on a potential equivalency request to allow the setbacks to be measured from the project boundary line, if common control is acceptable. She stated the Planning Commission considered the application for the expansion of a conditional use and the General Development Site Plan with an equivalency on February 1, 2021. The applicant came before the Planning Commission on December 21, 2020 requesting approval of an expansion of a conditional use permit and General Development Site Plan approval with an equivalency. After considering the case, the Planning Commission felt that the plan was generally in compliance with the regulations in the Zoning Code; however, voted to table the application to give the applicant time to provide additional information from a traffic engineer regarding maintaining the existing curb cut on the former Steak 'n Shake property.

Ms. Henao stated that the Planning Commission considered the request again on February 1, 2021 and the applicant provided additional information from their traffic engineer regarding the curb cuts on Montgomery

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Road. After discussion, the Planning Commission tabled the application to give the applicant an opportunity to evaluate a revised site plan with only one access point on Montgomery Road.

The Planning Commission considered the request again on March 15, 2021 and the applicant provided information for three different scenarios regarding curb cuts. The applicant's traffic engineer determined that while in general fewer curb cuts leads to a safer environment, in this case keeping the two existing drives is safer. This is due to the potential for queuing on Montgomery Road if only the Chevrolet entrance is used and the potential for conflicting left turns if there was only one drive on the shared property line. The City Traffic Engineer agreed that the two-driveway access scenario would be safer for motorists entering and exiting the site.

Ms. Henao stated that after hearing testimony and discussing the application, the Planning Commission voted to recommend approval of the expansion of the conditional use permit and approve the General Development Plan with a recommendation to approve the equivalency request in a 3-2 vote. The conditions recommended by the Planning Commission are shown below:

- 1. The applicant must comply with the specific conditions for a conditional use permit listed in Section 151.2007(B) and (W) for auto dealerships and vehicle repair facilities.
- 2. A Final Development Site Plan in compliance with the approved General Development Plan be reviewed and approved by the Planning Commission prior to issuance of any permits.
- 3. Parcel 1/R3G2 may be used for Automobile/Truck Sales Agency and Automobile/Truck Rental Agency, so long as both Hamilton County Auditor's Parcel Number 603-0002-0031-00 (Parcel 1/R3G2) and Hamilton County Auditor's Parcel Number 603-0002-0001(Parcel 2/Columbia Chevrolet) are used generally as a single Automobile/Truck Sales Agency and Automobile/Truck Rental Agency operating under the same business entity. Parcel 1/R3G2 may not be separated from common control, nor used as a separately approved Conditional Use as an Automobile/Truck Sales Agency and Automobile/Truck Rental Agency without the common control of the Conditional Use by the permit holder of Parcel Hamilton County Auditor's Parcel Number 603-0002-0001. Without common control, or the separate transfer or sale or Parcel 1/R3G2 from the common operations of the Conditional Use this approved Conditional Use for Parcel 1/R3G2 shall automatically terminate. Consistent with the Montgomery Zoning Code the Terms and Duration of the Conditional Use Permit apply to the approved Conditional Use.
- 4. No motor vehicles shall be left standing, stopped, nor parked whether attended or unattended in the drive aisles on-site in order to allow for safe access to the site for customers and safety services.
- 5. All vehicles for customers, employees and inventory shall be parked on-site with no additional parking on surrounding properties.
- No loading/unloading of vehicles on Montgomery or Perin Roads shall be permitted.
- 7. Inventory and display vehicles shall be parked on identified paved pads or in identified parking stalls only.
- 8. No inventory shall be parked in spaces reserved for customer parking.
- 9. The new display pad in the northwest corner shall be limited to display of two vehicles only.
- 10. Installation of sidewalk along Montgomery Road in compliance with the Montgomery Road sidewalk standards.

Ms. Henao closed her presentation by stating, the project is a significant development that will expand the inventory and display space for Columbia Chevrolet, as well as add a pre-owned vehicle building. The applicant is proposing to close the western most curb cut on Perin Road; however, the existing curb cuts on Montgomery Road would be maintained. The applicant believes that it is necessary to have two curb cuts on Montgomery Road for the proper operation of the dealership and has shown that maintaining the existing curb cuts does not create an unsafe situation. Staff appreciates that the applicant has agreed to close the western most curb cut along

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Perin Road as it did not conform to the regulations regarding distance between driveways and/or distance for a driveway to an intersection and closing the curb cut will allow for increased efficiency of traffic flow and safety. In general, Staff believes that fewer curb cuts lead to a safer environment; however, the traffic studies have shown that in this case keeping the two existing drives is safer due to the potential for queuing on Montgomery Road if only the Chevrolet entrance is used and the potential for conflicting left turns if there was only one drive on the shared property line. Furthermore, the existing curb cuts meet the distance requirements from adjacent intersection and the separation requirements from adjacent curb cuts as established by the Zoning Code. added that there are also some issues that arise from a zoning perspective due to the need to keep the parcels separate, but under common control, that require an equivalency to allow for setbacks to be measured from the project boundary versus the property line. While this equivalency makes the zoning process more complicated, Staff believes that it is rational, meets the intent of the Zoning Code and can be managed through a condition upon approval. Therefore, Staff is in support of the recommendation of the Planning Commission with the conditions imposed by the Planning Commission.

Ms. Henao added that she had forwarded an email to City Council prior to the meeting from a resident that was in opposition to the applicant's request.

Mayor Dobrozsi invited the applicants to the podium to speak.

C. Francis Barrett, Attorney for Columbia Chevrolet, introduced Ron Joseph, Jr., of Columbia Chevrolet; Bob Zielasko of Elevar Design Group and Ed Williams of TEC Engineering as being present and available to answer any questions.

Mr. Barrett stated that he concurred with Ms. Henao's presentation and that during the previous hearing there was no opposition stated. Mr. Barrett explained that this project has been under review for a year, and he felt there was professionalism on all levels. He stated that regarding the curb cuts that in the 1,000 ft of road frontage they have reduced the curb cuts from five to three. He stated that based on a recommendation of the traffic engineer they chose to keep the two existing drives that are necessary in terms of public safety. He stated that the applicants were pleased to be able to incorporate the property on Perin Road into the existing parcel and to close the western curb cut along that road. He stated that the applicant would conform to all the conditions as listed by the Planning Commission.

Mayor Dobrozsi asked for City Council's comments on the request.

Mr. Suer stated that he agreed with Mr. Barrett in that the staff was excellent and that he felt the Planning Commission once again did a thorough job of reviewing the project throughout all the meetings. Mr. Suer stated as far as the impact on the community, it is not new to have some people not pleased with the project. He stated there will be some in support and some against the car dealerships. He stated that he felt that staff and the Planning Commission did a very thorough job in examining the plans and the codes and it conforms as it should. He stated that sidewalks are very important to the City as we attempt to connect sidewalks all along the east side of Montgomery Road, this will help with the walkability. Mr. Suer stated that appearance makes a big difference and that we should try to make every business as appealing as possible.

Ms. Roesch stated that she concurred with Mr. Suer regarding the thoroughness of the review and conditions and thanked staff and the applicant for their efforts on this project. She stated that she appreciated everyone working on reducing the curb cuts, adding sidewalks and especially the transition of all the loading and unloading of vehicles being in their parking lot rather than on Montgomery Road.

Vice Mayor Margolis joined the meeting at 6:50 p.m.

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Mr. Messer stated that he did have concerns about retaining the quaintness and charm of the City. He stated that he felt the landscaping can go along way in retaining those qualities.

Mrs. Bissmeyer stated that she appreciated the time that has been put into this project but does have reservations since there was a split vote from the Planning Commission on the request. She stated that the additional curb cut does bother her especially since it is near the elementary school. She stated she still has reservations about the second curb cut.

Mr. Cappel stated that he thought of Chevy and Ford as national icons. He stated that Chevy has been a part of the community for decades and is glad they want to remain in the city.

Mayor Dobrozsi stated that he would like to see something more family friendly on the former Steak and Shake lot but recognizes that it is their lot and appreciates their business.

Mr. Barrett reiterated that while he understands the concerns of the Planning Commission regarding the curb cuts, that both traffic engineers felt they were safer. He stated that there were four existing curb cuts and now they are down to three. He stated that two of them are over the 250 feet required distance in between which exceeds the standards.

Mayor Dobrozsi stated that as there were no other visitors in City Hall, he asked for any visitors on the phone line who would like to speak. There being no response, Mayor Dobrozsi closed the floor for public comments.

Mayor Dobrozsi restated that the options available to City Council related to this request were:

• Approve the Recommendation

Deny the Recommendation

Remand the matter to Staff for more specific information or

Take the matter under advisement and vote at another public meeting within thirty days.

Vice Mayor Margolis stated that he would abstain from voting due to a geographical proximity to the dealership.

Mr. Cappel moved to approve the request from Elevar Design Group on behalf of 9750 Montgomery Road, LLC for an expansion of a conditional use and an equivalency for the expansion of Columbia Chevrolet on the property formerly used for Steak 'n Shake at 9770 Montgomery Road. Mr. Suer seconded.

Mayor Dobrozsi asked for a roll call and the vote was as follows:

AYE: Suer, Cappel, Roesch, Dobrozsi, Messer	(5)
NAY: Bissmeyer	(1)
ABSTAIN: Margolis	(1)

Mayor Dobrozsi asked if there was any further business to be heard in the Public Hearing. There being none, he asked for a motion to adjourn from the Public Hearing.

Mr. Cappel made a motion to adjourn. Mr. Suer seconded. City Council unanimously agreed.

record of proceedings until formally adopted by the City Council. Formal adoption is noted by signature of the Clerk within the minutes.
City Council Public Hearing Minutes
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The meeting was adjourned at 6:58 p.m.

Connie Gaylor, Clerk of Council

 These minutes are a draft of the proposed minutes from the Public Hearing. They do not represent the official

City of Montgomery
City Council Work Session Minutes
April 21, 2021

City Council Members Present

Lee Ann Bissmeyer-teleconference

Craig Margolis, Vice Mayor

Mike Cappel-teleconference

Chris Dobrozsi, Mayor

Ron Messer

Ken Suer

Lynda Roesch

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5 <u>Present</u>
6 Brian Riblet, City Manager
7 Terry Donnellon, Law Director

Tracy Henao, Asst. City Manager/Acting Comm. Dev. Dir.

9 John Crowell, Police Chief

10 Gary Heitkamp, Public Works Director

11 Katie Smiddy, Finance Director

12 Paul Wright, Fire Chief

13 Matthew Vanderhorst, Community and Information Services Dir.

14 Connie Gaylor, Clerk of Council

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City Council convened its Work Session for April 21, 2021 at 7:00 p.m. in a hybrid meeting at City Hall and by telephone conference with Mayor Dobrozsi presiding. This remote access meeting was allowed by emergency legislation adopted by the Ohio General Assembly and approved by the Governor. The emergency legislation added language to RC Section 121.22 allowing public meetings by telephone conference during the current pandemic and declared State of Emergency. As required by the statute, notice of the telephonic meeting was publicized more than 24 hours in advance to allow public access through the same conference call in service. The public was also given a backup number to call in the event there were technical difficulties. This Notice was posted on the City's website and a similar Notice was sent to The Cincinnati Enquirer.

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ROLL CALL

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Mayor Dobrozsi stated that the roll was called during the Public Hearing and that Vice Mayor Margolis had joined that meeting while in progress. He stated that all other members of Council were present either in person or on the phone line.

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SPECIAL PRESENTATION

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Vice Mayor Margolis presented Doug King with a Certificate of Appreciation for his service on the Board of Zoning Appeals.

36 37 38 City Council thanked Mr. King for his service on the Board of Zoning Appeals and for working with the residents' requests and the code to reach the best possible solutions.

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Council Member Roesch presented a Certificate of Appreciation to Tyler and Anita Scott as the 2020 Winter Seasons of Beauty winners on behalf of the Beautification and Tree Commission.

42 43 City Council thanked the Scott's for their festive and beautiful decorations during the Christmas holiday and for always beautifully maintaining their property.

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Aaron Kellenberger, Chair of the Beautification and Tree Commission congratulated the Scott's on their beautiful presentation and stated that there were other properties considered but their holiday decorations made their property stand out above the rest.

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GUESTS & RESIDENTS

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

City Council Work Session Minutes

April 21, 2021

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54 Vice Mayor Margolis made a motion to move the Guests and Resident portion to after Other Business on the agenda. 55

Mr. Cappel seconded. City Council unanimously agreed.

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LEGISLATION FOR CONSIDERATION THIS EVENING

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There was no legislation for consideration at the meeting.

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ESTABLISHING AN AGENDA FOR MAY 5, 2021 BUSINESS SESSION

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PENDING LEGISLATION

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

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Mayor Dobrozsi explained that this was the third reading of this Ordinance and asked if there were any updates.

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Ms. Henao replied there were none.

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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

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Mayor Dobrozsi explained that this would be the third reading of this Ordinance and asked Mr. Donnellon if there were any updates.

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Mr. Donnellon stated that as reported at the March Work Session, the homeowners have reached out to the School Districts regarding consent from both districts and were waiting on responses. He asked to have the Ordinance tabled until consent had been received. He stated at that time the Ordinance could be added back to the agenda for a third reading.

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> Vice Mayor Margolis made a motion to table the legislation until a request is made to add back to the agenda. Ms. Roesch seconded. City Council unanimously agreed.

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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

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Mayor Dobrozsi explained that this was the third reading of the Ordinance and asked if there were any updates.

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Mr. Donnellon stated there were none.

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NEW LEGISLATION

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A Resolution Recognizing The Month Of May 2021 As National Historic Preservation Month in The City Of Montgomery

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Mayor Dobrozsi assigned the legislation to Vice Mayor Margolis.

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Ms. Henao explained that this Resolution, if approved, will recognize the month of May as National Historic Preservation Month in the City of Montgomery.

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Ms. Henao reported that building on the importance of landmark buildings, she worked with Sarah Fink in the Recreation Department to develop a Landmark Program similar to the Junior Park Explorer program where children are provided with a workbook in which they will go throughout the city to locate the landmark buildings and learn about their history in a fun interactive way. The children would then earn patches similar to the ones they can earn through the Junior Park Explorer program.

Vice Mayor Margolis stated that he thought that was great news. He added that since the 1970's both volunteers and elected officials have had the foresight to purchase buildings with the idea of preserving them as landmarks.

An Ordinance Providing for The Issuance of Not to Exceed \$7,500,000 Of Notes by The City of Montgomery, Ohio, For the Purpose of Making Public Infrastructure Improvements Within the City

Mayor Dobrozsi assigned the legislation to Mr. Suer.

Ms. Smiddy explained that, if approved, this Ordinance would approve the refinance of \$7,500,000 in outstanding Notes which were issued in 2020 in anticipation of construction in the Montgomery Quarter. She stated that with interest rates remaining favorable, it was recommended by our bond underwriter that we renew the Notes for another year. Eventually the Notes will either be paid in full or incorporated into a long-term bond. To timely issue the Notes, the Ordinance is not being proffered as an emergency, but Council will be asked to waive the second and third reading of the Ordinance so it will take effect the first week of June in anticipation of a closing on the new bonds.

Mr. Messer stated that with the interest rate being 4% currently and refinancing to 3% per annum, would there be a difference at maturity.

Ms. Smiddy referenced current market conditions and explained it is estimated that we could refinance at almost 1% lower than current rates.

Vice Mayor Margolis asked the source of the funding for the refinance of the notes.

Ms. Smiddy replied that it comes out of the General Fund.

Mayor Dobrozsi stated that at the time of the vote on this Ordinance he would recuse himself due to possible professional conflicts as it funds the construction of the Montgomery Quarter.

A Resolution Authorizing The Administration To Apply For And Administer Funding From The American Rescue Plan Act of 2021

Mayor Dobrozsi assigned the legislation to Mr. Suer.

Mr. Riblet explained that, if approved, this Resolution will allow the City of Montgomery to participate in the American Rescue Plan Act of 2021 and affirming that any funds received will only be applied to eligible expenses. He added that The American Rescue Plan Act of 2021 was signed into law by President Biden on Thursday, March 11, 2021. The \$1.9 trillion Coronavirus rescue package aims to fuel the nationwide recovery from economic impacts of the pandemic through direct payments to individuals and families as well as funding to essential state and local government services. State and local governments recipients will be able to use the funds to cover eligible costs incurred until December 31, 2024. Mr. Riblet explained that it is anticipated the City of Montgomery would receive a total of approximately \$2.1 million dollars with 50% being delivered no later than Tuesday, May 10, 2021 and the remaining 50% will be delivered no earlier than one year later.

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- Mr. Suer asked Mr. Riblet if he was anticipating using the funds for another business grant program.
- Mr. Riblet stated that potentially those funds could be used for that purpose. He stated that staff would be viewing an upcoming webinar that will provide information on the permitted uses for the funds. He stated that he understood the guidelines to be restrictive at this time but would know more after the seminar and will bring that back to Council at a future meeting.

158 at a future meeting.159

Mr. Messer asked if the business grant program was an eligible expense.

Mr. Riblet replied that he understood the eligibility to be limited to water and sewer infrastructure, broadband costs and to assist non-profits and businesses. He stated that he believed those guidelines may be broadened as it is so restrictive that it would inhibit many entities from participating in the program. He stated that we may have more ability to use the funds than expected at this time.

ADMINISTRATION REPORT

Mr. Riblet reported the following items:

 The next City Council Business Session is scheduled for Wednesday, May 5 immediately following a CIC meeting at 6:45 p.m.

Mr. Riblet requested a CIC meeting to be held prior to the May 5 Business Session to be held at 6:45 p.m.
 He stated that a motion could be made to commence with the Business Session at the completion of the CIC meeting.

Mr. Cappel made a motion to commence with the May 5 Business Session at the completion of the CIC meeting. Vice Mayor Margolis seconded. City Council unanimously agreed.

• The Financial Planning and Planning, Zoning and Landmarks Committees will meet on May 3 at 4:30 and 5:30 p.m., respectively. The Law and Safety Committee has cancelled their meetings for May.

• Mr. Riblet stated that the Government Affairs Committee will meet on Monday, May 10 at 4:30 p.m. The Parks and Recreation and Public Works Committees have cancelled their meetings for May.

• John R. Jurgenson resumed work this past weekend now that Duke Energy is substantially complete with the 12-inch gas main replacement. The construction activities of Phase 3 are expected to last until sometime mid to late-May then go into Phase 4.

• In the past, Mr. Harold Thomas provided a generous gift to our Police Department at the end of 2019 and one of the items recently purchased was a drone. The department has received their new drone and Officers are now in the process of achieving their FAA part 107 certifications for drone flight.

A contract with Cincinnati Bell Smart City in the amount of \$49,621 was signed to provide Public Wi-Fi to included Swaim Lodge and Swaim Park, Terwilliger Lodge and most of Dulle Park, and in our downtown area from CVS south to the Triangle Point Park and from Main Street to the Shelly Lane Parking Lot area. The amount of the contract includes a one-time capital installation cost of \$21,181 with the remaining \$28,440 providing the initial three years of service.

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• The new Community and Engagement Coordinator, Amy Frederick, will be starting on May 10. Amy has over 20 years of experience as a news producer and radio reporter, first with WXIX-TV and then with Cox Media Group Ohio. Amy has extensive experience managing and creating content for various social media platforms including Facebook, Instagram, YouTube and Twitter.

237 photos were submitted into the annual Arts Commission Photo Contest which is 17 less than our average number received. For a second time, the number of student entries exceeded the number of adult entries. Judging took place on Wednesday, April 21. Photos will be displayed at Terwilliger Lodge on Saturday, April 24 from 12 to 5 p.m. and anyone may stop by to see the exhibition (no registration is required). A virtual awards presentation will be held on Sunday, April 25 at 2 p.m.

All of the qualified Board and Commission members who are to be inducted into the Volunteer Walk of Fame have confirmed their attendance to the May 19 ceremony. As there are 7 inductees this year, staff would like to confirm a 6:00 pm start time for the ceremony planned to be held in Montgomery Park (weather permitting).

City Council confirmed the 6:00 p.m. ceremony time. Vice Mayor Margolis made a motion to commence with the May 19 Work Session at the completion of the ceremony. Ms. Roesch seconded. City Council unanimously agreed.

• The Sycamore Master Facility Milestone presentations will be held on May 5 at 10:00 a.m. at EH Greene and 11:00 at the Junior High School. Sycamore has asked that attendance be limited to two people at each session. Mr. Riblet asked those on Council who were interested in attending to let Ms. Gaylor know.

 Happy Birthday Wishes were extended to Mr. Donnellon and Vice Mayor Margolis for their April birthdays.

Mr. Riblet requested an Executive Session for matters related to Preparing for Negotiations with Public Employees.

LAW DIRECTOR REPORT

Mr. Donnellon reported that while we are seeing vertical construction at the Montgomery Quarter, there is still work going on behind the scenes to file tax exemptions so as the buildings come online service payments can begin.

CITY COUNCIL REPORTS

Mr. Cappel reported that at the April 17 Shredding and Recycling event approximately 295 cars came through the Public Works lot. He stated that 8,600 pounds of paper was shredded, Four (4) Junk King trucks were filled with electronics, the cardboard dumpster was filled as well as the bed of a 1 Ton truck. He stated it was a very successful event.

Mrs. Bissmeyer

Mr. Cappel

Mrs. Bissmeyer reported that she attended the Hopewell Cemetery Revolutionary War Grave Marking ceremony on April 17 and remarked on how well attended it was and impressive of a ceremony it was.

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Mr. Messer

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

 Operation Give Back and Montgomery Farmers Market were both approved for the Service to the Community Grant and will receive \$2,500 each.

 A 2010 Ford Explorer was declared as surplus for the Fire Department and will be placed on GovDeals.com for auction. The vehicle was estimated at a value of \$7,000.

The Montgomery Pool will be opening for its regular season on May 29 with no limits on the capacity as approved by the Hamilton County Public Health Department. Safety Guidelines will still be encouraged, but no masks required.

A discussion of the annual Boards and Commission training was held, and it was decided that the Council Liaison and Board and Commission Chair will conduct a brief update to their respective members to remind them of dress code, meeting etiquette and roles of the member. Staff will come back with recommendations on the method of training for 2022 at a future meeting.

A discussion on the suggestions for the Gerri Harbison Memorial was held at which time a list of items was presented as received from Boards and Commission members as well as the Chamber. 3-4 choices where discussed, and staff will have a rendering and scope of the project prepared to bring back to the Committee and ultimately to B & C members and Council.

The Committee and staff reviewed a revised Memorial Donation Policy. Mr. Messer asked Mr. Riblet to elaborate on the revisions.

Mr. Riblet explained that since the current Memorial Donation Policy was 20 years old, staff felt it was prudent to provide suggestions that would update the policy in accordance with current policies and practices. He stated that a red-lined version would be shared with all Council so they could provide feedback and then a final draft would be presented to Government Affairs at the May meeting.

Ms. Roesch

 Ms. Roesch stated that the Parks and Recreation Commission is hosting a Night Sky program in Montgomery Park the end of September/first of October where participants will use telescopes to identify the constellations. She stated that this was a very popular program when last held.

Ms. Roesch stated that the Beautification and Tree Commission is planning the annual Marigold Planting project but with a different process this year that will include Montgomery Elementary planting at Swaim Park.

Ms. Roesch stated that Beautification Day is planned for May 15 and that Shawn Cooper is working to recruit and schedule volunteers for that day. She stated that City Council's beds were in front of City Hall and then in front of the Recreation Annex building.

Mr. Suer

Mr. Suer stated that he also attended the Hopewell Cemetery ceremony and remarked on how educational the presentation was for the large crowd that attended. He stated it was quite impressive. He thanked Ms. Gaylor for coordinating the event.

Mr. Suer asked if there has been any contact with the City of Blue Ash regarding the annual Memorial Day event.

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Mr. Riblet stated that he knew the parade had been cancelled but thought the ceremony at the town square was still being held. Mr. Riblet stated that he would follow up with Blue Ash and let Council know of any arrangements.

Mayor Dobrozsi

Mayor Dobrozsi provided an update on Issue 7 which passed in May of 2020 regarding the Metro bus line expansion. He stated that the funding from the Issue would support 75% transit and 25% roadways. He explained that along the BRT (Bus Rapid Transit Line) there would be stops in Sycamore Township that would extend to the Montgomery Quarter. He stated that with the expansion there is the expectation of more ridership. He stated that when the final report was completed, he would send to City Council.

MINUTES

Vice Mayor Margolis moved to approve the April 7, Special Session, Public Hearing and Work Session minutes as written. Mr. Messer seconded. City Council unanimously agreed.

OTHER BUSINESS

Mayor Dobrozsi shared an email he received from Scott Anderson, a 2019 MCLA Graduate, thanking the City for the business grant funding given to Toast & Berry during the pandemic. Mr. Anderson also extended his condolences in the loss of Council Member Harbison.

GUESTS AND RESIDENTS

Mayor Dobrozsi stated that there were no visitors in City Hall and asked if the guests and/or residents on the phone line who would like to speak. He asked for them to state their name and address and to adhere to the three-minute speaking rule. There was no response.

Roberto Rivera stated he was on the phone line.

Mayor Dobrozsi asked if there were any other guests or residents on the phone. There being no response he closed the floor to public comment.

EXECUTIVE SESSION

Mayor Dobrozsi stated that as Mr. Riblet had requested an Executive Session for matters related to Preparing for Negotiations with Public Employees, he asked for a motion to adjourn into Executive Session.

Vice Mayor Margolis made a motion to adjourn into Executive Session for matters related to Preparing for Negotiations with Public Employees. Mr. Cappel seconded.

The roll was called and showed the following vote:

PRESENT: Dobrozsi, Margolis, Cappel, Suer, Bissmeyer, Roesch, Messer (7) ABSENT: (0)

City Council adjourned into Executive Session at 8:04 p.m.

City Council came back into Public Session at 8:24 p.m.

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 Council Work Session Minutes April 21, 2021 Page 8 **ADJOURNMENT**

350 351

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361 362 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. Mr. Suer seconded. City Council unanimously agreed.

City Council adjourned at 8:24 p.m.

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Connie Gaylor, Clerk of Council